



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304784-19

Strategic Housing Development	114 no. apartments, retail, office, and medical care centre.
Location	Connollys Field, Junction of Hill Street and The Long Avenue, Dundalk, Co. Louth.
Planning Authority	Louth County Council
Prospective Applicant	Sprucetree Park Ltd.
Date of Consultation Meeting	15 th August 2019
Date of Site Inspection	15 th August 2019
Inspector	Una O'Neill

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject site is located in the town centre of Dundalk, County Louth. The site is at the junction of Hill Street and The Long Avenue. To the north of the site is an existing Tesco development, with an intervening road reservation line along the northern boundary of the site. To the west is an embankment up to Hill Street bridge. To the south is The Long Avenue, off which there is a vehicular access. On the opposite side of The Long Avenue, are the side and rear elevations of detached dwellings and further east along The Long Avenue are terraced two-storey dwellings. To the east is a planted wildflower area under which is a culvert of the Rampart River, and this area adjoins a pedestrian path linking The Long Avenue to the Tesco supermarket and the town centre to the north. On the eastern side of this pedestrian path is the boundary with parking areas associated with a mixed use development and with a Lidl supermarket. The site is approx. 580m from Dundalk train station and there are two bus stops on Hill Street Bridge.
- 2.1.2. The site has a net area of 0.92 ha and includes lands within the ownership of Louth County Council along the northern and western boundaries, giving it a gross area of 1.233 ha. The site is a brownfield site, which has been cleared, having been previously occupied by storage units/temporary retail unit. The land is flat, with an embankment to the west associated with Hill Street Bridge.

3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises the construction of three perimeter blocks comprising 114 apartments, 2 retail units, 1 medical centre and 1 office. The development also provides for the de-culverting of the Rampart River along the eastern side of the site.

3.2. The following details are noted:

Parameter	Site Proposal
Application Site	0.921 ha, plus additional 1.233 ha of land owned by Louth County Council at the northern and western perimeter.
No. of Units	114 apartments. 70 units are proposed to be occupied by the organisation FOLD.
Density	124 units/ha.
Height	3 apartment blocks, 4-6 storeys in height.
Other Uses	2 retail units (192sqm and 209 sqm), 1 medical centre (728 sqm) and 1 office (86 sqm)
Parking	86 parking spaces – 16 commercial and 70 residential (0.6 spaces per apartment)
Vehicular Access	From existing street, The Long Avenue.

3.3. The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	Total
Apartments	51	43	20	114
% Total	45%	37%	18%	100%

4.0 Planning History

PL55.238051 (local authority ref 10/520065): Permission GRANTED for 10 years for development on 3.98 ha site, comprising a mixed use leisure, retail and residential development.

The section of the site relating to Connolly's Field has remained undeveloped.

5.0 Planning Policy

5.1. National Policy

5.1.1. Project Ireland 2040 - National Planning Framework

- National Policy Objective 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.1.2. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the following policy documents and Section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

5.2. Local Planning Policy

5.2.1. Louth County Development Plan 2015-2021

- Dundalk is identified as a 'Large Growth Town 1'.
- The subject site is within the Dundalk Environs area.

The following policies are of note:

- **RES 4** Require that 12% of all private residential development on lands zoned for residential or mixed uses (where residential is included) be provided for social/and or specialist housing under the provisions of Part V of the Planning Acts.
- **RES 10** To ensure all new residential developments are consistent with the guidelines and best practice manuals issued by the DECLG in the planning for and provision of sustainable communities within new residential areas.

5.2.2. Dundalk and Environs Development Plan 2009-2015 (as extended)

- Land use zoning objective 'Town Centre Mixed Use'.
- Residential dwellings, office (class 2 and 3), medical surgery and shop (local) are permitted under this zoning objective.

- There is a map based 'New and Improved Road Objective' to the north of the site.
- There is a map based objective for 'Existing and Proposed Pedestrian and Cyclist Routes' around the perimeter of the site.
- A variation to the Development Plan in August 2011 provided for a variation to the Core Strategy Phasing Map. The site is identified for 'Consolidation of the Urban Core'.
- **Policy TC 3** Require the provision of mixed use development in accordance with the permitted uses within this zone and to ensure that the residential component is not less than 20% or more than 80 % of the total floor area of the proposed development.
- **Policy TC 4** Protect existing residential amenities of primary residential areas within the town centre and to resist the conversion of dwellings to uses other than residential.
- **Policy TC 7** Encourage a high quality built environment within the town centre and ensure compliance with Urban Design Guidance outlined in appendix 2.

5.2.3. **Urban Design Framework Plan Dundalk 2008:** This plan was prepared for Dundalk as part of the town centre strategy and includes the subject site.

- The site is identified as part of a Character Area Gateway.
- The site is within the Marshes Character Area.
- Design Guidelines for the Marshes Character Area:
 - Use of perimeter block as basic urban form as indicated in the strategy diagram on page 81
 - Mixed use development
 - Quality public realm with a high standard of street furniture and public lighting and creation of a public space as indicated in strategy diagram on page 81.
 - Establishment of a permanent urban structure i.e. a network of streets and public spaces

- Footprint of buildings should be significantly smaller than that of the Marshes Shopping Centre.
- Site Coverage: maximum of 60%
- Plot Ratio: maximum of 2.00
- Minimum Height: 2.5 - 5 storeys (landmark and key sites will be considered on their merits)

6.0 Forming of the Opinion

6.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the Planning Authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder. Prospective Applicant's Case

6.2. Documentation Submitted

6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.2.2. This information included, inter alia, a Completed SHD Application Form, Planning Report and Statement of Consistency, Statement of Consistency with DMURS, Drainage Report, Design Statement, Housing Quality Assessment, CGI images, Taking in Charge Diagram, Landscape Plan, Drainage Design Report, Traffic and Transport Assessment, Traffic Modelling Report, Parking Strategy, Part V drawing and Valuation Report, Flood Risk Assessment.

6.2.3. I have reviewed and considered all of the documents and drawings submitted.

6.3. Planning Authority Submission

6.3.1. In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Louth County Council, submitted a note of their section 247 consultations with the prospective applicant and also

submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 26th July 2019.

6.3.2. Louth County Council's opinion included a description of the site and proposed development, planning policy context, planning history, and an assessment of the proposed development. The content of the report is summarised as follows:

- National Policy: The proposed development is consistent with relevant guidelines and objectives of the NPF.
- Local Policy: The proposed development is consistent with the underlying zoning objective for the area. The subject lands were not considered in the setting out of the core strategy which related to primarily residential lands only. The proposed apartment development is providing much needed accommodation in Dundalk in a town centre location within walking distance of Dundalk town centre, public transport, commercial, social and community facilities. The site is well connected in terms of footpaths and amenities. The lack of accommodation within this quadrant of the town centre is of huge concern.
- Spatial Strategy: The development is consistent with the overarching Urban Design Framework. The site is being developed as a mixed use site with active street frontage. The site originally formed part of the Tesco master planned site. The Tesco site was built out in the form of a commercial development and the intent was always to provide a residential mix within this quadrant of the town.
- Part V: The PA are satisfied the applicant has entered into discussions in relation to Part V. The development provided for 70 apartments to be operated by FOLD. This is supported by the Louth County Council.
- Density and Height: The proposal is acceptable.
- Design: The site is well suited for apartment development. The applicant is requested to submit a housing quality assessment report which provides specific information regarding the proposed apartments and which demonstrates compliance with the 2018 apartment guidelines. With regard to Visual Amenity, the PA would be most concerned in relation to the execution

of the design in terms of the materials to be used. The site is a visually prominent site at a gateway entrance to Dundalk. Another concern is the maintenance of the balconies into the future.

- A report that specifically addresses the proposed materials and finishes is required. There is a requirement for high quality and sustainable finishes to the exterior particularly taking account of the prominent location of the building.
- Housing Mix: The proposed mix having regard to the surrounding area would be consistent with policy HC3.
- Details of the Proposed Design: The development is broadly consistent with the sustainable residential development guidelines. Further details are required in relation to:
 - Public Realm and Design
 - Street Furniture
 - Cycling Strategy
 - Car Parking
- The applicant should provide for a shadow projection of the development for future occupants and for residents along The Long Avenue. Levels and cross sections showing relationship between the development and adjacent residential development on The Long Avenue and adjoining commercial and traffic routes should be submitted.
- Car parking acceptable. A letter from FOLD should be submitted outlining their requirements. Further information required in relation to cycle parking.
- Landscaping of open space and equipment for the elderly to be considered further.
- More information is required in relation to compliance with objective HC12 of the DEDP in relation to energy efficiency.
- A building lifecycle report is required.

- In relation to movement and transportation, concerns raised in relation to design details, traffic management, junction details, compliance with DMURS, engineer design details including drainage calculations and details of proposed boundary treatment with existing stream. A mobility management plan is required.
- In relation to drainage and flood risk, the finished floor levels needs to have regard to an appropriate freeboard with allowance for climate change, with the recommended FFL being 5.66m.
- A Natura Impact Statement is required and the applicant is advised to engage the services of an appropriate qualified person to prepare an appropriate assessment screening report.
- There are sufficient community facilities in the locality.
- Phasing details should be submitted.
- Taking in charge layout should be submitted.
- Issues raised in the internal transportation and engineering reports should be complied with. The issues raised are set out in a number of points within the conclusion of the PA report.

7.0 The Consultation Meeting

- 7.1. A Section 5 Consultation meeting took place at the offices of Louth County Council on the 15th August 2019, commencing at 11.30 AM. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 7.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:
1. Development strategy including design and visual impact at key entrance to Dundalk; interface with and quality of public realm; quality of open space; landscape plan.
 2. Surface Water Management, SuDS, flood risk and site services, including AA considerations.

3. Traffic and transportation – Hill Street Bridge, pedestrian movement, parking provision, compliance with DMURS.
4. Any other matters.

Development Strategy

7.3. In relation to the Development strategy for the site, ABP representatives sought further elaboration on:

- The development strategy, given the location of the site on a very prominent and visible approach to Dundalk town centre, on a site capable of supporting a landmark structure.
- The proposed design, with specific reference to Block C, which is at a very visible corner of the site / how that building addresses and turns the corner / the extent of solid wall on southern-corner facade. The documentation should examine carefully the materials and finishes; the balconies and their finishes; the roof profile and its dominance; whether vertical emphasis being adequately achieved. Consideration of the level of render being proposed is required.
- The interface of the development with The Long Avenue, with particular regard to the boundary treatment with the street, the large gap/wide entrance into the site from The Long Avenue, combined with the lack of an active frontage from apartment Block A at ground level.
- The interface of Block A on its eastern edge with the existing pedestrian path, with particular regard to the level of active frontage proposed. It is noted a number of the windows onto this elevation serve proposed consultation rooms.
- The interface with Hill Street Bridge and query over when road level alteration is to be delivered.
- The interface of Block B on its northern side with the road reservation. Query over what the interface will be when the road is delivered and if it is appropriate in that context.

- Sunlight/daylight to the apartments and consider those apartments in front of which the stairwell/lift block is proposed.
- Level of car parking and landscaping of internal block to be re-considered and also any potential conflict with pedestrians. To further consider back of house services to retail unit/offices.

Surface Water Management, SuDS, flood risk and site services, including AA considerations

7.4. ABP representatives sought further discussion on:

- SuDS.
- Relationship between de-culverting and potential impact on Dundalk SAC and SPA / any other European sites.
- Appropriate Assessment.

Traffic and Transportation

7.5. ABP representatives sought further elaboration on:

- Traffic assessment
- Pedestrian movement within internal block and potential for conflicts with pedestrians.

Submission from Irish Water

7.6. Irish Water has issued a Confirmation of Feasibility which confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated. The letter from Irish Water notes that IW are currently undertaking a wastewater Drainage Area Plan (DAP) survey to determine the full extent of any upgrades, if required, to the Coe's Road Pump Station to accommodate this development, with the proposed completion date of end of Q3 2019. Alternatively there is an alternative route for the wastewater connection through third party lands. IW would require proof of permission from the third party for this option to proceed.

Conclusion

7.7. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-304784-19', which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

8.0 Conclusion and Recommendation

- 8.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the Planning Authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 8.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.
- 8.4. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires **further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.5. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making

process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

9.0 Recommended Opinion

- 9.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 9.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 9.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:
1. Design and Layout:
 - a. Further consideration/justification of the documents as they relate to the design of Block C, which is at the junction of Hill Street and The Long Avenue at a highly visible corner of the site on the approach to Dundalk town centre, and the site's potential to accommodate a high quality landmark structure.
 - b. The interface of the development with The Long Avenue in terms of design and level of activity.
 - c. The interface of the development with the eastern boundary with an existing public footpath which requires overlooking / passive surveillance.

- d. The interface of the development with the embankment to the west at Hill Street Bridge.
- e. The interface of the development along the northern boundary with the road proposed at this location.
- f. Quality of the public open space area and internal car parking area in terms of public realm design, landscaping and pedestrian movement.

2. Appropriate Assessment.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Details of the proposed materials and finishes to the scheme including the treatment of balconies in the apartment buildings, landscaped areas, podium design, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
2. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
3. Detailed drawings, cross-sections, elevations and photomontages of the site to demonstrate that the development provides an appropriate interface with the adjoining streets and provides for a quality public realm.
4. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for

New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements.

5. Response to Transportation and Engineer issues raised in section 4 of the PA Opinion dated 26th July 2019.
6. Internal daylight/sunlight analysis to ensure adequate amenity of future residents.
7. A detailed Landscaping Plan is required, to include details of size, species and location of all trees, shrubs, and wildflowers to be planted within the scheme, including within the central parking area, and along the boundaries of the scheme; detailed design and layout of public open space including any proposed exercise equipment having regard to the age profile of the proposed scheme.
8. Site layout plan to clearly identify and quantify usable open space being provided within the applicant's ownership.
9. Site layout to be reviewed in context of DMURS and a Stage 1 Road Safety Audit to be submitted, including the internal parking area, junction with The Long Avenue, pedestrian crossing of The Long Avenue, and junction of Hill Street and The Long Avenue.
10. A detailed analysis of car parking and bicycle parking provision. Mobility management plan to be submitted and consideration to be given to electric charging points.
11. A detailed flood risk assessment, including an assessment of any local flooding issues associated with the Ramparts River.
12. SuDS measures proposed, in addition to the provision of an underground tank.
13. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
14. Site Specific Construction and Demolition Waste Management Plan.

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

1. Irish Water
2. Coras Iompar Eireann
3. Inland Fisheries Ireland

PLEASE NOTE:

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

Una O'Neill

Senior Planning Inspector

23rd August 2019