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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 19834**

**APPEAL** by Thomas White care of Steven Peck of Chestnut Cottage, Commons Road, Dromiskin, County Louth against the decision made on the 7<sup>th</sup> day of August, 2020 by Louth County Council to grant subject to conditions a permission to Brugha Developments Limited care of Future Analytics Consulting Limited of 23 Fitzwilliam Square (South), Dublin.

**Proposed Development:** Permission is sought for the demolition of the five derelict two-storey cottages at the site, the clearance of all overgrown vegetation and the development of a mixed use scheme ranging in height from two number storeys to five number storeys with basement level. The development proposes: 40 number residential units, comprising seven number houses (all two bed with rooftop PV arrays in two number terraces) and 33 number apartments (two number one bed, 28 number 2 bed and three number three bed in two number connected blocks, with balconies visible on all elevations); commercial building (500.7 square metres), comprising pharmacy (72.2 square metres), café/bakery selling hot and cold food for consumption on and off the premises (83.5 square metres), medical centre (275 square metres) and communal circulation space (70 square metres); the creation of a new multi-modal entrance onto Hardman's Gardens and a

pedestrian and cycle entrance at Scarlet Crescent; 52 number car parking spaces at basement and street levels; 135 number cycle parking spaces at basement level and in two number locations at street level; landscaping; substation; and all other ancillary site development works including lighting, boundary treatments and services as amended by the revised public notice received by the planning authority on the 21<sup>st</sup> day of May, 2020 providing for significant further information resulting in the following principal changes: revisions to site extent at northern and western section (new site area of 0.5627 square meters), revision to residential component of the proposed development to facilitate step-down/assisted living housing, and associated ancillary supports; revisions to mix of residential units to include seven number terraced houses (seven number two-bedroom (unchanged) and 35 number apartments (10 number one bed, 25 number two bed); reconfiguration of site layout (including revisions to landscaping and open/amenity space, water services and drainage proposals, car parking, pedestrian crossings, entrance, road and footpaths, public lighting); redesign of Commercial Block C1; and revisions to ancillary site development works and as amended by the revised public notice received by the planning authority on the 17<sup>th</sup> day of July, 2020 providing for clarification of further information resulting in the following changes: revision to site extent at western section (new site area of 0.5708 square metres) and relocation of proposed pelican crossing; all at and to the rear of 51-55 Hardman's Gardens, Drogheda, County Louth.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

The proposed development, by reason of the inadequate qualitative form and disposition of communal open space, including the overlap of elements of the identified open space 1 with pedestrian movement routes providing access to the apartment building, thus reducing the net functional open space at this location, and the likely poor functional usage of identified open space 2 as a consequence of its position within the overall scheme, and the inadequate private open space provision serving each of the dwellings in Block T1, would constitute a poor quality of urban design and residential amenity that is substandard in its form and layout. In this regard, the proposed development would seriously injure the residential amenities of prospective residents in the proposed residential properties and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the open space layout as proposed subsequent to the revisions made by the applicant at Further Information stage, would be poor in terms of qualitative usage, especially the open space area to the east of Block A2, and that the open space calculated areas as set out in the Site Layout Plan submitted at the Further Information stage appear to have subsumed elements of pedestrian movement routes (within open space 1)

and tree buffer elements (within the southern portion of open space 1 and open space 2). These changes are in contrast to the net open space areas at these locations, as calculated within the application documentation as originally submitted to the planning authority and which in the opinion of the Board more accurately represent the net functional open space at these two locations. Furthermore, it is considered that the shortfall in private open space for the four residential units in Block T1 would materially adversely affect the residential amenity of those properties.

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**Chris McGarry**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2021.**