



An
Bord
Pleanála

Board Direction
BD-005241-20
ABP-305819-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/02/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the zoning of the site and the policies and objectives of the Drogheda Borough Council Development Plan 2011-2017,
- (b) the policies and objectives in the Louth County Council Development Plan 2015 to 2021,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (d) the nature, scale, layout and design of the proposed development,
- (e) the availability, in the area, of a wide range of social infrastructure,
- (f) the pattern of existing and permitted development in the area,
- (g) the planning history within the area,
- (h) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (i) the provisions of the Urban Design Manual – A Best Practice Guide, 2009,
- (j) the Sustainable Urban Housing: Design Standards for New Apartments, 2018

- (k) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (l) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009, and
- (m) the report of the Inspector

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Screening for Appropriate Assessment report submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered the Environment Impact Assessment screening section of the Planning Report submitted by the applicant.

Having regard to:

- (a) the nature and scale of the proposed development on zoned lands served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:
 - a. The cul-de-sac street to the front of dwellings 90-101 and the cul-de-sac/road surface to the front of dwellings 102-109 shall be omitted and the main access street from the west realigned to link into the street to the front of units 217-210. The resulting space at this location shall be extended into the public open space/pocket park, with parking spaces serving the units

relocated/repositioned to avoid the dissection of this public open space.

- b. A pedestrian path shall be provided to the front of dwellings 184-191 which shall connect into the pedestrian path to the front of dwellings 183 and 166. A pedestrian path shall also be provided to the front of dwellings 197-204 which shall connect into the pedestrian path to the front of dwellings 192 and 205. The pedestrian paths shall be located behind the car parking spaces and a vegetation buffer shall be inserted between the buildings and the footpath. The public open space between these streets where the footpaths are proposed shall not be reduced in width to accommodate these footpaths. Revised plans illustrating these amendments, shall be submitted to the planning authority for their written agreement.
- c. Additional pedestrian crossings/raised tables shall be provided for between the proposed footpaths under (b) and the central 'boulevard' open space.
- d. A pedestrian path shall be provided for along the southern side of the access street adjoining the boundary with Newtown Blues GFC, which shall connect from the entrance to the site into the pedestrian path within the linear park to the southeast.
- e. The home zone street to the northwest and the home zone street to the north of the central green space shall be redesigned in accordance with the guidance within the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, with a focus on distinctive paving, planting, play areas and seating designed into the streets, to the satisfaction of the planning authority.
- f. Details of the proposed playing pitch, playground and landscaping proposals for the central open space, in conjunction with the detailed construction requirements for the proposed attenuation tank under the central open space shall be submitted

to and agreed in writing with the planning authority prior to the commencement of development.

- g. The dwelling on site 3 shall be redesigned with a dual aspect to the side, with the parking spaces associated with that dwelling positioned to the front of the dwelling. The proposed turning head and two parking spaces adjoining site 3 shall be omitted and the resulting space at this location shall be extended into the proposed pocket park.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In order to provide a satisfactory standard of residential amenity.

3. Details of boundary treatments, generally in accordance with Drawing No. 1443-6025, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development, subject to the following amendments:-

- (a) Site boundary treatment to the R2307 shall comprise a 1.8m high mesh fence supported by native hedgerow planting. A pedestrian gate within this boundary and a pathway to this gate shall be provided for at the location of the proposed pocket park. This pedestrian gate shall not be open for use until such time as a footpath along the L2307 is provided for.
- (b) Site boundary treatment to the R166 shall comprise a low wall and railing, with no brick infill panels, and an overall height of 1.8m, supported by native hedgerow planting. A 1m high railing proximate to the site entrance, as per drawing no. 1443-6025, shall be provided.

- (c) Site boundary to the southern old railway line shall comprise a low wall and railing, with no brick infill panels, and an overall height of 1.8m, supported by native hedgerow planting.
- (d) Site boundary adjoining the pedestrian gate to the southern old railway line shall comprise a low wall and railing with an overall height of 1.8m to replace the proposed 2m high block wall.
- (e) The 2m high block wall between duplex units 142/143 and 140/141 shall be replaced with a low wall and railing 1.8m high, supported by shrub planting.
- (f) The 2m high block wall to the semi-private communal garden between dwellings 118/119 and 116/117 shall be replaced with shrub planting.
- (g) The 2m high block wall between dwellings 100/101 and 102/103 shall be replaced with a low wall and railing 1.8m high supported by shrub planting.
- (h) The 2m high wall to the front and side elevations of the dwelling on site 32 shall be omitted and replaced with shrub planting.
- (i) The 2m high wall to the side elevations of the dwellings on sites 45 and 46 shall be omitted and replaced with shrub planting.

Reason: In the interest of residential and visual amenity.

4. Bicycle parking provision and covered accessible storage shall be in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, and Louth County Development Plan 2015-2021, to the satisfaction of the planning authority.

Reason: In the interest of sustainable transport.

5. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements. In particular:

- (a) The roads and traffic arrangements serving the site (including sightlines, footpath connections and signage) 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 roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths, corner radii and pedestrian crossings.
- (c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.
- (d) A final Mobility Management Plan shall be prepared and submitted to the planning authority for approval prior to the commencement of development.
- (e) The developer shall carry out a Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.
- (f) Within six months of substantial completion of the development a Stage 3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.
- (g) Clearly designated spaces for car share use shall be provided.

Reason: In the interests of pedestrian, cyclist and traffic safety.

6. A minimum of 10% of all communal car parking spaces should be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has

not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

7. Retained trees and hedgerows shall be protected from damage during construction works, as per the tree protection/mitigation measures contained within the Arboricultural Impact Assessment report, dated 22nd October 2019. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged, or dies, shall be replaced with others of similar size and species. The removal of shrubs and trees from the development site shall only be carried out in the months from September to February inclusive, that is, outside the main bird breeding season.

Reason: In the interests of amenity, ecology and sustainable development.

8. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

9. All recommended measures outlined in the submitted Ecological Impact Assessment report, including inter alia measures to mitigate the impact on bats, shall be implemented in full.

Reason: In the interests of biodiversity.

10. Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

11. Details of signage relating to the crèche/gym building 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 and good urban design.

12. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

13. Proposals for a development name 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 dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces,

details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

15. 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 over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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 relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall prior to the commencement of development undertake a geophysical survey of the site followed by test trenching, and shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

(d) carry out the recommendations of the Archaeological Impact Assessment report, dated 28th June 2019.

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. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

18. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

19. 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.

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

20. (a) A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular recyclable materials, shall be submitted to, and agreed in writing

with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be 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.

Reason: In the interest of sustainable waste management.

22. 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. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

23. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners’ Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner’s Management Company.

Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

24. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

25. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, 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.

Reason: To ensure the satisfactory completion of the development.

26. 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.

Board Member

Date: 25/02/2020

Michelle Fagan