



An
Bord
Pleanála

Inspector's Report ABP-302505-18

Development	Construction of 35 no houses and 8 no apartments.
Location	Dublin Road, Dundalk, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	18177
Applicant(s)	Torco Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Anne and Richard Duffy2. Glenwood Residents Association3. Patrick Malone4. Mary Dunne5. Rockfield residents Association6. John & Paula Long7. Terrence & Elizabeth Dullaghan8. Tommy and Kate Mc Enteggart9. Mary Larney

Observer(s)

None.

Date of Site Inspection

22nd of January 2019.

Inspector

Karen Hamilton

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1.0 Site Location and Description

- 1.1. The subject site (1.56 acres) is a greenfield site which fronts (west) directly onto the Dublin Road, south of Dundalk town centre. The site is bound to the north by Glenwood Estate, to the east by Rockfield Manor Estate and the Teagasc building is to the south.
- 1.2. Dublin Road is a busy access road from the south of Dundalk into the town centre. Louth Hospital is located on the opposite side of the Dublin Road further south of the site, along the Dublin Road, is Dundalk Institute of Technology (DKIT). The surrounding residential areas are typical of the suburban housing developments along the Dublin Road and there are neighbourhood facilities in the vicinity, including the adjoining Topaz.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Construction of 43 no units including:
 - 14 no. 4 bed houses (2.5 storey) semi-detached,
 - 2 no. 4 bed (2 storey) detached,
 - 6 no. 3 bed (2 storey) end of terrace,
 - 3 no 2 bed (2 storey) mid-terrace,
 - 10 no. 3 bed (2 storey) semi-detached,
 - 8 no. 2 bed (2 storey) apartments.
 - Provision of a new vehicular and pedestrian access from the Dublin Road,
 - Provision of new pedestrian and cycle access to the adjacent Glenwood and Rockfield Manor Estates.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 16 no. conditions of which the following are of note:

C 2 - Submission of a landscaping plan and detailed design for an additional pedestrian/ cycle connection into Glenwood residential estate.

C 3 - Submission of proposal to enhance the boundary treatment between the communal garden to the apartment development and the properties to the north.

C 5- Submission of a bat survey and the careful removal of trees between 01st of March and 31st of August.

C 6- Archaeological monitoring.

C 7- Submission of Part V agreement.

C 11- General roads and surface water including the signing of surface water works, connection into the sewer in Glenwood estate and the use of bollards at the proposed pedestrian entrance to Rockfield Manor.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information detailed below, and refers to the principle of development and the overall design and layout of the scheme.

Further Information

- Amendments to the proposed development in order to comply with the requirements for design/ layout for and the 12 Criteria in the national guidelines “ Sustainable Residential Development in Urban Areas and the associated Urban Design Manual” to include vehicle access directly onto the Dublin Road and the provision of pedestrian and cycle access to Glenwood Estate and Rockfield Manor estates.

- Alterations to the housing mix and increase of units to 43 no. made of 14 no. 4 bed houses (2.5 storey), 2 no. 4 bed 2 storey, 6 no. 3 bed, 3 no 2 bed, 10 no 3 bed and 08 no. 2 bed apartments.
- Increase in density to 27.5 units per hectare in line with the national guidelines of 30 units per hectare.
- Alterations to open space to include one parcel of open space directly overlooked by the apartments, provides connectivity to the adjoining residential estates and is 12% of the overall site area.
- The change to the mix of houses allows these dwellings to be more adaptable for conversion or future extension.
- Revision of layout for the provision of appropriate private garden space
- Submission of FFL, eaves and ridge heights of the adjoining properties and site section drawings illustrating the relationship with the proposed developmetn and adjoining properties.
- Submission of a Construction Management Plan.
- Submission of Roads Engineering details on the roads layout, road widths, junction radii, centre line and Auto TRACK or similar swept path for 8 wheel bin lorry access.
- Submission of pre connection correspondence with Irish Water.

The report of the planner acknowledged the concerns raised in the third party submissions, namely the adjoining residents and resident associations, in relation to the proposed pedestrian and vehicular access points, although considered the issue of permeability, i.e. pedestrian and cyclist access, from the site into adjoining residential areas was necessary for sustainable development.

The following supplementary documentation accompanied the planning application:

- Drainage Design Report
- Soakaway Report
- Construction Management Plan

3.2.2. Other Technical Reports

Roads Department- No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water- No objection to proposal.

Department of Culture, Heritage and the Gaeltacht (DCHG)- No objection subject to conditions.

3.4. Third Party Observations

A significant number of submissions were made in relation to the initial application and the significant further information and the majority of the issues raised have been included in the grounds of appeal and generally fall within common themes as summarised below:

- Adequacy of public notices
- Pedestrian/cycle linkages
- Capacity of the foul sewer network
- Design and Layout (Apartment blocks)
- Impact on residential amenity.

4.0 Planning History

None to date.

5.0 Policy Context

5.1. National Guidance

Project Ireland 2040 National Planning Framework (2018)

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).

Urban Design Manual, A Best Practice (DOEHLG, 2009)

Urban Design Manual- A Best Practice Guide and the Design Manual for Urban Roads and Streets DMURS (2013)

5.2. **Louth County Development Plan 2015-2022**

Section 2.16.4 of the Louth County Development Plan 2015-2021 (CDP) states that the statutory Development Plan for the urban and surrounding environs area of Dundalk is currently the Dundalk & Environs Development Plan 2009-2015 (DEDP) and that the CDP will be an over-arching Development Plan for the entire county including Dundalk and Drogheda. It goes on to state that following the adoption of the CDP, the existing DEDP will be reviewed and ultimately replaced by a Local Area Plan which will be a sub-set of and will be consistent with the provisions of the CDP.

This is supported by Policy SS 3 *“to review the Dundalk and Environs Development Plan 2009 – 2015 and to prepare a Local Area Plan for Dundalk and Environs which will be consistent with the provisions of the County Plan”*.

Section 11C (a) of the Planning and Development Act 2000, as amended, states with respect to the dissolution of town councils, that the development plan for the administrative area of such a town council shall continue to have effect to the extent provided for by that plan and be read together with the development plan for the administrative area within which the dissolved administrative area is situated.

Having regard to the abovementioned provisions of the CDP and the Planning and Development Act, I have therefore had regard to both the CDP and the DEDP.

5.3. **Dundalk and Environs Development Plan 2009-2015**

The site is zoned as Residential 1 in the development plan, where it is an objective *“To protect and improve existing residential amenities and to provide for infill and new residential developments”*

Chapter 6 of the development plan provides guidance for residential development

Section 6.5- Sustainable Residential Development

Section 6.6- Design Guidance for housing

Section 6.7- Residential Development Standards.

Policy HC2 Secure the provision of residential sites for social and affordable housing developments except within the areas delineated on map 6.1

Policy HC 3 Secure greater social integration and preservation and community ties through the provision of an appropriate mix of house types within residential areas

Policy HC 9 Implement the guidelines and best practice manuals issued by the Department of Environment, Heritage and Local Government in the planning for and provision of sustainable communities within new residential areas

Policy HC11 Encourage the use of homezone principles in the design of residential layouts, particularly where higher density developments are proposed

Policy HC 12 Require applicants for residential developments to demonstrate that a minimum of 25% of the energy requirements of the building is from renewable sources.

Policy HC 13 Ensure that a high degree of building flexibility is incorporated into the design of new dwellings, including adaptability to lifetime housing needs and provision of accessibility for people with impaired mobility

Open Space

Table 6.4- Private Amenity Space Standards

Houses: 1 & 2 bedrooms 60m² , 3 no Bedrooms 80m²

Apartments: 1 bedroom 20m² , 2/3 bedroom unit 40m²

Table 6.6- Quantitative Standards

14% open space requirements

Policy HC 20 Require that the quantitative standard of a minimum of 14% of the gross site area is provided as public open space in all new residential developments and that the qualitative requirements described above are adhered to.

Ensure that no area of public open space is less than 200 square metres in area and no boundary is less than 10 metres in length

Policy HC 23 Ensure that provision is made for the storage, segregation and recycling of refuse and for convenient access for its deposit and collection

5.4. **Natural Heritage Designations**

Dundalk Bay SAC and Dundalk Bay SPA are located c. 2km to the east.

5.5. **Environmental Impact Assessment (EIA)**

5.1. Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

9 no. submissions have been made from residents and residents associations in the vicinity of the site as summarised below. The issues raised throughout the submissions are similar in nature, therefore these have been grouped within common themes.

Procedure

- The site notices were not erected at locations which are visible by the public.
- Rockfield Manor was incorrectly identified on maps.
- Rockfield Manor was not named on the original site notices.
- There was insufficient time allowed for the residents to make submissions and due to the significance in design changes the application should have resubmitted as new.
- There was a missing drawing on the planning file.

Permeability

- The re-opening of a pedestrian/ cycle connection into the Glenwood estate will have a negative impact on the residential amenity of the existing resident's through anti-social behaviour.
- The majority of properties will be rented by students with no links to the area who will pass through existing estates.
- Previous pedestrian and cycle paths have been closed due to anti-social behaviour.
- The new pedestrian/ cycle route will not only permit connectivity to the proposed development but also to the O Fiaich College, Rockfield Estate, Hoeys Lane etc.
- The local residents funded and built a wall in 1999 to prevent anti-social behaviour.
- The Glenwood estate only has 1 vehicle access for 260 houses and it is fine.
- Louth County Council "*Statement of Policy on Housing Management for Rented Local Authority Housing Stock*" has been included to highlight the "control of access to Estates and the elimination of surplus passageways and alleyways".
- An email from the Garda community policing unit in Dundalk has been submitted to state that the pedestrian access to Glenwood and Rockfield would cause antisocial behaviour, would be problematic for the residents and have a drain on the resources of the Garda
- The proposed access would lead to the loss of a community garden at the same location within Rockfield Manor.
- The access point is through a green space, therefore increase in pedestrian activity will lead to a muddy area in the green space.
- The maps submitted by the developer is incorrect and there is no longer a pedestrian access to the rear of Topaz as it was closed due to antisocial behaviour.
- In 1999, after a significant amount of anti-social behaviour the residents built a wall at the end of the cul-de-sac.

- Photographs submitted from numerous grounds of appeal illustrating pedestrian access which have been closed off and gated.
- The proposed access through Glenwood estate is of no benefit in reducing the travel time to the Topaz and is merely directs pedestrians unnecessarily through a residential area.
- Condition No 2 (details of agreement of the access points) are *Ultra Vires* conditions as the applicant does not have control or ownership over these lands. The area for connection to Rockfield Manor, to the east of the site, is in the control of the developer of the estate.

Residential Amenity

- Student access through the estate in the past has caused anti-social behaviour including the removal of trees, littering and loitering.
- The location of the apartment development will have a negative impact on the surrounding residential amenity, will cause overbearing, overlooking and overshadowing.
- Shadow projection drawings attached with the grounds of appeal illustrate the overshadowing impact on the adjoining residential properties.
- The proposed development will devalue the properties in the vicinity.
- The proposed play area does is not in a good location with overlooking and does not provide satisfactory open space
- The proposed apartment buildings are located on one of the highest FFL points of the site and some of the FFL of the surrounding areas are incorrect on the maps.
- The proposed development will be have a negative visual amenity on adjoining properties, in particular the clear views from No 250 which looks directly into the site.
- Overlooking into the occupied rooms of the adjoining residents is contrary to Section 6.7.5 of the development plan and Section 6.10 of the national guidance on sustainable residential area 2009.

- The main public amenity space to the very rear of the site is substandard.
- Gated amenity space is unacceptable, unusable and unattractive.
- There is insufficient communal bin storage beside the apartment blocks (Section 6.7.7 of the developmetn plan).
- The proposed boundary treatment and treatment of the existing mature hedging is insufficient.

Wildlife

- The removal of 100 whitethorn bushes (behind the boundary wall) will have a negative impact on the environment and remove pollinators, which are in decline.
- The applicant cannot legally development on adjoining lands so it is assumed the access points will not be continued through.
- The decision to condition a bat survey rather than request one as part of further information is contrary to Objection SO8 of the development plan (enhance the natural and built environment).

Apartment Development

- The apartment development will cause overshadowing, overlooking and overbearing on adjoining properties. (shadow projection drawings accompanied).
- The apartment development will devalue properties in the vicinity of the site (letter from local estate agent office submitted)

Design

- The response to the planning authority's further information request was unsatisfactory.
- The existing northern boundary treatment is currently poor with substandard planting and a more suitable boundary treatment is required.

Traffic

- The traffic at Rockfled is already over-capacity and there is a football club at the end of the estate.

- The increase in traffic will have a negative impact on the children playing in the Rockfield Estate.
- Once DKIT implemented pay parking within their site, Rockfield Manor became an overflow car park for the campus area for DKIT users.
- Photos submitted illustrate the problem with parking within the adjoining residential areas from the DKIT during the day.

Flooding

- There are concerns the development will lead to flooding in the adjoining residential site.
- There is a record of a natural spring in the area and there is concerns the water is not directed.

6.2. Applicant Response

An agent on behalf of the applicant has submitted a response to the grounds of appeal which includes an amended design, including the revision of the open space, relocation of the apartments and the removal of pedestrian and cycle routes into the adjoining residential areas, and the submission is summarised below.

- The development plan includes policies and objectives to support residential development at appropriate locations and Dundalk Town is identified as a growth area.
- The site is located in close proximity to a number of community facilities and neighbourhood facilities.

Permeability

- The site is located in development area “Muihervnamor” where the Avenue is identified in the development plan (Table 5.1) as a green route which supports cycle lanes and bus priority routes.
- The site is located on the Avenue Road therefore, pedestrian connectivity to other residential estates is not supported in the development plan.

- Section 5.5 (pedestrians and cyclists transport 21) and Section 5.5.1 (cycle path and footpath network) encourage desirable pedestrian and cycle routes to support a coherent network.
- Figure 7- Includes a Map illustrating the pedestrian and cycle routes which are required to be incorporated into the development plan and Policy TR 13. The emphasis is on serving the areas where people wish to travel.
- Map 5.2 of the development plan includes proposed cycle and walk routes throughout Dundalk Town with a route along the front of the site for Dublin Road.
- Having regard to the policies and objectives of the development plan there is no requirement for pedestrian linkages into the existing residential areas and the revised plans have omitted these links.
- The concerns of the third party, in relation to the pedestrian links, are noted and summarised.
- It is acknowledged that pedestrian connectivity is desirable although should be part of a plan-led approach rather than retrofitting.
- There is no established path to the point at Rockfield, therefore the pedestrian linkages are not practical and there is no desirable connection.
- The removal of any pedestrian linkages would ensure the protection of the security of those existing residents.

Open Space

- Due to the removal of the pedestrian linkages a larger more centrally located open space is provided which is overlooked by the proposed dwellings

Apartment Location

- The inclusion of the apartments was a requirement of the planning authority.
- The apartments are only two storey in height.
- There is sufficient separation distance between the proposed houses and the Glenwood resident's dwellings.

- This aside, the revised design includes the relocation of the apartments north of the site.

Flooding/ surface water runoff

- The subject site is located in flood zone C and there is minimal risk to flooding.

Devaluation of property

- It is considered the proposed development is a high quality scheme.
- The location of the apartments is a sufficient separation distance.
- The location of the appellant's windows is noted although there is not right to a view under planning law.

Health & Safety

- Concerns in relation to the trees is noted.
- A condition requiring a survey by an arborist prior to commencement would be accepted.
- The applicant would comply with any requirements for tree maintenance and removal if necessary.

Public Notices

- The applicant has complied with the planning authority in terms of public notices and this is not a matter for the Board.

Scale and Mass of apartments relative to existing dwellings.

- The scale and mass of the apartments is similar to any other two storey dwelling and the scale and mass is not excessive
- The corner of the apartment development is 8m from the closest dwelling and is orientated so as not to cause any overlooking.
- Having regard to the stepped design and relocation of the apartments there will be no overshadowing.

Students

- The planning system cannot discriminate against any section of society and housing must be provided for all sections of the community.

Habitat Loss

- The site is not a wildlife habitat but an overgrown site which is a visual eyesore.

Residential Amenity

- The site size and shape and inclusion of Irish Water wayleaves have determined the overall design of the residential development.

Northern boundary

- The existing trees and hedgerows along the northern boundary are to be retained as part of the development.

Parking

- The use of Rockfield as parking for DKIT is not a matter for this application and should be directed to DKIT.

6.3. Planning Authority Response

A response was received from the planning authority on the applicant's response to the grounds of appeal and a number of the third party submissions, and the issues raised are summarised separately below.

Response to applicants revised proposal.

- There is design merit in relocating the open space to a more central location and relocation of the apartments to the NE and there is no objection.
- In relation to the amended design it is noted that the proposed pedestrian linkages are no longer viable.
- It is considered that there remains strong desire lines between Glenwood Estate and the subject site and there remains an opportunity for at least

two connection points linking the existing and proposed hammer heads (between houses No. 14 & No. 19 and between No 241A & 240A to the proposed open space).

- The retention of the pedestrian and cyclist connection points is in keeping with the principles of the Urban Design Manual, the national guidance and best practice.

Response to third party appeal

- The substantive issues raised reflect the points made in the planners report at FI stage (report dated 26/04/2018) and the planners report at decision stage (20/08/2018)
- The imposition of conditions no. 1 and No. 2 are considered to be “*enforceable and reasonable*”. The adjoining housing estates have been taken in charge by the Local Authority and accordingly there is sufficient title for the connections to proceed.

6.4. Observations

None received.

6.5. Further Responses

8 no. observations were received from appellants in relation to the revised drawings submitted by the applicant and the issues raised in these submissions are similar. I have summarised the issues raised within common themes as follows:

Apartment Location

- The new location of the apartments is welcome.
- The new location of Block 1 of the apartment will lead to a negative impact on residential amenity by overlooking and overshadowing.
- It is requested that Apartment Block 1 is relocated closer to southern boundary with Rockfield Manor with the repositioning of the first floor bedroom window to the structures north-eastern elevation which would aid the number of windows overlooking the open space.

Pedestrian access

- The removal of the pedestrian access is welcome
- Should the Board be minded to grant permission for the original submitted proposal it is requested that the Condition No 2 is omitted and the requirement for access into adjoining residential estates.
- A more appropriate link through the estate would be towards the business along the Dublin Road rather than through the residential estate.

Open Space

- There remains poorly design public amenity space at the side of units 7 and 14 which are gated.

Northern Boundary

- The existing boundary treatment includes patchy hedgerows and trees in poor condition.
- The planting of trees along the northern boundary, when mature will have a negative impact on the residential amenity and therefore hedging is preferred.
- The proposed planting scheme would provide trees of up to 50ft in height and would block the light to the existing hedging along the boundary.
- The proposed open space is directly adjacent to an existing dwelling with side windows facing, without some sort of boundary treatment the public would be looking into private residence.
- It is requested that the trees along the northern boundary are completely removed and a 2m high wall built along c. 65m to prevent any permeability into Glenwood.
- Clarification as to the readjustment of any boundaries.

Sewerage

- Clarification is requested on the sewerage connections and concern that connection would be into the Glenwood estate.

Site notice

- The unacceptable positioning of the site notice for the significant further information is reiterated the revised plans should be advertised by the Board.

7.0 Assessment

- 7.1. The following assessment has regard to the plans and particulars submitted with the applicant's response to the grounds of appeal which includes a revised scheme with the removal of the pedestrian and cycle routes from the subject site into the adjoining residential estates, the relocation of the two apartment buildings to the north of the site and the reconfiguration of the communal open space to the centre of the site.
- 7.2. The observations submitted consider the changes in the layout and design of the scheme vary significantly from the original application and contravenes the planning application process.
- 7.3. I note the amended design has been circulated to all parties who have been given an opportunity to comment. I consider the proposed amendments can be accepted as part of the grounds of appeal and I am assessing this application *de novo* on the basis of the revised design submitted by the applicant.
- 7.4. The main issues of the appeal can be dealt with under the following headings:
- Principle of Development
 - Density
 - Design and Layout
 - Impact on Residential Amenity
 - Access and Parking
 - Water
 - Other
 - Appropriate Assessment

Principle of Development

- 7.5. The proposed development comprises of 43 no. residential units with associated open space and access onto the main Dublin Road, south of Dundalk Town. The site is zoned as residential where it is an objective to *"To protect and improve existing*

residential amenities and to provide for infill and new residential developments” and is located on lands which have been identified in the Core Strategy for Dundalk for “Consolidation of the Urban Core” where residential development is not restricted to the sequence pattern of release of residential lands.

- 7.6. Therefore, based on the zoning and the development plan policies, I have no objection to the principle of the use site for residential development, subject to complying with conditions and other planning requirements as addressed in the following sections.

Density

- 7.7. The subject site is a greenfield site located c. 1km from Dundalk Town Centre, c. 200m from DKIT and on the opposite side of the road from Louth County Hospital. The site fronts onto Dublin Road which is main transport route for Dundalk.
- 7.8. The site is a serviced site, bounded by low density suburban housing estates on either side. Following a further information request for compliance with the national guidelines on sustainable development, the applicant increased the number of dwellings from 36 no. to 43 no including 2 apartment buildings each with 4 no. units, which, in addition to an increase in the site area from 1.338ha to 1.56ha lead to an increase of the overall density on site to 27.5ha.
- 7.9. Dundalk has been identified in the National Planning Framework (NDF) plan as a settlement key for strategic growth which requires a focused planning approach to compact and sustainable development. In addition, National Policy Objective 3c requires the delivery of at least 30% of all new homes in those settlements for growth in the national plan. In relation to densities the NPF requires increased residential densities in urban areas in order to reduce urban sprawl which leads to additional pressure on the environment and infrastructure.
- 7.10. The Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) seek to increase residential density in settlements in order to achieve the best use of serviced urban land, to reduce reliance on the private car, to maximise the use of public transport infrastructure and to facilitate sustainable urban development patterns and sustainable neighbourhoods. Section 5.11 of guidelines details the density requirements of “outer suburban/greenfield sites” where 35-50 dwellings per hectare is required for the

greatest efficiency of land use where developments of net density less than 30 dwellings per hectare would generally be discouraged on sites in excess of 0.5 hectares. The Design Guide for Apartments (2018) indicates appropriate locations for apartments, specifically sites within reasonable walking distance (i.e. up to 10 minutes or 800m-1,000m) to/from high capacity urban public transport stops (such as DART or Luas). Whilst, Dundalk is not served by high capacity public transport stops, the site is within c. 2km from the train station, which has regular transfers to and from DKIT.

- 7.11. The report of the area planner noted the proposed density and refers to the undulating nature of the site and foul sewer wayleave through the site as constraints for development. The FFL of the existing dwelling within the Glenwood estate (no. 250) along the north boundary is 9.67 whilst the closest proposed apartments is 10.5 which I do not consider is of a significant variance to prevent the appropriate development of the site for residential development. In regard to the wayleave, the report of Irish Water notes the 150mm foul sewer through the site and considers a Diversion agreement may be required to divert to the main network, therefore the wayleave should not prevent an acceptable layout or density. The site is not significantly constrained by other factors. I note the location the existing dwellings, further discussed below, and the orientation of the site onto the main Dublin Road, and I consider the site could accommodate higher density units whilst also ensuring the protection of the residential amenity of the existing dwellings.
- 7.12. On the basis of national guidance, as discussed above, and given the context of the site within the vicinity of DKIT, the hospital and the availability of neighbourhood services, I am of the view that the density proposed of 27.5 units per hectare is not in keeping with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) where minimum net densities of 35-50 units per hectare is supported. The proposed development is in my view an inappropriate use of land, which is a scarce and finite resource in an urban centre identified for growth in the NPF. The site is one of a limited number not constrained by the phasing programme in the Core Strategy. There are existing apartments, within an existing residential development, on the opposite side of the Dublin Road, which supports the suitable use of urban lands at this location.

7.13. Given the specific site circumstances in this instance, I am of the view that a higher density proposal is warranted and I consider the proposed development would be contrary to the proper planning and sustainable development of the area.

Design and Layout

7.14. The proposed development includes, 43 no. residential units (16 no. 4 bed, 16 no. 3 bed and 11 no. 2 bed) fronts onto and is directly accessed from the Dublin Road. A revised design submitted with the applicant's response to the grounds of appeal includes the relocation of the 2 no. apartment buildings to the north of the site, within the original open space area, the reconfiguration of the open space in the centre of the site, and the removal of the proposed pedestrian/ cycle access points into the adjoining residential area.

7.15. Section 6.5.1 and Policy HC 2 of the development plan reiterates the principles of good urban design as contained in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009' and the accompanying design manual. These Guidelines advocate high quality sustainable development that are well designed and built to integrate with the existing or new communities and the design manual provides best practice design criteria such as context, connections, inclusivity, variety, efficiency, layout etc. where it is a requirement for the design of new development to improve and enhance the existing situation to make a positive contribution to the neighbourhood as assessed below.

7.16. Permeability – The proposed development includes two pedestrian/ cycle access routes, the first located along a block wall, adjoining No. 240a and No. 241a Glenwood, and the second between No 49 and No 50 Rockfield Manor, both through the proposed open space. Condition No 2 (b) requires the inclusion of an additional pedestrian/cycle connection from the hammerhead between No. 14 and no. 19 linking into Glenwood. The grounds of appeal are mostly concerned with the proposed pedestrian and cycle routes proposed between Glenwood Estate and Rockfield as it is considered these links will lead to an increase in anti-social behaviour, letters from the local Garda Community Policing Unit have been submitted to support the local residents' concerns. The residents do not consider the applicant has control or ownership to undertake works for the proposed access. A

submission from the Planning Authority notes that both Glenwood estate and Rockfield Manor have been taken in charge.

- 7.17. The revised design submitted by the applicant, in response to the grounds of appeal, removed the pedestrian/ cycle routes between the sites into the adjoining estate, which the adjoining residents support. The response from the planning authority did not consider the removal of the linkages between residential areas, as per the amended proposal, acceptable and should be retained to ensure compliance with the urban design manual and in keeping with best practice.
- 7.18. Section 3.3 of the national road guidance for urban areas (DMURS) provides guidance on the design and layout of streets for new residential development with an aim to create better connected places. A design principle of any scheme should include an integrated street network where permeability is promoted and the number of walkable/ cycle able routes between destinations is maximised. These principles are supported in Section 7.0 of the urban design manual which highlights that key desire lines can support urban development. Therefore, having regard to the national guidance and to support connectivity for residents I consider the inclusion of pedestrian/ cycle routes is necessary to support sustainable residential development.
- 7.19. Photographs of existing pedestrian links, throughout Dundalk, have been submitted with the grounds of appeal to illustrate problems with anti-social behaviour in the past. It is evident from these examples that the layouts of the past were poorly designed, mostly consisting of back alleyways not overlooked which attracted anti-social behaviour. The guidance in the DMURS and the Urban Design Manual focuses on the design of the pedestrian links to ensure they are short, overlooked, have clear sightlines and are well lit to mitigate anti-social behaviour. The treatment of these routes is important to ensure the successful integration and provision of enhanced amenity spaces and I note the proposed pedestrian link to Glenwood Estate includes two openings adjacent to a low block work wall with galvanised steel railings over, which I consider will provide an attractive feature. No details of the linkage into Rockfield Manor is submitted although I consider the same treatment would be suitable to ensure compliance with best practice. The revised design submitted with the appeal does not adequately demonstrate inclusion or appropriate treatment of the pedestrian/cycle links and therefore represents a substandard layout which is not in compliance with national guidance.

- 7.20. Boundary treatment- There are currently mature trees and hedging along the north boundary of the site, adjoining Glenwood Estate. A block wall has been erected by a resident at one of the cul-de-sacs to prevent access between the sites. Planting is proposed along the north of the site as part of the applicant's revised design, includes semi-mature Tilia Cor. Greenspine, Carpinus Frans Fontaine and Amelanchier Lamarck Trees. The appellants request the removal of the mature hedging although note the trees have excessive growth adjoining residential properties. The trees species proposed are suitable for planting within residential schemes. A new block wall along the northern boundary between the adjoining estates was requested.
- 7.21. Having regard to my assessment above in relation to the need for permeability the inclusion of a block wall along the entire boundary should be avoided although there may be instances, adjoining rear or side existing dwellings where a block wall may be appropriate to ensure retention of private amenity space. In other instances the enhancement of the existing boundary with planting is appropriate. The submitted plans do not provide sufficient information or design solutions to adequately assess the impact of boundary treatment on the amenity of those existing residents along the boundary and I consider in conjunction with other design issues, the proposal is inadequate and would lead to a substandard form of development further discussed below.
- 7.22. Mix of dwelling- Policy HC 3 of the development plan promotes social inclusion through the requirement for housing developments to provide an appropriate mix of house types. The proposal includes 16 no 4 bed, 14 no 3 bed and 11 no 2 bed dwellings and I consider the range and type of housing units supports variety of tenure.
- 7.23. Layout: The subject site fronts directly onto a main transport route into Dundalk Town and any development on this site has the potential to enhance the surrounding area. On foot of a further information request the lands along the Dublin Road where included in the overall scheme and the design and layout was amended to include two apartment buildings, each containing 4 no. 2 bed units in the centre of the site, adjacent to Glenwood Estate with a range of conventional 2 and 2.5 storey house types and two 2 storey apartment buildings.

- 7.24. The Urban Design Manual requires that new residential developments positively contribute to the character and identify of the neighbourhood. A row of 6 no. semi-detached and 1 no. detached dwelling face onto the Dublin Road and are separated by an internal access road, 14 no car parking spaces and a strip of open space. The treatment of the overall scheme along a main transport route focuses significantly on car parking rather than high quality urban design. It is acknowledged that the revised location of the apartment to the north of the site has resulted in higher quality open space provision in the centre of the site, although I consider the private open space provision for the apartment units is substandard, further discussed below.
- 7.25. Communal Open Space: Policy HC 20 of the development plan requires the provision of a minimum of 14% of the gross area of the site for public open space where no area shall be less than 200m² in area and no boundary less than 20m in length.
- 7.26. The open space, amended following a further information request, is 1,850m² represents 12% of the overall site area and is located on the northern corner of the site. The open space provided clear permeable links to the adjoining residential areas although the absence of any overlooking or surveillance of this space would lead to anti-social activity and therefore it is considered the open space provision is not appropriate. Two further open space area, one gated strip along the side of house no 7 and no 14 and a strip along the main road are not considered useable areas. Therefore, the three areas of public opens space are not considered safe or secure and do not support a high standard of public realm.
- 7.27. The revised design, including the relation of the apartments to the north of the site and the consolidation of the main open space in the centre (1,580m²), is appropriate in the provision of useable open space, and overlooked by the existing dwellings. The area has been reduced to c. 11% of the site area, although having regard to the quality of space provided I consider the quality is appropriate. In addition it is noted that 600m² of private open space is provided for the apartment development rather than the required 300m².
- 7.28. Having regard to the proposed development and the revised design submitted, in the absence of any design proposals for boundary treatment, pedestrian and cycle links to adjoining residential areas and appropriate treatment onto the main road it is

considered the overall design and layout does not comply with the urban design guidance and would therefore be out of character with the development in the vicinity and would seriously injure the amenities of the existing and adjoining residential amenity, further discussed below.

Impact on the Residential Amenity

- 7.29. Glenwood Estate bounds the site to the north and Rockfield Manor to the east. Three dwellings within Glenwood Estate are directly adjacent to the site, No 250, No 251a and 240a and 16 no. dwellings within Rockfield Manor back onto the site, separated by block walls. The grounds of appeal are submitted from residents and residents' associations of the adjoining residential areas and the main cause of concern relates to the proposed pedestrian and cycle routes from the appeal site, the lack of boundary treatments along the north boundary, both previously addressed, and the negative impact from the proposed apartment blocks.
- 7.30. Apartment Development – Two no. 2 storey apartment buildings, each containing 4 no apartments were included in the scheme following a further information request to increase the density and comply with the guidance in the sustainable urban housing guidance. The response from the applicant to the appeal includes a revised design relocating the two apartments to the north of the site and the open space in the centre. Having regard to my assessment above in relation to the appropriate development of the communal open space in the centre of the site, I have assessed the reconfiguration of the site to include the location of the apartments to the north. The planning authority had no objection to the revised layout although those residents within Rockfield Manor, adjoining the new location of the apartments, are concerned the proposal will have a negative impact on their residential amenity.
- 7.31. Private amenity space- Table 6.4 of the development plan includes minimum standards for the private amenity space for the dwellings which the proposal complies. Appendix 1 of the national guidance for apartment development requires a minimum of 6m² of private amenity space for a two bedroom apartments. The submitted revised design includes 8 no apartments where no balconies are provided for those apartments on the first floor and private amenity space is located on the ground floor adjoining the ground floor apartments. The amalgamation of private open space on the ground floor is not an acceptable provision of amenity for the

residents of 4 no apartments on the first floor and does not comply with the national guidance for apartment development.

- 7.32. Overlooking: The apartment development is 2 storey in height and located c.18m from the rear of the dwellings along Rockfield Manor, separated by a 2 m high block wall, which I consider a reasonable distance within an urban setting to prevent any direct overlooking. The most northern apartment building faces towards No 240A Glenwood, which has windows on the ground floor directing towards the appeal site. The use of appropriate boundary treatment would prevent any overlooking into the ground floor and having regard to the orientation and distance of the dwellings in Glenwood there would be no overlooking on the existing properties.
- 7.33. Overshadowing: The two storey apartment buildings are c. 18m to the west of dwellings along Rockfield Manor and 8.8m east from the closet dwelling in Glenwood. Having regard to the height of the apartment buildings, distance and orientation in relation to existing dwellings I do not consider there would be a significant negative impact on any residential amenity from overshadowing.
- 7.34. Having regard to the overall design of the scheme and distance from the existing dwellings I do not consider the proposed dwellings or apartment units would have a significant negative impact on the residential amenities of the existing occupants. The absence of private amenity space for 4 no apartments would have a negative impact of the residential amenity of future occupants of these units.

Water

- 7.35. The site sections submitted with the revised design illustrate a limited amount of cut and fill across of the site and the finished floor level of the proposed dwellings will be no greater than 1m from the existing dwellings. The grounds of appeal are concerned the proposal will lead to increase run-off and cause flooding on surrounding lands. The lands are not included in any flood zone in the OPW Flood Maps¹.
- 7.36. Surface Water: The proposal includes 3 no soakaway trenches, houses will have individual soakaways in the rear gardens and other surface water run-off generated from the proposed development will be routed through a SuDS compliant underground attenuation system and discharge from the site through a flow control

¹ <http://www.floodinfo.ie/map/floodmaps/>

devise to a proposed surface water drain located at the North, existing network at Glenwood Estate. The Drainage section of local authority had no objection to the proposal. I consider the inclusion of soakaways and SuDS scheme capable of sufficiently treating any surface water-off.

- 7.37. Foul Water: An existing 150mm diameter foul pipe crosses the site. The proposed development included connection of the foul sewer by gravity to the adjacent Glenwood Estate, as directed by Local Authority. The Irish water pre-connection enquiry response had no objection to the proposal subject to a diversion agreement for the foul water and included a requirement to the point of connection for the foul at a 300mm foul sewer across the Dublin Road to the west of the site, which I consider reasonable to service the site.
- 7.38. Having regard to the location of the site within an urban area and the proposals to incorporate SuDS within the residential scheme, it is considered that the proposed development can adequately treat the surface and foul water within the site and would not cause a negative impact on the surrounding area.

Other

- 7.39. Biodiversity: The proposed development includes the removal of a significant amount of mature trees and hedging along the northern boundary. The submission from the DCHLG had no objection to the proposed development subject to the submission of a bat survey carried out by a suitably qualified ecologist and limitations to tree removal during the period 01st of March to 31st of August, which I consider reasonable to prevent a negative impact on any bats. The landscaping plan has been addressed above and considered acceptable for a residential scheme.
- 7.40. Archaeological: The site is located c. 400m from a souterrain in the Muirhevnamor Public Park and c. 500m from sites in DKIT where archaeological material was excavated during ground works. The report from DCHLG describes the area as high archaeological potential and given the scale and amount of subsurface material to be moved it is recommended that archaeological monitoring is included as a condition. Having regard to the location of the site within the vicinity of discovered archaeological material and the amount of ground works required, I consider a condition for archaeological monitoring is reasonable should the Board be of a mind to grant permission.

- 7.41. Procedural: The location of the site notice, to advertise the submission of significant further information, has been raised as an issue by the grounds of appeal. Photographs submitted illustrate the notice at the proposed pedestrian/ cycle link into the Rockfield Estate to the east. The report of the area planner considered the site notice adequate to inform the public and referred to the significant number of submissions received on the further information. I consider the validity of the planning application a matter for the planning authority.
- 7.42. Part V: Condition No. 7 requires the developer to enter into an agreement with the Planning authority under the provisions of Section 96 of the Planning and Development Act, 2000 (as amended). Map 6.1 of the development plan identified two large areas within Dundalk Town specifically excluded from the provision of part V requirement. Policy HC2 of the development plan requires the provision of residential sites for social and affordable housing Developments except within the areas delineated on map 6.1. Having regard to the policies and objectives of the development plan, I consider the site is exempt from the requirements of Part V.

Appropriate Assessment

- 7.43. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest 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 the conservation objectives of any European site.

8.0 Conclusion

The applicant has submitted an amended design in response to the grounds of appeal to address the issues of concern. Whilst some aspects of the revised layout are an improvement to the initial design, i.e. central location of open space, it is considered the revision has led to the removal of any connectivity, absence of appropriate boundary treatment and substandard open space for the apartment development. In addition, the substantive issue relating to the under provision of appropriate density on valuable urban lands remains and for this reason I do not consider it is appropriate that conditions can be reasonably included to amend the design of the scheme and therefore a refusal is recommended.

9.0 Recommendation

- 9.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. Having regard to the location of this serviced site along a high quality public transport corridor and approximately 2 km from Dundalk Town Centre, the proposed residential development would not be developed at a sufficiently high density to provide for an acceptable level of efficiency in the use of serviced lands as required in the National Planning Framework and would accordingly be contrary to National Policy as set out in the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the objectives of the current development plan for the area, in particular Policy HC 9 and the national guidance in the Urban Design Manual, A Best Practice, in relation to urban development and urban renewal, it is considered that, by reason of the absence of sufficient integration and design details for private amenity space for the apartments, pedestrian/ cycle ways, appropriate communal open space and boundary treatment, and excessive parking along the Dublin Road, the proposed development would militate against an attractive pedestrian environment, would be of insufficient urban design quality on a prominent site Dundalk Town and would seriously injure the residential and visual amenities of the area. The proposed development would, therefore, conflict with the objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

06th of February 2019

