



An
Bord
Pleanála

Inspector's Report

ABP-305810-19

Development	Construction of 67 residential units
Location	Dublin Road, Dundalk, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	19414
Applicant(s)	Torca Developments Ltd
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellants	Glenwood Residents Association Rockfield Residents Association
Observers	Mary Dunne John & Paula Long James & Majella Smyth Tommy & Kate McEnteggart Jimmy Mahon
Date of Site Inspection	20 th of February 2020
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The subject site (stated area 1.56ha), is located c.2km to the south of Dundalk Town Centre. It is currently undeveloped and accessed via an existing gated field entrance to the Dublin Road. It is generally rectangular in shape ending in a point to the north. There is a fence along the site frontage with the Dublin Road (R132). There are footpaths and cycle lanes along this section of the road. There are uncontrolled pedestrian crossings (no traffic lights) opposite the existing field entrance and one also further to the south.
- 1.2. To the north west is an existing petrol station and associated shop (Circle K), car wash/valet facility and this is a busy commercial use. There is a low wall along this boundary with the subject site. There are trees along the southern boundary with the adjoining green area that forms part of the Teagasc site.
- 1.3. The area is generally characterised by suburban semi-detached/detached housing built in the last 20 years. This is a self-contained site and there are walls at the end of two cul-de-sacs in an existing residential development to the north west 'Glenwood' which adjoin the site. To the SE/eastern boundary is 'Rockfield Manor' housing development, accessed via Hoey's lane. There are also high walls at the end of the adjoining cul-de-sacs in this estate.
- 1.4. Langfield contains a more recent 3 storey apartment/duplex type development known as 'Oriel House' to the south across from Teagasc on the opposite side of the Dublin Road. This is a busy trafficked area and Louth County Hospital is to the north and Dundalk Institute of Technology further to the south of the proposed development. It is within the urban speed limits. There are bus stops in the vicinity along the Dublin Road.

2.0 Proposed Development

- 2.1. This is to consist of the following on a site area of c.1.56ha at Dublin Road, Dundalk:
 - Construction of 67 no. dwelling units (within 9 no. blocks ranging in height from 1-4 storeys) comprising of:
 - 23 no. 1 bedroom apartments

- 13no. 2 bedroom apartments,
- 14no. 2 bedroom duplex units,
- 7no. 3- bedroom duplex units,
- 1no. 4-bedroom duplex unit,
- 4no. 1-bedroom houses, and
- 5no. 3-bedroom houses.

The total residential floor area is given as c. 5522sq.m.

- New vehicular and pedestrian accesses via the Dublin Road to the south-west and Glenwood to the north, new pedestrian accesses via Rockfield to the north-east and Glenwood to the north;
- All associated site development works, services provision, car parking, cycle parking, bin stores, open space, vehicular/pedestrian access, landscaping and boundary treatment works.

2.2. Documentation submitted includes the following:

- Planning Report – McGill Planning
- Appropriate Assessment Screening Report – McGill Planning
- Drainage Design Report - Kavanagh Burke Consulting Engineers
- Drawings – Brian Dunlop Architects
- Landscape Plans – Mitchell and Associates Landscape Architecture

2.3. Significant Further Information received on the 19th of September 2019 provides for, inter alia, a reduction of number of units by 2 to 65, revisions of car parking west of Block 1 and revised elevation design to the northern bookend of Block 1.

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 7th of October 2019 permission was granted by the Council for the proposed development subject to 11no. conditions. These include relative to infrastructural

issues (roads and services), external finishes, construction management and development contributions.

3.2. **Planning Authority Reports**

Planner's Report

They have regard to the locational context of the site, planning history and policy, inter departmental reports and submissions made. Their Assessment included the following:

- The principle of the development is considered acceptable and in accordance with the zoning objective.
- They have regard to the previous Board refusal on this site and note that the proposed density is higher in accordance with current guidelines.
- The proposal provides for a high quality design and layout, inclusivity and variety in housing mix and will present a new character area that will integrate with the surrounding area.
- The development is acceptable in terms of connections and permeability particularly with reference to the site history and precedent established.
- The roads layout is in accordance with DMURS
- The quantum of car parking is considered to be acceptable.
- The detailed design for the scheme is broadly acceptable, with the exception of Block 1 and as such revised proposals should be requested.
- They consider the AA Screening Report to be adequate and robust and they concur with the conclusions that a stage 2 assessment is not necessary.

Further Information request

The Council's F.I request included the following:

- The applicant is requested to review the design detailing of Block 1 of the Scheme and they provide details of such.
- To review and/or comment on the level of passive surveillance over the southern open space areas.

- Details of street lighting.
- Details to demonstrate adequate traffic calming provision within the development.
- An Auto Track analysis for wheel bin lorry.
- Details of permeable paving.
- Details for Irish Water.

Response to F.I request

McGill Planning has submitted a response on behalf of the Applicants which includes the following:

- They refer to revised drawings submitted showing the revisions to Block 1.
- The revised Site Layout Plan has relocated the car parking which was previously to the east of Block 1 to the west of Block1 towards the front of the site along the Dublin Road.
- They note changes to the car parking and provide that the revised layout increases the quantum of public open space within the scheme.
- Regard is also had to the Landscape Masterplan - showing full details of the revised car parking layout.
- A public lighting Design Report and Site Plan for public lighting has been submitted.
- Traffic calming measures are outlined.
- An Autotrack Analysis has been submitted.
- Details have been submitted relative to permeable paving.
- A pre-connection enquiry form was submitted to Irish Water.
- Revised Public Notices have been submitted.

Planner's Response

They have regard to the F.I submitted and their response includes the following:

- They consider the proposed revisions to Block no.1 to be acceptable.

- The reduction in units from 67 to 65 has resulted in a higher quality of elevation to the Dublin Road and the resultant density is considered acceptable.
- The revised drawings showing the relocation of the car parking result in the creation of a better layout for open space within the scheme.
- They note the Council's Infrastructure Section and Irish Water have no objections subject to conditions.
- They consider that the proposed development improves linkages and addresses the Board's previous reason for refusal.
- They have regard to the issue about gaining consent to access adjoining lands and note Glenwood has been taken in charge. The planning system is not designed for dealing with ownership disputes – that is a matter for the courts.
- They provide details of levies for development contributions to be charged.
- They recommend that the proposed development be granted subject to conditions.

3.3. Other Technical Reports

Infrastructural Section

They request further details on street lighting, traffic calming within the estate, an Auto Track analysis for wheel bin lorry and permeable paving.

They have no objections to the F.I submitted and recommend a number of detailed conditions.

3.4. Prescribed Bodies

Irish Water

They requested F.I relative to connections. In response they note a number of issues relative to connections. They also note the presence of a foul sewer crossing the site that may need to be diverted.

3.5. Third Party Observations

A large number of Submissions including a Petition have been received from local residents expressing their concerns about the proposed development in particular relative to issues of access and permeability. These have been considered in the context of the Planner's Report and relative to the Further Information submitted. Regard is had to issues raised and these are discussed further in the context of the Third Party Appeals and the Observations made in the Assessment below.

4.0 Planning History

The Planner's Report has regard to the Planning History of the subject site. Of particular note is the following:

- Reg.Ref. 18/177 – Permission granted subject to conditions by the Council for 43no. residential units comprising of a mix of 35 no. 2,3, and 4 bedroom houses and apartment blocks incorporating 8no. apartments. Provision for new vehicular and pedestrian entrance on the Dublin Road and pedestrian and cycle access to the adjacent Glenwood and Rockfield Manor estates. All associated landscaping and site works.

This decision was overturned on appeal Ref. ABP-302505-18 refers.

Board reasons for refusal included:

- 1) Inadequate residential density achieved having regard to the NPF and Residential Guidelines 2009.
- 2) Design, layout and open space together with pedestrian permeability substandard and contrary to the development plan policy HC9 and the national guidelines.

Adjoining site to the north west

- Reg.Ref.18/529 – Split decision by the Council - Permission refused to Topaz Service Station, Dublin Road, Dundalk for the part demolition of commercial stores and single storey extension to retail shop. Permission was granted subject to conditions for a part change of use of first floor area from commercial to student accommodation and external access to the first floor.

The Board – (Ref.ABP-304185-19 refers) subsequently refused permission for the proposed development in its entirety for reasons of non-compliance with the policies of Louth CDP 2015-2021, the Dundalk and Environs Development Plan 2009-2015 (as extended) and Retail Planning policy and guidelines and the provision of sub-standard student accommodation.

Copies of these decisions are included in the History Appendix of this Report.

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHPLG, 2018).
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2019).
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)
- Habitats Directive - Appropriate Assessment

5.2. Louth County Development Plan 2015-2021

This Plan provides the strategic planning policies and objectives for the County. Section 2.16.4 notes that the Statutory Plan for Dundalk and the surrounding area is currently the Dundalk and Environs Development Plan 2009-2015 and Policy SS3 seeks: *To review the Dundalk and Environs Development Plan 2009 – 2015 and to prepare a Local Area Plan for Dundalk and Environs which will be consistent with the provisions of the County Plan.*

In addition to the County Development Plan, I have reviewed the Dundalk Town & Environs Development Plan 2009 – 2015 as this provides the most recent zoning framework for the area.

5.3. Dundalk and Environs Development Plan 2009-2015 (as extended)

Land Use Zoning

The subject site is located within the 'Residential 1' zoning objective where the objective is: *To protect and improve existing residential amenities and to provide for infill and new residential developments.*

Housing

Chapter 6 refers to Housing and Community Facilities - Design and Layout

Section 6.2.1 (Table 6.1 and Table 6.1 refer) provides the Residential Zoning Objectives. Policy HC 1 seeks to: *Ensure that all applicable development complies with the requirements of the Louth Housing Strategy.*

HC2 seeks to: *Secure the provision of residential sites for social and affordable housing development except within the areas delineated on map 6.1.*

HC3 seeks to: *Secure greater social integration and preservation and community ties through the provision of an appropriate mix of house types within residential areas.*

HC9 seeks to: *Implement the guidelines and best practice manuals issued by the Department of Environment, Heritage and Local Government in the planning for and provision of sustainable communities within new residential areas.*

HC 16 seeks to: *Require that master plans and planning applications for large scale residential development identify pedestrian and cycle paths within the site and externally to adjoining residential areas, existing services and community facilities.*

Section 6.6.7 refers specifically to Infill/Backland development i.e: Infill development is small scale development located in gaps between existing buildings.

This also refers to Design i.e. *The design and scale of the proposed development should be in keeping with the surrounding character of the area. The proposed design, orientation and massing shall not cause any unacceptable overbearing or*

overshadowing on existing dwellings and the applicant will be required to demonstrate that there are no adverse effects on the existing buildings.

Reference is also made to such issues as Density, Access, Materials, Open Space provision and car parking.

Section 6.7.5 refers to Privacy and Spacing between Buildings i.e. *A distance of at least 22 metres is recommended between the windows of habitable rooms which face those of another dwelling. In the case of windows of non-habitable rooms within 22 metres of another facing window, obscure glazing may be acceptable.*

HC20 requires minimum of 14% of the gross site area is reserved as public open space in all new developments.

HC 22 refers to Internal Space requirements and requires that they comply with those set out in Appendix 4.

Section 6.7.13 refers to Boundary Walls treatment.

Policy TC4 seeks to: *Protect existing residential amenities of primary residential areas within the town centre and to resist the conversion of dwellings to uses other than residential.*

Variation No. 1 Dundalk & Environs Development Plan 2009-2015 - Core Strategy

This was Adopted on the 29th of August 2011 and includes regard to the Core Strategy. Section 1.2 provides that: *This strategy, based on an evaluation of the development areas, prioritises brownfield and infill development throughout the plan area and specifically highlights the Town Centre and part of the Muirhevnamor development areas as critical to enhance and sustain the performance of Dundalk as a Gateway town.*

The subject site is located within an area identified as *Consolidation of the Urban Core*, where development is prioritised and residential development does not have to follow the sequencing of phases identified in the strategy. Effectively this area is unimpeded by core strategy policy and development is encouraged in this area in the interests of sustainable land use. Policies CS 1 and CS 2 refer.

Map 2.1 shows the 6no. Development Areas used in the Core Strategy Evaluation. Core Strategy Phasing Map B shows the site within the Consolidation of Urban Core area – Muirhevnamor.

5.4. **Natural Heritage Designations**

Approximately 2km to the east of the appeal site is Dundalk Bay and it is designated as a proposed Natural Heritage Area, Special Protection Area and Special Area of Conservation.

5.5. **EIA Screening**

Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, 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 separate Third Party Grounds of Appeal have been submitted. These are as follows:

- EHP Services on behalf of The Glenwood Residents Association
- Ann Marie Brennan on behalf of Rockfield Residents Association

They have regard to the contextual location of the site, planning history and policy and their concerns raise many similar issues. For convenience their grounds of appeal are summarised as follows:

Permeability

- While the principle of a residential development on this site is acceptable it is submitted that the extent of permeability proposed will lead to a loss and diminution of long established residential amenity.
- The proposal materially contravenes the RES1 zoning and Policy TC4's commitments to protecting and improving such amenities.

- Concern about connectivity and permeability issues with the adjoining estates of Glenwood and Rockfield Manor.
- Site permeability can be achieved without relying upon the proposed points of access into Glenwood or Rockfield estates.
- Appendix 3 provides photographs illustrating various rat runs throughout Dundalk estates. Appendix 4 contains a petition from concerned residents in the Glenwood estate on the grounds of traffic congestion and security.
- Anti-Social behaviour in this area will be exacerbated. The opening up of the Glenwood and Rockfield Manor estates via the proposed pedestrian linkages promotes and facilitates anti-social behaviour and criminal activity.

Issues with Design and Layout

- Impact on privacy of adjoining residents. The proposed development neither protects nor improves residential amenities. They object to any permeability within the estates from the subject site.
- There are substantial differences in ground level between the green space serving Rockfield Manor the development site. They are concerned about the maintenance of their green area. They provide that the submitted drawings relative to this issue are inaccurate.
- It would be unreasonable to assume that the Applicant is unaware of this inherent discrepancy in the proposed layout.
- There are also concerns about the provision of steps into the adjoining Glenwood estate and that such accesses are not in accordance with current standards.
- Concerns about the design and layout and accessibility to some of the units.
- Landscaping and boundary planting issues.
- Visual impact of the proposed access to the estates.
- Loss of community garden land in Rockfield which the Residents Association has looked after since its inception and have plans to develop into a community garden.

Ownership

- Permeability and Boundary issues - Appendix 5 includes copies of letters of objection from Rockwood Ltd as the freeholder of land at Glenwood Estate confirming that they do not consent to such connections.
- The notion that the appeal site and adjoining estates could be physically connected as proposed is clearly not viable or deliverable and this issue cannot be dismissed as a mere legal issue.
- The assumption that either a developer or determining planning authority are entitled to access a site over lands or structures under separate ownership because the adjoining estates have been taken in charge is inaccurate.
- The delivery of such connectivity is entirely reliant upon the proposed vehicular and pedestrian links with these estates. The consent of the adjoining landowners has not been secured, therefore the proposed design and layout is not viable.

Traffic Considerations

- Layout and current roads and access to Rockfield are already over capacity for non-residential traffic.
- Rockfield is the sole vehicular access to 2 football clubs and pitch and putt club users and pedestrian access to same.
- Rockfield has been a high density DKIT student resident estate, which has led to increased vehicular traffic.
- The proposed vehicular access between the appeal site and Glenwood estate will facilitate a large volume of associated traffic that will exacerbate congestion problems within the estate.
- Access arrangements relative to use of the existing cul-de-sacs will adversely impact on traffic and parking for existing residents.
- There is a petition noted in Appendix 4 of the Third Party Appeal which provides that local residents *strongly object to the proposed access between Glenwood and the New Torca Development to Glenwood South due to grave concerns over traffic congestion and security issues.*

- The proposed vehicular connection between sites will create a rat run giving new residents of the proposed development an option to exit onto the Dublin Road via Glenwood and vice versa.
- Concerns about safety issues for existing residents/ children and the inadequacy of proposed traffic calming measures within the estate.
- The proposed entrance off the Dublin Road should be the only means of accessing the appeal site either by car, foot or bicycle.

Conclusion

- While they do not object to the development of a residential estate on the Torca Development site on the Dublin Road, they are concerned that the current proposal with increased permeability will adversely impact on the residential amenity and security of adjoining residential estates.
- The Third Party Appeal on behalf of the Glenwood Estate residents includes a number of Appendices, and on behalf of Rockfield residents includes a copy of their submission to the Council.
- They note the determination of the Board under Ref. ABP-302505-19 but provide that the adverse impact on the residents of Glenwood and Rockfield Manor should be given due consideration in the current application.
- They remain confident that there is more than sufficient and robust justification to uphold this appeal and overturn the Council's recommendation to permit.

6.2. Applicant Response

McGill Planning have submitted a First Party response to the Third Party Appeals which includes the following:

Access and Traffic

- The current proposal will significantly increase permeability for pedestrians in the existing estates and within the proposed development thus reducing walking and journey times.

- The three residential areas (the subject site, Glenwood and Rockfield) are in close proximity to excellent social and recreational infrastructure yet permeability in these areas is inadequate.
- They have regard to the Inspector's Report and the Board's reasons for refusal in Ref. ABP-302505-18 and note that the provision of these links was considered a key element by both the Planning Authority and the Board.
- Both existing and future residents will benefit from the proposed layout and distribution of open space.
- The proposed entrances will be fully compliant with DMURS as they will be short, overlooked and have clear sightlines and be well-lit to mitigate anti-social behaviour.
- The application proposes similar boundary treatments and connections which will be agreed in writing with the PA to ensure compliance with best practice.
- The proposed connections will merge with the existing footpaths in both Glenwood and Rockfield.
- They do not consider that this proposal for use of the shortest routes will adversely increase traffic volumes in the area.
- As demonstrated in the Planning Report prepared by McGill Planning which was submitted as part of this application, the proposal is fully compliant with the 12 point criteria of the *Urban Design Manual, A Best Practice Guide (2009) for the creation of successful neighbourhoods*.

Car Parking

- They have regard to the locational context, the number of smaller units proposed and the availability of public transport and provide that on-site car parking provision is sufficient and in accordance with the guidelines in this instance.

Ownership issues

- They note that Glenwood has been taken in charge by the local authority and that accordingly there is sufficient title for the connections to proceed. They propose connections to both Glenwood and Rockfield which will be agreed in

writing with the planning authority subject to condition to ensure the connections to the neighbouring developments are satisfactory.

Antisocial Behaviour

- The proposed linkages with the adjoining estates will be well lit and overlooked by the proposed housing providing surveillance. They present a different and safer scenario than that shown in the photographs submitted by the Third Parties. The proposal is not for rear laneways or alleyways.

Summary and Conclusion

- The proposal is fully compliant with the Development Plan and National Policy such as *The Sustainable Urban Housing: Design Statement for New Apartments (2018)*, *Urban Design Manual – A best practice guide (2009)* and *the Design Manual for Urban Roads and Streets (2019)*.
- The proposed development provides excellent pedestrian and cycle links to the surrounding residential areas, recreational and social infrastructure and will encourage a modal shift to other more sustainable forms of transport away from the private car.
- Permeability will be significantly improved in line with national policy.
- The neighbouring estates will benefit from the high quality public open space located within the scheme.
- The proposal is for a higher density development and is highly accessible and integrates with surrounding developments.
- It accords with the proper planning and sustainable development of the area. They ask the Board to grant permission subject to conditions as appropriate.

6.3. Planning Authority Response

The Planning Section of Louth County Council noted that this appeal relates to two key areas as follows:

- New pedestrian access via Rockfield
- Due Diligence in the decision making process

Pedestrian Access

- The Council recognises the importance of connectivity between newly built or proposed residential estates and established residential estates.
- This is to allow ease of pedestrian linkage for all demographics and to ensure that provision is made for modal shift, that is to reduce car dependency and to allow ease of movement for pedestrians and cyclists.
- Policy HC 16 (pedestrian linkages) is particularly relevant. They consider that the development is in full compliance with this policy.

Due Diligence

- They note the Planning Authority decision was made on the 7th of October 2019, submissions made by the residents group on the 2nd of October 2019 were referenced in the Planner's Report as were 2 other submissions lodged. No further submissions were made during the statutory period.
- In all other matters they refer to the Planner's Reports of 3rd of October 2019 and 16th of July 2019.

Conclusion

- In a subsequent response the Planning Authority provide they have no further comments to make.

6.4. Observations

These have been submitted separately from the following:

- Mary Dunne
- John & Paula Long
- James & Majella Smyth
- Tommy & Kate McEnteggart
- Jimmy Mahon

As these are all from local residents and their concerns raise similar type issues these Observations are considered below under the following headings:

Permeability

- Their main concerns are about the proposed pedestrian and vehicular entrances to Glenwood and also the pedestrian entrance to Rockfield Manor. The most suitable entrance is to the Dublin Road.
- If permeability is allowed to happen it will open up the whole area to anti-social behaviour, noise pollution, littering and lack of security and privacy.
- The local residents of the adjoining estates have worked with community gardai, Louth county council and other agencies in ridding their estate of most of this activity and they provide details of various meetings held. To allow such entrances will obliterate all the good works done.
- They cannot understand why planning encourages permeability but justice encourages security, common sense should prevail. They enclose a letter from the Dundalk Community Policing Unit which recommends that the pedestrian/cycleway not be incorporated in the proposed development.
- Future new residents may not wish for the type of permeability proposed.
- Existing residents, some of whom are elderly and have lived in the area for some time, do not wish for their cul-de-sacs to be used as linkages by future residents.
- Two pedestrian links into the cul-de-sac in Glenwood are unnecessary. The area was not designed for such linkages.
- The pedestrian linkages to Glenwood cul-de-sac include steps which would not be suitable for disabled persons.
- A copy of a Petition objecting to the proposed connections of Glenwood to the Torca Development has been submitted. This was signed by 255 residents in Glenwood.
- Concerns about boundary treatment particularly for existing properties abutting the subject site. Existing boundary walls are to be demolished without the owner's consent.

- This proposal along with existing and proposed development will add to the traffic in the area especially in Glenwood, where a new vehicular entrance is proposed.
- Concerns about road safety and the volume of traffic particularly at peak hours leading to congestion. Also, that parking will overspill onto the adjoining estates.
- In many instances these linkages are not workable, impact on safety and privacy and have been closed off. Photographs have been enclosed of other estates in Dundalk where such closures with gated entrances have occurred.
- The value of their residences will decrease greatly, and a letter is enclosed from a local estate agent.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The proposed development as originally submitted comprised 67no. mixed residential units with associated open space and vehicular access to the Dublin Road, Dundalk and to the adjoining Glenwood estate and pedestrian access to Glenwood and Rockfield estates. The site is zoned as residential where it is an objective to *“To protect and improve existing residential amenities and to provide for infill and new residential developments”* and is located on lands which have been identified in the Core Strategy for Dundalk for *“Consolidation of the Urban Core”* where residential development is not restricted to the sequence pattern of release of residential lands.
- 7.1.2. The ‘National Planning Framework Plan 2040’ seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.* National Policy Objective 6 is also of note in that it refers to regeneration and rejuvenation of cities, towns and villages as environmental

assets. Section 4.3 refers to Planning for Ireland's Urban Growth. Objective 7 includes: *In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth.*

- 7.1.3. It is considered that having regard to policy that the principle of a residential development is acceptable on this site within the development boundaries of Dundalk, relative to the land use zoning. It is noted that the main issue of concern relative to the Third Party Appeals and Observations made by local residents in the adjoining estates of Glenwood and Rockfield is relative to access and permeability. Regard is had further to the documentation submitted and to the issues raised including compliance with planning policy and guidelines, density, design and layout, open space, access/traffic, permeability issues, drainage, screening for Appropriate Assessment and impact on the pattern of development and character and amenities of the area in this Assessment below.

7.2. Background

- 7.2.1. The issue in this case, is whether it is considered that the current proposal which incorporates a new design and layout, allowing for increased density and permeability over-rides the Board's previous reasons for refusal (as noted in the Planning History Section above) relative to the overall standard of the development, access and permeability and to its impact on the character and amenities of the area. It is noted that the previous proposal was refused by the Board (ABP-302505-19 refers) for reasons including insufficient density and overall standard of design and layout including open space arrangement and permeability.
- 7.2.2. The previous proposal on the subject site was for the construction of 35no. houses and 8no. apartments. This included a mix of 2, 3 and 4 bedroom houses and 8no. 2 bed apartments. Provision was included for a new vehicular and pedestrian access from the Dublin Road and a new pedestrian and cycle access to the adjacent Glenwood and Rockfield Manor estates. It is noted that the proposal showed a more self-contained lower density layout in a cul-de-sac format with the vehicular access solely from the Dublin Road, in a separate location (to that currently proposed) i.e. close to the southern boundary of the site proximate to the Teagasc site. The

proposal included a centrally located area of public open space, as opposed to the separate areas of open space shown in the current proposal.

- 7.2.3. As per the revised plans following a further information request, the number of dwellings was increased from 36no. units to 43no. units including 2 apartment buildings each with 4no. units which in addition to an increase in the site area from 1.338ha to 1.56ha led to an increase of the overall density on site to 27.5. It was however, considered that this density was insufficient taking into account the locational context of the site including its proximity to Dundalk TC, local services and public transport and compliance with current planning policy and guidelines.
- 7.2.4. It must be noted that Dundalk has been identified in the National Planning Framework (NPF) Plan as a settlement key for strategic growth which requires a focused planning approach to compact and sustainable development. In addition, National Policy Objective 3c requires the delivery of at least 30% of all new homes in those settlements for growth in the national plan. In relation to densities the NPF requires increased residential densities in urban areas in order to reduce urban sprawl which leads to additional pressure on the environment and infrastructure.
- 7.2.5. The Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) seek to increase residential density in settlements in order to achieve the best use of serviced urban land, to reduce reliance on the private car, to maximise the use of public transport infrastructure and to facilitate sustainable urban development patterns and sustainable neighbourhoods. Section 5.11 of guidelines details the density requirements of “outer suburban/greenfield sites” where 35-50 dwellings per hectare is required for the greatest efficiency of land use where developments of net density less than 30 dwellings per hectare would generally be discouraged on sites in excess of 0.5 hectares. The Design Guide for Apartments (2018) indicates appropriate locations for apartments, specifically sites within reasonable walking distance (i.e. up to 10 minutes or 800m-1,000m) to/from high capacity urban public transport stops (such as DART or Luas). Whilst, Dundalk is not served by high capacity public transport stops, the site within c. 2km from the train station, which has regular transfers to and from DKIT. Having regard to the locational context, while not suited to higher density, low medium densities broadly <45 dwellings per hectare are recommended by these

guidelines for more peripheral urban locations not served by high frequency public transport.

7.3. Current Proposal - Density, Design and Layout

- 7.3.1. The subject site is 1.56ha and therefore has capacity to establish its own character and density, distinct from the existing pattern of development (as per the guidelines). The application as originally submitted included 67 dwellings therefore a gross density of c. 42.9 units per ha. Whilst the protection of the residential amenities of adjoining dwellings is respected, the density can be greater than the existing in the provision of a qualitative and sustainable development, in accordance with current guidelines. The guidelines indicate that in general densities of between 30-50 units should be encouraged and it is considered that the achievement of this higher density represents an efficient use of zoned lands and complies with the guidelines.
- 7.3.2. As shown on the Site Layout Plan a mixture of 1,2, 3 to 4 storey development is to be provided in 9 separate Blocks. Block no.1 which consists of 3 plus 4 storey element - apartment units and duplexes faces the Dublin Road. There is public open space to the rear of Block 1. The rear of Block 2 (2 storey terraced housing) faces the Teagasc open space and trees along the boundary. Block 3 (2 storey apartment units) is proximate to the proposed open space and to Glenwood estate. Blocks 4,5 and 6 (3 storey – apartments and duplexes) are proximate to the north eastern boundary and the houses in Rockfield Manor are to the rear. Block 7 (3 plus 2 storey element apartments and duplexes) is to the north of these. Blocks 8 and 9 (single storey 1 bed units) are at the rear of the site proximate to where the site tapers off to the northern end of the site boundary.
- 7.3.3. A Housing Quality Assessment has been submitted providing details of these units and their associated open space and has been revised as per the F.I submitted. Private open space is provided with private gardens, balconies and terraces. All units are dual aspect. The Planning Report submitted with the application provides that the scheme accords with the new Apartment Guidelines and provides details of this in tabular format. This also has regard to the *Urban Design Manual – A best practice guide (2009)* which provides guidance for the creation of successful

neighbourhoods, having regard to the 12 point criteria. Details are given and it is noted that the proposal complies with these criteria.

- 7.3.4. It is noted that the revisions made to Block 1 as part of the F.I submitted resulted in the omission of the northern bookend feature and apartment units 17 and 18 and in the scheme now being reduced to 65 housing units rather than 67 units originally proposed. It is noted that 65no. dwelling units on a site of 1.56ha results in a density of 41.6 units per ha. which having regard to the locational context, is considered to be acceptable and in accordance with the guidelines. Regard is had to the revised plans submitted showing this and incorporating duplex units 9 and 10 in this location. I would support this alteration as removing the front projecting element has resulted in a higher quality of elevation to the Dublin Road and in a relocation of car parking, which improves the open space making it car free. However, I am concerned about the introduction of the pitched roof element above the third floor and consider that this feature will not integrate well with the elevational design of Block 1 and will appear very visible from the Dublin Road. I would recommend that if the Board decides to permit that this element be omitted and that the roof on this part of the elevation be flat as originally proposed.
- 7.3.5. It is considered that the revised plans submitted at F.I stage have improved the overall quality of the design and layout. However, there is concern that the proposed site layout places the single storey apartment units to the rear of the appeal site. That these single storey one bedroom units are likely to be attractive particularly to elderly or persons with disabilities or mobility issues. Also, that the proposed layout does not provide adjunct parking for these units. The nearest parking for these units would be in front of Block 7 which the Third Parties consider is barely sufficient to meet the needs of residents of these units and are concerned that there is a deficiency in the overall parking provision on this site. The proposal also leaves these single storey units isolated at the rear of the site and overlooked. This part of the site will be accessible only by foot via a cul-de-sac footpath that will not open out onto Rockfield but will terminate in a high boundary wall and dead end. There is also concern that residents of these units would park on the adjoining Glenwood vehicular access road which would lead to congestion.
- 7.3.6. Having regard to these issues I would recommend that the single storey Blocks 8 and 9 be omitted from the scheme and replaced by a 2 storey apartment Block more

centrally located, in this area to allow for 4no. 1 bed units and associated open space so as not to further reduce the overall no. of units (65no.) or density on the site. This should also allow for vehicular access and on-site parking provision. If the Board decides to permit it is recommended that revised plans be submitted and that this be conditioned.

- 7.3.7. It is noted that the revised plans submitted with the F.I show the proposed locations of the ancillary buildings to provide the bin and bike stores for the units. I am concerned about the location of Ancillary Building 'A' in that it is shown located adjacent to the site frontage and despite the proposed screening will be visible in the streetscape along the Dublin Road. I would recommend if the Board decide to permit that it be conditioned that this be relocated in the area shown for carparking at the southern end of this car parking area, adjacent to the trees where it would be less conspicuous.

7.4. Landscaping and Open Space

- 7.4.1. As shown on the plans submitted the area of public open space to be provided is 2,444sq.m (15.6%) to be largely provided in 3 separate areas. The Landscape Plans show details of the open space treatment. The main two areas are shown to the rear of Block 1, adjacent to Blocks 2 and 3 with the third area shown in the north western part of the site to the rear of Block 3 with the other Blocks (with the exception of single storey Blocks 8 and 9) facing. These open spaces are to include play areas and hard/soft landscaping. It is submitted that the scheme will provide a variety of open spaces, including public, communal and private amenity spaces for a range of different age groups including children, adults and the elderly. Also, that access to public open space will be improved for both future and existing residents.
- 7.4.2. The revised drawings submitted as part of the F.I include the relocation of car parking adjacent to Block 1 and creating a better layout for open space within the scheme which allows for passive surveillance. The concept is that all spaces are overlooked and surveyed by surrounding dwellings. Regard is had to the revised Landscape Masterplan, which notes the various concepts for the open space. I would consider that in general the quality of the open spaces is improved in the revised plans submitted.

- 7.4.3. I would recommend that if the Board decides to permit the inclusion of a landscaping condition relative to hard and soft landscaping on these open spaces. Also, that the trees/hedgerows along the southern boundary with Teagasc and the boundary with the cul-de-sac in Glenwood be retained and augmented. Mature trees and vegetation along the site boundaries should be retained as much as possible.
- 7.4.4. There is concern that the existing boundary hedging in the cul-de-sac in front of Nos. 251 and 258 Glenwood is thin and in a poor structural condition. That screening provided by trees and existing boundary planting in its current form and condition is inadequate as a means of defining the boundary between the existing and proposed residential developments. The Third Party considers that a proper design response would be to provide a 2m high capped and plaster concrete block wall at this location to provide boundary definition, prevent unnecessary pedestrian thru-traffic and the re-emergence of anti-social behaviour. In this respect issues regarding access and permeability are discussed further below. Separately I would also recommend that details of boundary treatment to include walls/fences etc be conditioned.

7.5. Access and Traffic

- 7.5.1. Vehicular access to the development is to be served by a new access along the Dublin Road, where there is an existing field gate entrance, adjacent to the development boundary with the Circle K site. It is proposed to create another vehicular entrance to the northern part of the site, from Glenwood residential development. It is noted that this is a wider section of road that currently ends in a wall along the boundary of the subject site. It is a short stretch of road leading to the main arterial road of Glenwood.
- 7.5.2. There is concern that the proposed vehicular access between the appeal site and Glenwood estate will facilitate a large volume of associated traffic that will exacerbate existing congestion problems within the estate. The Glenwood estate serves a large number of existing dwellings which are due to increase with the development of Murphy's Field immediately to the north. Local residents provide that the estate endures significant traffic volumes and is constantly used by Dublin commuters to park their vehicles further adding to congestion. That there is a bottleneck of traffic exiting the junction from Glenwood to the Dublin Road,

particularly at peak periods when traffic volumes on the Dublin Road, severely slow down the rate of existing vehicles.

- 7.5.3. There is concern that the proposed layout will impact adversely on vehicles and parking in the existing cul-de-sac areas of Glenwood estate adjoining the subject site. Also, that provision for large service vehicles has not been taken into account in the proposed layout but should be a material consideration in determining the appropriateness of the proposed entrance. It is of note that the F.I submitted includes drawings providing an Auto Track analysis for an 8 wheel bin lorry on all roads within the proposed development. This includes regard to movements to and from the Dublin Road to the Glenwood Estate.
- 7.5.4. Local residents consider that the proposed entrance off the Dublin Road should be the only means of accessing the appeal site either by car, foot or bicycle. They are concerned that the proposed vehicular connection between sites will create a rat run giving new residents of the proposed development the option to exit onto the Dublin Road via Glenwood and vice versa which is contrary to the Design Guidelines. Also that the proposed vehicular access into Glenwood materially contravenes the guidance set out in Section 6.6.7 of the Development Plan which deals with infill and backland development i.e *Access to backland development shall be by way of a separate designated access and shall not interfere with the existing accesses to residents*. However, it is noted that this site has frontage and access to the Dublin Road and it is therefore not considered to be backland development.
- 7.5.5. As part of the Council's F.I request the applicant was requested to submit details clearly demonstrating adequate traffic calming provision within the development. In response details including a drawing have been submitted outlining the proposed traffic calming measures proposed for the internal road layout in order to achieve as requested an 85th percentile speed of 30kph. It is provided that, subject to final agreement with the planning authority and upon receipt of planning consent, the proposed traffic calming measures should be implemented in accordance with the plans provided. The First Party response provides that it is unlikely that the proposed development would cause an increase in traffic volume within Glenwood Estate as the shortest exit for future residents of the scheme would be through the proposed vehicular entrance along the Dublin Road. Also having two separate vehicular accesses on either side of the estate will assist traffic.

7.6. Car Parking

- 7.6.1. The site is located within Area 2 of the Dundalk Town Council Boundary for Parking Standards. Table 5.4 of the Dundalk and Environs Development Plan 2009-2015 states that development sites within Area 2 should have 1.5 no. car parking spaces per dwelling. This standard would require the development to have 98 no. car parking spaces. However, it also states that *consideration will be given to a relaxation of carpark standards within a holistic eco-neighbourhood proposal*. Table 6.7 makes a distinction between town centre brownfield sites and greenfield site/suburban. A relaxation may be considered in certain town centre site where the applicant can demonstrate that there are satisfactory alternative transport modes available. As noted in the First Party response, the proposed development has a total of 80no. car parking for the 65 residential units, or a ratio of 1.23:1 (spaces per unit).
- 7.6.2. The Sustainable Urban Housing Design for New Apartments (2018) includes regard to the provision of car parking and provides in Section 4.19, that in more central and/or accessible urban locations that are well served by public transport, car parking provision maybe reduced. It is noted that the site while not centrally located is within c. 200m of Dundalk Institute of Technology, c.250m of the Louth County Hospital and c. 100-500m of numerous bus stops. It is also noted that 31 of the 65 units proposed are one bedroom compared with the surrounding area which comprises of 2, 3 and 4 bedroom units. Therefore, while regard has been had to the issue of Blocks 8 and 9 in the Design and Layout section above, it is generally considered that subject to the aforementioned revisions to the layout, the level of car parking proposed would be sufficient.
- 7.6.3. It is also provided that 94no. bicycle spaces are to be facilitated in designated secure storage areas within the site in accordance with the Development Plan standards. This is important relative to the encouragement of sustainable transport.

7.7. Access and Permeability

- 7.7.1. As shown on the Site Layout Plan the main vehicular access is proposed via the Dublin Road, with a secondary access via Glenwood estate to the northwest. Pedestrian linkages are to be provided to the adjoining Glenwood (3no.) and

Rockfield Manor (1no.) estates. Therefore, permeability has been increased throughout the site with new vehicular and pedestrian routes to neighbouring residential estates. This is in accordance with DMURS which seeks to increase connectivity and permeability in the design of residential streets. Design Principle 1 seeks: *To support the creation of integrated street networks which promote higher levels of permeability and legibility for all users, and in particular more sustainable forms of transport.* The First Party provides that the current proposal will increase permeability and reduce walking times for both those in the existing and proposed residential.

- 7.7.2. The Third Party and Observers concerns about permeability and connectivity issues to the adjoining lower density residential estates are noted. They consider that the application does not pose a correct or balanced response to the provision of an appropriate and required level of permeability or the protection of existing residential amenities. These include that the proposed permeability to the adjoining estates of Glenwood and Rockfield Manor will lead to traffic congestion and safety issues as noted in their submissions. Also, that permeability for pedestrians and cyclists into existing established residential areas is unwarranted and will lead to anti-social behaviour. They submit photographs showing examples of linkages that have not worked for such reasons in Dundalk. Their preference would be for a self-contained site and no permeability between the estates and the subject site.
- 7.7.3. They are concerned that changes in levels between the subject site and the adjoining Glenwood or Rockfield Manor have not been accurately shown. Concerns that the two pedestrian points of access into an existing cul-de-sac in Glenwood propose incorporating steps to connect the appeal site with the hard landscaped area in front of Nos. 250 to 258 Glenwood, is a poor design feature, would not suit persons with disabilities and would not be in accordance with current standards.
- 7.7.4. Residents concerns about such linkages have been noted in the Third Party grounds of Appeal and the observations/submissions made. Rockfield Residents Association object to the proposed *new pedestrian access via Rockfield to the north east.* They note congestion at the vehicular entrances within this estate and also that it serves as an entrance to 2 football clubs and a pitch and putt club.

- 7.7.5. In response the First Party provides that the proposed linkages will be well lit and surveyed by the proposed development. In place of cul-de-sacs and dead ends this provides for increased safety for pedestrians and cyclists. It is also of note that as per the F.I submitted a Public Lighting Design Report and Site Plan Public Lighting Layout drawing prepared by M&E Consulting has been submitted. The First Party response provides that the proposed entrances will be fully compliant with DMURS as they will be short, overlooked, have clear sightlines and will be well lit to mitigate anti-social behaviour. They consider that the proposed development will not result in a similar scenario to the images submitted and that the proposed development will improve pedestrian and cyclist linkages for existing and future residents.
- 7.7.6. While regard is had of these issues relative to the existing local residents concerns, it must be noted that in accordance with DMURS and the Planning Guidelines permeability and linkages are to be encouraged as being in compliance with good practice, provision of neighbourhoods and proper planning and sustainable development. Many of the Third Party Observations relate to issues about possible anti-social behaviour and adverse impacts on the adjoining established residential estates. However, while the proposed layout attempts to secure by design and surveillance, anti-social issues are not within the remit of the Board and are more appropriately dealt with through the relevant authorities.

7.8. Ownership/Boundary issues

- 7.8.1. The Third Parties provide that the proposal cannot be implemented because the applicants do not have consent from adjoining landowners in Glenwood or Rockfield Manor to carry out the works to link into the adjoining cul-de-sacs. It is provided that Glenwood had been taken in charge however, Rockwood Ltd's permission as a Freeholder owner of the land, is still necessary if access over these roads are required. Regard is also had of the title to the strip of land at the end of the cul-de-sac between nos. 240A and 241A Glenwood and the need to gain consent from the owner. There is concern that the application proposes pedestrian and vehicular accesses that stops abruptly at the appeal site boundary with no written or illustrative indication as to how each of these points of access will get through the relevant boundary wall or hedgerow and how it will be integrated with the footpaths, hard and soft landscaped areas of either Glenwood or Rockfield Manor. Also, that the consent

of adjoining landowners has not been secured. Therefore, there is consideration that the proposed layout is unworkable.

7.8.2. The First Party response notes that Glenwood has been taken in charge by the Local Authority and considers that accordingly there is sufficient title for the connections to proceed. They provide that the applicant proposes connections to both Glenwood and Rockfield which will be agreed in writing with the planning authority subject to condition to ensure the connections to the neighbouring developments are satisfactory.

7.8.3. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "*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...*"

7.9. Other issues

7.9.1. Archaeological: Note is had in the previous Inspector's Report (ABP-302505-18) to the site's proximity to archaeological features. As this is a greenfield site, while not within a zone of archaeological potential, I would recommend if the Board decides to permit that an archaeological monitoring condition be included.

7.9.2. Biodiversity: The Landscaping Plan as submitted in the revised scheme has been referred to in the appropriate section above. The Inspector's Report as referred to above mentioned the need for a bat survey to be carried out. I would recommend if the Board decides to permit that this be conditioned.

7.9.3. Procedural: There have been some concerns expressed by Third Parties about procedural issues. The Planner's response to the appeal considers that Due Diligence has been followed. Such procedural and validity issues are a matter for the Council rather than the Board and this application is being considered *de novo*.

- 7.9.4. Part V: The Planning Report submitted in support of the application notes that the scheme will provide Part V social housing at 10% of the total scheme in accordance with National Policy. They refer to the Part V agreement submitted as part of this application. In this respect the Council's permission has included Condition no. 8.
- 7.9.5. However, it is noted that Section 6.2.2 of the Dundalk DP 2009-2015 (as extended) and Policy HC2 allow for a relaxation of the Housing Strategy to encourage the regeneration of areas with a large concentration of social housing in areas as outlined in Map 6.1. As noted on this Map and in the previous Inspector's Report in ABP-302505-18, the subject site is in such an area. Therefore, I would consider the site exempt from the requirements of Part V.
- 7.9.6. Construction Management: This is a greenfield site, adjacent to neighbouring residential properties and with frontage to the (R132) Dublin Road. If the Board decides to permit, I would recommend that good practice measures be followed in accordance with current standards and that if the Board decides to permit that it be conditioned that a Construction Management Plan be submitted.
- 7.9.7. Development Contributions: It is noted that Condition no. 5 of the Council's permission concerns development contributions and Condition no. 6 a cash deposit/security bond. It is recommended that if the Board decides to permit that such conditions be included.

7.10. Impact on the Character and Amenities of the Area

- 7.10.1. There is local resident concern that the proposed development is not in keeping with good design practices that are sensitive to the unique physical and communal characteristics of the adjoining residential areas. However, it is considered that this proposal introduces a new concept of design and layout to lead to a more sustainable higher density layout and a more permeable development, which is in accordance with current standards and guidelines. Overall the approach to the design establishes a new distinct character and is considered to enable the development to integrate within the site context whilst establishing a new distinct character area.
- 7.10.2. Block 1 faces and offers a strong street frontage to the Dublin Road. It is noted that this is not a new concept in that there is another 3 storey Block 'Oriel House' in

Langfield on the opposite side of the road facing Teagasc further to the south west. In view of the height, design and layout and set back of the Blocks from properties in the adjoining existing residential estates it is not considered that they will be adversely affected. The scheme will allow for a greater variety and mix in dwelling units which will meet the needs of a wider demographic. It is provided, that quality external finishes will be used. Provided they are well designed/landscaped and maintained the distribution and accessibility of the open space will be a positive for both future and existing residents. While existing residents concerns about accessibility/permeability are noted it is considered that this scheme is preferable for existing and future residents relative to the proper planning and sustainable development of the area, to a self-contained scheme which would only have access to the busy and heavily trafficked Dublin Road.

7.11. Drainage issues

- 7.11.1. A Drainage Design Report by Kavanagh Burke Consulting Engineers has been submitted with the application. The site is served by existing water, wastewater and surface water drainage located on the Dublin Road. It is proposed to connect to an existing Local Authority watermain at the Dublin Road to the south of the site. Details are given of proposed connections including the proposed foul pipe network design is shown on the drawings submitted. The F.I response includes details relative to a pre-connection with Irish Water. They note that their records indicate the presence of a 150mm foul sewer that crosses through the site which may be impacted by the development. Also, that this may need to be diverted and they ask that the applicant contact them prior to the commencement of development in respect of diversion/build overs. It is noted that these are issues for the applicant/developer to resolve with Irish Water and are not within the remit of the Planning Authority or the Board. The Council's permission includes notes to that effect.
- 7.11.2. It is provided that permeable paving and the incorporation of SUDS will reduce overall surface water discharge to the existing network. Further details on this have been submitted in the updated Drainage Report as part of the F.I response. This includes Drainage and Watermain layout drawings. Surface water is to be treated in attenuation tanks and will then be discharged into the existing local authority storm water drain along the Dublin Road. Surface water network design and drainage

calculations are attached demonstrating the design flows and network capacities of the proposal. If the Board decides to permit it is recommended that an appropriate condition be included.

7.11.3. As noted in the F.I the subject site is located in Flood Zone C where the probability of flooding from rivers and the sea is low. Therefore, the site is at minimal risk of flooding and is remote from mapped flood areas as shown on the CFRAM Map submitted.

7.12. Appropriate Assessment Screening

7.12.1. Appendix 1 of the Planning Report submitted with the application by McGill Planning contains an AA Screening Report. This notes that the subject site is located c.2kms from Dundalk Bay SPA (site code:004026) and Dundalk Bay SAC (site code 000455) and has regard to their qualifying objectives. It concludes that the proposal on a fully serviced site, will not impact on the Natura 2000 network and that an AA or NIS is not required in this instance.

7.12.2. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above European Sites, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the site, as set out in the Dundalk Development Plan 2009 -2015 (as extended), the policies and objectives of the Louth County Development Plan 2015-2021, the National Planning Framework, 2018 – 2040, the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)" issued by the Department

of the Environment, Heritage and Local Government in May 2009, the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in March 2018 and the “Design Manual for Urban Roads and Streets” 2019 issued by the Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government and the overall scale, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, 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 19th day of September 2019 and by the further plans and particulars received by An Bord Pleanála on the 27th day of November 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 proposed development shall be amended as follows:
 - (a) Single storey Blocks 8 and 9 shown at the northern end of the scheme shall be omitted and replaced by a two storey, more centrally located block containing 4no.1 bedroom apartments. Provision shall be made proximate to this new Block for associated vehicular access and ancillary parking.

- (b) The pitched roof element shown on the revisions to the elevations of Block 1 as submitted on the 19th of September 2019 shall be omitted and replaced with a flat roof.
- (c) Ancillary building 'A' (bin and bicycle store shown on drawing no.1742-P-010 submitted on the 19th of September 2019), proximate to Block 1 and the Dublin Road road frontage, shall be relocated to the southern end of this frontage adjacent to the trees along this boundary.
- (d) Details including the height of the privacy screens proposed to the balconies of the apartments/duplexes shall be agreed with the Council and these shall be permanently fitted with obscure glazing prior to the first occupation of the units and, thereafter, shall be maintained.
- (e) Details of all boundary treatment shall be submitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of the visual amenities of the area.

4. The site shall be landscaped in accordance with the landscaping details submitted with the application and the Landscape Masterplan drawing no.100A submitted to the Planning Authority on the 19th of September 2019.

- (a) The areas of open space shown on submitted drawings shall be reserved for such use and shall be landscaped in accordance with the detailed requirements of the planning authority. The open space areas indicated shall be laid out and landscaped prior to the making available by the developer for occupation of any of the units.

(b) Existing trees and hedgerows shall as far as possible be retained along the site boundaries including the boundary with the Teagasc site and the cul-de-sac in Glenwood and measures shall be put in place for their protection.

(c) The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

(d) 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.

Reason: In the interest of residential and visual amenity.

5. Prior to the commencement of development, a bat survey shall be carried out. In the event that bats are found detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

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

Reason: In the interests of public health and to prevent flooding.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

8. (a) The roads and traffic arrangements serving the site (including road signage and traffic calming), shall be in accordance with the detailed requirements of the planning authority for such works, and shall be carried out at the developer's expense.

(b) The internal road network serving the proposed development including access, turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works.

(c) The proposed pedestrian accesses shall comply with the detailed standards of the planning authority for such works.

Reason: In the interests of pedestrian and traffic safety.

9. Prior to the commencement of development, full details of the proposed public lighting scheme, including the lighting levels within open areas of the development, and of the proposed pedestrian accesses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. No additional development shall take place above roof parapet levels of the blocks, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Thereafter, all estate signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. 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 noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

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

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

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

16. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open spaces 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 or maintenance of any part of the development. The form and amount of the

security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. 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

Angela Brereton
Planning Inspector

27th of February 2020