



An
Bord
Pleanála

Inspector's Report

ABP-317080-23

Development	Demolition of a derelict dwelling and the construction of 8 no. dwellings and all associated site works.
Location	Richard Taaffes Holding, Green Road, Louth Village, Dundalk, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	22/1001
Applicant	Hollywood Developments.
Type of Application	Permission.
Planning Authority Decision	Grant of Permission.
Type of Appeal	Third Party v Grant of Permission.
Appellants	Michael Lindon. Patrick Malone
Observer	None.
Date of Site Inspection	11/08/2023.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The appeal site is located within the centre of Louth Village and c. 10km to the south-west of the settlement of Dundalk. The site comprises a detached single storey dwelling which is currently vacant and in a poor state of repair. The dwelling is orientated towards the L1170 to the north and the site is served by an existing vehicular entrance at the eastern end of its northern boundary. Green Road is located to the south west, and a mature hedgerow characterises this boundary. In terms of topography, there is a steep slope up from the L1170 and the existing dwelling is positioned within the elevated portion of the site. The site has a stated area of c. 0.2863ha.

- 1.2.** In terms of the site surrounds, there is an existing residential development to the south of the site on the opposite site of Father Finn Park/Green Road. To the immediate west and north-west are a total of 6 no. town houses. These dwellings are orientated towards the L1170, and parallel parking is provided along their site frontage. Each dwelling is served by an area of amenity space to its rear which has a direct abuttal with the northern boundary of the appeal site. There is a level difference of c. 2.5m between the appeal site and the ground level of the rear amenity space of these properties and a concrete retaining wall with a palisade fence above forms the boundary between the sites. A terrace of town houses and a detached single storey dwelling is located further to the north of the site on the opposite side of the L1170. Further to the west of the site is a public playground located within the centre of the village. To the east of the site are agricultural lands which are within the control of the Applicant and subject to a recent grant of permission by the Planning Authority for a residential development of 30 no. dwellings (currently the subject of a Third Party planning appeal under ABP-314889-22).

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for the demolition of the existing dwelling on the appeal site and the construction of a residential development comprising a total 8 no. dwellings. Three dwellings within the development are orientated towards and accessed from the L1170 to the north and include 1 no. detached and 2 no. semi-detached properties. Each dwelling benefits from side

access and is served by an area of amenity space to its rear (south). The remaining dwellings have a frontage to Green Road to the south-west and comprise 3 no. detached dwellings and 2 no. semi-detached dwellings.

- 2.2.** Each 3 no. bedroom dwelling has a double storey form with a maximum height of c. 9m. Materials and finishes for the proposed dwellings comprise a combination of render and stonework for the principal elevations with a slate/tile roof. The row of houses fronting Green Road are bookended by House Type LOU1 which have a wider frontage and a gable projection on the front elevation which is clad in stone at ground and first floor level. The floor areas of dwellings range in size from between 107.35sq.m. to 111sq.m.
- 2.3.** Each dwelling is served by an area of amenity space in the form of a rear garden. The open space areas range in size from c. 86sq.m. to 213sq.m. and each rear garden benefits from side access. An area of landscaped public open space measuring c. 250sq.m. is located to the north-west of House No. 01 and is accessible via Green Road only.
- 2.4.** The entirety of the existing south-western hedgerow to Green Road is to be removed and parallel car parking spaces are proposed to be provided along the site frontage. A pedestrian footpath is proposed to run adjacent (north) to these car parking spaces and will tie in with the existing footpath to the north-west. A similar arrangement is proposed along the site frontage to the L1170. A new pedestrian footpath will tie in with the existing footpaths to the west and east of the site. In total, the proposal provides 12. no. car parking spaces to serve the proposed development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted planning permission for the proposed development subject to compliance with a total of 24 no. conditions. Conditions of note include:

Condition No. 4 restricts all residential units within the development 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.

Condition No. 5 requires the Applicant to enter into an agreement with the Planning Authority in relation to the provision of housing in accordance with Part V of the Planning and Development Act 2000, as amended.

Condition No. 7 requires the layout and design of Dwelling No. 1 to be modified to maximise passive surveillance of the public open space area.

Condition No. 12 requires the proposed pedestrian footpath on Green Road to tie in with the proposed public footpath to the east as permitted under Ref. 22/362.

Condition No. 14 requires the Applicant to comply with the requirements of the Infrastructure Section.

Condition No. 17 requires the submission of a boundary treatment and landscape plan for the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Louth County Council Planning Reports form the basis for the decision. The First Planning Report provides a description of the site and the subject proposal, sets out the site's planning history and provides an overview of the local and national planning policy that is relevant to the development proposal. The report also provides a summary of the issues raised in the third-party observations on file.

Within their assessment of the application, the Planning Authority note that the site is subject to 2 no. zonings, i.e. zone A2 (New Residential Phase 1) and B1 (Town or Village Centre) under the current CDP. The principle of the proposed residential development was therefore acceptable and was considered to accord with the zoning provisions of the site and national policy. However, additional information was requested with respect to the following matters:

- The submission of proposals to mitigate overlooking of the amenity spaces of the properties to the north-west.

- Demonstration from the Applicant that they have sufficient legal interest to carry out the development.
- Additional information from the Infrastructure Department with respect to:
 - o The extension of the existing footpath parallel to the L1170 along the entire length of the site.
 - o The submission of sightline diagrams.
 - o The provision of parallel car parking spaces along the Green Road frontage in lieu of the originally proposed perpendicular in-curtilage car parking.
 - o The submission of dimensions for car parking spaces.
 - o Details with respect to the public footpaths.
 - o Additional drainage details.
 - o Proposals for the diversion of overhead ESB cables/poles.
 - o The submission of a public lighting design.

Following the submission of additional information, the Planning Authority in their Second Planning Report deemed the proposal to be acceptable. A grant of permission was recommended subject to compliance with 24 no. conditions.

3.2.2. Other Technical Reports

Infrastructure Department: Report received requesting additional information with respect to the matters outlined above. Second report on file stating no objection subject to compliance with conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Two (2) third-party observations were received by:

- Michael Lindon; and,
- Patrick Malone.

It is noted that Michael Lindon and Patrick Malone are Third Party appellants and the

matters raised are broadly similar to those in the grounds of appeal which I will discuss in detail in Section 6.0 of this Report.

4.0 Planning History

4.1. Appeal site.

22/28: Planning permission granted by the Planning Authority in April 2022 for alterations and extensions to the existing single storey dwelling including the construction of a single storey extension to the front and rear, provision of a replacement effluent treatment system and percolation area and all associated site development works.

4.2. Adjoining Site (east).

22/362 (ABP-314889-22): Planning permission granted by the Planning Authority in September 2022 for the demolition of a derelict cottage, the construction of 30 no. dwellings, electrical sub-station and associated site works.

The application is currently the subject of a Third Party planning appeal to the Board under ABP-314889-22.

11/560: Extension of Duration of Ref. 07/1332 refused by the Planning Authority. The permission was refused as there was significant changes in the provisions of the County Development Plan (2009-2015) and the subject development was no longer considered to be consistent with the proper planning and sustainable development of the area.

071332: Planning permission granted in December 2007 for the construction of 14 no. two storey dwellings, entrance from public road, access roadways, connection to existing foul sewer and watermain, together with storm water attenuation, landscaped areas and other associated site works

06/1678: Planning permission refused for the construction of 37 no. 2 storey dwellings, entrance from public road, access roadways, connection to foul sewer and watermain together with storm water attenuation, landscaped areas and other associated

siteworks.

5.0 Policy Context

5.1. Louth County Development Plan (CDP), 2021-2027.

The appeal site is located within the settlement boundary of Louth Village. The village identified as a small town and village as per the settlement hierarchy of the Louth County Development Plan (CDP), 2021-2027 (Table 2.4). As noted, 2 no. zoning objectives apply to the appeal site. The northern portion of the site which fronts the L1170 is zoned 'B1 – Town or Village Centre' (Map No. 4.6), the objective of which is 'To support the development, improvement and expansion of town or village centre activities'. The purpose of this zoning is to protect and enhance the character and vibrancy of existing town and village centres and to provide for and strengthen retailing, residential, commercial, cultural, entertainment and other appropriate uses. It will promote the consolidation of development on town and village centre lands, allowing for a broad range of compatible and complementary uses, which will be encouraged to locate in this area in order to create an attractive environment to reside, shop, work, visit and in which to invest.

The remainder of the site which has a frontage to Green Road is zoned 'A2 – New Residential – Phase 1' (Map No. 4.6), the objective of which is 'To provide for new residential neighbourhoods and supporting community facilities'. Section 13.21.6 of the Plan notes that this is the primary location for new residential neighbourhoods. Any development shall have a high quality design and layout with an appropriate mix of housing and associated sustainable transport links including walking, cycling, and public transport to local services and facilities. The density of the development shall be reflective of the location of the lands, with higher densities required on more centrally located areas close to employment or services, or in strategic locations along public transport networks. In addition to residential development, consideration will also be given to community facilities, retail services and uses that would support the creation of a sustainable neighbourhood; provided such development or uses are appropriate in scale and do not unduly interfere with the predominant residential land use.

The following overarching strategic Policy Objectives for the County and for Small Towns and Villages are relevant to the proposed development include:

- **CS 2:** To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.
- **CS 4:** To apply phasing to the delivery of new residential development as indicated on the zoning maps for the applicable settlements, whereby residential development, other than infill, brownfield or mixed use development will generally only be permitted on Phase 1 lands. Where lands zoned 'New Residential Phase 1' are not being brought forward for development in particular areas and this is impeding the achievement of Core Strategy projections and restricting the growth of the settlement as envisaged in national and regional policy, consideration may be given to releasing during the lifetime of this Plan appropriately located 'New Residential Phase 2' lands, subject to the lands contributing to compact and consolidated patterns of development.
- **SS 54:** To support and facilitate balanced and proportionate population and economic growth in the Self-Sustaining Growth Towns, Small Towns and Villages, and Rural Nodes that will meet the needs of the residents of the settlements identified in each of the settlement categories.
- **SS 55:** To support the creation of vibrant rural communities by promoting and targeting sustainable growth in rural towns and managing the growth of rural areas under pressure for development.
- **SS 58:** To require the design, scale, and layout of residential development to be proportionate to and respect the character of the settlement in which it is located and to avoid any layout that would result in a suburban style development alien to the local environment.

In terms of 'Small Towns and Villages' (Section 2.11.4), the following Policy Objectives are noted:

- **CS 18:** To ensure localised sustainable growth within the small towns and villages identified in the Settlement Strategy, is proportionate to the size of the settlement, prioritised on infill/brownfield sites and that economic related

development is supported.

- **CS 19:** To strengthen and rejuvenate the fabric of rural villages and create sustainable rural communities to meet rural generated housing needs and alleviate the need for one off rural housing in the open countryside.
- **CS 20:** To direct rural generated housing demand to rural villages and rural nodes in the first instance and ensure that one off housing in the open countryside is only permitted where there is demonstrable compliance with the criteria for rural housing as provided for in the Development Plan.

In terms of residential development, the following policies are noted:

- **HOU 11:** To encourage and support a range of appropriate uses in town and village centres that will assist in the regeneration of vacant and under-utilised buildings and land and will re-energise the town and village centres, subject to a high standard of development being achieved.
- **HOU 15:** To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.
- **HOU 17:** To promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.
- **HOU 19:** To enhance and develop the fabric of existing urban and rural settlements in accordance with the principles of good urban design including the promotion of high quality well-designed visually attractive main entries into our towns and villages.
- **HOU 20:** To require a design led approach to be taken to sustainable residential development in accordance with the 12 urban design principles set out in the 'Urban Design Manual – A Best Practice Guide (2009)' and any subsequent guidance, to ensure the creation of quality, attractive, and well connected residential areas and neighbourhoods.
- **HOU 24:** To require the provision of high quality areas of public open space in new residential developments that are functional spaces, centrally located, and

passively overlooked.

- **HOU 25:** All new residential and single house developments shall be designed and constructed in accordance with the Development Management Guidelines set out in Chapter 13 of this Plan.
- **HOU 26:** To require the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities.
- **HOU 30:** To encourage building design and layout that maximises daylight and natural ventilation and incorporates energy efficiency and conservation measures that will improve the environmental performance of buildings in line with best practice.

Other policy objectives of relevance to the proposal include:

- **ENV 38:** To retain and protect significant stands of existing trees/hedgerows/woodlands, and seek increased planting of native trees, where appropriate, in new developments.
- **ENV 39:** Protect and preserve existing hedgerows in new developments, particularly species rich roadside and townland boundary hedgerows, and where their removal is necessary during the course of road works or other works seek their replacement with new hedgerows of native species indigenous to the area.
- **IU 26:** To reduce the risk of new development being affected by possible future flooding by:
 - o Avoiding development in areas at risk of flooding and
 - o Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction and adaptation to the risk.

Chapter 13 of the County Development Plan sets out Development Management Guidelines. The following are of relevance:

- Section 13.8.4 relates to Density and Plot Ratio. In the Self-Sustaining Towns and Small Towns and Villages, the density and plot ratio of a development will

be reflective of the character of the settlement and the existing pattern of development in the area.

- Section 13.8.9 relates to Residential Amenity. In terms of privacy, the Development Plan sets out the following guidance:

‘Whilst some degree of overlooking between properties is likely to occur in urban areas, efforts shall be made to minimise the extent of this overlooking where this is possible. A minimum of 22 metres separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. This separation distance is not required for windows in non-habitable rooms such as bathrooms, stairwells, or landings. There may be instances where a reduction in separation distances may be acceptable. This is dependent on the orientation, location, and internal layout of the development and its relationship with any surrounding buildings. Any applications for such developments will be assessed on a case-by-case basis’.

- Section 13.8.10 relates to Daylight and Sunlight. The following guidance is set out in this regard:

‘Care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided. The Building Research Establishment (BRE) guidelines ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and BS 8206-2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ - provide useful guidance on avoiding unacceptable loss of light and ensuring developments provide minimum standards of daylight for new units’.

- Section 13.8.15 relates to Public Open Space ‘Public open space within a development shall normally equate to 15% of the total site area’.
- Table 13.11 sets out Car Parking Standards. This sets out a requirement of 1 space per dwelling in Areas 1 & 2 and 2 spaces per dwelling in Area 3. Section 13.3.18 of the Plan outlines that a reduction in the car-parking requirement may be acceptable in certain circumstances.
- Section 13.13.7 of the Plan refers to Landscaping and Boundary Treatments.
- Appendix 9 identifies Zones of Archaeological Potential for the County.

Volume 2 of the current CDP includes the 'statement' for Louth Village. As noted, under Map No. 4.6, the site is located on lands zoned 'B1' and 'A2'. Relevant Policy Objectives contained within this statement include:

- **LOU 1:** To support the role of Louth Village by facilitating development that will contribute to the character of the Village, and complement and enhance the quality of the Village's attractive built and natural environment.
- **LOU 2:** To secure the implementation of the Core Strategy of the County Development Plan, in so far as is practicable, by ensuring that the housing allocation for Louth Village is not exceeded.
- **LOU 14:** To promote and facilitate the development and enhancement of footpaths, pedestrian crossings and traffic calming measures which increase pedestrian priority and improve road safety.
- **LOU 17:** To promote the preservation of significant trees and hedgerows including those identified on the Composite Map and to manage these trees in line with arboricultural best practice.
- **LOU 19:** To protect and enhance the character of the Village by requiring that the height, scale, design and materials of any proposed development has regard to the archaeological importance of the Village and does not diminish its distinctiveness of place.
- **LOU 20:** To seek to enhance the streets and spaces within Louth Village through public realm improvements.

5.2. National Policy and Guidance

Regard is had to:

- Project Ireland 2040 - National Planning Framework (2018).
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031.
- Urban Development and Building Heights Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection - Guidelines for Planning Authorities 2011.
- Design Manual for Urban Roads and Streets (DMURS), 2019.
- Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).

5.3. Natural Heritage Designations

There are no Protected Sites within the immediate vicinity of the appeal site. The nearest designated site is the Stabannon and Braganstown Special Area of Conservation (SAC) (Site Code: 004091) c. 8.5km to the south-east of the site.

5.4. EIA Screening

Having regard to the nature and scale the proposed development which consists of the demolition of the existing dwelling on site, the construction of 8 no. dwellings and associated site works, and its location on zoned land within the settlement boundary of Louth Village, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Two (2) no. Third-Party appeals were received by:

- Michael Lindon; and,
- Patrick Malone.

Michael Lindon

The appellant has an address at Green Road, Louth Village, Dundalk, Co. Louth and is the owner and occupier of a single storey detached dwelling located c. 100m to the south-east of the appeal site on Green Road. The grounds of appeal can be summarised as follows:

- Notwithstanding the address of the appeal site on the submitted documentation, it is stated that there is no access to the existing bungalow on site from Green Road and it is questioned why this address is used.
- It is highlighted by the appellant that it is unnecessary and dangerous to place houses in this area and it would be hard to find a more inappropriate and unsafe location for a development such as this. It is stated that the proposal will add to the overall dense concentration of houses in this area on a manufactured piece

of road.

- Given the higher elevation of the site, the proposal will result in overlooking of adjoining properties and the extensive earthworks proposed may impact the soak pits of the newly constructed houses to the north of the site.
- It is stated that this area on Green Road has only a small play area nearby for infants to play and there is no safe place for older children. Green Road has therefore become a place where children play, and further housing built on it will exacerbate safety concerns.
- It is stated that the Green Road area had no right of way for residential developments until recently and was previously agricultural zoned land.
- Green Road rises from the meandering incline of the L1170 and the bend where houses are to be built is treacherous especially when exiting Green Road. It is stated that cars have frequently skidded on this sharp bend when there are poor driving conditions, and the proposed development will exacerbate this issue.
- It is stated that the further restrictive access to the appellant's home on Green Road will cause a further depreciation of the appellant's property and land. It is stated that the people involved in this project have banded together to come up with this ill thought out and conceived plan and the financial reward outweighs all the shortcomings of the development. It is stated that problems have been glossed over for that reason.
- It is stated that Green Road was never fit for this purpose and the appellant's home is being pulled from a rural setting into what will be a dangerous and overcrowded area. The appellant notes that there are a multitude of problems regarding privacy and enjoyment of land and property and the negative effect on the applicant's health and well-being is raised as a concern.
- It is highlighted that the Applicant has no legal access onto Green Road and legitimate access to the site is via the L1170 which has an unsafe incline. The legal entrance to the site is through a bungalow which is being sought to be demolished. This dwelling is the source of a legal battle with parties disputing ownership. It is stated that the wording and the new address for the site on Green Road is a manipulation of the facts. No one would say that access to their home was through an impenetrable 2m high hedgerow on a different road.

- The appellant also raises concerns with respect to the loss of the existing hedgerow along the entirety of the site boundary to Green Road.
- It is stated that the proposed parking of cars by way of parallel bays is hazardous and would block the view of small children who frequent the play area adjacent. It is stated that the footpath opposite this site is seldom used and people walk in the middle of the road and this will only get worse once more houses are built. It is also stated that the parallel parking bays would represent a traffic hazard and it would mean that any motorist taking the bend entering Green Road could be met head on with someone pulling out on the same side of the road as there is limited visibility.
- It is stated that the Green Road has been the appellant's right of way for centuries with his ancestors being the only landowner living on this road since its inception. The appellant notes that Green Road was technically a grass covered cul-de-sac until recent times when dubious alterations have taken place without the appellant's consent. It is stated that the appellant has been under duress to leave their native home for generations for this reason as it was a private road to their home.
- The appellant within their submission refers to the planning history of the appeal site and it is contended that there has been an attempt by the Applicant to remove restrictions of turning a garden with a septic tank into a housing estate and to find a way of being able to remove the existing hedgerow to facilitate a development of this nature.
- The appellant contends that the transfer of dwellings pursuant to Part V (i.e. 20%) is influencing the Planning Authority's decision to support the development.
- Concerns are highlighted by the appellant with respect to the unjust and unfair practices by the Planning Authority which afforded minimal time for an observation to be made on the application following the submission of additional information. Concerns are also highlighted that the appellant's submission to the application was removed by the Local Authority from the online planning application register.
- Concerns are highlighted with respect to the deficiencies in the site notice and the advertisement of the application. It is stated that the application is also

missing relevant information from the history of the previous applications which have not been documented on the submitted plans and particulars including the presence of an existing septic tank within the site which would require removal. The appeal submission also highlights that there is no information on the closure of the original Green Road entrance which is now a walkway onto the L 1170.

- The appeal submission provides a history of the appellant's family ties to this particular area.

Included within the appeal submission are photographs of the appeal site and surrounds and various correspondence between the appellant and the planning authority.

Patrick Malone

The appellant has an address at No. 11 Flagstaff Road, Newry, Co. Down, Northern Ireland. The grounds of appeal contend that the appellant has not given consent to any person to use their detached bungalow to aid them in achieving planning permission. The appellant notes that they and their family's human rights have been affected by the ongoing saga which has continued for in excess of 20 years and which has caused him and his family financial loss from 2006. It is confirmed within the grounds of appeal that the issues are to be resolved by the appellant's legal team and litigation is pending. The submission notes that the appellant purchased the dwelling in 2006 and reference is made to the enclosed letter from the vendor which confirms that the appellant is the owner of the site. Concerns are raised within submission regarding trespassing of his site to produce reports that were made to support the application for the proposed development. It also highlighted within the submission that photographs were taken on site without the appellant's consent and 'no trespassing' signs were removed. Supporting information submitted with the appeal includes:

- Letter to Gardai and a signed affidavit.
- Various correspondence between the appellant and Niall Lavery (Vendor's Solicitor).
- Rural Place Map of appeal site.

- Copy of planning appeal by the appellant in the case of ABP-314889-22.
- Details with respect to a Supreme Court Appeal.
- Copy of reports prepared by Applicant's architect and consulting engineer.
- Excerpt from planning application register.
- Copy of Manager's Order from Ref. 06/1678.
- Correspondence from Dermot Lavery & Company.

6.2. Planning Authority Response

The Planning Authority provide a response to the concerns raised by the appellants within their respective grounds of appeal and the Board is requested to uphold the decision of the Planning Authority.

6.3. First Party Response

A First Party response to the 2 no. Third Party appeals has been prepared on behalf of the Applicant. The responses to each appeal can be summarised as follows:

Response to Michael Lindon

The response provides a description of the site and surrounds, a summary of the proposed development and the site's planning history. The documentation provides an overview of how the proposed development complies with the national and regional policy and how it accords with the pertinent policy of the County Development Plan. In addition, the response outlines how the proposal has addressed matters raised within the Planning Officer and Consultee Reports on the planning file. In response to the concerns of the appellant, the following is noted:

Principle of Development / Sightlines / Parking / Public Safety

It is stated that the application site is appropriately zoned and in direct proximity to the core of the village. There are existing and /or proposed footpaths in the vicinity of the site with public lighting in place on both sides of Green Road and the L1170. It is stated that there is nothing in the appeal submission to support the appellant's assertions that it is unnecessary and dangerous to have a development of this nature at this location.

Effect on Existing Soakpits

It is highlighted that there is no evidence to support the appellant's suggestion that the proposal will lead to flooding on adjoining properties, and it is noted that the Applicant submitted additional information and details with respect to SUDS proposals which was deemed to be acceptable by the Planning Authority. Suitable conditions have also been attached to the Planning Authority's decision.

Impacts on Residential Amenity

In terms of the appellant's concerns regarding loss of privacy and overlooking, the submission notes that the Planning Authority was satisfied that the development can be undertaken without harm to the residential amenities of surrounding properties.

Use of Green Road / Restricting Access to the Appellant's Property on Green Road / Depreciation of Value of Appellant's Property

It is stated that the Planning Authority addressed this matter in their assessment and noted that Green Road is a public road and there is nothing on Green Road that will restrict access to the appellant's property. It is highlighted that the site is located a substantial distance from the appellant's property and there is no evidence to support the assertion that the proposal would result in the depreciation of the appellant's property.

Public Open Space

In response to the appellant's claims that the public open space in the area is inadequate, it is noted that the Planning Authority was satisfied that the open space provision on site was acceptable, and they did not identify any shortfall to serve other nearby housing developments. It is also highlighted that there is a fully equipped children's playground located within close proximity of the appeal site.

Part V

The response to the appellant notes that the Housing Section of the Planning Authority has made it clear that the Applicant has adhered to his Part V obligations as regards the planning application.

Hedgerow and Boundary Treatment

In terms of the appellant's claims that the proposal will result in the removal of a protected hedgerow, it is stated that this is not the case as the protected hedgerow under the current CDP is located to the east of the site along the L1170.

Administrative Considerations / Ste Notices / Road Names

The Applicant's response notes that the matters raised by the appellant are incorrect. It is stated that the correct coloured site notice was erected on site and the advertisement was published in a Planning Authority approved newspaper. The submission notes that there has been no impediment to the appellant making an observation to the proposal during the application process.

Response to Patrick Malone

It is submitted within the response that the appeal by Mr. Malone is singularly grounded on a matter of a property dispute relating to the property which is the subject of this application. It is contended that there are no planning grounds whatsoever contained in any of the documentation that form Mr. Malone's appeal. For this reason, the Applicant's submission requests the Board to dismiss the appeal under the provisions of Section 138 of the Planning and Development Act 2000, as amended. It is also noted that Applicant is aware of the provisions of Section 34(13) of the Planning and Development Act 2000, as amended wherein it is stated 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'. The submission goes on to note that if there is a property dispute with respect to this matter then it is well established that the planning system is not the correct forum to address this. It is further submitted that the proposed development meets with national, regional and local planning policy in terms of the promotion of compact growth and efficient use of zoned and serviced lands within the built-up area of settlements. It is stated that the development also complies with development management requirements and the site is affected by a residential zoning objective and is designated for development within the period of the current Louth County Development Plan 2021 - 2027. It can be serviced by public drainage systems and water supply and the dwellings are of modest size and scale and the density and design are in keeping with that of the surrounding residential areas.

6.4. Observations

None

6.5. Further Responses

None.

7.0 Assessment

The main issues to be considered are those raised in the Third Party's grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Dispute Over Ownership
- Principle of Development
- Layout, Design & Density of Development
- Residential Amenity
- Access & Car Parking
- Appropriate Assessment

7.1. Dispute Over Ownership

- 7.1.1. The Third Party appellant (Patrick Malone) has contended that he is the owner of the existing dwelling on the appeal site and he has never provided consent to the Applicant to seek planning permission for the proposed development. This matter was initially raised at application stage and the Planning Authority requested the Applicant to demonstrate that they are either in ownership of the site or have the relevant consent from the landowner to carry out the development. In response to the matters raised by the Planning Authority, the Applicant submitted a letter from their solicitor by way of additional information which confirms that the Applicant purchased the lands in question (Folio LH29475F), and the registration is pending. The Planning Authority noted that following a review of the Folio on the Land Registry website, it appears that this confirms the Applicant's contention, and it is confirmed by the Planning Authority at application stage that the Third Party appellant has not provided land registry details / deeds etc. to substantiate their claim.

- 7.1.2. Various documentation has been enclosed by the appellant in order to demonstrate that they are the owners of the appeal site. From a review of the site's planning history and that of the immediate surrounds, it is evident that the appellant has previously raised this matter, and there is a dispute over the ownership of the site in question. In response to the appeal, the Applicant notes that there are no planning grounds contained in any of the documentation that form Mr. Malone's appeal. For this reason, the Applicant has requested the Board to dismiss the appeal under the provisions of Section 138 of the Planning and Development Act 2000, as amended. Having examined the appellant's grounds of appeal and the supporting documentation, I would concur with the Planning Authority that the issues raised by the appellant are a civil and/or legal matter, that is outside the statutory remit of this appeal. In this regard, I refer to Section 5.13 of the Development Management Guidelines which state that 'the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts'. The Board is therefore not required to arbitrate on such a matter in the making of a decision with respect to this appeal. Furthermore, it is of relevance to highlight the provisions of section 34(13) of the Planning and Development Act, 2000 (as amended), which states:
- 'A person shall not be entitled solely by reason of a permission under this section to carry out any development.'

7.2. Principle of Development

- 7.2.1. The appeal site is located within the settlement boundary of Louth Village, a village located c. 10km to the south-west of the Regional Growth Town of Dundalk. The village is identified as a Level 4 settlement (i.e. small towns and villages) under the settlement hierarchy of the Louth County Development Plan (CDP), 2021-2027 (Table 2.4) and the appeal site itself is subject to two zoning objectives. The northern portion of the site which has a frontage to the L1170 is zoned 'B1 – Town or Village Centre' (Map No. 4.6), the objective of which seeks 'To support the development, improvement and expansion of town or village centre activities'. The purpose of this zoning is to protect and enhance the character and vibrancy of existing town and village centres and to provide for and strengthen retailing, residential, commercial, cultural, entertainment

and other appropriate uses. The remainder and larger southern portion of the site has a frontage to Green Road and is zoned 'A2 – New Residential – Phase 1'. This zoning seeks 'To provide for new residential neighbourhoods and supporting community facilities'. I note that 'Residential' development is identified as use type which is generally permitted under the both the B1 and A2 zoning. Section 13.21.2.1 (Generally Permitted Use) of the current CDP indicates that a 'Generally Permitted Use' are considered to be generally acceptable, subject to the normal planning considerations (such as design, scale, density, layout, noise, odour, residential amenity, traffic generation, and service arrangements). Section 11.3 (Settlement and Housing) of the 'statement' (Appendix 2 of the CDP) for Louth Village indicates that there has been a more stable pattern of population growth during the past decade which has reflected in the limited demand for new residential development in the village in recent years. The appeal site is centrally located within the village core and I note that the Plan seeks to promote a policy of consolidation in the village, focused on localised growth, brownfield and infill development. Therefore, having regard to the nature of the proposed development, the zoning objectives (i.e. B1 and A2) that applies to the lands and the central location of the appeal site within the village, I am satisfied that the principle of the proposed development is acceptable at this location. The issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration the design and layout, access, the impact on the amenities of adjoining residents and the sustainable planning and development of the area. The following sections of this report will discuss these matters in further detail.

7.3. Layout, Design & Density of Development

- 7.3.1. The proposal seeks planning consent for the demolition of the vacant dwelling on the appeal site and the construction of 8 no. double storey dwellings. The appeal site has an irregular shape and straddles the L1170 to the north and Green Road to the south. Currently, the appeal site slopes up sharply from the L1170 leading to the existing bungalow which is elevated relative to the existing footpath level. A detached dwelling and a pair of semi-detached dwellings are proposed within the northern portion of the site and will address the L1170. A front building line is proposed which will match that of the recently constructed dwellings to the immediate west. Given the variation in site levels, a significant degree of excavation is proposed within the northern portion of the

site so that the finished floor level of the dwellings and their open space areas generally align with the level of the adjoining road and footpath. A level difference of c. 3m is proposed within the central portion of the site and a retaining wall is proposed along the southern boundaries of the proposed private open space areas. Parallel parking is proposed along the site frontage and a new footpath will tie in with the existing footpath to the east and west. Each dwelling will have side access leading to the designated area of private open space to each dwelling's rear.

7.3.2. The proposal seeks to remove the entirety of the existing hedgerow which forms the southern site boundary. A total of 5 no. dwellings are proposed within the southern portion of the site and will be accessed directly from Green Road. Three (3) no. detached dwellings and a pair of semi-detached dwellings are proposed within this portion of the site. Initially, each dwelling sought to provide in-curtilage parking (i.e. front setback). However, following concerns raised by the Planning Authority with respect to the alignment of Green Road to the north-west and the inadequacy of sightlines, parallel parking is now proposed along the site frontage. A new pedestrian footpath is also proposed along the site frontage which will connect to the existing footpath to the north-west and the proposed footpath to the south-east (i.e. Ref. 22/362 (ABP-314889-22)). Each dwelling will have a landscaped front garden with dedicated private amenity space in the form of a rear garden. I note that the degree of excavation within this portion of the site is less pronounced. A timber panel fence above the central retaining wall will form the northern boundary of each dwelling and will ensure that the rear gardens of the proposed dwellings to the north will not be unduly overlooked.

7.3.3. Policy Objective HOU 20 of the current CDP is relevant to the consideration of the proposed development. The policy seeks 'To require a design led approach to be taken to sustainable residential development in accordance with the 12 urban design principles set out in the 'Urban Design Manual – A Best Practice Guide (2009)' and any subsequent guidance, to ensure the creation of quality, attractive, and well connected residential areas and neighbourhoods'. In addition, Section 13.8.7 (Layout) of the current CDP highlights that the layout of residential developments shall consist of permeable, well connected streets and neighbourhoods where open spaces are

functional, accessible, and centrally located and where walking and cycling are prioritised. Overall, I am satisfied that the Applicant has provided a design and layout which responds to the characteristics of the site and creates an active frontage along both the L1170 and Green Road. Although permeability through the site is not achieved in this instance, I am conscious of the central location of the appeal site within the village and an alternative layout to achieve same would likely compromise the desired density of development that should be achieved on central site such as this. Dwellings within the scheme will provide passive surveillance of the adjoining roads and front building lines are proposed which are responsive to the established and emerging character of the surrounding area. For these reasons, I consider the proposed development to be in accordance with Section 13.8.7 (Layout) of the current CDP and I am satisfied that the proposed development will provide a functional and attractive layout for its future occupants.

- 7.3.4. The dwellings within the development have a maximum height of c. 9m and I note that the floor to ceiling heights at attic level are sufficient to allow for them to be adapted to additional habitable accommodation in the future, should the need arise and subject to planning consent. Materials and finishes for the proposed dwellings comprise a combination of render and stonework for the principal elevations with a slate/tile roof. The row of houses fronting Green Road are bookended by House Type LOU1 which have a wider frontage and a gable projection on the front elevation which is clad in stone at ground and first floor level. On balance, I am satisfied that the dwellings are designed to a high standard and the proposed development is generally in keeping with the established and emerging pattern of development in the surrounding area. The proposed materials and finishes are appropriate for the location, are durable and attractive, and they facilitate the integration of the development into the local landscape.
- 7.3.5. The Third Party appellant has raised concerns with respect to the principle of development at this location and has noted that the proposal will add to the overall dense concentration of houses in this area on a manufactured piece of road. Section 13.8.4 (Density and Plot Ratio) of the current CDP acknowledges that in the Self-Sustaining Towns and Small Towns and Villages, the density and plot ratio of a

development will be reflective of the character of the settlement and the existing pattern of development in the area. Further to this, Section 13.21.6 (A2 – New Residential – Phase 1) notes that the density of the development on A2 zoned lands shall be reflective of the location of the lands, with higher densities required on more centrally located areas close to employment or services, or in strategic locations along public transport networks. Based on a site area of c. 0.2863ha., the proposed development will have a residential density of c. 28 units per ha. Overall, I am satisfied that the density of development proposed in this instance is reflective of site's central location and the emerging pattern of development within the settlement boundary of the village. The proposed development is therefore considered to be in accordance with the pertinent policy of the CDP.

- 7.3.6. Section 13.8.7 (Layout) of the CDP notes that any buildings on corner sites are encouraged to have a dual aspect, particularly at the entrance to a development. In this regard, I am conscious of Condition No. 7 attached to the Notification of Decision which requires the Applicant to redesign Dwelling No. 1 in order to maximise passive surveillance of the proposed open space area and to provide an attractive frontage. Although I acknowledge that passive surveillance is provided from the first floor level east facing bedroom window, the existing boundary treatment between Dwelling No. 1 and the open space area comprises a timber fence with a concrete base (Boundary Type B). The remainder of the boundary to the open space area would comprise a concrete post and timber fence above the existing retaining wall which forms the northern and western boundaries of the open space area (Boundary Type B). Whilst I do not consider a redesign of Dwelling No. 1 is warranted given first floor level windows are provided on the side elevation, I have concerns regarding the quality of the boundary treatment around the open space area, particularly given the visual prominence of this space in the context of the existing streetscape. I also note that the rear boundary of the existing dwellings to the north and west of the site comprises a palisade type fence above the existing retaining wall which is highly visible from the L1170. The open space area would benefit from a more enhanced and durable boundary treatment around its entire perimeter such as a masonry wall, clad on both sides in a stone finish similar to that utilised on the façade of the proposed dwellings or the stone utilised within the public playground to the north-west. Subject to

compliance with a condition regarding same, I am satisfied that the proposal is acceptable. Further detail with respect to the public open space area is included in Section 7.4 of this report.

7.4. Residential Amenity

- 7.4.1. As noted, a total of 5 no. dwellings are proposed along the site's frontage with Green Road. Dwelling No. 1 is located to the immediate south of the terrace of the existing dwellings which front the L1170. A retaining wall forms the southern boundary of these properties, and the proposed dwellings are elevated relative to these dwellings given the variation in site levels. Section 13.8.9.1 (Privacy) of the CDP notes that residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area, in addition to the amenities of future residents of the development. The Plan notes a minimum of 22m separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. However, there may be instances where a reduction in separation distances may be acceptable. Although a minimum separation distance of only c. 15m is observed between Dwelling No. 1 and rear façade of the properties to the north, I note that the windows will not be directly opposing given the siting of the Dwelling No. 1 and north-eastern orientation of its rear windows. I am therefore satisfied that a relaxation in the standard is acceptable in this particular instance. Although the open space is elevated relative to the dwelling to the north, the proposed boundary treatment will ensure that overlooking of this amenity space is precluded. It would appear that the height of the existing retaining wall to the rear of the properties to the north is more exaggerated on Section EE (Drawing No. 2257-P-114-A) than what I observed when inspecting the appeal site. In order to minimise overshadowing of the rear amenity spaces of the properties to the north from the proposed solid boundary treatment, the ground levels of the public open space area and rear amenity space of Dwelling No. 1 should not project above the height of the existing retaining wall. Subject to compliance with a condition restricting same, I consider the proposal to be acceptable.
- 7.4.2. The proposed dwellings along the L1170 will adopt a front building line which is consistent with that of the existing properties to the west. Dwelling No. 6 will be set

back a minimum of c. 4.1m from the site's western boundary and the dwelling will only marginally project beyond the rear building line of the existing dwelling to the west. Having regard to the setback of the dwelling from the western site boundary, the orientation of the site and the scale, height and form of the proposed dwellings, I am satisfied that the proposed development will not unduly compromise the residential amenity of the neighbouring properties by reasons of loss of daylight/sunlight, overshadowing or by being visually overbearing. In addition, there are no windows on the western elevation of Dwelling Nos. 6, 7 or 8 that would give rise to overlooking of properties within the vicinity. Therefore, I consider the proposed development to be acceptable having regard to residential amenity of the surrounding area.

7.4.3. In terms of the amenity of the proposed dwellings, the internal floor areas range in size from c. 107sq.m. to c. 111sq.m. and are in compliance with the standards set out in the Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government). In terms of private open space, the dwellings are served by rear gardens which have floor areas that range from (c. 86sq.m. – c. 213sq.m.) which exceed the relevant development management standards as set out in Table 13.4 (Private Open Space Requirements) of the current CDP. With the exception of Dwelling Nos. 2 and 6 (18m), minimum separation distances between the rear façades of dwellings within the development exceed 22m. However, a relaxation is deemed acceptable in this instance given the orientation of the dwellings, insofar as the first floor level windows are not directly apposing. In this regard, I am satisfied that the development is designed to a high standard and will generally afford a good standard of amenity to its future occupants.

7.4.4. I am conscious of the planning history of the surrounding area, including the site to the immediate east (22/362 (ABP-314889-22)). At this interface, the layout of the proposed development, coupled with the adequate separation distances provided will ensure that the future amenity of these dwellings is not impacted, and the development potential of these lands is not compromised by the proposed development.

7.4.5. Objective HOU 24 of the current CDP seeks 'To require the provision of high quality areas of public open space in new residential developments that are functional spaces,

centrally located, and passively overlooked'. In addition, Section 13.8.15 of the Plan notes that if designed and located appropriately, they can become an integral part of a development that promotes social interaction and physical activity, whilst also providing important links and connections within the development and to surrounding neighbourhoods. The policy notes that public open space within a development shall normally equate to 15% of the total site area. However, a reduced rate may be acceptable where the standard of the open space is of a high quality due to its location, functionality and any additional detailing proposed. In this instance, c. 250sq.m. of public open space is provided which equates to c. 9% of the total site area. The open space is provided in the form of a pocket park located to the north-west of Dwelling No. 1. Although Dwelling Nos. 6 – 8 do not have direct connectivity to the open space area, the dwellings are located within a short walking distance of this space. In addition, the space will benefit from good solar access, and I am conscious of the existing public children's playground located to the west of the appeal site. I note that the levels shown across the open space area, as detailed on the revised Site Layout Plan (Drawing No. 2257-P-102-B), could be described as undulating. However, Section EE (Drawing No. 2257-P-114-A) shows the northern portion of the open space as being infilled. In order for this space to be useable and functional, I would agree with the Planning Authority that the Applicant should be required to submit comprehensive landscaping proposals by way of condition, which includes section diagrams through the open space area. In addition, the boundary treatments around the perimeter of the open space area requires further consideration which I have discussed above. The Third Party appellant (Michael Lindon) has raised concerns with respect to the current inadequacy of open space in the village, whereby older children are forced to play in the streets. Notwithstanding the concerns raised by the appellant, I am satisfied that the proposed open space arrangement is acceptable for a development of this scale, will contribute to the overall open space provision within the village and will afford a good standard of amenity to both the occupants of the development and the general public. For this reason, I deem the proposal to be acceptable.

7.5. Access & Car Parking

7.5.1. The Third Party appellant (Michael Lindon) has raised concerns over pedestrian safety

and that the proposal would constitute a traffic hazard given the proposed car parking arrangement and the alignment of the road to the north-west. As noted, the proposed dwellings fronting the L1170 will be served by parallel car parking spaces along the site's frontage which is consistent with that of the dwellings to the immediate west. Following concerns raised by the Planning Authority at additional information stage, the car parking arrangement for the dwellings fronting Green Road were modified and parallel spaces along the site frontage were provided in lieu of the in-curtilage car parking spaces. Each car parking space has a length of c. 6m and depth of c. 2.4m and forward visibility splays for the proposed spaces have been indicated on Drawing No. 2257-P-500-A. This arrangement was deemed to be acceptable by the Planning Authority and suitable conditions were attached to a grant of permission. A new footpath is also proposed along the inner side of the car parking spaces which will tie in with the existing footpath to the north-west and the proposed footpath to the south-east (22/362 (ABP-314889-22)). Overall, I am satisfied that the car parking arrangement for the proposed development is acceptable in this instance and will not endanger public safety by reason of a traffic hazard.

- 7.5.2. In terms of the quantum of car parking spaces, the proposal provides a total of 12 no. car parking spaces to serve the 8 no. dwellings. The proposal is therefore in accordance with the standards set out in Section 13.16.12 (Car Parking Standards) of the current CDP for Areas 1 & 3. Section 13.16.16 (Cycle Parking) notes that secure cycle parking facilities shall be provided in new developments in accordance with the standards set out in table 13.12 of the Plan. In this instance, I am satisfied that cycle parking can be provided within the rear amenity space of the proposed dwellings. I note that the Planning Authority's Infrastructure Section have recommended a significant number of conditions which have been attached to the Notification to Grant permission, many of which refer to the documentation submitted with the application and the documentations submitted at additional information stage. I therefore recommend the inclusion of a condition which shall require the Applicant to ascertain and comply with the requirements of Planning Authority's Infrastructure Section prior to the commencement of development on site.

7.6. Other Matters

- 7.6.1. The Third Party appellant (i.e. Michael Lindom) has raised concerns regarding the potential for flooding on site and its impact on the properties to the immediate north and west of the appeal site. Policy Objective IU 26 of the current CDP seeks to reduce the risk of new development being affected by possible future flooding by avoiding development in areas at risk of flooding. In terms of drainage proposals, I note that at additional information stage, the Applicant submitted a SUDS design report which outlines proposals to use soakpits within the development which the Planning Authority's Infrastructure Section deemed to be acceptable. Further to this, I note that the appeal site is not located within a flood zone (i.e. Flood Zone A or B). I am therefore satisfied that the proposal does not constitute a flood risk and I deem the proposed development to be acceptable and in accordance with the pertinent policy of the current CDP.

7.7. Appropriate Assessment

- 7.7.1. The nearest designated site is the Stabannon and Braganstown Special Area of Conservation (SAC) (Site Code: 004091) c. 8.5km to the south-east of the site. Taking into consideration the nature, extent and scope of the proposed development and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Grant of permission is recommended.

9.0 Reasons and Considerations

- 9.1. Having regard to:

- (a) The village centre (B1) and residential zoning objectives (A2) for the site;
- (b) The location of the site within a serviced area within the centre of Louth Village;
- (c) The pattern of development in the area, and the nature, scale, and design of the proposed development;

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would provide an adequate level of residential amenity for future residents, would not seriously injure the residential or visual amenities of the area and is acceptable in terms of the traffic safety and convenience of pedestrians and road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 21st December 2022 and as amended by further plans and particulars received on the 28th March 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all external finishes to the residential units shall be in accordance with the drawings and specifications hereby approved. A brochure of the proposed natural stone detailing on the proposed residential units shall be submitted for written agreement prior to the commencement of development.</p> <p>Reason: in the interest of visual amenity and to provide for acceptable standard and quality of development for future residents.</p>
3.	<p>(a) Prior to the commencement of 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 housing unit), pursuant to Section</p>

	<p>47 of the Planning and Development Act, 2000 (as amended), that restricts all residential 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.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except whereafter not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>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, and the common good.</p>
4.	<p>Prior to the commencement of development, the Applicant shall submit a comprehensive boundary treatment and landscaping scheme (plans and section diagram through public open space area) prepared by a suitably qualified landscape architect for the written agreement of the Planning Authority. The landscape scheme shall:</p> <p>(a) Provide a revised boundary treatment around the perimeter of the public open space area and along the western boundary of Dwelling No. 1. This shall comprise a more enhanced and durable boundary treatment such as a masonry wall, clad on both sides in a stone finish,</p>

	<p>similar to that utilised on the façade of the proposed dwellings.</p> <p>(b) Ensure that the ground levels of the public open space area and rear amenity space of Dwelling No. 1 does project above the height of the existing retaining wall along the northern site boundary.</p> <p>(c) Details of a means of enclosure to the front of the dwellings fronting on to Green Road, consisting of a wall, railings or other suitable means of enclosure not exceeding 1m in height allowing for pedestrian access only.</p> <p>(d) Details of all proposed hard surface finishes.</p> <p>(e) Details of proposed species and size of all planting within the development. Planting shall consist of native species and low maintenance pollinator friendly perennials.</p> <p>Reason: In the interest of residential and visual amenities.</p>
5.	<p>The Applicant shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved hard and soft landscaping scheme shall be implemented fully in the first planting season following the commencement of the development and finalised prior to the sale of any residential units hereby granted planning permission. Any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter. The applicant shall also provide a root barrier system or root cell system to prevent any root damage to adjacent footpaths and roads.</p> <p>Reason: In the interest of residential and visual amenities.</p>
6.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's <i>Taking in Charge Policy</i>. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement, the procedures for inspection and monitoring of the development by the Planning Authority to ensure compliance with these standards.</p> <p>Reason: To ensure the development is carried out and completed to an acceptable construction standard.</p>
7.	<p>Prior to the commencement of development on site, The Applicant shall</p>

	<p>ascertain and comply with the requirements of Planning Authority's Infrastructure Section.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
8.	<p>Prior to the commencement of development on site, The Applicant shall submit a Construction and Demolition Management Plan for the proposed development which is prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects' published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
9.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority (Infrastructure Section) for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<p>Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
11.	<p>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. All existing overground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0700 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the</p>

	vicinity.
13.	<p>All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist. Should archaeological material be found during the course of the works, the work on site shall be stopped pending a decision as to how best deal with the archaeology and the Applicant shall liaise with the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to same.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
14.	<p>Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
15.	<p>Prior to the commencement of development, the Applicant shall prepare and submit a Construction and Demolition Management Plan to the Planning Authority for their written agreement. The Construction Management Plan shall deal with issues relating to traffic management, noise and dust mitigation measures, details of construction lighting and waste minimisation.</p> <p>Reason: In the interest of clarity and to safeguard the amenities of property in the vicinity.</p>
16.	<p>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.</p>

	<p>Reason: To ensure the satisfactory completion of the development.</p>
17.	<p>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.</p> <p>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.</p>
18.	<p>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 or 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.</p> <p>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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan

Planning Inspector

17/08/2023