



## Development

Permission is sought for: (i) construction of a part-three, part-four storey apartment block, with communal amenity space at third floor level, comprising 18 no. apartments (3 no. one bedroom and 15 no. two bedroom units); (ii) construction of 8 no. three bedroom two-storey, with attic accommodation, dormer windows, and rooflights; (iii) provision of off-street parking areas consisting 20 no. car parking spaces, 6 no. cycle parking spaces and bin storage area accessible via new vehicular entrance off John Street; (iv) provision of cycle storage shed (12 no. spaces) and centrally located communal amenity space (464sq.m); (v) widening of existing footpath on John Street, provision of new public footpath with on-street parallel carparking (6 no. spaces) on Stoney Lane and new pedestrian crossings on both John Street and Stoney Lane; (vi) provision of landscaping and tree-planting; (vii)

SuD's drainage, internal and external boundary treatments, provision of road signage and all ancillary works necessary to facilitate the development.  
\*\*Significant Further Information received 15/06/2020\*\*

<b>Location</b>	John Street/Stoney Lane, Ardee, County Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	19734.
<b>Applicant</b>	Castleguard Properties Limited.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party.
<b>Appellants</b>	Gerry & Mary Farrell.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	28 <sup>th</sup> day of October & 10 <sup>th</sup> day of November, 2020.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. This irregular shaped appeal site has a stated 0.3762ha area, is located in the historic settlement of Ardee, in County Louth, and despite this site area being slightly larger than a previous application determined by the Board under ABP Ref. No. 300225-17 (Note: 0.3642ha) having inspected the site and its environs I consider that the Boards Inspectors description for this previous appeal case is still applicable. It reads:

*“The site lies c.250m to the west of Drogheda Road (N2), south west of the town centre on the corner of John Street and Stoney Lane. It comprises a flat, brownfield site, which has open mesh fencing along its street frontages. Gated access to the site is currently provided site from Stoney Lane.*

*John Street comprises a mix of residential, commercial and social land uses (e.g. spa, doctors, chemist, estate agent). Development is typically single and two storey, in detached, semi-detached and small terraced units. Directly opposite the appeal site is two storey residential development, Riverside, and an adjoining two storey retail unit (with residential accommodation at first floor). To the east of the site is a single storey property used as a dental practice. Approximately 100m to the east of the site is Ardee Church. To the north west of the site is a furniture manufacturer and c. 200m to the west of the site, Ardee Community School.*

*Development along Stoney Lane is primarily housing, with detached properties lying to the west and south of the site, and a number of residential estates accessed off the road (e.g. Rockfield, Sliabh Breagh). Development to the south of the site along Stoney Lane is typically low rise and low density. A detached dwelling opposite the appeal site is two storey. Access to the N2 is possible from Stoney Lane via Sliabh Breagh.*

*To the west of Stoney Lane, a water course runs alongside the road. It is piped as it passes the site and as it travels under John Street, but lies in an open culvert north of the Bridge. The stream joins the River Dee approximately 200m to the north of the appeal site.”*

## 2.0 Proposed Development

- 2.1. By way of this application planning permission is sought for the following:

- Construction of a part-three, part-four storey apartment block containing 18 no. apartment units each served by private terrace at ground floor level or by private balcony at upper floor levels and communal amenity space at 3<sup>rd</sup> floor level;
- Construction of 8 no. three- bedroom two-storey with attic accommodation, dormer windows, and rooflights dwellings. These would consist of 6 no. terraced units which are referred to as House Type A in the submitted plans and particulars and 2 no. semi-detached units which are referred to as House Type B & C in the submitted plans and particulars. Each unit would be served by a private garden. With the gardens of house labelled in the submitted plans and particulars as No.s 1, 3 to 8 also served by pedestrian access lane to rear;
- Provision of off-street parking areas consisting 20 no. car parking spaces;
- Provision of 6 no. cycle parking spaces;
- Provision of bin storage area accessible via new vehicular entrance off John Street;
- Provision of cycle storage shed containing 12 no. spaces;
- Provision of a centrally located communal amenity space with a stated 464m<sup>2</sup> area;
- Works associated with the widening of existing footpath on John Street;
- Provision of new public footpath with 6 on-street parallel car parking spaces on Stoney Lane;
- Provision of new pedestrian crossings on both John Street and Stoney Lane;
- Provision of associated landscaping and tree-planting;
- Provision of all internal and external boundary treatments;
- Provision of all water and drainage works together with the necessary connections to public infrastructure;
- Provision of road signage; &
- All associated site and development works.

- 2.2. According to the accompanying planning application form the gross floor area of works to which this application relates is 2,552m<sup>2</sup>. The mix of dwellings is set out as 8 no. three bedroom dwellings; 3 no. 1-bedroom dwellings and 15 no. 2 bedrooms.
- 2.3. On the 15<sup>th</sup> day of June, 2020, the applicant submitted their response to the Planning Authority's further information request. Their response was deemed to be significant and as such new public notices were required. This response was accompanied by the following:
- Planning Report: This document sets out the applicant's response to each item contained in the Planning Authority's additional information request.
  - Letter from the Planning Authority's Housing Section indicating that an agreement in principle had been reached in respect of the applicants Part V requirements.
  - A Housing Quality Assessment.
  - Planning Services Report.
  - Revised suite of drawings and particulars.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The Planning Authority decided to grant planning permission subject to 14 no. conditions. The following conditions are of note:

Condition No. 2(a): Requires the agreement of the full elevation and floor plan of the apartment building.

Condition No. 2(b): Requires a Lifecycle Report as per Sustainable Urban Housing: Design Standards for New Apartments, 2018.

Condition No. 4: Requires lodgement of cash deposit as security to ensure the satisfactory completion of the development.

Condition No. 7: Requires Section 96 agreement.

Condition 12: Relates to Archaeology Pre-Testing.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Following a request for additional information with respect to a number of matters ranging from overdevelopment of development; design and its compliance with relevant planning provisions for the type of development proposed; infrastructure - clarity and improvements of the same; services – clarity and improvements of the same; through to Part V agreement, Louth County Council granted planning permission subject to 14 no. conditions.

### 3.2.2. Other Technical Reports

- **Infrastructure:** No objection subject to safeguards.
- **Housing:** Letter on file as part of additional information response indicating principal of agreement reached.

## 3.3. Third Party Observations

- 3.3.1. A number of third-party submissions were received during the course of the Planning Authority's determination of this application which I have read. I consider that the broad issues raised in these submissions are similar to those raised in the grounds of appeal as set out below. They also raise concerns that the proposed development, if permitted, despite the revisions made in the applicant's additional information response would be visually incongruous and overly dominant within a streetscape scene.

## 4.0 Planning History

### 4.1. Relevant Planning History: Site and Setting

- **ABP Ref. No. 300225-17 (P.A. Ref. No. 17/326):** On appeal to the Board planning permission was **refused** for a development consisting of 27 residential units, basement car park for 18 no. cars, access ramp, central courtyard, service roadways, entrance off John Street & Stoney Lane, 7 no. surface car parking spaces and associated landscaping for the following stated reasons and considerations:

*“Having regard to the density and detailed design of the proposed development and the character and pattern of development in the area, it is considered that the proposed development, by reason of its massing, substandard arrangement of private and communal open space, juxtaposition with adjoining development, and inactive street frontage, would result in overdevelopment of the site and would seriously injure the amenities of the area and of property in the vicinity. Notwithstanding the acceptability in principle of an urban form of development at this location, the Board was not satisfied that the proposed development would provide an adequate level of residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”.*

I note that this decision was made by the Board on the 16<sup>th</sup> day of August, 2018.

## **5.0 Policy Context**

### **5.1. National Planning Provisions**

- **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)**

Section 5.3.1 of the guidelines provides general advice for smaller towns and villages (400 to 5,000 persons). It indicates in settlements of this size that development must be plan led and that new development should contribute to creating a compact form. It also sets out that higher densities are appropriate in certain locations and that residential development in such settlements can offer an alternative urban generated housing. In relation to new residential schemes it advocates that they should be in proportion to the pattern and grain of existing development. Moreover, in centrally located sites it indicates that densities of between 30 to 40 units plus may be appropriate.

### **5.2. Local Planning Provisions**

#### **5.2.1. Louth County Development Plan, 2015 to 2021**

Section 5.1.1. of the said Plan identifies Ardee as a Moderate Sustainable Growth Town, in the second tier of the County Settlement Strategy.



It also recognises the importance of Ardee as the third largest settlement in the county.

The Core Strategy as set out in the said Plan seeks to promote the development of Ardee as a medium size town for urban strengthening to serve the needs of the local community and drive development within the locality.

Under Section 2.16.5 of the said Plan it identified Ardee as Level 2 town and it indicates that the growth of the town will be managed in a manner that provides for its gradual expansion, in line with provisions of additional employment opportunities, community facilities and services.

#### 5.2.2. **Ardee Local Area Plan**

The appeal site lies on land zoned for residential development (Note: 'RE') in the Ardee Local Area Plan 2010-2016 (as extended under the Louth County Development Plan 2015-2021). The stated land use objective reads: "*to protect and/or enhance existing residential communities and provide for new residential communities*".

The plan sets out a phasing strategy for residential development.

The said plan includes a cycle path along Stoney Lane. The provision of the same is also referred to in Section 4.7.5 of the said plan.

John Street in the Ardee Objectives Map, the land to the west and north of the site is shown as 'benefiting lands' (at risk of flooding).

The said plan through its objectives and policies sets out that it seeks to protect the amenities of existing residential communities; provide for appropriately located and adequately phased residential development over the period of the Plan; ensure that new development has regard to the context of the existing built up area and is adequately integrated with it (Objectives/Policies OBJ 3, POP 4 and ATC 4).

Under Section 9.2.2 the said plan sets out a maximum plot ratio of 2:1 and indicates that site coverage should not exceed 80% in town centre locations (Section 9.2.2).

Under Section 9.2.3 of the said plan it indicates where building lines are established that these should be respected.

Under Section 9.3.3 of the said plan it sets out a density standard of 30 plus units per hectare for centrally located sites and 20 to 30 units per hectare for edge of centre sites.

### **5.3. Natural Heritage Designations**

5.3.1. The appeal site does not form part of nor does it adjoin any site of nature conservation interest. The nearest Natura Site is Special Protection Area: Stabannan-Branganstown SPA. This is located c5.6km to the north east of the site.

### **5.4. Environmental Impact Assessment**

5.4.1. Having regard to the serviced nature of the site; nature and scale of the proposed development; the nature of the receiving environment; the lack of any connectivity between this site and any other European sites; I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of this appeal can be summarised as follows:

- The Planning Authority's decision to grant planning permission is objected to.
- Reference is made to the previous decision of the Board refuse permission for a previous residential development on this site.
- It is contended that not much has changed between this application and previous planning application that was refused.
- Concern is raised to the height, density, and the visual impact of the proposed development in what is described as a quiet area consisting mainly of single storey and some two storey dwellings.
- There is a problem with traffic management in this area with this area being a very congested area of the town.
- The access to serve the proposed development is the main access road leading to 6 housing estates, three schools with approx. 1400 to 1500 students, a church, numerous factories, offices, and businesses.

- By virtue of the height of the proposed development it will result in adverse overlooking of the appellants property which is situated on the opposite side of the road where the building is 3-stories in its height.
- A concern is raised that their property is inaccurately indicates as Riverside Apartments in the submitted documentation. This is incorrect as their property consists of their family home and a convenience shop.
- The aesthetics of any development on this site should be in keeping with other buildings in this locality.
- The scale of this development at this location is inappropriate.

## 6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows:

- Significant further information was submitted to the Planning Authority prior to the Planning Authority reaching its decision to grant planning permission. This included revision of residential units from the initially proposed 18 no. apartments; 8 dwelling units to 9 no. apartments and 11 no. dwelling units. This equates to a reduction in density from 72 to 54.9 units per hectare. In addition, the apartment block was reduced in terms of its overall height to 3-storey building and revisions were made to the local infrastructure.
- The applicant seeks to provide a high-quality residential development on this site whilst maintaining the residential and visual amenities of the area.
- The site is residentially zoned and serviced.
- This development is consistent with planning provisions.
- Given the extent of facilities and services within easy reach of the site it is contended that it is an ideal site for residential development.
- The development as approved is split into three groups addressing John Street, Stoney Lane, and the centre of the application site.
- All units are served with their own private amenity space and a communal open space area is also provided alongside other required facilities for this type of development.

- This development is consistent with providing housing choice within an established area.
- This proposal is a significantly improved one for the site over the previous proposal which was refused. In contrast to the residential mix proposed under this application the previous proposal consisted of a mix of apartments and duplex units only. It also responds to its streetscape setting in a positive manner and provides the proposed development in greater quantum of green space whereas the previous scheme was highly urbanised residential development.
- Given the unit mix proposed is deemed to be appropriate.
- The heights of the proposed buildings are also site appropriate.
- This development would result in no undue impact on traffic congestion within the immediate area and the applicant has actively engaged with the Planning Authority with regards to improving local infrastructure in the immediate vicinity of the site.
- The Board is requested to uphold the Planning Authority's decision.

### **6.3. Planning Authority Response**

6.3.1. The Planning Authority's response can be summarised as follows:

- The Planning Authority considered all aspects of the proposed development prior to issuing a grant of planning permission.
- As part of the Planning Authority's determination of this application their Senior Planner prepared a report setting out why it was considered that the planning permission could be considered favourably. This report concluded with a recommendation for permission subject to conditions.
- While the proposed development is of increased height to the existing structures in the immediate area it will not be at odds with the immediate area having regards to its location at a focal point at a key junction.
- It is acknowledged that congestion is an issue along this road, notwithstanding, this is considered to be a fact of urban living.
- The site is located within walking distance of the town centre as well as other amenities and facilities in the immediate area including schools and shops.

- The density accords with national and local planning policies.
- As this site is within walking distance of local riverside parkland alongside having regard to relatively small number of units proposed in this instance the Planning Authority was of the view that the public open space requirement could be relaxed.
- The appellants property is located on the opposite side of the road and whilst the proposed development may be perceived to give rise to overlooking due to its increased height it is considered that no overlooking issues would arise.
- The Board is requested to uphold its decision.

## 7.0 Assessment

### 7.1. Overview

- 7.1.1. Having had regard to submissions and the documents on file, the policies of the Ardee Local Area Plan 2010 to 2016 (and Louth County Development Plan 2015 to 2021, together with my inspection of the appeal site as well as its surrounds, I consider that the Boards assessment should be based upon the proposed development as significantly revised by the applicant in their response to the Planning Authority's robust additional information request. This response was submitted on the 15<sup>th</sup> day of June, 2020 and was accompanied by revised public notices.
- 7.1.2. This response in my view puts forward a comprehensive redesign of the proposed development taking on board the various concerns set out by the Planning Authority in their additional information request which has resulted in a more qualitative site sensitive design resolution that still accords with all relevant planning provisions. Essentially these provisions seek that underutilised zoned and serviced residential sites like this are developed at an appropriate density that makes efficient use of such lands and provides a synergy between existing land uses in such locations, particularly those that are beneficial to future occupants to have within easy reach. They also seek to safeguard land within the countryside from residential development that is urban generated.
- 7.1.3. Moreover, the revised design improves the relationship between the proposed residential development of this site so that, if permitted, it would not unduly compromise the established amenities of what is a predominantly residentially

developed location. Alongside providing a scale of development that by virtue of its height, mass, bulk through to built form the proposed development would not in my view overtly dominate or be an incongruous addition within its streetscape setting but rather would harmonise with its overall visual setting whilst still allowing for a focal point to be created at what is a corner site, i.e. John Street and Stoney Lane. With the latter having the potential to enhance and contribute to the architectural qualities of its streetscape scene subject to the proposed development being of architectural quality and a design resolution that is appropriate to its setting.

- 7.1.4. In addition, at such locations the 'Urban Development & Building Height Guidelines for Planning Authorities', 2018, advocate increased height and as such the inclusion of a 3-storey built form results in a staggered harmony with not only the other 2-storey blocks proposed but also the single and predominantly 2-storey height of its streetscape scene whilst accentuating the site's corner position at the junction of John Street and Stoney Lane.
- 7.1.5. In saying this however I acknowledge that whilst the applicant made a significant strides in terms of their revised design approach for this site the plans and particulars provided with their further information response, this response is unfortunately lacking sufficient clarity in terms of elevational treatments of the building blocks proposed. Notwithstanding this lack of clarity, I concur with the Planning Authority in this case that this lack of clarity can be overcome by way of an appropriately worded condition and I do not consider dealing with this matter by way of condition would disenfranchise the public in so doing.
- 7.1.6. I also consider that subject also to an appropriately worded condition and/or conditions that seeks to achieve a high quality of finishes in terms of all elevational, boundary, landscaping, surfacing, public domain through to lighting treatments that the contemporary architectural design response for this site could potentially contribute in a highly positive manner with its streetscape scene alongside create an attractive internal domain for future occupants.
- 7.1.7. Moreover, in terms of servicing and infrastructure I raise no issues in regard to these particular matters subject to the inclusion of the Planning Authority's conditions or similar conditions should the Board be minded to grant planning permission for the proposed development as revised.

7.1.8. I also concur with the Planning Authority in this case that in order to achieve an appropriate density for this modest in area site it would be prohibitive to require the provision of a communal open space, particularly as the site itself is within easy walking distance of a number of open space provisions including the riverside walk referred to and the site itself is served by public roads that extends out to open countryside. The provision of communal open space would also result in a less efficient future use of these zoned and serviced lands.

7.1.9. Further, I also consider that this proposal, if permitted, provides an appropriate level of car parking at one space per unit for a site that is within easy walking distance to a wide variety of amenities and services, in particular it is within easy reach of educational facilities, a bus Eireann bus stop on the N2 and Ardee town itself is well served by a wide retail offer, social and community related land uses that together would be advantageous for future occupants without reliance on a car.

7.1.10. I therefore consider that the key issues in respect of the proposed development are confined to the matters raised in the appeal and submissions on file. These can be broadly summarised as follows:

- Suitability of the Site and the Principle of the Proposed Development.
- Residential Amenity Impact.
- Visual Amenity Impact.
- Traffic.

7.1.11. I also consider the matters of Flooding and Appropriate Assessment requires examination.

## **7.2. Suitability of the Site and the Principle of the Proposed Development**

7.2.1. The appeal site is situated on lands zoned for residential development, are currently in a vacant state, they are situated in close proximity to the historic centre of Ardee, the third largest settlement in County Louth, and they are surrounded by land that is by and large residentially developed. The stated land use objective for these lands seeks to: "*protect and/or enhance existing residential communities and provide for new residential communities*".

- 7.2.2. In relation to the Local Area Plan, this plan seeks the organic and sequential development town moving out from its centre towards the town's fringes. This site is situated c250m to the south west of the town centre and though it is not specifically identified as lands identified for the phased growth of the town it is modest serviced site that as previously discussed is well served with wide variety of amenities and services.
- 7.2.3. In addition, its vacant state that does not contribute in a positive manner to the visual amenities of its streetscape scene or this streetscape scenes vitality and vibrancy. With land surrounding it on John Street and Stoney Lane characterised by being well developed and being characterised in land use terms by well-established residential developments.
- 7.2.4. Despite the density of 54.9 units per hectare proposed for this 0.3642ha site, which is slightly above that recommended by the Planning Authority in their additional information request, it is nonetheless a significant reduction from the original proposal which was 72 units per hectare.
- 7.2.5. I am cognisant that the planning provisions allow for the consideration of higher densities on all sites in urban areas.
- 7.2.6. Given the modest size of the site area and the Planning Authority's rationale that it is of a size where flexibility should be considered in terms of the provision of communal open space. Having regards also to the site being c120m by foot from a quality open space amenity in situated to the north and north east along riverbanks of the River Dee and the sites close proximity to the centre of Ardee. I consider that the proposed density is not inappropriate in this urban location given the mixture of 9 no. apartments (6 no. 2 bedroom and 3 no. 3 bedroom) and 11 no. dwelling units (11 no. 3 bedroom) it proposes in two terrace groups given the pattern of development that characterises this area.
- 7.2.7. Further, it would add to the achievement of a more compact urbanscape as well as efficient use of serviced lands within this settlement.
- 7.2.8. I am also cognisant that the Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas, DEHLG, 2009, recommend increased densities within 500m of a bus stop which I note this site is having regard to its proximity to a bus stop on the N2. These guidelines recommend in general a minimum



net density of 50 dwellings per hectare within public transport corridors, subject to appropriate design and amenity standards.

7.2.9. Based on the above I consider that the residential development of this site accords with the principle of developments, subject to safeguards.

### 7.3. **Residential Amenity Impact – Properties in the Vicinity**

7.3.1. The significant redesign of the proposed development has in my view satisfactorily addressed the potential of the initial design to give rise to significant adverse residential amenity impact by way of visual overbearance due to the incongruity of the four storey element but also in terms of a more sensitive treatment of open space provision for the balcony units at the upper floor levels through to an improved overall visual aesthetic for the treatment of all built elements for what is a contemporary architectural residential scheme.

7.3.2. Moreover, the revised scheme pulls back the footprint of the three residential blocks from the public domain incorporating landscaping in these setback areas. It also incorporates a building line that harmonises with that established on John Street and there is a staggered setback towards the southern-most block where the scheme adjoins established residential development. At this point there is a harmony in the building line alongside a softening of the overall Stoney Lane presentation by the incorporation of landscaping within its setbacks from the roadside boundaries.

7.3.3. Further the design and layout are such that it would not in my view give rise to any undue overlooking, overshadowing and/or other diminishment of residential amenities of properties adjoining its eastern and southern boundaries over and above what one would expect in such an urban setting having regard to the pattern of the development.

7.3.4. In terms of the relationship between the proposed development and the appellants property, whilst I concur with them that, if permitted, there would be a change in context for their property I do not concur that there will be an actual diminishment of their established residential amenities by way of actual overlooking, overshadowing and/or other diminishment given the lateral separation between the two with as noted by the Planning Authority a context that includes a public road and public road junction in between.

7.3.5. Based on the above I consider that the proposed development as revised, would not give rise to any undue diminishment of established residential amenities, included that

of the appellants, and that standard abatement conditions could be included to ensure that any grant of permission provide added assurance on noise, odours, vibrations, hours of construction and the like to safeguard the established amenities of properties during the construction phase..

#### **7.4. Residential Amenity Impact – Future Occupants**

7.4.1. I consider that the proposed development as revised provides a qualitative standard of residential amenity for future occupants and that it accords with planning provisions local through to national for this type of development. I therefore raise no particular concerns on this matter.

#### **7.5. Visual Amenity**

7.5.1. I consider that the revised design in terms of its massing, height, solid to void relationship, the design and landscaping of associated amenity spaces is subject to safeguards appropriate for its site context and it would benefit the visual amenities of both John Street and Stoney Lane by not only providing a focal 3-storey building on the south eastern corner of their T-junction it would also as previously noted remove a vacant brownfield building that currently detracts from the visual amenities of its streetscape setting.

7.5.2. Further, in so doing the provision of the proposed development will add to the vibrancy and vitality of its streetscape scene.

7.5.3. Subject to appropriate conditions, in particular requiring a high-quality palette of materials, treatments, finishes and landscaping. Alongside ensuring that other aspects of the proposed development are appropriately provided to a high quality, i.e. improvements to the public domain, on-site waste storage, lighting, surface treatments and the like I am satisfied that the proposed development, if permitted, would not give rise to any adverse visual amenity impacts on its setting and streetscape scene.

#### **7.6. Traffic**

7.6.1. The appellants raise concerns that the proposed development would contribute to traffic congestion, particularly on John Street, which they describe as heavily trafficked accommodating a large number of developments including educational facilities and a wide variety of other land uses. They also raise concerns in regard to the capacity

also of Stoney Lane to accommodate the additional traffic the proposed development and describe that this lane provides access to several housing estates.

- 7.6.2. As previously noted the appeal site lies within easy walking distance of the centre of Ardee as well as to a wide range of services, amenities, retail offer, educational institutions through to the site is in walking distance to a Bus Eireann bus stop located on N2 with their also being private operators operating services that connect this settlement to other larger settlements outside of the County, including Dublin.
- 7.6.3. In addition, there are a variety of different employment opportunities within the town and wider afield that are accessible by the public and private bus services serving this settlement.
- 7.6.4. Moreover, this application proposes to provide one car parking space per dwelling unit with 18 out of the 20 car parking spaces proposed located off a short access cul-de-sac road that serves the proposed development that opens onto Stoney Lane, which I note is less heavily trafficked than John Street, with John Street linking to the N2 to the east of the site.
- 7.6.5. There are also two off-street car parking spaces proposed off John Street. In close proximity to this provision it is proposed that a new zebra crossing would be provided. The presence of this in the vicinity of these proposed car parking spaces together with the width of the road, the location of on-street car parking spaces that terminates to the east nearby the north easternmost corner of the site, the presence of double yellow lines on the road opposite and at the south eastern corner of the Stoney Lane and John Street road junction, allays concerns that I would otherwise have for accessing and egressing from these proposed spaces.
- 7.6.6. I also note that the Transportation Section of the Planning Authority raised no concerns on this provision.
- 7.6.7. I have observed that the heavy level of congestion on John Street appears to mainly arise from the N2 national road running through the centre of Ardee with John Street terminating a staggered junction with William Street c219m to the east and that this is an issue not isolated to John Street in terms of flow of traffic. This issue goes back a considerable amount of time and it is one that is unlikely to improve until the town is by-passed and/or served with a more robust public transport system offer.

- 7.6.8. In addition, at the time of my site inspection this congestion was further added to by road works in the vicinity of the John Street and N2 intersection.
- 7.6.9. I also observed that John Street as noted by the appellant does accommodate a number of uses like educational facilities that do result in increased levels of congestion during peak times. Notwithstanding this, given the modest scale of the residential development sought and the appropriateness of securing a suitable redevelopment for this vacant brownfield site that contributes little to the function of the town or to its visual amenities I consider that the proposed development would not significantly exacerbate the overall levels of congestion.
- 7.6.10. Based on the above considerations I am not convinced that the concerns raised with regard to traffic are such that they would substantiate or merit a refusal of planning permission.

## **7.7. Flooding**

- 7.7.1. I note that flooding is not raised as an issue by the appellants in this appeal; notwithstanding, I am cognisant that the OPW flood mapping indicates that parts of the site are identified for fluvial extreme event and that the lands along the River Dee and the lower northern section of Stoneylane Stream are 'benefiting lands', i.e. at risk of flooding.
- 7.7.2. It does not include any records of historic flood events at this location or within the immediate vicinity of the site. The OPW FRA Maps indicate that the western portion of the site are susceptible for fluvial flooding (Note: OPW PFRA Map 306A).
- 7.7.3. In addition, John Street in the Ardee Objectives LAP Map indicate that the land to the west and north of this site is 'benefiting lands' and the County Development Plan under Section 4.6 indicates that the settlement of Ardee is at risk of three types of flooding, pluvial after significant rainfall, fluvial alongside watercourses and temporary constrictions of culverts and bridges. Policy INF 8 of the said Plan sets out a presumption against development in areas at risk of flooding and Policy INF 9 of the said Plan requires developments, in areas identified as being at risk of flooding, to conform to the government's guidelines on Flood Risk, and require a sequential approach and justification test.

- 7.7.4. More recent examination of flooding risk in the settlement occurred in 2016 with this indicating that a large part of the site would be susceptible to fluvial flooding under the 0.1% AEP Flood Event (Note: OPW AFA Fluvial Flood Map).
- 7.7.5. The initial application submitted, which was for a denser residential development, was accompanied by a Flood Risk Assessment which identifies the sites location being 100m inland from the River Dee and it notes the presence of a tributary of this river (Note: Stoneylane Stream) with the section of this stream on the opposite side of the road being culverted in 2009.
- 7.7.6. It identifies the ground levels of the site as ranging from 26.2m in its north west corner to 27.8 in its south eastern corner.
- 7.7.7. It considers that fluvial flooding is possible given the presence of a tributary of the River Dee running along Stoney Lane; that pluvial flooding is also possible given that sections of this tributary are culverted/piped and as a result may be subject to overloading during an intense rainfall circumstance; and, that flooding arising from temporary constrictions or blockages is also a possibility given that Stoneylane Stream alternates between being piped and open.
- 7.7.8. In Section 3.02.6 of this report, an examination of historical flood events was found to have occurred in 2015. Whereby a flood event occurred following incessant rain during Storm Frank on the morning of the 30<sup>th</sup> day of December, 2015, with this impacting on John Street and Stoney Lane.
- 7.7.9. This report was informed by an inspection of the site and its setting, including an examination of the Stoneylane Stream tributary and it concludes that there is evidence that the site is susceptible to fluvial flooding and that a Stage 2 (Scoping Stage) was required.
- 7.7.10. This application is accompanied by the Stage 2 (Scoping Stage) Report which shows that in a 0.1% AEP event the central and northern portions of the site would experience flooding at depths of up 1m. This report acknowledges that the modelling carried out appeared to predict less of the site being flooded in such an event than the Ardee AFA map data but that it does correlate with the flooding that arose in 2015.
- 7.7.11. This reports findings has informed the finished floor levels of the proposed development which are above the recommended of 0.5m freeboard recommended value set out in the Greater Dublin Strategic Drainage Study with the exception of

Units 1 and 2 which are below this value so that the proposed development could correspond appropriately with the adjoining footpath and public roadway of Stoneylane.

- 7.7.12. Notwithstanding, it indicates that all levels within the site are above the design flood level of 26.11AOD. It also indicates that the ground levels of the site would be appropriately augmented; the site would be developed in manner that would ensure that surface water run-off is restricted to green-field levels in accordance with SuDS principles; there would be a clear well-defined unobstructed escape route for all residents should an adverse flooding event arise and emergency services would be able to access the site from a number of routes even in such adverse events.
- 7.7.13. This report also noted that future communal flood risk management measures may further reduce the residual risk of flooding at the site.
- 7.7.14. This report concludes that the proposed development does not represent an unacceptable flooding risk; it will not exacerbate flooding in its immediate vicinity or wider area; and, it is in accordance with the Flood Risk Management Guidelines for Planning Authorities in respect of flood risk.
- 7.7.15. As previously discussed, this site consists of vacant brownfield site that is zoned for residential development. It is also located close to the centre of Ardee. The documentation provided in respect of flood risk with this application provide a detailed understanding of the factors which have caused and could cause flooding on this site in the past and going forward.
- 7.7.16. It is clear from an examination of the plans and particulars, including the less dense revised scheme, that the proposed development has been designed in a manner that has incorporated the flood risk assessments carried out with these flood risk findings generally reflecting those found by public bodies like the OPW.
- 7.7.17. Based on the above, I consider that the proposed development, would therefore appear to be generally compliant with the Department's justification test and that the proposed development would not warrant a refusal based on any flood risk concerns.

## 7.8. **Appropriate Assessment**

- 7.8.1. The nearest European site to this appeal site is Special Protection Area: Stabannan-Branganstown SPA. This is located c5.6km to the north east of the site. There is no

connection to this site. Special Protection Area: Dundalk Bay Special Protection SPA (Site Code: 004026) and Special Conservation Area: Dundalk Bay SAC (000455) are situated c13.5km away to the north east of the site.

- 7.8.2. The appeal site is a serviced vacant brownfield site and lies in an urban area that has been subject to substantial development to date.
- 7.8.3. The proposed development would connect to mains sewerage services and discharge to the Ardee wastewater treatment plant. This plant was upgraded in 2018 and discharges to the River Dee. The plant is subject to licensing by the Environmental Protection Agency under Wastewater Discharge Regulations, which determine the discharge parameters, which itself is subject to the requirements of the Habitats Directive.
- 7.8.4. In addition, in the documentation submitted with the applicant's additional information response it would appear that Irish Water raises no objection to the proposed development connecting to existing water supply in this area.
- 7.8.5. From examination of the local infrastructure there appears to be no capacity issue.
- 7.8.6. The site is situated on the opposite side of the road from a watercourse (Note: Stoneylane Stream) a tributary of the River Dee which is situated c100m to the north. Subject to best practice construction works and the provision of suitable surface water attenuation on site the proposed development is not likely to result in any adverse environmental and/or ecological issues for this watercourse, the River Dee and the biodiversity of the same.
- 7.8.7. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European sites I concur with the Planning Authority that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with others plans and projects on a European site.

## 7.9. Other Matters

- 7.9.1. **Archaeology:** Given the built heritage sensitivity of this setting it is appropriate that any grant of planning permission include an archaeological condition as a precaution.

## 8.0 Recommendation

8.1. I recommend that planning permission be **granted**.

## 9.0 Reasons and Considerations

9.1. Having regard to the scale and infill nature of the proposed development, the surrounding pattern of development and the provisions of the Ardee Local Area Plan 2010-2016 and the Louth County Development Plan 2016 – 2021, it is considered that subject to compliance with the following conditions, the proposed development would be an acceptable use of these lands, would contribute to the consolidation of the town, would not give rise to undue impacts on adjoining residential amenities, would not give rise to the creation of a traffic hazard and would be acceptable in terms of public health. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. 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 submitted on the 15th day of June, 2020, and as amended 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.

**Reason:** In the interest of clarity.

2. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority the following:
  - (a) Full elevation and floor plan drawings of the apartment building.



(b) Building Lifecycle Report as per the Sustainable Urban Housing: Design Standards for New Apartments, 2018.

Reason: In the interests of clarity and proper planning.

3. Details of the materials, colours, and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

**Reason:** In the interest of public health.

6. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs and pedestrian crossings shall comply with the detailed standards of the planning authority for such road works which shall be agreed in writing prior to the commencement of development.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

8. All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, to be agreed with the planning authority.

**Reason:** In the interest of residential and visual amenity.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]

(ii) Details of screen planting [which shall not include cupressocyparis x leylandii]

(iii) Details of roadside/street planting [which shall not include prunus species]

(iv) Hard landscaping works, specifying surfacing materials, and finished levels.

(b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment.

(c) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

10. 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.

**Reason:** In the interest of sustainable waste management.

11. 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 hours of working, noise management measures, parking, and off-site disposal of construction / demolition waste.

**Reason:** In the interests of public safety and residential amenity.

12. Proposals for an estate / street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority’s written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues: (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, (as substituted by Section 3 of the Planning and Development (Amendment) Act, 2002). Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

15. 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 application of the terms of the Scheme.

**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.

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Patricia-Marie Young  
Planning Inspector

11<sup>th</sup> day of November, 2020.