



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-304902-19**

Strategic Housing Development	Residential development of 270 dwelling units, two commercial units and crèche.
Location	Marsh Road, Drogheda, Co. Louth
Planning Authority	Louth County Council
Prospective Applicant	Hallscotch Venture Ltd.
Date of Consultation Meeting	23 rd August 2019
Date of Site Inspection	9 th August 2019
Inspector	Joanna Kelly

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 The development site is located along the waterfront of the River Boyne between the southern quay walls of the River Boyne and the Marsh Road and east of the existing Scotch Hall development. The site is currently used as a surface car park associated with the operational 'D' Hotel and Scotch Hall Shopping Centre. There is an existing Phase II site that is partially constructed and which is located to the west of the development site. This area contains hoarding and there does not appear to be any construction activity on site.
- 2.2 The development site is a prominent site in that it is highly visible from the Dublin-Belfast rail line as one passes over the Viaduct - a protected structure and prominent feature on the landscape. The R-132 (former N1- Dublin-Belfast road) runs parallel to the Marsh Road but is located at a higher level and the existing Scotch Hall development is highly visible along this route on entry into Drogheda from the Dublin side. Poorhouse Lane, an existing narrow vehicular road is located to the south-east of the site and links the Marsh Road with the R-132. There are two protected structures at this location, limestone marker and the arched stone bridge.
- 2.3 The existing Scotch Hall which contains a shopping centre and hotel was noted as having some vacant retail units. This area is linked to the old town centre via a footbridge. There is also a vehicular access from the R-132 to the Scotch Hall development which contains parking in the form of a multi-storey car park.

2.4 There are currently extensive views from the R-132 in the northern direction of the town with the former Sienna Convent a prominent feature on the landscape. Merchants Quay is located opposite the development lands on the northern side of the River Boyne. It is noted that there is an extant permission on the adjoining site to the east which includes the provision of a vehicular bridge over the Boyne to Merchants Quay on Port owned lands.

3.0 Proposed Strategic Housing Development

3.1 It is proposed to construct 270 residential units on the site of c. 1.25ha.

3.2 The following table provides the breakdown of unit types based on the description of the development proposed.

Table 1: Residential Unit Types

Residential Mix	Housing Units	% Mix bed type
1 bed	56	21%
2 bed	214	79%
Total	270	100%

3.3 Permission is also sought for a crèche with a proposed floor area of 304sq.m. and two retail units c. 307sq.m. in total.

4.0 Planning History

File Ref. No. 04/321 ABP PL. 218442 Permission to grant permission upheld on appeal to Talebury Properties Ltd. consisting of retail use (12,890sq.m. – gfa) over 6 levels, extension to hotel to provide 67 no. bedrooms and amenities over 11 levels, an 8 screen cinema over first floor, office block comprising 5 levels, provision of new street between Marsh Road and South Quay, provision of new bridge overpass from Dublin Road across the Marsh Road.

This permission was granted an extension of duration on 31 May 2012 for 5 years and has now withered. This permission was implemented in part only and includes the partly completed structure immediately south-west of the site.

There are a number of retention permissions pertaining to the development site lands whereby permissions were granted for temporary use of said lands as a surface car park. These permissions include **File Ref. No's 08/27 (ABP PL.233056), 08/224 (PL.233070), 12/53 (ABP 241581)**. The latter permission was refused by ABP in 2013 for two reasons pertaining to the contravention of the zoning of the site and contravention of an objective of the plan whereby the proposal would militate against the satisfactory implementation of an objective of the plan and would compromise future development of the area. The former appeals were withdrawn from ABP.

File Ref. No. 13/46 (ABP PL.242986) was granted on appeal by ABP for retention permission of a surface car park of 229 spaces on a temporary basis i.e. 3 and half years. This permission expired on 31 December 2017.

File Ref. 19/265 Retention permission is currently being sought for a surface car park with 263 spaces including riverside walkway and all attendant site works on the development site. Further information was sought on 31 May 2019.

5.0 National and Local Planning Policy

5.1 National

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standard for New Apartments, Guidelines for Planning Authorities, 2018’.
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Urban Development and Building Heights, Guidelines for Planning Authorities, 2018’

Other relevant national documents include:

- National Planning Framework: Ireland 2040 Our Plan
- Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2 Local

5.2.1 Drogheda Borough Development Plan 2011-2017

The subject lands have a land use zoning objective

“to provide for a mix of new town centre activities in accordance with the Docklands Area Plan”

Chapter 4 deals with town centre and it is a policy TC1 to prepare a detailed Design Urban Framework Plan for town centre within the context of the wider Heritage Quarter.

It is also set out that all proposals for development in this area must be in accordance with the Drogheda Docklands Area Plan.

Chapter 5 deals with Transportation. There are two transport objectives of relevance RT9 Reconstruction of Marsh Road and RT38 Facilitate Scotch Hall Phase 3 (North and South of the Quays Bridge Crossing). It is also an objective to provide a core cycle network on an east-west axis along the Docklands area.

Table 5.4 of the CDP sets out the car parking standards for developments. It is noted apartments require 1.3 spaces per unit, crèche 1 space per two employees and 1 space per 4 children, retail requires 1 space per 30sq.m. gross floor space.

5.2.2 Drogheda Port Local Area Plan 2007-2013

Section 3.2.4 refers to parking and indicates that generally parallel on-street parking/loading bays provided alongside the waterfront building frontages and on the east-west spine street. All other parking associated with new development will need to be underground. Parking requirements are to be as prescribed in the Drogheda Development Plan.

Section 3.3 refers to Land Use. The overall objective for the Area will be a 50% to 50% split of residential to non-residential/commercial use.

Section 3.3.1 provides a range of residential typologies and unit sizes will be required.

Plot Ratios of between 1:1 and 2.5:1 with a maximum of 3:1 is set out in the LAP.

Section 3.7 deals with Building Height and Massing. It provides that in general terms, a maximum height of 6 storey residential (plus set back storey) or five storey commercial (plus set back storey) is proposed on the waterfronts stepping down to

maximum of four storey residential (plus set back) or three storey commercial (plus set back storey) adjacent to the Marsh Road, North Strand and Viaduct.

6.0 Forming of the Opinion

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's submission and the discussions which took place during the tripartite consultation meeting. I will provide brief detail on each of these elements hereunder.

6.1 Documentation Submitted

- 6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 6.1.2 The information submitted included *inter alia*: a completed Application form and cover letter; details pertaining to section 247 process; Traffic and Transportation Assessment, Ecological Assessment, NIS, Archaeological Impact Assessment, Daylight and Sunlight analysis, Contamination Risk Assessment, Visual Impact Assessment, Architectural Design Statement and Photomontages, plans and particulars.
- 6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

- 6.2.1 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 opinions in relation to the proposal. These were received by An Bord Pleanála on 13th August 2019.
- 6.2.2 Louth County Council's opinion included the following matters:

- There is one protected structure located directly adjacent to the site (RPS DB-144 – Three storey 19th century house on Marsh Road). Two more protected structures on Poorhouse Lane are partly located within the subject site boundary, a Limestone Marker and an Arched Road Bridge.
- The former industrial lands to the east have extant permission for a large scale mixed-use development include a bridge over the Boyne.
- Site zoned town centre docklands under the Drogheda Borough Council Plan 2011-2017.
- Relevant planning history is outlined.
- At present the housing stock to accommodate continued increase in population figures is not available.
- The statement of consistency prepared by the applicant is considered to be in line with the relevant guidelines outlined in the list provided in Section 3.1.1.
- The proposal adheres to the principles enshrined in the RSES.
- The development of the lands will support the designation of Drogheda as a large growth town. The development of the lands is consistent with the policies of the development plan.
- The site is located within the Heritage Quarter. Policy TC 11 relates to the provision of a continuous uninterrupted walkway on both sides of the river.
- The development has been designed to be largely in line with the requirement of the Docklands plan. The proposed development proposes a mixture of residential and commercial development as envisioned in the Docklands Area Plan.
- A waterfront promenade has been created which adheres to the public space and public realm strategy as set out in the DAP.
- The buildings are in excess of the maximum height recommendations as per the DAP. The Building Heights are proposed in line with the Building Height Guidelines 2018 which supersede the DAP and the Louth County Development Plan.

- The planning authority welcomes height and is of the opinion that a waterfront location with close access to public transport routes is an acceptable location to have a landmark building. The concern relates to the impact of the building in terms of massing on the water front.
- The proposal results in a plot ratio of 2.09 which is within the range as permitted under Appendix 2 of the DBDP.
- The proposed density of 216 units to the hectare is very high density development however it complies with the principles of compact urban growth and the site coverage guidance,
- A core strategy statement has not been prepared to justify the number of apartment units at this location. Notwithstanding this Drogheda is a rent pressure zone and is identified as a regional growth centre.
- With regard to public realm the layout has been designed to DMURS standards and the public realm spaces have been designed to take account of end users, desire lines, creating blocks of open space which maximise overlooking.
- Applicant will need to demonstrate that there is adequate parking by providing a mobility plan and further analysis of the car parking to justify the number.
- Scheme is considered a high-quality architectural scheme. Details on materials and finishes will be required prior to commencement of development.
- The proposed development has the opportunity to make a positive contribution to place-making by reason of mass and scale, water frontage and connectivity with the town.
- With regard to visual impact, the skyline of the docklands area when viewed from quay to quay and from the Marsh Road and Dublin Road will be significantly affected, however, the views into and out of the Drogheda Heritage Quarter and the medieval streetscape are not significantly affected.
- Impact of the development on the viaduct is significant, however, taking account of the building line, the impact on the development should it be lower in scale will impact on the views of the viaduct due to the building line rather

than the height. Should the height be lowered it would create little difference to the view of the viaduct.

- The site doesn't contain any known features of archaeology, however, it is recommended that the site be subject to pre-development archaeological assessment.
- Report concludes by setting out issues that need to be addressed further.

With regard to internal reports the following are noted in the planner's report:

Housing Department: Housing section has entered into a preliminary agreement to purchase 27 no. units.

Irish Water: No objection.

Infrastructure: Report referred to but not attached.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of Louth County Council on 23rd August 2019, commencing at 2.15 pm. 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 as follows:

- Development strategy for the site to include local policy provisions, height, density, and urban design response having particular regard to adjoining lands
- Visual Impact
- Future Residential Amenity to include micro-climate and public realm/open space
- Traffic and Transportation to include Parking Management and layout
- Surface water management and flood risk to include AA considerations
- Any other matters

6.3.2 In relation to development strategy for the site to include local policy provisions, height, density and urban design response having particular regard to adjoining

lands, ABP representatives sought further elaboration/discussion on inter alia, the status of various local plans, whether proposal was considered a material contravention in respect of height, layout and urban design response having regard to permitted and extant permissions.

- 6.3.3 In relation to Visual Impact, ABP representatives sought further elaboration/discussion on this issue having regard to prominent location of site and proposed development, impact on existing heritage and protected structures.
- 6.3.5 In relation to future residential amenity to include micro-climate and public realm/open space, ABP representatives sought further clarification/elaboration on this issue in particular the provision of balconies at higher levels and whether micro-climate issues were considered, qualitative nature of the public realm considering in particular ease of accessibility and connections to existing public realm, interface of development with Phase II uncompleted lands.
- 6.3.6 In relation to Traffic and Transportation to include Parking Management and layout, ABP representatives sought further elaboration/discussion on this issue having regard to previous permissions and parking rationalisation throughout the scotch hall lands, service road layout, connections to permitted developments.
- 6.3.7 In relation to Surface water management and Flood Risk to include AA considerations, ABP representatives sought further elaboration/discussion on this issue including consideration of surface water within the AA.
- 6.3.8 In relation to AOB, ABP noted the application would be considered sub-threshold for the purposes of EIA and noted the submission of a Contamination Risk Assessment which should clarify how waste meets the Waste Acceptance Criteria having regard to the findings of this report to avoid any ambiguities that may arise at application stage.
- 6.3.9 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-304902-19' 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.

7.0 Conclusion and Recommendation

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2 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 section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.
- 7.3 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.
- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an

application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

8.2 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.**

8.3 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. Movement and transportation including car-parking

Further consideration of movement (pedestrian, cyclist and vehicular) within and through the development site including the configuration and quantum of parking spaces. Further consideration including a planning rationale for the quantum of parking spaces should be submitted which has regard to local and national policies in this regard. A Parking Demand and Transportation Management scheme should be submitted which clearly sets out how it is intended to manage parking within the development site and/or multi-storey car park so as to service the development site and existing permitted development and to reduce parking demand generally.

Further consideration should also be given to the need for the extent of service access routes through the development lands, traffic management flows to and within the site and how the development lands will connect into the extant permission on adjoining lands to the east and how such arrangements are consistent with the principles of Design Manual for Urban Roads and Streets. Consideration should be given to the ease of pedestrian movements through the site in particular crossing points vis-à-vis configuration of parking spaces, location and quantum of outdoor bicycle stands along key access routes.

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

2. Layout, height and unit mix including visual impact

Further consideration and/or justification of the documents as they relate to the proposed layout vis-à-vis integration with existing permitted developments in particular the Phase II lands which are partially constructed and adjoining lands to the east of the site.

Consideration should also be given to the provisions of, inter alia, local planning policies regarding height, unit mix etc. and the provisions of national planning policies which set out the need to ensure that developments proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area. Consideration should be given to the integration of the proposed development with existing and permitted developments along the waterfront. Consideration and/or further elaboration of the proposed visual impact on the existing built environment should also be submitted.

An appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended by Section 53 of the Act of 2018, that outlines consistency with the relevant development/local area plan and that specifically addresses any matter that maybe considered to materially contravene the said plan should be provided. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

In addition, with regard to urban design and public realm, further consideration of the proposed external finishes and street furniture so as to provide an optimal, cohesive and qualitative design response along the waterfront.

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

3. Future Residential Amenity

Further consideration of documents as they relate to the future residential amenity of the proposed apartments. In this regard, consideration to should be given to the provisions of the Design Standards for New Apartments – Guidelines for Planning Authorities, 2018 in particular the specific planning policy requirements contained therein and how the proposed residential units comply with such policies.

Further consideration of the daylight and sunlight analysis and proposed layout/design so as to demonstrate reasonable levels of light in the proposed residential units. Regard should also be given to the aspect from residential units. Regard should be given to the quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2:2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and also the provisions of section 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.

Consideration should also be given to the qualitative nature of balconies particularly having regard to micro-climate along the waterfront.

Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

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

1. A contextual layout plan which indicates the layout of adjoining developments (existing and proposed), photomontages and cross section at appropriate intervals for the proposed development including details of how the proposed

development interfaces with contiguous lands and adjoining roads (existing and proposed).

2. All existing utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
 3. A site layout plan indicating pedestrian and cycle connections through the development lands including the waterfront.
 4. A construction and demolition waste management plan should be provided.
 5. Details clarifying that the waste from the development lands meet the Waste Acceptance Criteria as set out in the Contamination Risk Assessment and/or alternative proposals to deal with such waste as appropriate.
 6. A Building Life Cycle Report as per Section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018.
 7. A phasing plan for the proposed development.
 8. A site layout plan indicating all areas to be taken in charge.
 9. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted)
- 8.4 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. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
3. The Heritage Council
4. An Taisce – the National Trust for Ireland
5. Transport Infrastructure Ireland
6. National Transport Authority
7. Local Childcare Committee

PLEASE NOTE:

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

Joanna Kelly

Senior Planning Inspector

4th September 2019