



An
Bord
Pleanála

Inspector's Report ABP-304476-19

Development	Construction of 3 houses, with vehicular parking and all associated site development works.
Location	10 Mill Street, Dundalk, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	19141
Applicant(s)	Karen Wiseman.
Type of Application	Permission.
Planning Authority Decision	To grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Gerard and Julie Bellew & others.
Observer(s)	None.
Date of Site Inspection	Thursday 19 th September 2019.
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 0.016ha appeal site is situated to the east of Dundalk town centre on Mill Street. Mill Street is an urban street with a mix of land uses, including largely residential, educational and religious uses, and an uneven building line. Mill Street joins the town's Eastern By-Pass (R132) c.250m to the east of the appeal site.
- 1.2. The appeal site comprises land to the west of no. 10 Mill Street, an end of terraced two-storey residential property. To the west of the appeal site is a narrow lane. This separates the site from the adjoining residential property, no. 29 Mill Street, and provides access to the rear of properties along Mill Street and Seatown Place to the south.
- 1.3. The appeal site comprises a disused site with a two-storey outbuilding along its southern boundary. The site is more elevated to the rear (south) and falls away towards the public road. Access to the site is via a gated entrance part way along the narrow laneway to the west of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of three no. residential dwellings. Two no. semi-detached, two-storey houses are proposed to the front (north) of the site (House no. 1 and House no. 2). These will have a rear garden of c.50sqm and steps up to a 'common parking area'. The semi-detached units will be separated from no. 10 Mill Street by a gated pedestrian route, which will also provide access to the common parking area.
- 2.2. To the south of the site, along its southern boundary the applicant proposes a detached dwelling, with garden to front (70sqm) (House no. 3). The property has three structural components:
 - To the east of the site, a single storey pitched roof block which is orientated north south;
 - Central to the site, a single storey flat roof block orientated east west, and
 - To the west of the site, a two-storey block with pitched roof orientated north south.

- 2.3. Water supply is proposed from the public mains and wastewater will be discharged of via the public sewer. Surface water will be discharged via on-site soakaways. One off-street parking space is proposed for the detached dwelling only (in the common parking area), with access via a recessed entrance gate in the laneway. A swept path analysis for a large car is shown in drawing no. 18028/C05A. Parking for the two semi-detached dwellings will be provided via on-street parking, with one additional space provided by the removal of a section of the double yellow lines currently located across the existing site entrance on Mill Road, see drawing no. 18028/C05A.
- 2.4. The planning application is accompanied by:
- Civil Engineering Works Planning Statement.
 - Soakaway design report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 18th April 2019, the planning authority decided to grant permission for the development subject to 11 conditions. These include:
- No. 2 – Require revised plans to omit 2 no. first floor gable windows to dwelling no. 1.
 - No. 3 – Requires applicant to provide confirmation that first floor bedroom to dwelling no. 3 is fully compliant with building control legislation.
 - No. 5 – Restricts construction hours to 8am to 8pm Monday to Friday and 8am to 4pm on Saturdays with no works on Sundays or Bank Holidays.
 - No. 6 – Requires a construction and demolition waste management plan.
 - No. 7 – Requires measures to prevent debris on the public road during construction.
 - Nos. 10 & 11 – Require payment of a general development contribution and bond respectively.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 11th April 2019 – This report refers to the planning history of the site, its policy context and the submissions and technical reports made. It considers the merits of the development under a number of headings including principle, design, scale and form, impact on adjoining properties, heritage, flooding and infrastructure. It considers that:
 - The development is acceptable in principle on the site and the bulk, scale and massing is sensitive to the site location. The introduction of a backland/mews dwelling in the position of the old coach building, is acceptable in principle and detailed design is such that the structure will look inward to a courtyard area and private amenity space.
 - The short-term effects of construction work can be managed by best construction practice and controlled by condition.
 - Dispute over legal title lies outside of the planning system. Drawings do not appear to indicate that gutters/rainwater goods will overhang the right of way. Detailed design could address this matter.
 - Having regard to the existing pattern of development, the orientation of the site, position of adjoining building and arrangement of proposed development, it is considered that the development will not have any significant impact on adjoining properties.
 - The two small bedroom windows at first floor in the western elevation of House no. 1 should be omitted (report states that these face a gable window in No. 29 Mill Street).
 - Acknowledge that the gable window in No. 29 Mill Street will experience a loss of light but consider this to be acceptable in the urban context and would not seriously injure the amenity of the property.
 - Recommend a condition to ensure that the first-floor bedroom and bathroom of House no. 3 complies with Building Regulations.

- Considers that the coach house is not of sufficient merit to warrant retention. The proposed development will provide reference to former building on the site.
- FFL ranges from 4m to 5m above the public road (3.66m) and no issues arise regarding flooding.
- Consider that the arrangements for infrastructure are acceptable and proposed provision of one car parking space is acceptable given the infill/brownfield and site and location in a town centre.
- No effects on European sites are considered to arise.

The report recommends granting permission subject to conditions.

3.2.2. Other Technical Reports

- Infrastructure (8th April 2019) – Recommended a grant subject to conditions.

3.3. Prescribed Bodies

- Irish Water (9th and 10th April 2019) – No objections.

3.4. Third Party Observations

3.4.1. There are two observations on file, made by Gerard and Julie Bellew (12 Mill Street) and Betty and Stephanie Mc Crave (29 Mill Street). The following issues are raised:

- Adverse impact on residential amenity –
 - The observers dwelling and rear garden, 12 Mill Street, abuts the eastern boundary of the application site. Construction activities will impact on the peace and quiet of the rear garden. Construction hours should be limited to 8am to 6pm Monday to Friday and no works on Saturdays, Sundays or Bank Holidays. Overbearing and overshadowing nature of single storey pitched roof element of house no. 3 adjoining their property. Existing coach house is two-storey but orientated along an east-west axis. Proposed development will be north south with greater impact on amenity and value of the property. Height of proposed development, as it adjoins the observer's property could be reduced by incorporating a shallow pitched roof with lower

eaves alongside the shared boundary and reducing finished ground levels.

- The proposed two units to the front of the application site will be c.3.4m from the observers first floor window in their eastern elevation (29 Mill Street). It will overshadow the property and lead to loss of direct sunlight and ambient light to the eastern half and central core of the dwelling. This impact on residential amenity will reduce the value of the property.
- Justification for demolition of coach house – The c.1913 coach house was last used by McGuill Undertakers for stabling horses and hearse carriages. It has a small office upstairs. National planning guidelines and policies of the County Development Plan advocate the retention and re use of old vernacular buildings. The existing coach house is in exceptionally good structural condition and makes an important contribution to the local vernacular and historical urban fabric of Mill Street. The applicant has not submitted justification for demolishing the coach house.
- Traffic impact, vehicular access and parking provision – Mill Street is a heavily trafficked short cut between the town centre and the Inner Relief Road. The street is used for long term non-paying car parking due to its proximity to the town centre which narrows the available carriageway. At either end of the street are significant traffic generators e.g. secondary school, creche and business park. At times Mill Street is completely congested. Construction traffic will add to the congestion. No information on how access along laneway will be ensured during construction and use of development or how large vehicles will enter site (e.g. swept path). Impact of traffic from development on Mill Street and capacity of Street to accommodate construction traffic. Inadequate sightlines at junction of laneway and Mill Street. Inadequate parking provision. Inadequate swept path analysis (only presented for a large car and for entry and exit in one direction, does not take account of parked cars on Mill Street, larger vehicles could damage No. 29 Mill Street's gated vehicular entrance, no assessment of proposed western boundary wall on observers ability to enter/exit rear yard).

- Impact on adjoining laneway and resident's access – No evidence of entitlement over laneway or to carry out works to connect development to water mains and shared sewer pipe along Mill Road. Impact on use of laneway (including ability to enter/exit property) and other businesses/residences during construction. Eaves of utility room protrude beyond indicated application site and onto shared laneway and bedroom window in proposed southern elevation of house no. 3 will open out onto rear laneway.
- Potential negative effect on foundations – Risk that the development will impact on the structural stability of observers historic dwelling (29 Mill Street) and foundations from vibrations associated with construction.

4.0 Planning History

- 4.1. There is no planning history on file in respect of the appeal site. However, the appellants refer the Board to PL244215 which refers to a decision by the Board to refuse permission for the development of 5 no. houses on land adjacent to The Garden House at Mill Street, Dundalk (to the north west of the appeal site). In this instance permission was refused on the grounds that that by reason of its siting and proximity to the rear of established residential properties and the proposed design, layout and scale of development, it would seriously injure the amenity of adjoining properties and depreciate their value.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site is situated on land zoned 'Town Centre and Mixed Use' in the Dundalk and Environs Development Plan 2009 to 2015 (as varied and extended). with the objective of the zoning '*To provide for mixed use development*' to support and complement the function of the town centre. Developments with sites in excess of 0.1ha are required to contain a mix of permitted uses where the residential component is not less than 20% or more than 80% of the total floor area proposed.

- 5.1.2. Policy TC 11 promotes the development of backland and infill sites and the refurbishment and regeneration of brownfield and grey field sites within the Town Centre. Table 6.7 sets out residential parking standards, including 1.0 spaces for brownfield/town centre sites. However, the Plan states that a relaxation of this requirement may be considered in certain town centre sites where the applicant can demonstrate that there are satisfactory alternative modes readily available and a financial contribution in lieu of provision may be acceptable.
- 5.1.3. Section 8.4 of the Plan deals with conservation of built heritage and in Policy CH 8 encourages the appropriate reuse, renovation and rehabilitation of older buildings which are not listed but have some architectural historical or heritage merit.

5.2. **Natural Heritage Designations**

- 5.2.1. Dundalk Bay SAC (site code 000455) and Dundalk Bay SPA (site code 004026) lie c.300m to the north east of the appeal site (see attachments).

5.3. **EIA Screening**

- 5.3.1. The proposed development is of a type that constitutes an EIA project (involving construction works and demolition). However, it is not of a scale likely to give rise to significant environmental effects to warrant environmental impact assessment (Class 10, Part 2, Schedule 5, P&D Regulations, 2001 (as amended)).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The third-party appeal is made by Gerard and Julie Bellew, 12 Mill Street, and Betty and Stephanie McCrave of 29 Mill Street. The appellants repeat matters set out in their observations under the following headings:
- Traffic impact, vehicular access and parking provision.
 - Adverse impact on residential amenities.
 - Detrimental impact on adjoining laneway and residents' access.

- Inadequate justification for coach house demolition.

6.1.2. In addition, the appellants draw the Board's attention to the wording of condition no. 2 which refers to the omission of gable windows at first floor in house no. 1, and state that these windows are in fact in the eastern gable of house no. 2 and their omission will have no benefit on no. 29 Mill Street.

6.1.3. The appellants argue that the planning authority's assessment was not sufficiently thorough, falls short of the expected standards set out in the Development Management guidelines and that the development will give rise to substantial detrimental impacts/reductions in the appellants residential amenities and that there remains a serious and reasonable concern that the construction and use of the proposed development has the potential to create a substantial vehicular impact.

6.2. **Planning Authority Response**

- 4th June 2019 – The planning authority consider that the issues raised in the appeal reflect those points raised and addressed during the planning application process and make no further comment. With regard to the wording of condition no. 2, the planning authority accept that the gable windows referred to are positioned on the east elevation of house no.2 (not no. 1 as stated) and will therefore have no impact on the third party residing at no. 29 Mill Street. However, they are of the opinion that the first-floor windows in the eastern gable of house no. 2 should be omitted, and the condition revised to this effect.

6.3. **Applicant**

6.3.1. The applicant responds to the matters raised in the appeal in submissions dated 6th June and 26th June 2019. I refer to the points made in my assessment below.

6.4. **Further Responses**

None.

7.0 Assessment

7.1. Having regard to the zoning of the appeal site for mixed use development, its modest size (<0.1ha) and location in an urban area, I consider that the proposed development is acceptable in principle and that the key matters for this appeal can be confined to those raised by the appellants, namely:

- Impact on residential amenity and property values.
- Effects on traffic and car parking.
- Impact on laneway.
- Demolition of coach house.

7.2. The appellants also raise concerns regarding the applicants entitlement to carryout construction works along the existing laneway. Having regard to the information on file, the applicant has demonstrated sufficient interest to allow the appeal to be determined. However, planning permission does not of itself convey a right to develop land and any disputes over title would have to be addressed by the courts.

7.3. Impact on residential amenity and property values.

7.3.1. **Impact on daylight and sunlight/overbearing nature of development.** The existing structure on the southern part of the appeal site, which abuts the rear garden of no. 12 Mill Street, is a two-storey structure with mono-pitch roof together with shared boundary wall. I estimate that eaves of the building to be c.4m in height, with an overall level c. 9.4. The proposed single storey component of house no. 3 will have a ridge height of 9.44. The structure will run parallel to the boundary with no. 12 Mill Street and the high point (ridge) will be offset from this boundary (pitched roof). Windows in the eastern elevation of the structure, at ground floor, serve a bedroom and a bathroom and will be high level and opaque and separated from no. 12 Mill Street by a boundary wall of 2m (see drawing no. 1745-PA-H3 200 and 201).

7.3.2. The effect of the development will be to reduce the scale of the overall development as it adjoins no. 12 Mill Street (the two-storey component is proposed to the west of the site) but to increase the depth of the built structure from c.5m to c.7.5m. Given the urban context of the development, the relative orientation of the properties, the low profile of the proposed development as it adjoins the appellant's property and

opaque windows in the eastern elevation of the development, I do not consider that the proposed development would overbearing on the adjoining property or its linear rear garden or significantly detract from sunlight and daylight reaching it. I do not consider it necessary, therefore, to change either the profile of the proposed roof of this part of house no. 3 or to reduce the proposed finished floor levels of the property. (In this regard I note that the FFL of House no. 3 is slightly lower than the laneway to the south of the site).

- 7.3.3. With regard to no. 29 Mill Street, proposed House no. 1 will 3.4m from the existing property. There are no windows in gable end of House no. 1 and no issues of overlooking arise. Whilst the development will detract from morning sunlight reaching the window in the gable end of no. 29 Mill Street, I do not consider this effect to be significant in the urban context of the development, the modest size of the window affected and the south facing orientation of the appellant's property.
- 7.3.4. **Construction activities.** The appellant requests the Board to restrict construction activities to Monday to Friday 8am to 6pm with no work on Saturdays, Sundays or Bank Holidays. Whilst I accept that during construction, the properties in the vicinity of the appeal site are likely to experience disruption principally by way of noise and construction traffic. However, I would recommend that these effects would be better managed in a standard way by Construction Management Plan, rather than restricting hours of work below standard levels, which would have the effect of extending the duration of construction.
- 7.3.5. **Effects on foundations.** The owners of no. 29 Mill Street have raised concerns regarding the effects of the proposed development on foundations. In response the applicant has suggested that the matter be dealt with in a Construction Management Plan detailing all demolition and reinstatement works to common boundary and this approach would seem reasonable and protect the integrity of the adjoining property.
- 7.3.6. **Impact on amenity, property value and precedent.** Having regard to the above, I do not consider that the proposed development would significantly impact on the amenity of the adjoining residential properties or therefore their value. For these reasons, I do not consider that the case referred to by the appellants, PL244215, sets an appropriate precedent for this appeal.

7.4. **Effects on traffic and car parking.**

- 7.4.1. **Congestion.** At the time of site inspection, car parking along Mill Street was evident for much of the street, with consequential narrowing of the carriageway. I also noted the mixed use of the street and would accept the appellants view, supported by photographs, that at times traffic, on-street parking and congestion is significant. Furthermore, the existing laneway that provides access to the appeal site and lands to the side and rear of it, is narrow and sightlines at the entrance to it are limited by virtue of the adjoining boundary/property walls.
- 7.4.2. **Construction Traffic.** Having regard to the above, I would accept that during construction additional traffic movements arising on site could exacerbate existing congestion on Mill Street, in particular at peak times. However, effects will be short term and could be managed by a Construction Management Plan, to be agreed with the planning authority. This could ensure that large vehicles access the site outside of peak hours, and provide access arrangements for larger vehicles, staff car parking and on-going access to land/property along the laneway.
- 7.4.3. **Traffic arising from dwellings.** The proposed development is for three residential units. Within the context of existing development on Mill Street, the development is very modest and the traffic that it is likely to generate will be very small relative to existing flows which arise from development situated along the street and through traffic. I would not accept therefore that the development will add significantly to existing levels of congestion or that a traffic impact assessment is warranted.
- 7.4.4. **Car parking.** The applicant originally proposes three car parking spaces to serve the development. One of the proposed car parking spaces is situated in the internal courtyard of the development and two on Mill Street, with one in the current location of double yellow lines which will be removed. In response to the appeal the applicant accepts that a car parking space on Mill Street cannot be provided as it is outside of the applicant's ownership. The applicant therefore requests a development contribution in lieu of any shortfall.
- 7.4.5. In effect one car parking space is proposed. This level of provision compares to a standard of 1 per unit for brownfield/town centre sites i.e. a shortfall of two spaces. However, the Dundalk and Environs Development Plan states provides for this standard to be relaxed in certain town centre sites where there are satisfactory

alternative transport modes readily available. The appeal site is situated within short walking distance of Dundalk town centre and in proximity to both bus station and, to a lesser extent, the railway station.

- 7.4.6. As a brownfield site, situated in the town centre, in close proximity to alternative transport modes, I do not consider that the under provision of two parking spaces is therefore unreasonable, inconsistent with the policies of the County Development Plan or unlikely to give result in significant congestion or traffic hazard. If the Board are minded to grant permission for the development, I would recommend development contribution in lieu of two parking spaces.

7.5. **Impact on laneway.**

- 7.5.1. **Sightlines.** It is evident that existing sightlines at the junction of the laneway to the west of the appeal site and Mill Street are restricted in both directions due to existing adjoining boundary walls (c.7m in each direction). The applicant proposes increasing the sightline to the east to c.45m and to the west to c.9.6m, by setting back the front wall of the semi-detached units from the current building line and widening the width of the lane (see drawing no. 18028/C04A).
- 7.5.2. Whilst I would accept that the proposed sightlines fall short of the standards set out in the Department's Design Manual for Urban Roads and Streets (see section 2.10 of appeal), I am mindful that the proposals are (a) an improvement on the existing situation in an established urban area, (b) that these will benefit all of the existing users of the laneway, and (c) there will be few vehicle trips associated with the development that use the laneway i.e. one car associated with the detached dwelling.
- 7.5.3. In view of the above, I would conclude that the proposed sightlines, whilst sub-standard, are an improvement on existing sightlines, will serve very little additional development and are unlikely to give rise to significant traffic hazard.
- 7.5.4. **Swept Path Analysis.** The applicant's swept path analysis indicates how a large car would enter the site from the east and exit to the west. I would accept the applicants view, in response to the appeal, that turning into the laneway from the east, would be a more difficult manoeuvre than from the west (as the vehicle is closer to the entrance when approaching from the east, making the turning circle

more constrained). For the same reasons, exiting the site to the west would be a more difficult manoeuvre than exiting to the east. I consider, therefore, that the applicant therefore has adequately demonstrated how a large vehicle would safely enter and exit the site, albeit travelling in close proximity to the gates to no. 29 Mill Street.

- 7.5.5. **Parked cars.** I would acknowledge that the swept path analysis has not included parked cars alongside the junction of the laneway and Mill Street and I would accept that in such an event, turning movements would be made more difficult. At the time of site inspection, no cars were parked in this manner and it may be that such a situation would not arise frequently. In the event that it did, additional traffic management measures may have to be taken e.g. extension of double yellow lines, by the planning authority.
- 7.5.6. **Access to the appeal site by larger vehicles.** From my inspection of the site, it would appear that the existing laneway is used to access land and yards to property fronting Mill Street and Seatown Place to the south. The lane is quite narrow and this in effect limits the size of vehicles that are able to use it. Given the urban location of the proposed development, this situation is not unreasonable. Similarly, I do not consider it necessary for the applicant to provide access for large vehicles to a property which will be used for residential purposes.
- 7.5.7. **Access to the rear of no. 29 Mill Street.** The applicant proposes alterations to the laneway serving the appeal site. These are shown in drawing no. see drawing no. 18028/C04A and include widening of the laneway as it meets Mill Street and recessing the access to the appeal site from its existing position on the laneway. These alterations also result in narrowing laneway opposite the rear of no. 29 Mill Street. From the information on file and as observed on site, there are two entrances to the rear of the property (see photograph no. 6), with one narrower gate for pedestrian use and a wider gate for vehicular traffic. Widening of the lane at the proposed entrance to the appeal site will change how a vehicle exits the laneway, but on balance, I would consider that the proposed arrangements would have a beneficial impact on this access. However, the Board may wish to seek further information in this regard.

7.5.8. **Southern elevation of house no. 3** – Drawing no. 1745-PA-H3 200 indicates the utility room of house no. 3 in relation to the site boundary. As drawn, I would accept that it appears that the eaves protrude beyond the application site boundary and therefore marginally into the laneway. However, this may arise from the orientation of the utility room and perspective drawn. Notwithstanding this, this matter could be addressed by condition. With regard to the 600mm x 600mm window in the southern elevation of the proposed dwelling, serving the stairs, I would accept that it may be more appropriate that this window does not open. The applicant has raised no objections to this.

7.6. **Demolition of coach house.**

7.7. The appellants refer to the heritage value of the coach house to the rear of the application site and state that it dates from c.1913 onwards, with its last use by McGuill undertakers for stabling horses and hearse carriages. They argue that the building should be renovated and rehabilitated in accordance with government guidelines on architectural heritage protection and policies of the County Development Plan and Dundalk and Environs Development Plan which encourage the restoration/re use or rehabilitation of such properties where possible.

7.8. In response to the appeal the applicant has submitted a Conservation Assessment of the building. It estimates that the structure dates from the mid-20th Century and that materials include coursed concrete, rubble aggregate, recycled brick and a modern timber mono-pitch roof. I note from the OSi historic map base, that was mapped between 1897-1913 (25" black and white) and 1829-1941 (6" black and white and colour), that there is no evidence of a structure on the site at this time. I would accept therefore, that the structure is not of significant historic value and that the structure of the dwelling no. 3 along this axis of the site will provide a reference to the traditional structure of the buildings along the laneway.

7.9. **Other Matters**

7.9.1. The planning authority's grant of permission refers to windows in the gable end of house no. 1. However, plans for the development indicate that these are proposed in the gable end of house no. 2. This is accepted by the planning authority, who in

response to the appeal, request that they be omitted. As a consequence, the applicant has submitted revised plans omitting windows from the gable end of this property (see submission dated 26th June 2019 and drawing no. 1745-PA-H1&2 100). Given the proximity of the gable end to no. 10 Mill Street, this arrangement seems reasonable.

- 7.9.2. I note that the applicant has submitted revised plans for the first-floor bedroom of house no. 3 making a minor amendment to the rooflight, in order to comply with Building Regulations. I recommend, therefore, that the Board omit the planning authority's condition no. 3 which relates to this matter and reference the revised plans in any decision to grant permission.

8.0 **Appropriate Assessment**

- 8.1. **European sites and conservation objectives.** There are 2 European sites within close proximity to the appeal site. Sites at greater distance can be excluded due to the modest nature of the proposed development and its location in an urban area. These sites and their conservation interests are listed below:

- Dundalk Bay SPA (site code 000455) – Estuaries, Mudflats and sandflats not covered by seawater at low tide, Perennial vegetation of stony banks, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows.
- Dundalk Bay SAC (site code 004026) – Great Crested Grebe, Greylag Goose, Light-bellied Brent Goose, Shelduck, Teal, Mallard, Pintail, Common Scoter, Red-breasted Merganser, Oystercatcher, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Herring Gull, Wetland and Waterbirds.

- 8.2. In summary, conservation objectives are to maintain or restore the favourable conservation condition of the features of interest by reference (where available) to identified attributes and targets.

- 8.3. **Potential effects.** The subject site lies in an existing urban area and will be connected to the public sewer. Surface water arising on site will discharge to ground

via proposed soakaways. It is possible for ground water flows to discharge to Dundalk Bay with potential effects of water quality.

- 8.4. **Likely effects.** The appeal site is c.300m to the south west of Dundalk Bay SAC/SPA. At this distance, and with the very modest size of the development and the likely filtration and attenuation capacity of underlying soils, and in the absence of the application of any of the proposed mitigation measures (e.g. soakaway design), there is no risk of likely significant effects to the downstream European habitats. No impacts on mobile species are likely due to distance of the appeal site from the European sites and location in an existing urban area.
- 8.5. **AA Screening Conclusion.** In conclusion, it is reasonable to conclude that on the basis of the information on the file (and excluding any proposed mitigation measures), which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SAC or Dundalk Bay SPA (site codes 000455 and 004026 respectively) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

9.0 Recommendation

- 9.1. Having regard to the above, I recommend that permission for the development be granted subject for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the pattern of development in the area and the nature, scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of residential amenity and traffic safety would not detract from the architectural heritage of the area. The proposed development would, there in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 12th day and the 27th day of June 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(i) The two first floor gable windows in house no. 2 shall be omitted as set out in drawing no. 1745-PA—H1&2 100 received by the Board on the 27th of June 2019.</p> <p>(ii) The arrangement of windows in the first-floor bedroom of house no. 3 shall be as per those show drawing no. 1745-PA—H3 103, received by the Board on the 12th June 2019.</p> <p>(iii) The 600mm x 600mm window in the southern elevation of house no. 3 shall open inward only.</p> <p>Reason: In the interest of clarity and traffic safety.</p>
3.	<p>Prior to the commencement of development, details of house no. 3 shall be submitted to the planning authority for written agreement and shall demonstrate that the eaves of house no. 3 do not overhang the laneway to the side and rear of the site.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>Prior to the commencement of development, samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Details of site security fencing and hoardings; (b) Details of on-site car parking facilities for site workers during the course of construction; (c) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to avoid peak hours and facilitate the delivery of abnormal loads to the site; (d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (e) Details of all demolition and reinstatement works to common boundaries. (f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road, laneway or footpath during the course of site development works; (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; (h) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
7.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
8.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper</p>

	<p>application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of two no. car parking spaces. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the ***Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
11.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

Deirdre MacGabhann
Planning Inspector

26th September 2019