



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion

302215

Strategic Housing Development	456 dwellings, 8 commercial units, vehicular access is to be provided from an access roadway onto the Marsh Road for which LIHAF funding has been granted.
Location	Newtown, Marsh Road, Drogheda, Co. Louth.
Planning Authority	Louth County Council.
Prospective Applicant	Ravala Ltd.
Date of Consultation Meeting	17 September 2018.
Date of Site Inspection	29 August 2018.

Inspector

Stephen Rhys Thomas.

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

The subject site is located on lands to the north of the Dublin to Belfast railway line in Drogheda, County Louth. The site is currently accessed from McGrath's Lane, a minor single-track laneway serving two houses from Railway Terrace. Drogheda Train Station is located to the south west and approximately a ten minute walk away, a bus service runs along Marsh Road to the north. Farmland surrounds the remainder of the site, with a large wastewater treatment plant located close by to the east. To the south of the railway line is located a large suburban style housing estate, comprising detached and semi-detached residences.

The lower portion of the site rises up from the River Boyne valley by 10 metres and plateaus along side the railway line. At present the site is in farming use, arable land, however, a portion of the site has been excavated to provide an access track. Powerlines cross the site. A pond occupies the southern end of the smaller field and is surrounded by mature trees. The hedgerows comprise mature hedge and trees, with a notable beech tree line along the northern boundary of the larger field to the north west. There are number of key views towards the town from the site and eastwards out to the Irish Sea.

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 456 residential units provided in a combination of houses and apartments, 8 commercial units on 7.4 Hectares as follows:

381 units in 10 apartment buildings of 5 storeys and 3 duplex blocks of 3 storeys, as follows:

- 1 bed apartments 91 units
- 2 bed apartments 235 units
- 3 bed apartments 19 units
- 3 bedroom duplex 18 units
- 2 bedroom duplex 18 units

75 houses:

- 3 bedroom two and half storey terraced houses 75 units

Total % breakdown by unit:

- 1 bedroom 91 units (20%)
- 2 bedroom 253 units (55%)
- 3 bedroom 37 units (25%)

Childcare facility, standalone three storey building – 919.8 sqm, over a two deck underground car park.

Standalone four storey office block (1,902.8 sqm), over a two deck underground car park.

Retail floorspace Block 9 and 10 (1,277.8 sqm).

779 car parking spaces.

Vehicular access is by means of an access from a proposed road, the subject of LIHAF funding. Possible future access is indicated to lands west of the site and pedestrian access to the railway is shown along the southern boundary of the site.

Open space provision – 14% of gross site area (1.05 Hectares).

The proposed density is stated at 61.6 units per Hectare (Gross).

A ten year permission, to be constructed in two phases, conventional houses forming the first phase.

4.0 National and Local Policy

4.1 Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities - 2018
- 'Childcare Facilities – Guidelines for Planning Authorities'

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

4.2 Local Policy

The Louth County Development Plan 2015-2021, is the operative county development plan and contains general policies and objectives in relation to residential amenity standards. The County Development Plan provides the basis for the settlement strategy of the county and Drogheda is designated as a 'Large Growth Town'.

The site is located within the boundaries of the Drogheda Borough Council Development Plan 2011-2017 (extended) and due for review on foot of the implementation of the National Framework Plan. In the Drogheda Plan, the site is zoned Drogheda Transportation Development Area (DTDA), with the objective 'To protect and expand the existing Transport Hub around the train station and facilitate the development of Public Transport facilities including Residential, Retail and Office Development.'

Section 5.3 of the Drogheda Plan sets out detailed guidance in relation to the future development of DTDA zoned lands, highlighting key principles and objectives.

Section 5.7 sets out Strategic Roads Objectives, *Bryanstown Cross Route Extension to the East*, is noted but not indicated on maps associated with the plan.

5.0 Planning History

Subject site

- PA reference **12/510037**. Extension of duration of permission for 260 units (06510052), granted 16/07/2012.

Adjacent site

- PA reference **17/387**. 133 houses and access road from the R150, granted 07/08/2017.

5.1.1. Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicants in the submitted documentation that three Section 247 pre-application consultations took place with the planning authority (26/10/2017, 06/12/2017 and 29/01/2018).

6.0 Forming of an Opinion

- 6.1.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

Documentation Submitted

- 6.1.2. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 6.1.3. The information submitted included the following: Cover Letter, SHD Application Form including response to Q7 and Irish Water Letter, Part V proposal, Consent Letter, LIHAF funding letter, Tree Survey and report, Archaeological Impact Assessment, Flood Risk Assessment, Statement of Stakeholder Involvement (section 247 history), DMURS statement, Statement of Consistency, Engineering Assessment Report, Screening Report for Appropriate Assessment, Landscape and Visual Assessment Report, COMAH Land Use Planning Report, Photomontages, Design Statement, Pre-Planning Application A3 Booklet including Part V drawings, Peter O'Toole Architect Drawings and Waterman Moylan Engineering Drawings.
- 6.1.4. I have reviewed and considered all of the above mentioned documents and drawings.

Planning Authority Submission

- 6.1.5. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Louth County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 27 August 2018.
- 6.1.6. The planning authority's 'opinion' included the following matters: a description of the site and surroundings, a brief overview of the proposed development, planning history, the zoning provisions of the Development Plan and any specific objectives for the area and a list of relevant national policy documents. The planning authority's comments included the following: the proposed residential density and building heights are acceptable; funding is in place (LIHAF) to secure road infrastructure upgrades, the proposed mix of development would not entirely match the strategic aims for the site, the proposed uses would be permitted in principle, the housing mix is acceptable subject to an appropriate phasing of delivery, the location of office development is acceptable, a much lesser amount of private car parking spaces

would be preferred given the location of the site close to high capacity public transport, greater detail is required concerning pedestrian linkages particularly McGrath's Lane, open space provision is acceptable subject to minor improvements to usability, part V proposals are acceptable, creche scale is questioned, a traffic impact assessment will be required and there is no issue with flooding.

- 6.1.7. The planning authority conclude that the proposed development accords with the Development Plan zoning for the area, however, there are points of detail that require further consideration, specifically with regard to the imbalance between commercial and residential development at this site, the plot ratio is not in accordance with Development Plan standard, infrastructural issues require further assessment and that the proposed phasing is not acceptable in terms of housing mix.

Submission from Irish Water

- 6.1.8. A submission was received from Irish Water and is appended to this report. In summary, the submission states that a Confirmation of Feasibility has issued and that the proposed development requires water network upgrades and extensions and wastewater extensions. Third party consents will be required to cross lands and install infrastructure.

Submission from the Health and Safety Authority (HSA)

- 6.1.9. A submission was received from the Health and Safety Authority and is appended to this report. In summary, the submission states that the site is located within the outer zone of a COMAH establishment. The category level of the development is considered to be 2. On the basis of the information submitted the HSA, does not advise against the granting of permission.

Submission from the Development Applications Unit (DAU) of the Department of Culture, Heritage and the Gaeltacht

- 6.1.10. A submission was received from the DAU and is appended to this report. In summary, the submission states that given the high archaeological potential of the location and the large-scale nature of the proposed development a further

Archaeological Impact assessment should be submitted with the final SHD application.

The Consultation Meeting

6.1.11. A section 5 Consultation meeting took place at the offices of Louth County Council on the 17 September 2018, commencing at 2pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.1.12. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Vehicular Access – LIHAF, consents and detailed design.
2. Layout – road hierarchy, surface car parking distribution/design and quantum.
3. Detailed Design – underground car park access, bin and bike storage.
4. Open Space – distribution and configuration.
5. Pedestrian linkages.
6. Phasing and distribution of land uses.
7. Nearby land uses – Seveso, wastewater treatment and railway.
8. EIA screening.
9. Any other matters.

6.1.13. In relation to Vehicular Access – LIHAF, consents and detailed design, ABP representatives sought further elaboration/discussion on the status of the permitted roadway and if the access points proposed under the current scheme have been designed in and can be facilitated. The timing and delivery of the road was queried and so too was the certainty that legal consents are in place to allow works to proceed.

6.1.14. In relation to Layout – road hierarchy, surface car parking distribution/design and quantum, ABP representatives sought further elaboration/discussion on the number of car parking spaces provided, given the advice contained in the recent Apartment Guidelines. The application of DMURS principles in the design of parking especially

surface car parking. Any reduction in car parking spaces would assist a more optimal surface parking layout with less dominance of car parking spaces. A clearer street hierarchy should be considered in order to comply with DMURS. Utilisation of the site topography could accommodate under-croft parking if appropriate.

- 6.1.15. In relation to Detailed Design – underground car park access, bin and bike storage, ABP representatives sought further elaboration/discussion on the design and appearance of the underground car park access from the LIHAF funded road. Ancillary development such as bin and bike stores should better integrate with the overall development. Contextual elevations and other graphic material could better illustrate any design proposal.
- 6.1.16. In relation to Open Space – distribution and configuration, ABP representatives sought further elaboration/discussion around the functionality of the open spaces particularly with reference to topography and usability. The passive supervision opportunities associated with the narrow linear space to the rear of duplex units was clarified. Given the urban character and dominance of apartments it will be important that open spaces are designed to define the public realm and this includes selection of street furniture.
- 6.1.17. In relation to Pedestrian linkages, ABP representatives sought further elaboration/discussion regarding pedestrian access with specific reference to the route from the site to the Train Station via McGrath's Lane and Railway Terrace. Clarity was sought in relation to any proposed works to McGrath's Lane in particular, being a country lane, it has no facilities at present. Any works to McGrath's Lane should form part of the overall development proposal.
- 6.1.18. In relation to Phasing and distribution of land uses, ABP representatives sought further elaboration/discussion regarding the acceptability and location of proposed uses. Any application should include a clear discussion of the mix of uses and accordance with the land use zoning. In addition, clarity was sought in relation to the delivery of a mixture of housing types.
- 6.1.19. In relation to Nearby land uses – Seveso, wastewater treatment and railway, ABP representatives sought further elaboration/discussion regarding the submission of the most up to date information with regard to the nearby COMAH Establishment

and any other relevant material concerning nearby infrastructure such as wastewater treatment and railway, as necessary.

- 6.1.20. In relation to EIA screening, ABP representatives sought further elaboration/discussion on the requirement for an EIAR. The applicant should satisfy themselves as to the necessity to prepare an EIAR and have regard to the relevant legislation with regard to EIA.
- 6.1.21. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 302215' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority, submissions received from statutory consultees referred to under Section 6(10) of the Act and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 7.1.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: LIHAF funded road, pedestrian connectivity, car parking and layout and phasing; details of which are set out in the Recommended Opinion below.
- 7.1.4. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that

the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 7.1.5. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 8.1.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. LIHAF funded road

Further consideration/amendment of the documents as they relate to the provision of a vehicular access to the site. The documentation submitted at application stage should clearly detail how the proposed access road will be delivered, when and by whom. The status of any permitted road infrastructure should be clarified and it should be clearly indicated that the proposed development can be serviced by the LIHAF funded road, in terms of the detailed design of access points and that all necessary legal consents are in place or have been sought. The applicant shall satisfy themselves and adequately demonstrate that there is no obstacle or impediment to the delivery of the road in advance or in tandem with the proposed development the subject to the application. Further consideration of this issue may require amendment to the documents and/or design proposals submitted.

2. Pedestrian Connectivity

Further consideration of the documents as they relate to the delivery of pedestrian facilities connecting the application site to Railway Terrace and onwards to the train station and Drogheda town centre. Attention is drawn to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') insofar as maximum permeability for pedestrians and cyclists should be considered as a starting point to the design process and the achievement of a compact urban structure. Specifically, a future application should include details of proposed improvement works to McGrath's Lane, to allow for safe and secure pedestrian/cyclist connectivity with public transport nodes and the town centre, including proposals for delivery of the works. In this regard, the documentation at application stage should clearly indicate who is providing the infrastructure, what consents, if any, are required to deliver the infrastructure and when it is to be delivered relative to the proposed dwellings. The consideration should have regard to the 'Design Manual for Urban Roads and Streets' which prioritises pedestrians in the user hierarchy. Further consideration of this issue may require amendment to the documents and/or design proposals submitted.

3. Car Parking and Layout

Further consideration/amendment of the documents as they relate to the provision of car parking within the proposed development. The documentation submitted at application stage should provide a robust rationale for the amount of car parking that

is proposed. This should have due regard to the pattern of demand for travel that is likely to arise from the occupation of the proposed development, as well as to the likely demand from households to have access to private transport even where it does not provide the primary mode for travel to work or school. The documentation should also take proper account of the advice concerning car parking and cycle parking provided for in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – 2018.

In addition, particular attention is drawn to the size and location of open spaces, and rationale for same, the design of the streets, associated on-street parking and building edges/street frontages which reflect a clearly defined street hierarchy within the scheme, and the location and design of bin and bicycle storage requires greater consideration. Finally, and given the foregoing, the detailed design of the entrance to any underground car parking from the proposed LIHAF funded road and the configuration of the layout particularly should relate and add to the creation of a legible street layout. The correct application of the principles of the Design Manual for Urban Roads and Streets is advised. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

4. Phasing

Further consideration/amendment of the documents as they relate to the phasing of development on the site and its integration with proposals for vehicular access to the site itself, access to the train station and the town centre. The documentation should indicate the timeframe in which the proposed development would proceed and that the infrastructure required to support and facilitate development is provided in a timely manner. A phasing plan should indicate the mix of house/apartment types to be delivered and show a reasoned explanation regarding the distribution of land uses across the site. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and

Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A Traffic and Transport Assessment, including a mobility management plan, which would include specific and quantifiable measures to facilitate the demand for travel and for parking arising from the development, and information as to where the responsibility would lie for the ongoing implementation of each measure.
2. A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details.
3. A schedule of accommodation and a long term management and maintenance structures plan (life cycle report), in accordance with section 6 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.
4. In the context of the information required above, a detailed photomontage report which includes the detailing of the finishes of the proposed structures and additional photomontages from strategic viewpoints along Marsh Road and Strand Road, and elsewhere.
5. A relevant assessment with regard to the site's proximity to an Upper Tier COMAH Establishment (Seveso site) shall be submitted which responds to the comments outlined in the report received by the Health and Safety Authority which is attached.
6. An Archaeological Impact Assessment shall be submitted which responds to the comments outlined in the report received by the Board from the Development Applications Unit which is attached.
7. A report that addresses issues of residential amenity (both existing residents of adjoining properties and future occupants), specifically how the development will limit the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units and adjoining traffic and rail routes. Details in relation to noise impact and mitigation for same shall also be included.

8. A site layout plan indicating what areas are to be taken in charge by the planning authority.
9. The applicant should satisfy themselves as to any requirements and the necessity for the preparation of an EIAR. A screening report should have regard to the inclusion of or use of the LIHAF funded road, and therefore should also have regard to the permitted 133 houses associated with the LIHAF road permission.
10. A Childcare Demand Report outlining anticipated demand likely to be generated by the proposal and the capacity of existing childcare facilities in the vicinity to cater for such demand.

8.1.4. Also, pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

- Irish Water
- Health and Safety Authority
- Transport Infrastructure Ireland
- Department of Culture, Heritage and the Gaeltacht
- Córas Iompair Éireann
- Commission for Railway Regulation
- Louth County Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Stephen Rhys Thomas
Planning Inspector

01 October 2018