



An
Bord
Pleanála

Inspector's Report ABP-300225-17

Development

Permission for 27 residential units, basement car park for 18 no. cars, access ramp, central courtyard, service roadways, entrance off John Street & Stoney Lane, 7 no. surface car parking spaces and associated landscaping.

Location

Lands at corner of John Street and Stoney Lane, Ardee, Co. Louth.

Planning Authority

Louth County Council.

Planning Authority Reg. Ref.

17/326.

Applicant(s)

Currabeg Developments Ltd.

Type of Application

Permission.

Planning Authority Decision

To grant with conditions.

Type of Appeal

Third party.

Appellant(s)

Ann McCoy.

Observer(s)

None.

Date of Site Inspection

19th February 2018.

Inspector

D. M. MacGabhann.

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	8
3.1. Decision	8
3.2. Planning Reports.....	8
3.3. Other Technical Reports	9
3.4. Prescribed Bodies	9
3.5. Observations	10
4.0 Planning History.....	11
5.0 Policy Context.....	11
5.1. Development Plan.....	11
5.2. Natural Heritage Designations	13
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Applicant Response	15
6.3. Planning Authority Response	16
6.4. Observations and Further Responses.....	16
7.0 Assessment.....	16
7.2. Description of the Development	16
7.3. Conflict with Phasing Hierarchy, Ardee LAP	17
7.4. Density, Scale and Visual Impact.....	19
7.5. Design and Layout	22
7.6. Impact on Residential Amenity.....	25

7.7. Parking and Traffic 28

7.8. Flooding 30

7.9. Surface Water and SUDs 32

7.10. Services 33

7.11. Appropriate Assessment 33

8.0 Recommendation 33

9.0 Reasons and Considerations 34

1.0 Site Location and Description

- 1.1. The 0.3642ha appeal site is located in Ardee Town, County Louth. The site lies c.250m to the west of Drogheda Road (N2), south west of the town centre on the corner of John Street and Stoney Lane. It comprises a flat, brownfield site, which has open mesh fencing along its street frontages. Gated access to the site is currently provided site from Stoney Lane.
- 1.2. John Street comprises a mix of residential, commercial and social land uses (e.g. spa, doctors, chemist, estate agent). Development is typically single and two storey, in detached, semi-detached and small terraced units. Directly opposite the appeal site is two storey residential development, Riverside, and an adjoining two storey retail unit (with residential accommodation at first floor). To the east of the site is a single storey property used as a dental practice. Approximately 100m to the east of the site is Ardee Church. To the north west of the site is a furniture manufacturer and c. 200m to the west of the site, Ardee Community School.
- 1.3. Development along Stoney Lane is primarily housing, with detached properties lying to the west and south of the site, and a number of residential estates accessed off the road (e.g. Rockfield, Sliabh Breagh). Development to the south of the site along Stoney Lane is typically low rise and low density. A detached dwelling opposite the appeal site is two storey. Access to the N2 is possible from Stoney Lane via Sliabh Breagh.
- 1.4. To the west of Stoney Lane, a water course runs alongside the road. It is piped as it passes the site and as it travels under John Street, but lies in an open culvert north of the Bridge. The stream joins the River Dee approximately 200m to the north of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises 27 residential units (density is 74/ha). The application states that it is being constructed as a social housing scheme for a voluntary housing organisation (there are no further details in respect of this on file).

2.2. As modified by the provision of further information (25th September 2017), the development comprises:

- A mix of one, two and three-bedroom units in four separate perimeter blocks (A, B, C and D), around a central landscaped courtyard.
 - Block A is 3 storey and faces John Street. It comprises five no. three bedroom units (A1 to A5), one no. two bedroom unit and one no. one bedroom unit (7 residential units in total). Units A1 to A5 have living/kitchen rooms at second floor level and bedroom accommodation and ground and first floor. A void under unit A7 provides pedestrian access from John Street to the internal courtyard.
 - Block B is 3 storey and lies to the west of the new internal access road, Quarry Road, to the east of the site. It comprises six no. three bedroom units and six no. two bedroom maisonettes (12 residential units in total). Pedestrian access to ground floor units is from the internal access road to the east of the block and the internal courtyard (unit B4). For the maisonettes, it is via steps from the internal courtyard.
 - Block C is 2 storey over partial basement car park. It faces Stoney Lane and comprises five no. two bedroom residential units (5 no. units in total). Pedestrian access to the units is from the internal courtyard.
 - Block D is two storey. It faces 'Quarry Lane', the new internal access road to the south of the site, and comprises three no. two storey, two-bedroom units.
 - Ridge height of the development is 36.55m facing John Street (ridge height of shop opposite is 34.82m). The height of the tallest building in the development is 37.8m located near the south-eastern corner of the site.
- The development seeks to address both John Street and Stoney Lane and reinforce the corner of two streets.
- External finish is primarily a mix of brick, render/dash, timber effect uPVC/aluminium and selected stone.

- The internal landscaped courtyard is divided into two by a mix of ramped and stepped access between the lower eastern side and the upper western side (over the partial basement car park). Two stepped pedestrian accesses from the landscaped courtyard lead to the car park.
- Vehicular access to the site is via an entrance off Stoney Lane and an internal access road along the southern and eastern boundary of the site (one way). Vehicular exit is via John Street to the north east of the site. Bicycle storage is provided in the basement car park.
- 25 car parking spaces are provided in the development, 18 located in the basement car park and 7 surface spaces. Three of the surface level spaces provide for persons with impaired mobility (Site Layout Plan, 25 September 2017).
- A swept path analysis (drawing no. 17055-01-0001) indicates that the new roadway can cater for a refuse truck where it will enter the Stoney Lane entrance and exit via John Street.
- Water supply is from the public mains and waste water will be treated in the public sewer.

2.2.1. The application is accompanied by the following:

- **A sunlight/daylight analysis** illustrating the effect of the proposed development on adjoining/neighbouring properties (Drawing nos. 110A to 117A).
- **Photomontages** of the proposed development from John Street and Stoney Lane.
- An assessment of the **private and semi-private amenity space** provided in the proposed development (Appendix A of response to FI).
- Details of **external finishes** (drawing no. 0311-ARC-119).
- Revised arrangements for the management of **surface water** with final discharge into the stream to the north of John Street. Measures include provision of a soakaway in the southeast corner of the site; attenuation and flow control structures within the site; and additional surface water gullies and

a new storm drain along Stoney Lane to take surface water runoff from the public road, to mitigate the risk of fluvial flooding (drawing no. 003A, September 2017).

- **A Flood Risk Assessment.**
- Details of **sightlines** of 2.45m x 49m at the junction of Stoney Lane and John Street and at the junction of Quarry Road and John Street (drawing no. 0311-ARC-002 Rev A).
- Details of **two no. pedestrian crossings**, one across Stoney Lane and the other across John Street and provision of a footpath along the site frontage to John Street and Stoney Lane (drawing no. 0311-ARC-002 Rev A).

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. On the 20th October 2017, the planning authority decided to grant permission for the development subject to 9 conditions. Most are standard and the remainder are as follows:

- No. 6 – Archaeological monitoring.
- No. 7 – Flood management measures.
- No. 8 – Provision of sight lines, details in respect of traffic calming, roadside drainage and soakaway basin etc.

3.2. **Planning Reports**

3.2.1. On file are two planning reports. The first report (20th June 2017), describes the site, the development plan context for it and summarises submissions/observations, internal and external reports. It assesses the proposed development under a number of headings including principle (reference is made to PL15.246126 and to PA ref. 03/959), design, scale and form, urban design guidelines, open space provision, impact on adjoining properties, social housing and technical and flooding matters. It concludes that further information is required, including in respect of overshadowing, visual impact, open space provision, nature of social housing body,

surface water drainage (to better reflect SUDS), flood risk assessment, visibility splays at junctions, means to manage traffic movements within the site, footpath provision and provision of car parking spaces.

- 3.2.2. The second report (18th October 2017) considers that the applicant has addressed the matters raised in the request for further information. It recommends granting permission for the development subject to conditions.

3.3. Other Technical Reports

- 3.3.1. The following technical reports are on file:

- Infrastructure (9th June 2017) – Recommends further information in respect of surface water provision (to better reflect SUDS drainage design), flood risk assessment, visibility splays at junctions, provision of footpath alongside the site, management of traffic movements within the site, detailed design of car parking spaces and basement car park and car parking provision (to comply with Development Plan standards).
- Infrastructure (11th October 2017) – No objections subject to conditions.
- Irish Water (6th June 2017) – Recommends further information (pre-connection enquiry form).
- Irish Water (6th October 2017) – No objections.

3.4. Prescribed Bodies

- 3.4.1. The report from DAHRRGA (31st May 2017) states that the development is near the zone of archaeological potential established around Ardee town, Recorded Monument LH017-101, which is subject to statutory protection. It recommends a condition requiring archaeological monitoring in any grant of permission.

3.5. Observations

3.5.1. There are 7 observations¹ in respect of the proposed development. These raise similar issues, which can be summarised as follows:

- Visual impact.
- Density of development
- Inadequate/poor open space provision.
- Impact on residential amenity (loss of light, overlooking, overshadowing).
- Overlooking within the development, lack of light to units and no privacy.
- Traffic issues
 - Inadequate parking provision.
 - Impact of overspill parking and traffic from development on already congested John Street, Stoney Lane and junctions in the vicinity of the site.
 - Development will reduce sightlines at junction of Stoney Lane and John Street and pose a danger to traffic.
 - No footpaths proposed as part of the development.
- Flooding
 - Site, junction of John Street/Stoney Lane and Riverside flood in periods of heavy rainfall (photographs attached).
 - Underground car park would be affected by flooding.
 - The site is next to a quarry where there are springs especially in heavy rain. These springs have also erupted in a neighbour's garden for a three-month period after heavy rain.
- Foul water – Sewage system in the area at capacity to serve the development and other proposed development.

¹ Johnson family, Residents of John Street and Stoney Lane (F. Carroll), A. McCoy, Residents of John Street and Stoney Lane (A.M. Kerr), M. and G. Farrell, S. Magennis, A. Balfe,

- Noise - From traffic entering the development (on observer's property, A. Balfe) and safety issues (two entrances).

4.0 Planning History

4.1.1. Reference is made in the Planning Report (20th June 2017) to the following:

- Demolition of old farm buildings on the site in 2004, with the site remaining a brownfield site since this time.
- PA ref. 03/959 (copy attached to file) – Planning permission granted in 2004 for a mixed-use development on the appeal site comprising 4 no. retail units, 23 apartments and 24 parking spaces (including 15 no. basement spaces). The permission expired in 2009.
- PA ref. 95/353 – Permission granted for 12 apartments.

5.0 Policy Context

5.1. Development Plan

5.1.1. The appeal site lies on land zoned for residential development in the Ardee Local Area Plan 2010-2016 (as extended under the Louth County Development Plan 2015-2021). The objective of the zoning is to '*protect and/or enhance existing residential communities and provide for new residential communities*'. A cycle path is shown along Stoney Lane (also referred to in Section 4.7.5 of the Plan) and John Street in the Ardee Objectives Map (attached) and land to the west and north of the site is shown as 'benefiting lands' (at risk of flooding).

5.1.2. The Plan sets out the following:

- Strategic Objectives and Policies – Seek to protect the amenities of existing residential communities; provide for appropriately located and adequately phased residential development over the period of the Plan; ensure that new development has regard to the context of the existing built up area and is adequately integrated with it (Objectives/Policies OBJ 3, POP 4 and ATC 4).

- Residential Phasing Strategy (Section 8.3) - The Plan sets out a strategy for releasing housing land in three phases (see attachments).
- Parking – Requires one space per apartment/dwelling (brownfield site) (Section 9.2.1).
- Plot ratio and site coverage – Maximum plot ratio of 2:1 and site coverage to not exceed 80% in town centre locations (Section 9.2.2).
- Building lines – Where established, these should be respected (Section 9.2.3).
- Density – Set out a density standard of 30 plus units per hectare for centrally located sites and 20 to 30 units per hectare for edge of centre sites (Section 9.3.3).
- Private open space – For apartments/duplexes in town centres/brownfield sites – 10sqm for a one-bedroom apartment and 20sqm for a two-bedroom apartment (Section 9.3.4).
- Public open space – 10% of site area (Section 9.3.5).
- Privacy and spacing between buildings – Recommend a distance of at least 22 metres between the windows of habitable rooms which face those of another dwelling. Provision of daylight and shadow projection diagrams where new buildings are located very close to adjoining buildings. Adherence to BRE or BS standards for daylight and sunlight (Section 9.3.6).
- Building heights – Consistent with adjoining structures (Section 9.3.10).
- Waste water treatment – Ardee WWTP has a capacity for 5,000 (population equivalent) and currently treats a population equivalent of 5,800 (Section 4.3.1). Policy INF 3 seeks to upgrade and expand the capacity of the waste water treatment plant as the population of Ardee expands. Policy INF 4 seeks to restrict further development until such a time as additional capacity is available to treat discharges arising from same.
- River Dee – Section 4.4. of the Plan states that water quality in the River is poor. INF 6 seeks to comply with the policies of the Neagh Bann River Basin

District Management Plan 2009-2015 to improve water quality in the water body to good status by 2015.

- Surface water drainage – Policy INF 7 sets out a presumption against permitting new developments generating surface water run off which is likely to result in adverse impacts on sewers or receiving waters. All proposed developments are required to incorporate sustainable urban drainage systems measures (SUDS) to satisfactorily mitigate these impacts.
- Flooding – Section 4.6 states that the town is subject to three types of flooding, pluvial after significant rainfall, fluvial alongside watercourses and arising from temporary constrictions at culverts and bridges. It refers to the 'benefiting lands' in the town which are at risk of flooding (Figure 4.2) and the on-going preparation of Flood Risk Assessment and Management Plans for areas that are at risk of flooding. Policy INF 8 sets out a presumption against development in areas at risk of flooding. Policy INF 9 requires developments, in areas identified as being at risk of flooding, to conform to the government's guidelines on Flood Risk, and require a sequential approach and justification test.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is substantially removed from any site of nature conservation interest. Nearest sites are Ardee Wood (pNHA) to the north of the town and Stabannan-Branganstown SPA c.5km to the north east of Ardee. However, the site would not be directly connected these. The River Dee finally discharges into Dundalk Bay, over 12km to the north east of Ardee.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There is one third party appeal in respect of the development. The following grounds of appeal are put forward:
- Description of development - The description of the development as 2 storey is misleading, most components are three storey.

- Phasing policies of the Ardee LAP – The proposed development is incompatible with the phasing hierarchy set out in the Ardee LAP. Development is not infill nor is it centrally located in the town centre. Site is edge of town, c.255m from nearest town centre zoned lands. Site does not benefit from extant planning permission. Previous permission in respect of the site (PA ref. 03/959) has no bearing on the proposed development as it was assessed under a different development plan. PL15.246126 is not relevant as this proposal related to an infill site and a scheme of 4 dwellings. Neither provide adequate justification for the proposed development.
- Scale of development/visual impact – Development is overpowering in scale and massing and contrary to the pattern of surrounding development. Photomontages fail to properly portray the visual intrusion the proposed development would have on the urban landscape. The Board previously determined that three storey development in the area was unacceptable (PL15.104467).
- Impacts on residential amenities - Development will have a detrimental impact on the long established residential amenities of surrounding dwellings as a result of it being overbearing and giving rise to overlooking, loss of privacy, overshadowing and loss of ambient daylight. The shadow diagrams do not address this matter or represent the true extent of overshadowing occurring.
- Density – Density (74 units/ha) is in excess of standards set out in Ardee LAP and government guidelines for edge of town sites.
- Design, layout and visual impact – The application incorporates several poor design elements (layout, private and public amenity space provision, accessibility for wheelchair users and those with restricted mobility and energy efficiency).
- External finishes – Predominant materials (brick, painted render, selected stone and concrete roof tiles) are not represented in neighbouring dwellings.
- Landscaping – Landscaping along periphery of the site will not soften its harsh visual appearance.

- Private amenity space – Limited private amenity space is provided for individual units. Semi-private open space comprises mostly hard landscaping and is poor quality.
- Provision of cycle lane along Stoney Lane/John Street – Development will negate the delivery of the LAPs objectives for cycle lane along this route (INF 22).
- Access – The development is not universally accessible and therefore conflicts with OBJ 5, OBJ 10 and INF 25 of the LAP. Compliance with Part M of the Building Regulations should not take place outside of the planning system.
- Disabled parking spaces – Are poorly located to serve the development.
- Energy efficiency – There is no information provided to demonstrate, or condition requiring, compliance with INF 3 of the LAP. Development therefore conflicts with this policy.
- Traffic – Development will create additional congestion along John Street and Stoney Lane. The applicant provides no traffic impact analysis or assessment.
- Flooding – The site and surrounding area is prone to flooding. Insufficient SUDs measures incorporated into the development. The development has not provided sufficiently evidence that surface water drainage details will adequately compensate for the site's hydrological characteristics, that attenuation capacities, are robust and that the development will not exacerbate flooding upstream and on adjoining lands. The development is therefore contrary to Policy INF 8 of the LAP.
- Precedent – The decision to grant permission for the development will set an inappropriate precedent for further unsustainable overdevelopment on similar sites elsewhere.

6.2. Applicant Response

- 6.2.1. The applicant does not respond to the appeal.

6.3. Planning Authority Response

6.3.1. The planning authority refer the Board to the two Planning reports, dated 20th June 2017 and 18th October 2017, in respect of the proposed development.

6.4. Observations and Further Responses

6.4.1. There are no observations on the appeal or further responses on it.

7.0 Assessment

7.1. Having regard to appeal made, the documents on file, my inspection of the appeal site and policies of the Ardee Local Area Plan 2010 to 2016 (and Louth County Development Plan 2015 to 2021), I consider that the key issues in respect of the proposed development are confined to the matters raised in the appeal and submissions on file and relate to:

- Description of the development.
- Conflict with phasing Hierarchy, Ardee LAP.
- Density, scale and visual impact.
- Design and layout.
- Impact on residential amenity.
- Parking and traffic.
- Flooding.
- Surface water and SUDs.
- Services.

7.2. Description of the Development

7.2.1. The appellant argues that the description of some of the residential units as 2 storey is slightly misleading in that they sit on top of the basement car park and present a combined three storey elevation.

- 7.2.2. A description of the development is set out in the site and newspaper notices accompanying the application and in the application form itself. The Department's Development Management Guidelines state that the purpose of public notices is to inform the public of the proposed development and to alert them to its nature and extent, with third parties then able to examine the public file in detail at the planning office.
- 7.2.3. In this instance, the description of the development refers to the inherent nature of the application (27 residential units) and to key elements of it, including the mix of two and three storey units and basement car park. Whilst I would accept that the proposed development appears more substantial than two storey as seen from Stoney Lane, I consider that the description of it, as provided in the statutory notices and planning application form, is accurate and provides an adequate description of the development, alerting the public to the nature and extent of it.

7.3. Conflict with Phasing Hierarchy, Ardee LAP

- 7.3.1. The appellant argues that the proposed development is incompatible with the LAPs phasing hierarchy and does not fall within the LAP's definition of Phase 1 development (Policy DEV 3), as it is neither an infill or town centre site and does not benefit from an extant permission or from the precedent set by PL15.246126.
- 7.3.2. Section 8.3 of the Ardee LAP provides for a phased approach to residential development within the town. Phase I, II and III lands are shown in page 56 and comprise pockets of land to the east and west of the town centre (phase I), larger tranches of land to the east and west of the town centre (phase II) and land to the south of the town centre, and south west of the appeal site (phase III).
- 7.3.3. Policy DEV 3 describes Phase 1 as follows:

'Phase I residential development comprises committed dwelling units, residential development in the town centre (as zoning) where residential is provided as part of a mixed development with commercial uses, enabled area and infill housing development where it is a permitted use or a use open for consideration and providing that the necessary physical and social infrastructure is available.'

- 7.3.4. Subsequent phases of development (Phase II and III) are stated to provides for *'organic growth from the urban fabric of the town centre and does not result 'leap-frog' development (DEV 3).*
- 7.3.5. The appeal site does not benefit from any extant permission and does not fall within the town centre lands. With regard to infill housing, this is defined in the plan as *'development of a relatively small gap between existing buildings'.*
- 7.3.6. Under PL15.246126, the Board granted permission for four, two storey terraced residential dwellings at Hale Street/Dawson Demesne, to the east of Ardee town centre and c.700m to the north east of the appeal site. However, in this instance, the proposed development is more substantial than that granted permission under PL15.246126 and would not constitute infill development, as defined in the Plan. I do not consider, therefore, that it establishes an appropriate precedent for the proposed development.
- 7.3.7. The appeal site, therefore, does not comprise a Phase I development (or comprise Phase II or III lands). Notwithstanding this, the site is zoned 'Residential' the objective of which is to *'protect and/or enhance existing residential communities and provide for new residential communities'*. The Ardee LAP is silent on the relative merits or phasing of land zoned 'Residential' and that identified in the Residential Phasing Strategy.
- 7.3.8. Notwithstanding this, the Ardee LAP clearly seeks the organic development of the town, moving out from the town centre. The proposed development is situated c.250m to the south west of the town centre, closer to it than most of the Phase 1 zoned lands, is zoned for residential development and has previously benefited from planning permission for residential development (albeit within a previous development plan context). The proposed development comprises a relatively small development, of 27 residential units, is proposed on a brownfield site and will be serviced by the existing road network, public water supply and foul sewer. Within this context, I consider that the development is in accordance with zoning of the site, with the principles of sustainable development, compact urban development and the strategic objectives for the organic growth of the town. It is, therefore, acceptable in principle on the appeal site.

7.4. Density, Scale and Visual Impact

- 7.4.1. The appeal site measures 0.3642ha and the density of development is therefore 74 units/hectare. The appellant argues that this is inappropriate, out of keeping with the established pattern and grain of development in the area and, contrary to policies of the Ardee LAP, would have a detrimental impact on the visual amenity of the area.
- 7.4.2. The Ardee LAP provides residential density standards in Section 9.3.3. These refer to a density standard of 30 plus residential units per hectare on centrally located sites; 20-30 per hectare on edge of centre sites and 15-20 on edge of town sites. The government's Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas state that, for smaller towns and villages (with a population of 400-5,000 persons) higher densities are appropriate at certain locations, such as in locations close Gateways and Hubs and/or that are served by existing/planned high quality public transport corridors. Elsewhere, increased densities are acceptable so long as they contribute to the enhancement of the town by reinforcing the street pattern or assisting in the redevelopment of backlands. The Guidelines also state that the scale of new residential schemes should be in proportion to the pattern and grain of existing development. Having regard to the above, in Section 6.9 the Guidelines state that densities of 30-40+ dwellings per hectare may be appropriate for centrally located sites; 20-35 dwellings per hectare for edge of centre sites and edge of town sites 15-20 dwellings per hectare.
- 7.4.3. In March 2018 the government issued revised Guidelines – Sustainable Urban Housing, Design Standards for New Apartments. These guidelines take precedence over any conflicting policies or objectives of development plans. The Guidelines refer to the National Planning Framework's targets for increased housing supply in Ireland's cities and urban areas, which include a dramatic increase in the provision of apartment development, with the scale and extent of apartment development increasing in relation to proximity to core urban centres and other relevant factors (e.g. public transport, proximity to urban amenities etc.). Higher density development is therefore advocated in central and/or accessible urban locations (e.g. within walking distance of principle city centres, or significant employment locations; within walking distance of high capacity urban public transport or high frequency bus services). Densities of >45 units per hectare are advocated in

intermediate urban locations, for example, within reasonable walking distance of principal towns, high capacity public transport stops and urban bus services. Densities of <45 units per hectare are considered to be appropriate in peripheral and/or less accessible urban locations, including sites in suburban development areas that do not meet proximity or accessibility criteria and sites in small towns or villages. However, on page 6 the guidelines state that the range of locations is not exhaustive and will require local assessment that further considers the above and other relevant planning factors.

- 7.4.4. The Ardee LAP estimated a population of c.4,500 for the town in 2010 (Section 2.2), with projections to grow to c.4,700 by 2016. Having regard to the government's guidelines on Sustainable Residential Development in Urban Areas, it is therefore a 'small town'. Ardee does not lie in close proximity to a Gateway or Hub, previously designated under the National Spatial Strategy. Nor is the site (or town) served by a high quality public transport corridor. However, it is within a commuting distance of Dublin (bus journey of c. 1 hour). Further, the appeal site lies c.250m to the south west of the town centre, is within easy walking distance of it and lies in an area that is well served by community facilities and services.
- 7.4.5. Having regard to these factors and the government's most recent guidelines, Design Standards for New Apartments, the proximity of the site to local services and within commuting distance of Dublin, I consider that higher densities would be appropriate on the appeal site, certainly up to 45 units/ha (small town) and possibly in excess of this (reasonable walking distance of principle town).
- 7.4.6. Notwithstanding the above, the government's Guidelines on Sustainable Residential Development in Urban Areas (also referred to in the recent Design Standards for New Apartments) refer to the requirement for new residential development to create quality urban environments, with higher residential densities in smaller towns and villages contributing to the enhancement of town or village form, with the scale of development in proportion to the pattern and grain of existing development.
- 7.4.7. Policy POP 4 of the Ardee LAP requires that all new development has regard to the context of the existing built up area of the town and that all new development demonstrates how it integrates with the existing fabric of the town, including

integration with the built form, having regard to the amenities of existing residential communities.

7.4.8. The appeal site occupies a corner position on the junction of John Street and Stoney Lane, and as stated, close to a range of services and facilities. Within this context, I consider that a higher density of development is acceptable on the site, with it 'stepped up' to address its corner location², establish street frontage and create a sense of place. However, I would have the following concerns regarding the proposed development:

- The development (notably Blocks A and B), whilst separated from adjoining development by the internal access road, provide an abrupt 'step change' from the single storey commercial development to the east of the site (John Street) and the single storey residential development to the south of the site.
- Many of the residential units are accessed from the internal courtyard. Further, Block C sits on top of the partial basement car park, with ventilation grilles to Stoney Lane. Collectively these features result in in-active frontages to John Street and Stoney Lane, in an area where there is substantial pedestrian activity and a good mix of land uses.
- The mass and bulk of the development is apparent from Stoney Lane where the Block B is visible over Block C. Further, the semi-private open space within the development is inward looking and is dominated by hard landscaping. These features are inconsistent with the looser pattern of development in the area and fail to acknowledge or integrate the development with its surrounding context (to some extent the development turns its back on its location).

7.4.9. The Government's guidelines on Sustainable Residential Development and the companion Design Manual stress the need for new residential development to relate to its context and to provide a positive contribution to its surroundings. Whilst I would accept that higher densities are appropriate on the appeal site, in this instance I consider that the density of 74 units/hectare is excessive, constitutes

² The appellant refers the Board to PL15.104467 in respect of the residential development to the north of John Street, opposite the appeal site. A condition of the permission required that the front unit, which included a retail outlet, would be reduced from three to two storey in the interest of the amenity of the area. This case is not on file and appears to have been decided some time ago, in a previous development plan/national policy context.

overdevelopment of the site and results in a scale and form of development which does not adequately respond to its context or provide a positive contribution to its locality. The development, would therefore, detract from the visual amenity of the area.

7.5. Design and Layout

- 7.5.1. The appellant raises concerns in respect of some of the design elements of the development and I comment on these in turn below.

Materials

- 7.5.2. The appellant argues that the proposed materials are not represented in neighbouring dwellings. Whilst I would accept this point, there is little consistency in building materials locally. Further, the appeal site is a corner site and could readily accommodate a range of materials to create a sense of identity and place.

Layout

- 7.5.3. The appellant argues that the existing layout fails to adequately address street frontage or to integrate with the local community/urban form.
- 7.5.4. The proposed development provides a strong building line along John Street and, to a lesser extent Stoney Lane, reinforcing the streetscape and junction. However, as stated the overall layout of the development provides access to residential units from within the internal courtyard and from new internal access roads. Whilst I would accept that the applicant has sought to provide permeability through the development, the development provides little active interaction John Street and Stoney Street, adding to the lack of integration of the development with its specific urban context.
- 7.5.5. (In addition to the above, I note that the aggregate area of living and kitchen areas is below the government's Design Standards for New Apartments, Units A1 to A5 and B11 and B12. Storage space for some units is also below government standard, Units A1 to A5, B1 to B4 and B11 and B12).

Landscaping

- 7.5.6. The appellant argues that the landscaping is inadequate to soften the harshness or visual impact of the proposed development
- 7.5.7. The landscaping scheme for the proposed development seeks to provide a range of trees along John Street (street trees), Stoney Lane (patio trees) and within the development, together with Hornbeam hedging and evergreen ground cover and shrub planting in the internal courtyard. With careful maintenance, and on maturity, the landscape strategy would soften the physical appearance of the development and provide some level of integration of the proposed development with its wider context. However, I do not consider that it would adequately address more fundamental aspects of the scheme which arise by virtue of its excessive density.

Open Space Provision

- 7.5.8. The appellant argues that the provision of open space is sub-standard, providing little truly private amenity space, is poor quality, dominated by hardstanding and provides no playground facility.
- 7.5.9. Section 9.3.4 of the Ardee LAP sets out a requirement for 10sqm of private open space for a one-bedroom unit and 20sqm for a two/three-bedroom unit and states that '*In apartment and innovative layouts, private amenity space may be provided in the form of shared private areas, courtyards, terraces, patios, balconies and roof gardens or any acceptable combination of these*'.
- 7.5.10. Section 9.3.5 of the Ardee LAP sets out a requirement for 15% of gross site area for public open space provision and states that where residential developments are in close proximity to public parks or other natural amenities or in the town centre, a relaxation of the above public open space standards may be permitted and that where open space standards cannot be achieved, more intensive recreational facilities may be accepted in lieu.
- 7.5.11. The Department's Design Standards for New Apartments (2018), states that:
- Private amenity space shall be provided for apartment developments (section 3.24), with a minimum of 5sqm, 6-7sqm and 9sqm of private amenity space provided for one, two and three-bedroom apartments respectively.

- Communal amenity space should comprise a minimum of 5sqm, 6-7sqm and 9sqm provided of communal amenity space for one, two and three-bedroom apartments respectively.
- That whilst private and communal amenity space may adjoin each other, there should generally be a clear distinction between the two with an appropriate boundary treatment and/or privacy strip between the two (Section 4.10),
- The recreational needs of children must be considered as part of communal amenity space within apartment schemes (Section 4.13) and provided within private open space associated within individual apartments; within small play spaces for specific needs of toddlers and children up to six, within sight of the apartment building, in a scheme that includes 25 or more units with two bedrooms or more; within play areas for older children and younger teenagers, in a scheme that includes 100+ apartments with two or more bedrooms.

7.5.12. The applicant provides a breakdown of 'private' and 'semi-private' open space in Appendix A of the response to further information. The standards of provision referred to are the minimum 'private' and 'communal open space' areas referred to in the Government's Design Standards (set out above).

7.5.13. Whilst the minimum areas of private and semi-private open space are stated to be provided:

- The indicated areas of private and semi-private open space are not shown on any drawing. (Section 3.06 of the Planning and Services Design Report submitted with the application states that the private open space being provided for each unit is shown in attached drawings. However, there is no indication of these areas in any of the plans submitted with the application). Consequently, it is not possible to determine what area of private open space is associated with each unit or how the total quantum of semi-private open space provided has been derived (for example, does it exclude the area external to the ground floor units of apartments A1 to A5).
- In contrast to the government's Design Standards, there is no provision of private open space for each unit ('defensible space') or a distinction between areas of private and communal open space provided.

- The applicant also fails to demonstrate how the proposed level of provision complies with the requirements of the Ardee LAP.

7.5.14. In addition to the above, the open space provided in the proposed development is dominated by hard landscaping and, in contrast to the government's guidelines, makes no reference to (or provision for) the recreational needs of children. There is also no case made for why there is no need to make such provision within the scheme (e.g. proximity of nearby facilities).

7.5.15. In view of the above, I consider, that level of information provided on open space provision is inadequate and that the space provided does not conform to the government Design Standards for apartment development.

Accessibility

7.5.16. The appellant argues that the proposed development provides restricted access for wheelchair users or those with restricted mobility.

7.5.17. This issue (including access to units from a disabled parking space) is a matter of detail and one which is dealt with by another statutory code (the Building Control Regulations). Any changes which may arise as a consequence of this code and which have implications for any planning permission granted, would have to be addressed by the applicant.

Energy Efficiency

7.5.18. Policy INF 3 of the Ardee LAP requires that all applications for new buildings demonstrate at least 25% of a building energy's requirements will be met from renewable resources. I would accept that the applicant has not provided information on how the building's energy requirements will be met. However, if the Board are minded to grant permission for the development, the matter could be addressed by condition.

7.6. Impact on Residential Amenity

7.6.1. The appellant argues that the proposed development will give rise to overlooking, overshadowing and loss of ambient daylight and would be overbearing on adjoining properties.

- 7.6.2. The appeal sites lies north and west of neighbouring properties on Stoney Lane and John Street respectively. There are no windows in the eastern elevation of Block A and no overlooking would arise from apartments within this block of adjoining property on John Street. For Block B, habitable rooms, including kitchens and bedrooms at first and second floor would look east towards the rear gardens of properties along John Street and the adjoining brownfield site. However, the block would be set c.9.7m from its eastern boundary and would generally be substantially removed from any residential development. For unit B5, bedroom and kitchen windows would look obliquely towards the adjoining property, but given its commercial use, I do not consider this to be significant.
- 7.6.3. To the south, bedroom and bathroom windows in the southern elevation of Block D would overlook the adjoining residential property, and bedroom and bathrooms in units B11 and B12 of Block B would overlook the rear/side garden of the adjoining dwelling. Blocks D and B would be set back from the southern boundary of the site by a minimum of c.6m and from the adjoining property by c.10.8m. They would be separated from the existing property by a trimmed mature hedgerow and detached garage.
- 7.6.4. Notwithstanding this, given the relative height of the proposed development (in particular Block B) and the existing single storey bungalow on the adjoining site, the large windows proposed to serve apartments in the southern elevation of Block B, I consider that the development would be overbearing on the adjoining residential property and give rise to overlooking of the rear gardens of the properties immediately south of the site.
- 7.6.5. The proposed development is situated c.23m to the east of existing detached housing on Stoney Lane and c.13.4m to the south of residential development on John Street. Given these separation distances, the busy urban road that sits between the development and neighbouring properties and the urban location of the development, I consider this level of separation to be reasonable and not likely to result in any significant overlooking or impact on privacy.
- 7.6.6. Due to the relative orientation and separation of Blocks A to D, no issues of overlooking arise within the development.

Overshadowing

- 7.6.7. The applicant provides shadow projections of the proposed development at summer solstice (mid-summer, c.21st June); winter solstice (mid-winter, c.22nd December); autumn (22nd September) and spring equinox (20th March).
- 7.6.8. The projections do not illustrate the effect of the development on sunlight over the course of a day. However, they are sufficient to illustrate that existing development lying to the south and west of it will not be adversely affected by overshadowing. In winter months, the development will cause some overshadowing of the developments to the north of it and in the evening time some overshadowing of the adjoining dentist practice. Given the limited occurrence of these impacts, the commercial nature of the land uses most adversely affected, I consider that the proposed development will not give rise to significant overshadowing.

Daylight

- 7.6.9. The applicant provides vertical sky component calculations, based on BRE's Site Layout Planning for Daylight and Sunlight. From the calculations presented, which are based on the height of the proposed development, its distance from adjoining property and the percentage of vertical sky component that is available to adjoining properties, it is evident that the proposed development will not have an adverse effect on daylight reaching adjoining properties.

Noise

- 7.6.10. One of the submissions to the planning authority refers to the impact of noise, arising from traffic entering the development from Stoney Lane, on the dwelling to the south of the appeal site.
- 7.6.11. As stated in many submissions, and by the appellant, Stoney Lane experiences a high volume of traffic and the dwelling lying to the south of the site will be affected by noise from this existing source. The proposed development, comprises a relatively small number of residential units. Therefore, associated traffic movement are likely to be relatively modest, and in the context of existing traffic flows in the area, are unlikely to adversely effect of the residential amenity of the adjoining property.

7.7. Parking and Traffic

- 7.7.1. The Ardee LAP sets out a requirement for 1 parking space per dwelling unit for developments on town centre or brownfield sites.
- 7.7.2. The proposed development of 27 units on a brownfield site has a requirement for 27 parking spaces. In this instance the applicant proposes 25 parking spaces, 18 in the basement car park and 7 at surface level. Section 4.10.4 of the Louth CDP sets out circumstances when parking provision can be relaxed and these include in certain towns/villages where the applicant can demonstrate that there are satisfactory alternative transport modes readily available. The government's Guidelines on Design Standards for New Apartments state that the quantum of parking provision for apartment developments will vary, having regard to the location of the development, with lower provision in areas served by good public transport.
- 7.7.3. The appeal site lies in walking distance of Ardee town centre and close to other community facilities. Within this context, the shortfall in provision, in principle, is not significant and could be addressed by contribution, in lieu of provision.
- 7.7.4. The appellant, and submissions of file, refer to existing high levels of congestion affecting Stoney Lane and John Street (with vehicles queuing at certain times of the day), including vehicular and pedestrian movements associated with Ardee Community School to the west of the appeal site, pressure (at times) for on-street parking along John Street and queuing at the junction of John Street and the N2. At the time of site inspection, late morning, there was some evidence of high levels of traffic using the Stoney Lane/John Street junction and at other times I have observed overflow parking on John Street (from the Church) and congestion at the John Street/N2 junction
- 7.7.5. Notwithstanding this, the proposed residential development is relatively small (27 units) and in the context of the existing traffic movements in the vicinity of the site, will add little to overall levels of congestion. Similarly, the development is unlikely to add substantially to the occurrence of on street parking on John Street (the matter of on-street parking lies largely outside of the appeal and is a matter for the planning authority).
- 7.7.6. In addition to the above, the proposed development includes provision of a footpath along John Street and Stoney Lane and provision of two pedestrian crossings, one

to the east of the site on John Street and one at the junction of Stoney Lane. I consider that these arrangements will improve pedestrian safety in the vicinity of the site.

- 7.7.7. Regarding sightlines, the proposed development is set back from the edge of the public road such that it does not impede sightlines at the junction of Stoney Lane and John Street and sightlines of 49m in each direction are available at the junction. This level of visibility is consistent with the standards set out in Section 4.4.4 and 4.4.5 of the Design Manual of Urban Roads and Streets and has been accepted by the planning authority (Transportation).
- 7.7.8. At the proposed exit of the site, on John Street, 49m sightlines are also proposed to the west and east, however, it is acknowledged that the eastern sightline may be compromised by on-street car parking (two on-street spaces are proposed to be removed as a consequence of the development – see Site Layout Plan drawing no. 002A). Given the urban location of the development, congested nature of the road (which encourages low speeds) and the provision of a raised pedestrian crossing point to the east of the site, I would accept that traffic speeds are likely to be very low (i.e. less than 30km/hr, which would give a required sightline of 24m, DMURS) and that the arrangements will provide for safe egress from the site.
- 7.7.9. Policies of the Ardee LAP provide for a cycle route along Stoney Lane and wider policies of the plan seek to promote cycling and walking and a modal shift towards more sustainable modes of transport. The proposed development is constructed within the footprint of the site and makes provision for a footpath along its northern and western boundaries and for pedestrian access through the site.
- 7.7.10. Given that there are no detailed plans for a cycle route along Stoney Lane/John Street or specific requirements set out by the planning authority for its provision (in their decision to grant permission), I do not consider that the development of the site would, in principle, negate the delivery of the LAP objective (e.g. it may be provided within the street corridor).

7.8. Flooding

- 7.8.1. The appellant argues that the appeal site and surrounding area is prone to flooding and that the applicant has not demonstrated that the development will not exacerbate flooding elsewhere.
- 7.8.2. The application for the proposed development includes a Flood Risk Assessment. It indicates that lands straddling Stoney Lane stream (the tributary of the River Dee which runs along the western side of Stoney Lane), including part of the appeal site, are susceptible to fluvial flooding under the 0.1% AEP Flood Event (page 10 of Report) and to pluvial flooding due to blockages and/or inadequate capacity of the existing piped section of the Stoney Lane stream (the stream is piped from c.300m upstream of the appeal site to John Street - Figure 3.9 of Report).
- 7.8.3. Section 4.3 of the report states that flood waters would enter the appeal site under one of two scenarios, an overflow from the open channel section downstream of John Street with associated back up of water onto John Street/Stoney Lane or an overflow from the open channel located c.300m upstream of the site due to inadequate capacity/blockage of the piped section with flood water flowing down Stoney Lane towards the River Dee entering the site en route. It states that the second scenario is the most likely one to result in flooding of the site and corresponds with a recent flood event (2015).
- 7.8.4. Adopting a precautionary approach, the Flood Risk Assessment estimates the depth of flood water likely to occur on the site in the event of a 0.1% AEP Flood Event (taken to represent the 1% AEP with climate change) to be a maximum of 0.25m and extending across the northern part of the site (Figure 4.4). The appropriate design flood level for the site is, therefore, determined to be 26.11m and the ground floor level of all residential units are indicated to be above this level (Table 5.1). Further, for all units, except A6 and D1, levels are above the recommended freeboard value of 0.5m as set out in the GDSDS.
- 7.8.5. For the proposed car park, it is stated that this is lower than the design flood level and in the event of a 0.1% AEP flood, flood waters up to a depth of 1.6m would enter the car park and, given the steep gradients, at sufficient velocity to knock a person over.

- 7.8.6. Having regard to the above, mitigation measures which are consequently built into the development include:
- Raising the floor level of units A6 and D1 to 26.11m³
 - Raising the level of entry points to the car to a minimum level 26.61m,
 - Provision of demountable flood barriers for vehicle and pedestrian entrance to the car park,
 - Inclusion of a sump in the car park to facilitate pumping out of any flood waters that may enter it,
 - Positioning electrical outlets etc. vents pipe/duct openings above 26.61m.
 - Additional manholes alongside the site at Stoney Lane to take surface water from the road and discharge it to the Stoney Lane stream north of John Street (via a pipe installed previously under the bridge to serve the site).
- 7.8.7. In addition to the above, the report states that a final possible pathway for flood water is via the surface water drainage network (Section 5.5). It recommends use of a non-return valve in the final manhole of the internal SW network to protect against flooding from this source.
- 7.8.8. Having regard to the location of the development in Flood Risk Zone B, and the highly vulnerable nature of the development, Section 6.0 applies the justification test to the proposed development (as per Section 5.15 of the government's guidelines on Flood Risk Assessment). The report refers to the zoning of the appeal site for residential development; the proposal to reduce run off from the site to green field site levels; the absence of impact on any existing flow paths; and measures to minimise flood risk to people and property (referred to above) and concludes that the development satisfies all criteria of the Justification Test.
- 7.8.9. The appeal site comprises a brownfield site, close to Ardee town centre. Policies of the Ardee LAP seek the organic growth of the town from its centre. Zoning of the site for residential development reflects these wider policies. The Flood Risk

³ NB This should read 26.61, as it includes a 0.5m freeboard above flood level, as shown in drawing no. 100 Rev A.

Assessment Report provides a comprehensive understanding of the factors which cause Stoney Lane/John Street and part of the appeal site to flood on occasion. The proposed development is designed to ensure that all residential units are situated above predicted flood levels and the car park and public entrances to it have also been designed to prevent flood water entering. Further, in the event of an extreme event additional measures are incorporated to prevent flood water entering the car park.

7.8.10. The proposed development, would therefore appear to be generally compliant with the Department's justification test. However, the Flood Risk Assessment does not address the impact of the development on flood waters i.e. the extent to which these would be displaced from the site and the possibility of causing/exacerbating flooding elsewhere (i.e. a predicted depth of c.0.25m across much of the northern part of the site would be displaced by the development). Given the proximity of other residential development, that has been affected by flooding (Riverside), I consider that if permission is granted for the development, this matter should be addressed.

7.9. **Surface Water and SUDs**

7.9.1. The appellant argues that the development does not reflect best practice in terms of SUDS design.

7.9.2. The applicant proposes:

- Collecting and attenuating surface water for discharge at green field levels to an existing pipe under John Street to discharge to the Stoney Lane stream. (The applicant states that this pipe was installed, when bridge repairs were carried out, to serve the site and that it is currently not in use). Attenuation is provided in two large pipes on the northern and eastern boundaries of the site (from MH1 to MH4). Flow control is achieved by a hydrobrake system (see drawing no. 003 rev A).
- A soakaway in the south-eastern corner of the site (based on an assessment of ground conditions).

7.9.3. The overall objective of SUDS is to minimise stormwater runoff by retaining water on site for slow release. The principle means of attenuation provided in the proposed development is in oversized pipes, with limited use of other SUDs devices, for

example, permeable pavements, green roof, retention basins. Ideally, I would recommend the incorporation of additional SUDs features into the scheme but I would acknowledge that it is difficult to 'retro fit' such measures into designed schemes.

7.10. Services

- 7.10.1. Submissions on the application made to the planning authority raise concerns regarding the capacity of sewerage infrastructure in the town to accommodate the development.
- 7.10.2. The proposed development is relatively modest in scale (27 no. units) and comes forward on land which is zoned for residential development. Policies of the Ardee LAP acknowledge that the existing sewage treatment works are at capacity, but state that effluent monitoring results consistently comply with Urban Wastewater Directive requirements. The LAP does not identify the capacity of the plant as a significant constraint to small scale development, and I would consider that the proposed development is unlikely, of itself, to give rise to any significant impact on water quality, and is therefore acceptable. (I would also note that an upgrade to the Ardee Sewerage Scheme has recently commenced <https://www.water.ie/news/irish-water-supports-on-g/>).

7.11. Appropriate Assessment

- 7.11.1. Having regard to scale of the development, its location in an established urban area and the distance of the proposed development from the nearest downstream European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1.1. Having regard to my assessment above, I recommend that planning permission for the proposed development be refused for the reasons set out below.

9.0 Reasons and Considerations

Having regard to the density and detailed design of the proposed development and the character and pattern of development in the area, it is considered that the proposed development, by reason of its massing, juxtaposition with adjoining development, inactive street frontage and substandard arrangement of private and communal open space, would be out of character with the pattern of development in the area, would result in overdevelopment of the site and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann
Planning Inspector

14th March 2018