



An
Bord
Pleanála

Inspector's Report

ABP-308082-20

Development	Permission is sought for the demolition of the 5 derelict 2 storey cottages at the site and construction of a mixed use residential and commercial development including 42 no. residential units.
Location	51-55 Hardman's Gardens, Drogheda, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	19834
Applicant(s)	Brugha Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Thomas White and others
Observer(s)	None.

Date of Site Inspection

03.12.2020

Inspector

Stephanie Farrington

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1.0 Site Location and Description

- 1.1. This appeal site is located at 51-55 Hardman's Gardens in the north-east of Drogheda town. The site, which has a stated area of 0.56ha, is primarily a backland site and currently accommodates 5 no. derelict 2 storey cottages at nos. 51 -55 Hardman's Gardens.
- 1.2. The dwellings along Hardman Gardens comprise a terrace of five traditional two storey, gable roofed dwellings which are adjoined, to the south, by four number single storey bungalow type dwellings.
- 1.3. The back lands of the site are completely overgrown with vegetation and scrub. The boundary to the south with Regent Place comprises a stone block wall approx. 2 meters in height. A 2m high palisade fence forms the boundary with Scarlet Crescent to the east of the site and the northern site boundary is defined by a stone block wall.
- 1.4. Adjoining lands to the north include an existing retail unit and outbuildings and the rear of dwellings which front onto Pearse Park. The southern boundary abuts the rear boundary of houses located at Regents Place and the eastern boundary abuts open space which is part of Scarlet Crescent. The area in which the site is located is characterised by single storey and two storey residential developments.

2.0 Proposed Development

- 2.1. The proposed development comprises demolition of the existing 5 no. derelict 2 storey cottages on site and construction of a mixed use residential and commercial development ranging in height from 2 no. storeys to 5 no. storeys with basement level.
- 2.2. The development, as originally proposed, comprised of 40 no. residential units and a commercial building on a 0.577ha site. Revisions were made to overall site area, layout and format of the development in response to Louth County Council's request for further information. The overall site area was reduced to 0.5627ha to exclude lands within the 3rd party ownership to the north of the site. The format of the units were revised from general residential accommodation to step down/assisted living housing units.

- 2.3. The residential component of the scheme, as amended in response to the request for further information, includes the provision of 42 no. residential units comprising of 35 no. apartments and 7 no. town houses.
- 2.4. The apartment blocks include 10 no. 1 bed units and 25 no. 2 bed units together with ancillary support spaces including community room with kitchen facility, laundry room, office and controlled access gate. The commercial element of the scheme includes a pharmacy, café/ bakery, medical centre and communal circulation space.
- 2.5. The following table details some of the key elements of the scheme as amended in response to Louth County Council request for further information:

Table 1: Key Figures	
Site Area	0.56ha
No. of Residential Units	42 – 35 no. apartments and 7 no. town houses.
Apartment Unit Mix	10 no. 1 bed units, 25 no. 2 bed units
Density	74 units per ha
Communal Open Space	869 sq.m. Open Space Area 1: 567 sq.m. Open Space Area 2: 302 sq.m. 15.4% of overall site area, 18% of residential site area
Public Open Space	Not provided
Height	2-5 storeys
Other Uses	Pharmacy - 72.2 sq.m. Café/bakery – 83.5 sq.m. Medical centre – 275 sq.m.
Car Parking	52

Bicycle Parking	135 no. spaces
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- 2.6. The proposed materials include a buff, red/brown and blue/grey brick and coloured metal cladding.
- 2.7. Access to the site is proposed via a new entrance onto Hardman's Gardens. A pedestrian and cycle entrance is also provided off Scarlet Crescent. 52 no. car parking spaces are provided at basement and street level. The application boundary extends to include part of the public road on Hardmans Terrace and works proposed include relocation of the existing pelican crossing to facilitate the proposed site entrance.
- 2.8. In terms of site services, a new water connection to the public mains is proposed together with connection to the public sewer.

3.0 **Planning Authority Decision**

3.1. **Decision**

Louth County Council issued a notification of decision to grant permission for the development subject to 18 no. conditions. The following conditions are of note:

- Condition no. 2(a) restricts the use of the permitted commercial units to those described within the application documentation in the absence of a prior grant of planning permission.
- Condition no. 12(a) Infrastructure: Details of pelican crossing to be agreed.
- Condition no. 15 pre-development archaeology testing.
- Condition no. 18- balconies on eastern and western elevations of apartments shall be fitted with privacy screens.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

(Initial Planner's Report- 15th of November 2019)

Recommends a request for further information which addresses the following issues:

- Further information including cross sections illustrating impact of Block 2A on the residential amenity of properties at Regent Place. Revised proposals shall be submitted to address any impacts.
- Further details of proposed pedestrian connection between Block A1 and A2.
- Revisions to the roof profile to the café/bakery unit.
- Historical context/background and justification of the building proposed for demolition.
- Extension of application boundary to include works to the adjoining public road, location of disabled car parking and EV charging points.
- Procedural concerns relating to the extent of the application boundary which includes lands within the 3rd party ownership.
- Landscaping/Biodiversity details including a bat survey, landscaping plans and details of areas to be taken in charge.

(Planner's Report dated 18th of June 2020)

Recommends clarification of further information on the following points:

- Further details on the rationale, nature and extent of the proposed retaining wall. Details of proposed wayleave.
- Revised drawings illustration relocation of the existing pelican crossing to the north of the proposed entrance.
- Details on treatment of Japanese Knotweed on site.

(Planners Report dated 7th of August 2020)

- Refers to correspondence from the Housing Section dated June 2020 which supports the principle of the development subject to conditions.
- Recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Infrastructure Section (report dated 14th of November 2019) recommends a request for further information in relation to sightlines at the entrance in accordance with

DMURS and revision to application boundary to include works to the public street. Details of surface water agreement with Irish Water are also required.

Infrastructure Section: (report dated the 15th of June 2020) – recommends clarification of further information illustrating revised location of the pelican crossing and details of consent from Irish Water to discharge surface water into the combined system.

Infrastructure Section: (report dated 23rd of July 2020) – recommends grant of permission subject to condition.

3.3. Prescribed Bodies

- Department of Culture, Heritage and the Gaeltacht: Submission outlines no objection to the proposal subject to condition relating to pre-development testing.

3.4. Third Party Observations

Third party observations were received at each stage of the application process i.e., within the initial 5-week public consultation period and on receipt of further information and clarification of further information.

The following provides a summary of the main issues raised:

- Concerns relating to the loss of on-street car parking to facilitate the relocation of the pelican crossing;
- Procedural and legal issues: Validity on application – application boundary extends to include 3rd party lands;
- Conflict with planning policy – excessive density, contrary to zoning objectives and guidance that backland development should be in keeping with surrounding character;
- Inappropriate design and scale; development interrupts and alters the vernacular streetscape through the mass, concerns relating to the height and scale of the proposed development;
- Height inappropriate in context, overbearing visual impact;

- Impact on residential amenity – overlooking, overshadowing, insufficient private amenity space;
- Overbearing Visual Impact;
- Overprovision of Car parking;
- Flood Risk;
- Lack of archaeological assessment and bat survey;
- Concerns relating to provision of pedestrian/cycle access through Scarlet Crescent;

4.0 Planning History

PA Ref: 09/139, ABP Reference PL54.236365 permission refused by An Bord Pleanála in August 2008 for demolition of 6 no. houses at Hardman's Garden and construction of a medical centre, retail units, 32 no. residential units and associated works at 4 Moonan's Cottage and 51-55 Hardman's Gardens.

Permission was refused in accordance with the following reasons and considerations:

1. *It is considered that the proposed development, which relies on the demolition of Number 4 Moonan's Cottages to provide access to the site, would seriously injure the visual amenities of the area and the streetscape, by reason of the loss of the cottage. Furthermore, the residential amenity of the adjoining cottage, Number 3, would be adversely affected by reason of the loss of its pair. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *It is considered that the layout of the proposed development is substandard and would result in an environment of poor residential amenity for future residents, having regard to the orientation and size of some of the private open space and the poorly located areas of semi-private open space pocketed around the development. The proposed development would, therefore, seriously injure the residential amenities of future occupants and*

the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

PA. Ref. 06-288: Planning permission refused in May 2007 for demolition of 5 no. residential units at Hardmans Cottages and construction of a mixed use development including 50 no. residential units on the appeal site including 3 no. retail units and one medical centre.

The reasons for refusal related to excessive density, unit mix, overbearing impact on Regents Place, separation distance between proposed units and separation distance to no. 58 Scarlet Crescent.

5.0 Policy Context

5.1. Development Plan

5.2. Louth County Development Plan 2015-2021

- 5.2.1. Chapter 2, Core Strategy and Settlement Hierarchy – The development lands are located within Drogheda, which is a Primary Development Centre and designated Large Growth Town 1. Table 2.4 indicates that Drogheda and Environs is expected to have a population growth of 2571 persons by 2021, which equates to 952 residential units.
- 5.2.2. Policy SS1 seeks: To maintain the settlement hierarchy within the County and to encourage residential development within each settlement that is commensurate with its position in the hierarchy and the availability of public services and facilities.
- 5.2.3. Section 2.16.4 of the development plan refers to Policy SS4, to review the Drogheda Borough Council Development Plan 2011-2017 and to prepare a Local Area Plan for Drogheda and Environs, which will be consistent with the County Plan. The development plan states that the Louth County Development Plan 2015 – 2021 will be an over-arching Development Plan for the entire county including Drogheda.

5.3. **Drogheda and Environs Development Plan 2011-2017 (as extended)**
incorporating Variation no. 1: Core Strategy

Zoning Objective

- 5.3.1. Objective RE *“To protect and enhance the amenity of developed residential communities”.*

Money more/ Newfoundwell Character Area

- 5.3.2. The appeal site is located within the Money more/ Newfoundwell Character Area wherein the objective is: *“To reinforce the residential character of the long standing residential neighbourhoods, while supporting the provision and retention of local services and to progressively integrate newly developed residential areas both within the Borough and the adjacent Northern Environs into the social, economic and urban fabric of the Borough”.*

Other Designations

- 5.3.3. The front of the site is located within an Area of Archaeological Importance – historic line of wall.

Relevant Policies

- Policy HC17: Apply the density standards as detailed in Table 6.2.
- Policy HC 18: Require that private amenity space is provided in accordance with the quantitative standards set out in Table 6.6.
- Policy HC30: *“Promote the development of Medical facilities within the town, neighbourhood centres and close to public transport nodes”.*
- Policy ED11: *“A single convenience local shop shall not exceed 200 sq.m. of net retail floorspace, and only one such outlet shall be permitted”.*
- Policy DS4: Require applicants for large scale residential development to demonstrate, through the use of design statements and briefs, how the proposed development will provide for connectivity and integration within and between existing and proposed communities.

Backland/Infill Development

5.3.4. Section 6.6.8 of the Development Plan relates to Infill/Backland Development and outlines that: *“the design and scale of the proposed development should be in keeping with the surrounding character of the area. The proposed design, orientation and massing shall not cause any unacceptable overbearing or overshadowing on existing dwellings and the applicant will be required to demonstrate that there are no adverse effects on the existing buildings. The following design principles should be considered:*

- *Where taller buildings are proposed within an established residential area- building heights tapering downwards towards the boundary.*
- *Avoidance of overlooking.*
- *Provision of adequate private and public open space, including landscaping where appropriate.*
- *Adequate internal space in apartments.*
- *Suitable parking provision close to dwellings.*
- *Provision of ancillary facilities which are linked effectively with local neighbourhood centres”.*

Development Management Standards:

- Section 4.3.3 Density – 25 to 50 dwellings per hectare for inner suburban infill sites
- Private Amenity Space – Development Plan Policy HC 18 minimum private amenity space of 50 sq.m. for houses in town centre/brownfield locations
- Section 6.7.6 – Roof terraces and balconies are unacceptable on grounds of overlooking.
- Section 6.6.7 Privacy and spacing between buildings: a distance of at least 22m is recommended between the windows of habitable rooms which face those of another dwelling.
- Policy HC19: minimum quantitative standards of 14% of the gross site area is provided as public open space.

- Parking Standards – Table 5.4 set out the following parking standards: 1 space per 2 units for residential institution units, retail shop 1 per 30 sq.m. gross floor area, restaurant/café 1 per 15 sq.m. gross floor area, clinic and group medical practices 2 per consulting room.
- Site Coverage – must not exceed 80%

Core Strategy Variation no. 1

5.3.5. The purpose of the Core Strategy is to guide residential development to the most suitable locations. The Core Strategy proposes to rezone a number of sites and apply a phasing strategy to the remainder of the land available for residential development. Brownfield/Infill sites have been prioritised for development by their exclusion from the phasing strategy.

- Policy CS1 To promote sustainable development on brownfield/infill sites by excluding such sites from the requirement to comply with the phasing strategy throughout the Plan Area.

National Policy

The National Planning Framework (NPF) recommends compact and sustainable towns/ cities and encourages brownfield development and densification of urban sites. Relevant policies from the NPF include the following:

- NPO 11 – In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development.
- Objective 33 is to prioritise the provision of new homes that can support sustainable development.
- Objective 35 is to increase residential density in settlements.

The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9

recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience.

Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 dwellings per hectare will be encouraged, and those below 30 dwellings per hectare will be discouraged. The guidelines outline that brownfield, town centre sites should facilitate higher densities.

The Guidelines outline that a scheme which seeks to deliver a higher residential density must have due regard for the receiving built environment and community and must not seek a high density at the expense of delivering high quality residential dwellings or negatively impacting existing communities.

A design manual accompanies the guidelines which lays out 12 principles for urban residential design.

The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018.

The following minimum floor areas identified within the Guidelines are of relevance to the proposal:

- 45m² for one bedroom apartments
- 73 sq.m. for two-bedroom apartments

In schemes of more than 10 units must exceed the minimum by at least 10%.

Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the guidelines.

The minister issued Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018. Section 3.6 states that development in suburban locations should include an effective mix of 2, 3 and 4 storey development.

Section 3.2 of the Guidelines identify Development Management Criteria for increased building heights in urban areas.

SPPR 4 is that planning authority must secure a mix of building heights and types and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites.

Regional Social and Economic Strategy for the Eastern and Midlands Region 2019-2031

The Regional Social and Economic Strategy for the Eastern and Midlands Region 2019-2031 identifies Drogheda as a regional growth centre. The strategy states that key priorities are to promote the continued sustainable and compact growth of Drogheda as a regional driver of city scale with a target population of 50,000 by 2031. The objective is to provide for the regeneration of the town centre, the compact planned and co-ordinated growth of the town's hinterland along with enhancing Drogheda's role as a self-sustaining strategic employment centre on the Dublin-Belfast Economic Corridor.

RPO4.14 is to promote self-sustaining economic and employment-based development opportunities to match and catch-up on rapid phases of housing delivery in recent years to provide for employment growth and reverse commuting patterns.

5.4. Other Plans Guidelines

- Planning System and Flood Risk Management Guidelines 2009;
- Design Manual for Urban Roads and Streets (2013)

5.5. Natural Heritage Designations

The site is not located within or adjoining a European Site. The following European sites are located within proximity to the site:

- Boyne Coast and Estuary SAC (Site Code IE0001957) – 1.5km
- River Boyne and River Blackwater SAC (Site Code IE0002299) – 518m
- Clogher Head SAC (Site Code IE0001459) – 10.8km
- Boyne Estuary SPA (Site Code IE0004024) – 1.6km
- River Boyne and River Blackwater SPA (Site Code IE0004232) – 3.1km
- River Nanny Estuary and Shore SPA (Site Code IE0004185) – 7.3km

5.6. EIA Screening

The proposed mixed use development is located within an urban area on zoned and serviced land. Having regard to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was submitted in respect of the planning authority's decision from Stephen Peck on behalf of White Family, c/o Thomas R. White, 22 Silk Park, Drogheda.

6.1.2. The following provides a summary of the points raised:

- The proposal is not designed to accommodate the future development of appellants lands to the north of the appeal site. The development does not facilitate access to lands to the north and will result in a depreciation in the value of the lands.
- The appellant has no objection to principle of the redevelopment of the appeal site. Concerns are raised relating to the development as currently proposed.
- The proposed development will have significant negative impacts on residential amenity of properties in the vicinity in respect of overshadowing, overbearing and overlooking.
- The density, height and scale of the proposed development renders it inconsistent with the existing character of development in the area and the zoning objective pertaining to the site.
- The proposed height of the development represents a breach of the following policy guidance:

- Section 5.3 of the Sustainable Residential Development in Urban Areas Guidelines 2009 and Section 6.6.8 of the Borough Development Plan which outlines that tapering of building heights within established residential areas should be considered as a key design principle.
 - The development includes a 3m high wall facing onto dwellings on Scarlet Crescent which is considered as a conflict of Section 3.2 of the Urban Development Height Guidelines 2018 which states that proposal should avoid long interrupted walls of building.
 - Significant overbearing impacts on the outlook from dwellings on Regent Place and Scarlet Crescent with significant loss of amenity which is considered in conflict with Section 6.6.8 in respect of infill/backland residential development.
 - Overshadowing of properties on Pearse Park and Scarlet Crescent contrary to Section 6.6.8 of the Development Plan which states that development shall not cause unacceptable overshadowing impacts on existing dwellings.
 - Proposal is contrary Section 3.2 of the Urban Development and Building Height Guidelines which outlines that the development should integrate into the character of an area.
- The development includes an overprovision of car parking and under provision of private open space for the proposed terraced residential dwellings and in this regard is contrary to Development Plan policy.
 - Concerns relating to flood risk associated with the development are raised.
 - The proposed development is in conflict with national and local planning policy in respect of backland/infill development, residential density, building height, design, residential amenity, private open space, parking and zoning and multiple policy conflicts taken as a whole render the development a material contravention of the development plan.
 - The validity of application is questioned having regard to the initial inclusion of lands within the ownership of the appellant within the application boundary.

6.2. Applicant Response

6.2.1. A response to the third-party appeal was received by J.G. Consulting on behalf of the applicant. The following provides a summary of the points raised.

- The proposed development will not jeopardise the future development potential of lands in the ownership of the White Family. No access to these lands is currently provided through the appeal site and alternative options for access are available.
- While the density proposed exceeds that set out within the Drogheda Borough Development Plan, the density proposed is supported by National and Regional Policy.
- The proposed height provides an appropriate transition within the site context. No issues of overlooking or overbearing arise. The development will not result in significant overshadowing of private amenity spaces of adjoining dwellings.
- A rationale is provided for the private open amenity space provision for the 7 no. houses.
- The provision of car parking over and above Development Plan standards will alleviate the risk of overspill from parking within the surrounding areas.
- The appeal site is not at risk of flooding. Permeable paving and SUDS measures have been incorporated within the proposed design to negate against run-off from site.
- The question of the landownership and the validity of the application was resolved by the planning authority within the request for further information. Landownership was clarified and confirmed at this stage and the application boundary was amended to exclude third party lands.

6.3. Planning Authority Response

6.3.1. Louth County Council have provided the following response to the grounds of appeal:

- Grounds of appeal were raised within observations on the application and taken into consideration in assessment of the application.

- It is not considered that the proposal will result in a depreciation of value of appellants lands: The site does not appear to be restricted by the subject development and access to existing wayleaves for sewers can be facilitated by the development. Alternative access arrangements to the site are also available.
- The density proposed is consistent with the objectives of the Drogheda Borough Development Plan and the National Planning Framework to provide residential development within an existing urban footprint.
- The height of the scheme accords with the Specific Planning Policy Requirements 1 and 2 as set out within the Urban Development and Building Heights Guidelines for Planning Authorities 2018.
- Quantum of car parking is considered appropriate for a development of this scale given its edge of town centre location.
- Infrastructure division has confirmed an isolated flooding event which had been caused by problems associated with network problems. SUDS measures are incorporated within the scheme and no objection to the proposal has been raised by the Infrastructure division.
- The proposal will not significantly impact on light impact on adjacent residential properties. No significant overlooking, overshadowing or overbearing impact on adjacent properties at Pearse Park, Regent Place and Scarlett Crescent is envisaged.
- Design of the development is considered appropriate for the site.
- The planning authority is satisfied that the permission does not extend to include 3rd party lands to the north of the site.
- Proposal is considered to accord with the NPF policies for infill/brownfield development sites and will support the redevelopment of the infill backland site.

6.4. Observations

- None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design, Layout and Height
- Piecemeal Development
- Impact on Residential Amenity
- Access and Transportation
- Flood Risk and Surface water Drainage
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

Proposed Demolition of nos. 51-55

- 7.2.1. The proposed development comprises the demolition of an existing 2 storey terrace of dwellings on site nos. 51-55 Hardman Terrace to accommodate the redevelopment of the site. A Conservation Assessment prepared by vanDijk Architects was submitted in conjunction with the application which provides a justification for the proposed demolition of the properties.
- 7.2.2. The issue of the principle of the proposed demolition of the existing buildings on site was raised by Louth County Council within the request for further information in light of the requirements of Policy HER15 of the Louth County Development Plan which seeks to recognise the importance of the contribution of vernacular architecture to the character of a place.
- 7.2.3. The Conservation Assessment outlines that the existing properties date from c. 1888-1913 and a dangerous building notice in respect of all 5 no. properties has been issued by Louth County Council. The properties are not designated as Protected Structures or located within an Architectural Conservation Area and have

no architectural merit. A justification is made for the demolition of the buildings to facilitate a comprehensive redevelopment of the site and facilitate site access.

- 7.2.4. I note the planning history of the site wherein the principle of the proposed demolition of nos. 51-55 Hardmans Gardens was accepted. I have no objection to the principle of the proposed demolition of the existing buildings on site to facilitate the proposed redevelopment of the site.

Compliance with Zoning Objective

- 7.2.5. The appeal site is zoned Objective RE with an objective *“to protect and enhance the amenity of developed residential communities”* within the Drogheda Borough Council Development Plan 2011-2017. A case is made within the third party appeal on the application that the proposal is contrary to the RE zoning objective.
- 7.2.6. At the outset, I note that there is a difference between the text of the zoning objective within the written statement of the Development Plan and that set out within the zoning map. The wording of the zoning objective as set out within the written statement seeks to *“protect and enhance the amenity of developed residential communities”* while the zoning map identifies the objective *“to protect and/or improve the amenity of developed residential communities”*.
- 7.2.7. In such instances I note the guidance set out within Section 1.2.1 of the Development Plan which outlines that:
- “The Development Plan comprises this written statement with supporting land use zoning and objective maps. The written statement includes Drogheda Borough Council’s objectives and policies for the development and use of land. In the event of any conflict or ambiguity between what is contained within the written statement and the supporting maps, the written statement will take precedence”*.
- 7.2.8. The proposed residential units are described as step down/ assisted living accommodation. The RFI response outlines that the following consultation with Approved Housing Bodies and the Housing Section of Louth County Council, this was identified as a residential type underprovided for within the Drogheda area.
- 7.2.9. Residential institution, restaurant/café and shop-local are listed as uses which are “open for consideration” on lands zoned for RE purposes. Shop local is identified

within the Development Plan as being a unit of under 200 sq.m. The proposed pharmacy unit, with a gross floor area of 72.2sq.m. falls within this classification.

- 7.2.10. Medical centre is not defined as a use within either the Drogheda Borough Development Plan 2011-2017 or the Louth County Development Plan 2015-2021. In accordance with the guidance set out within the Drogheda Borough Development Plan I note that such uses can be considered on their individual merits in such instances where they do not conflict with the primary use zoning objectives pertaining to the site.
- 7.2.11. A rationale for the proposed medical centre use is set out within the application documentation in terms of its overall compatibility with the existing residential character of the area through the provision of services to serve the residential population. I have no objection to the principle of the proposed use in this regard.
- 7.2.12. I note the requirements of Condition 2a of Louth County Council's notification of decision to grant permission for the proposed development which imposes a restriction of the use of the commercial units to pharmacy, café/bakery and medical centre as specified within the application documentation unless otherwise granted planning permission. I consider the requirements of such a condition to be appropriate in the instance of a grant of permission.
- 7.2.13. On an overall basis, I consider that the redevelopment of the site to accommodate a residential institution use with commercial uses in a block facing Hardmans Terrace is in keeping with the zoning objective for the site.
- 7.2.14. I also consider the proposal, which includes a mix of residential and commercial uses, to be in accordance with the overall vision for the Moneymore/ Newfoundwell Character Area which seeks: *"To reinforce the residential character of the long standing residential neighbourhoods, while supporting the provision and retention of local services and to progressively integrate newly developed residential areas both within the Borough and the adjacent Northern Environs into the social, economic and urban fabric of the Borough"*.
- 7.2.15. The vision for RE zoned land within the development plan is *"to protect and enhance the amenity of developed residential communities"*. The impact of the proposal on the residential amenities of existing properties in the vicinity of the site is therefore a

key consideration in assessing the proposed development and this is considered in further sections of this assessment.

7.3. Density, Layout and Height

- 7.3.1. A case is made within the 3rd party appeal that the proposal represents an inappropriate design in the existing site context and in this regard is in conflict with the RE zoning objective pertaining to the site and the guidance set out within the Development Plan for the Moneymore/Newfoundwell Character Area. Concerns relating to the density, height and scale of the development are raised within the appeal.

Density

- 7.3.2. The proposal is for 42 no residential units on a 0.56 ha site, which equates to a residential density of 74 units per hectare. A case is made within the 3rd party appeal that the proposed density at 73.6 units per ha is in excess of Development Plan density standards for infill sites which is identified as between 25-50 dwellings per ha as set out within Policy HC17 and Table 6.2 of the Development Plan. It is stated that the proposed density is contrary to Section 6.6.8 of the Development Plan which relates to infill backland development and states that density shall be appropriate to the character of the area.
- 7.3.3. The applicant has made the case that the proposed density is in accordance with national and regional policy objectives which support the densification of urban areas and the intensification of land uses in more sustainable and efficient ways. In this regard a case is made that national and regional policy supersedes local level policy.
- 7.3.4. Objectives 4, 13, 33 and 35 of the National Planning Framework, Section 4.7 of the Regional and Economic Strategy for the Eastern and Midland Region 2019-2031, SPPR1 and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018 all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.
- 7.3.5. The Sustainable Residential Development in Urban Areas Guidelines (2009) outline that densities for housing development on outer suburban greenfield sites between 35 and 50 dwellings per hectare will be encouraged, and those below 30 dwellings per hectare will be discouraged. The guidelines outline that brownfield, town centre

site should facilitate higher densities. In this regard the redevelopment of a centrally located brownfield site is supported by national policy.

- 7.3.6. Having regard to National and Regional policy guidance I consider that, in principle, consideration could be given to a density of over 50 units per ha on an underutilised infill/backland centrally located site subject to design, layout and residential amenity considerations.

Layout and Visual Impact

- 7.3.7. An Architectural Design Statement prepared by vanDijk Architects is submitted in conjunction with the application. This outlines that key design concepts informing the development include the provision of a visually appropriate “gateway building” close to the entrance of the development, placement of commercial building to the front to address the streetscape, encouragement of pedestrian permeability, development of a higher residential density at a sufficient distance from the existing streetscape and protection of residential amenity of adjoining properties.
- 7.3.8. The proposed layout includes a 2 storey commercial block which fronts onto Hardmans Gardens to the west of the site. This block is adjoined by 2 no. residential terraces Blocks T1 and T2. Block T1 is located parallel along the entrance route and fronts onto the road providing passive surveillance. Block T2 is located further into the site and fronts a central open space area. The proposed apartment Block (A1 and A2) comprises 35 no. units and is located at the eastern portion of the site. Access to the site is provided via Hardmans Gardens.
- 7.3.9. Boundary treatments are illustrated in Drawing no. 1740-PA-008 submitted in conjunction with the application. Boundary treatments indicated include a 2.1m timber fence to the rear of the terrace properties in Blocks T1 and T2, a combination of a 2.1m brick boundary wall and a retaining wall along the northern and eastern site boundaries.
- 7.3.10. A series of 3D views are included within the Architectural Design Statement which illustrate views of the development from the surrounding site context. A case is made within the 3rd party appeal that the proposal has an overbearing visual impact from outlook of properties on Regent Place to the south and Scarlet Crescent to the east.

- 7.3.11. The interface of the proposal with existing 2 storey properties at Regent Place is furthermore illustrated within Site Section D-D Drawing no. 1740-PA-013. Block A2 is set back a minimum of 8.4m from existing 2 storey dwellings at Regent Place. Existing residential properties at Regent Place are set at a level of 27.6m and the finished floor level of the building is 26.4m.
- 7.3.12. Block A2 extends to an overall height of 18.25m and is set back by 2.5m at fourth floor level along this boundary. I consider differences in levels and the proposed set back reduces the impact of perception of overbearance from adjacent properties. On review of the application drawings, I note that boundary treatment is not clear along the southern site boundary at its interface with Regent Place. I consider that final details should be agreed via condition in the instance of a grant of permission.
- 7.3.13. To the east, the proposed apartment blocks are set back a minimum of 29m from residential dwellings at Scarlet Crescent. Block A2 rises to a maximum height of 18.225m along the eastern elevation and heights are modulated along this elevation thereby reducing the perception of scale and mass.
- 7.3.14. Having reviewed the architectural drawings and submitted 3D views I do not consider that the proposal will have a significant overbearing visual impact on existing residential properties at either Regent Place or Scarlet Crescent. I consider the proposal integrates successfully into the surrounding street context.

Height

- 7.3.15. A case is made within the third-party appeal that the height of the proposed development is not in accordance with existing pattern of development in the area and contrary to national and local policy objectives in this regard.
- 7.3.16. Apart from the existing terrace of 2 storey houses along Hardmans Gardens, which are proposed for demolition, the appeal site is currently undeveloped. The prevailing height context in the vicinity of the site includes 2 storey residential properties at Scarlet Crescent, Regent Place and Pearse Park and single storey cottages along Hardmans Gardens.
- 7.3.17. The proposed development ranges in height from 2 to 5 no. storeys with an overall maximum height of 18.25m (storeys) in Block A2. The proposed 2 storey commercial block reflects the heights of existing properties on site along Hardman's Gardens

thereby maintaining the relationship with the existing single storey red brick cottages to the south. The proposed terraced residential blocks T1 and T2 maintain a 2 storey height.

- 7.3.18. The apartment block ranges in height from 3 storeys at the northern corner of the site adjacent to its interface with Scarlet Crescent to 5 storeys within Block A2 to the south of the site. The fourth floor is set back by 2.5m along the southern site boundary.
- 7.3.19. I consider that the modulated approach to heights within the development provides an appropriate transition and increase relative to the surrounding areas, recognising and following the changing topography of the site. I consider that Blocks A1 and A2 appropriately taper down at site boundaries to provide a transition in scale between the development and adjoining lands and in this regard are consistent with the guidance set out within section 5.3 of the Sustainable Residential Development in Urban Areas Guidelines 2009 and Section 6.6.8 of the Drogheda Borough Development Plan.
- 7.3.20. I note the reference within the appeal to the proposed 3m retaining wall along the eastern site boundary and non-compliance with the guidance set out within Section 3.2 of the Building Height Guidelines in this regard which state that development should not be monolithic and should avoid *“long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered”*.
- 7.3.21. On review of the proposed 3D visualisations, I have no objection to the proposed 3m retaining wall boundary treatment along the eastern site boundary. The eastern and western elevational treatment of the proposed apartment block include set-backs and modulation in footprint and heights and in this regard does not include long interrupted walls which would render the proposal inconsistent with Section 3.2 of the Building Height Guidelines.
- 7.3.22. An Overshadowing Study is included within the Architectural Design Statement submitted in conjunction with the application. On an overall basis, I consider the tapered approach to building height within the apartment block successfully negates against overshadowing impact associated with the proposal. Overshadowing impacts on the adjacent residential properties and open space areas are considered in further detail within the following section of this report.

7.3.23. Overall, in design terms, I consider that the proposal presents a modern building form which successfully integrates into the character of the area. The proposal responds to its overall natural and built environment and makes a positive contribution to the streetscape.

7.4. **Piecemeal Development**

7.4.1. A case is made within the third party appeal that the proposal will not accommodate the future development of the lands in the ownership of the appellant to the north of the site and in this regard is in conflict with Section 6.6.8 of the Development Plan which states that *“piecemeal or ad hoc backland development will not be permitted where such development would jeopardise the comprehensive and integrated development of adjoining backland areas”*. Concerns are raised that the proposal will result in a deprecation in the value of the lands and the appellants lands will become a draw for antisocial behaviour.

7.4.2. The development, as originally proposed, included lands within the ownership of the White family within the application boundary. This area was proposed to accommodate open space associated within the proposed development as indicated within the Site Layout Plan Drawing no. 1740-PA-003 submitted on the 11th of October 2019.

7.4.3. The issue of ownership of these lands was raised within Louth County Council’s request for further information and revised proposal were submitted which removed the site from the application boundary as illustrated within the amended Site Layout Plan submitted in May 2020. The overall site area was revised from 0.5779 sq.m. to 0.5627 sq.m.

7.4.4. A case is made within the third party appeal that the proposal will preclude the future development lands within the ownership of the appellant as the only viable access to these lands is via the appeal site. The interface between the proposed development and lands within the ownership of the appellant comprises a 2.7m high retaining wall as illustrated within drawings 1740-PA-013 “Site Section D-D” and 1740-PA-008 “Walls and Boundaries”.

7.4.5. The applicant’s response to the first party appeal outlines that the imposition of an obligation on the applicant to deliver access to the appellants landholding would

have a significant negative impact on the value of the appeal site and the overall viability of the proposal.

7.4.6. In considering the grounds of appeal, I note that no direct access to the lands to the north is currently provided through the appeal site and the lands are as such landlocked. The baseline situation has not changed as a result of the proposed development and in this regard, I do not consider that the proposal would depreciate the value of the adjoining site.

7.4.7. I furthermore consider there to be alternative options to access the lands in question in conjunction with properties off Scarlet Crescent or Pearse Park or through collaboration with the owners of the Centra store on Hardmans Gardens. In this regard I do not consider that the proposal represents an ad hoc piecemeal development which would jeopardise the future development potential of adjoining lands.

7.4.8. In terms of the reference in the appeal to anti-social behaviour, I do not consider that redevelopment of an existing, overgrown infill site within the development boundary of Drogheda together with the provision of active ground floor uses will lead to an increase in instances of anti-social behaviour in the area or on adjoining landholdings.

7.5. **Impact on Residential Amenity**

7.5.1. The RA zoning objective pertaining to the site seeks *“To protect and enhance the amenity of developed residential communities”*. The impact of the proposal on the residential amenities of existing properties is therefore a key consideration in assessing the proposed development.

7.5.2. Concerns are raised within the third party appeal in relation to the impact of the proposal on the residential amenity of adjacent properties and the levels of amenity afforded to future residents of the scheme. These points are addressed separately below.

Residential Amenity of Adjoining Properties

7.5.3. Concerns relating to overlooking and overshadowing from the development on adjoining residential properties are raised within the 3rd party appeal.

Overshadowing

- 7.5.4. A case is made within the third party appeal that the proposal will cast long autumn/winter shadows over residential properties on Pearse Park and Scarlet Crescent to the north and east resulting in a loss of amenity space for residents and over the open space on Scarlet Crescent to the east and in this regard is contrary to Section 6.6.8 of the Development Plan which states that development shall not cause unacceptable overshadowing impacts on existing dwellings.
- 7.5.5. An Overshadowing Study is included within the Architectural Design Statement submitted in conjunction with the application which illustrates overshadowing impacts associated with the proposed development in March, June, September and December at various times of the day.
- 7.5.6. While some impact is illustrated on adjoining dwellings to the north and east of the site at Scarlet Crescent and their private amenity space, I do not consider such impact to be significant or excessive to the extent which would render the proposal inconsistent with the "RE" zoning objective pertaining to the site or the guidance set out within Section 6.6.8 of the Drogheda Borough Development Plan.
- 7.5.7. I consider the modulated approach to height within the development including a step down to 3 storeys at the northern corner of the site successfully negates against overshadowing impact associated with the proposal. Overshadowing impacts on adjacent residential properties and associated open spaces are mainly confined to the months of September and December, are not all day and are appropriate for an urban setting.

Overlooking

- 7.5.8. A case is made within the third party appeal that the proposed apartment block will overlook existing properties at Scarlet Crescent to the east and Regent Place to the south and in this regard is contrary to the guidance set out within Section 6.6.8 of the Borough Development Plan which states that proposals should be designed to avoid overlooking.
- 7.5.9. On review of the application drawings, I consider that the potential for overlooking from the development will be mitigated by obscure glazing in the southern elevation and proposed screening along the southern and eastern site boundaries. Balconies

generally face either east or west away from residential properties and allow limited overlooking to the south.

- 7.5.10. I note the requirements of Condition no. 18 of Louth County Council's notification of decision to grant permission for the development which outlines that balconies on eastern and western elevations of Block A2 shall be fitted with privacy screens to prevent any undue overlooking of private residential areas onto rear gardens at Regent Place dwellings.
- 7.5.11. Condition no. 5c of the planning authority's decision outlines that the roof terrace of Block A1 and A2 shall be used as a roof garden only. I consider the requirements of these conditions would address any potential concerns relating to overlooking of private amenity space associated with existing residential properties.
- 7.5.12. On an overall basis, having regard to the positioning of the proposed dwellings relative to the shared boundaries with the existing dwellings, to the separation distances involved, in addition to the proposed boundary treatment and landscaping plan, I do not consider the development will have a significant negative impact on existing residential dwellings in terms of overlooking, overshadowing or visual dominance.

Impact on Proposed Residential Amenity

- 7.5.13. The applicant has presented a schedule of floor areas as part of the Architectural Design Statement. This indicates that all of the proposed apartments exceed the minimum standards for apartments as set out in the Sustainable Urban Housing: Design Standards for New Apartments 2018, in terms of minimum apartment sizes (exceeded by 10%), aggregate bedroom floor areas, living room widths, kitchen/living dining room areas, aggregate storage areas and private amenity areas. Communal facilities are also provided for residents of the scheme.
- 7.5.14. Communal open space is provided in 2 separate open space areas to the east and west of the apartment block. The quantum of the open space is in accordance with Development Plan standards.

Private Open Space Provision – Block T1

- 7.5.15. The third party appeal refers to deficiencies within the private open space provision for the proposed 7 no. terrace houses. A minimum private amenity space of 50 sq.m. for houses is set out within the Drogheda Borough Development Plan.
- 7.5.16. The private amenity space associated with the proposed terrace units is illustrated within the Site Layout Plan- Drawing no. 1740-PA-003. The 3 no. residential units in Block T2 all have private open space provision over and above Development Plan requirements. Private open space provided for the 4 no. residential units in Block T1 range from 40 sq.m. to 42 sq.m and in this regard is below Development Plan standards.
- 7.5.17. A justification for the proposed shortfall in private amenity space for the residential units is set out within the applicant's response to the third party appeal having regard to the type of residential unit proposed, the quality and orientation of the spaces and other available open space and communal areas.
- 7.5.18. Having regard to the quality and orientation of the private amenity space and the format of the residential development together with the quality of communal open space provided within the scheme I have no objection to the shortfall in private open space in this regard.

7.6. Access and Transportation

Proposed Access

- 7.6.1. Access to the site is proposed via a new entrance from Hardman's Gardens by means of a proposed priority junction. The speed limit in the vicinity of the site is 50kmph and sightlines are provided in accordance with DMURS. The width and radius of the junction should be in accordance with DMURS requirements and can be addressed by means of condition.
- 7.6.2. A pedestrian and cycle entrance is also provided off Scarlet Crescent. 52 no. car parking spaces are provided at basement and street level.
- 7.6.3. The application boundary extends to include part of the public road on Hardmans Gardens and works proposed include relocation of the existing pelican crossing to facilitate the proposed site entrance. I note the requirements of Condition 12a of the

planning authority's decision which outlines that final details for the relocation of the pelican crossing shall be subject to agreement with the planning authority.

- 7.6.4. Works to the adjoining street network to facilitate the development fall within the remit of the planning authority. I have no objection in principle to the proposed access arrangements and consider the requirements of condition 12a to be appropriate in the instance of a grant of permission.
- 7.6.5. A Traffic and Transport Assessment is submitted in conjunction with the subject application. This identifies limited trips associated with the proposal during the am and pm peak periods – 8 arrivals and 11 departures during the am peak hour (08.15-09.15) and approximately 11 arrivals and 12 departures during the pm peak hour (17.15-18.15). I have no objection to the principle of the proposal on traffic impact grounds.

Over provision of Car Parking

- 7.6.6. A case is made within the third party appeal that the proposal results in the overprovision of car parking and would exceed the standards set out within the Drogheda Borough Council Development Plan 2011-2017 and Louth County Development Plan 2015-2021. In this regard it is stated that the ratio of car parking is 0.9 spaces per unit while the Development Plan standard is 0.5 spaces per unit for residential institutions.
- 7.6.7. In responding to the grounds of appeal, the applicant has made a case that development plan car parking standards are met and exceeded within the development. The applicant has made a case that additional spaces at basement level could be allocated for commercial use. It is stated that the overprovision of parking is as a result in the change in nature of the format of the residential units to residential institutional in the FI response and the additional spaces will alleviate the risk of car parking overspill to the surrounding residential areas and.
- 7.6.8. The proposed development includes the provision of 52 no. car parking spaces, with 14 provided at street level and 38 provided within the basement car park. Car parking standards are set out within Table 5.4 of the Drogheda Borough Development Plan 2011-2017. In accordance with development plan standards a total of 43 no. parking spaces would be required. The proposed development therefore accommodates 9 no. spaces over and above development plan standards.

- 7.6.9. In considering the level of parking proposed, I note at the outset that the standards are not identified as either maximum or minimum standards within the Development Plan.
- 7.6.10. Louth County Council's response to the grounds of appeal raises no objection to the level of car parking proposed having regard to the edge of centre location of the site. I similarly have no objection to the proposed level of car parking and having regard to the mix of uses proposed consider that the provision of surplus parking would negate against overspill on the adjacent road network. The proposed additional spaces could also function as visitor spaces. I have objection to the proposed quantum of car parking on this basis.

7.7. Flood Risk and Surface Water Drainage

- 7.7.1. Concerns relating to flood risk are raised within the 3rd party appeal on the application. A case is made that the site is located within an area of recurring surface water flooding risk in the vicinity as detailed on OPW flood maps.
- 7.7.2. The OPW flood risk maps for the area do not identify the site as being at risk of flooding and no history of flooding on the site or within the immediate vicinity is identified. The map provides evidence of recurring flooding at the Hardmans Gardens/ Pearse park junction c. 50m to the north of the site.
- 7.7.3. The site is not identified as being within a Flood Zone Area within the Strategic Flood Risk Assessment undertaken to inform the Draft Louth County Development Plan 2021-2027.
- 7.7.4. Section 7.0 of the Engineering Report prepared by Duffy Chartered Engineers includes a Flood Risk Assessment. This outlines that the appeal site is not identified on CFRAMS mapping as being vulnerable to Coastal or Fluvial flooding.
- 7.7.5. In terms of Pluvial flooding, permeable paving and SUDS measures are incorporated within the scheme to ensure that run-off rates from the site do not exceed pre-development levels. No objection to the proposal is raised by the infrastructure division in Louth County Council and the planning authority's response to the third party appeal outlines that the proposal will not result in undue surface water flooding.
- 7.7.6. On the basis of the above I see no evidence to substantiate the appellants assertion that the appeal site is at risk of flooding. I consider that the applicant has

demonstrated that the risk of flooding to the proposed development is low and will not exacerbate flood levels within the site or surrounding area.

- 7.7.7. The appeal site would be classified as Flood Zone C in the context of the Flood Risk Management Guidelines wherein residential and commercial uses are deemed appropriate uses.

7.8. **Other Issues**

Material Contravention of Development Plan

- 7.8.1. A case is made within the third party appeal that the development is in conflict with the relevant planning policy framework at local and national levels. It is stated that multiple policy conflicts taken together as a whole render the proposal a material contravention of the Development Plan.
- 7.8.2. Policies and objectives cited in this regard include those relating to infill/backland development, residential density, building height, residential amenity, private amenity space, parking and zoning. Each of the cited policies have been considered in earlier sections of this assessment.
- 7.8.3. In summary, I consider the redevelopment of a backland/infill site within the urban footprint of Drogheda is supported by national and local policy objectives. I consider that the proposal has been appropriately designed to both respond to the existing site context and negate against impact on established residential development. On this basis I do not consider that the proposal represents a material contravention of the Development Plan. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

Validity of the Application

- 7.8.4. The question of the overall validity of the planning application is raised within the 3rd party appeal. A case is made that the original application the application boundary extended to include lands within the ownership of the appellants, the White Family.
- 7.8.5. At the outset I note that Section 5.13 of the Development Management Guidelines (DEHLG, 2007) provides guidance on this matter, stating that *'the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts'*.

7.8.6. In the instance of the subject application, the question of landownership was raised within the appellants initial submission on the application and subsequently within Louth County Council's request for further information. The lands were excluded from the application boundary within the response to the FI request and revisions to the site area were identified within the revised public notices. I consider that the question of landownership and validity of the application has been addressed and resolved in this regard.

Archaeology

7.8.7. The appeal site is located within a zone of archaeological potential along the historic town wall listed on the Record of Monuments and Places. An Archaeological Assessment is submitted in support of the application which recommends further pre-development archaeological assessment.

7.8.8. No objection to the principle of the proposal is raised within the submission on file from the Department of Culture, Heritage and the Gaeltacht subject to condition relating to pre-development testing. I consider such a condition to be appropriate in the instance of a grant of permission.

7.9. Appropriate Assessment

7.9.1. A Screening report for Appropriate Assessment prepared by Altemar Environmental Consultants was submitted in conjunction with the planning application. This identifies that the proposed development is not located within or directly adjacent to any SAC or SPA. The appeal site is located in an urban environment surrounded by roads and there is no intact biodiversity corridor. The following Natura 2000 sites are located within 15km of the site.

- Boyne Coast and Estuary SAC (Site Code IE0001957) – 1.5km
- River Boyne and River Blackwater SAC (Site Code IE0002299) – 518m
- Clogher Head SAC (Site Code IE0001459) – 10.8km
- Boyne Estuary SPA (Site Code IE0004024) – 1.6km
- River Boyne and River Blackwater SPA (Site Code IE0004232) – 3.1km
- River Nanny Estuary and Shore SPA (Site Code IE0004185) – 7.3km

7.9.2. There is no direct hydrological pathway from the site to any Natura 2000 sites. Table 2 of the Screening Report identifies an indirect pathway from the site to each of the aforementioned designated sites via the surface water/foul water networks to Drogheda WWTP. In each instance it is stated that due to the distance between the appeal site and designated sites any pollutants or silt would undergo treatment in the WWTP.

7.9.3. The Screening Assessment concludes that:

“No Natura 2000 sites are within the zone of influence of this development. Having taken into consideration the effluent discharge from the proposed development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the treatment of surface run off and foul water in the Drogheda WWTP, it is concluded that this development would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites. In addition, no in combination effects are foreseen”

7.9.4. Having reviewed the documentation available to me, I am satisfied that there is adequate information available in respect of baseline conditions to clearly identify the potential impacts on any European site and I am satisfied that the information before me is sufficient to allow for appropriate assessment of the proposed development.

7.9.5. It is my view that, having regard to the nature and scale of the development, the sites location in a serviced urban area and the nature of existing development which separates the appeal site from the designated sites and to the nature of the qualifying interests, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the treatment of surface runoff and foul water in Drogheda WWTP, that the proposed development would not be likely to have a significant effect on any European site.

7.9.6. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Boyne Coast and Estuary SAC, River Boyne and River Blackwater SAC, Clogher Head SAC, Boyne Estuary SPA, River Boyne

and River Blackwater SPA, River Nanny Estuary and Shore SPA or any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

- 7.9.7. As there are no impacts to the SAC or SPA arising as a result of this development, there is no potential for cumulative impacts. There are no likely impacts arising from the proposed development on Natura 2000 sites and therefore cumulative impacts with other projects will not occur.
- 7.9.8. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the site, national and local policy objective which support the redevelopment of brownfield/infill sites, the pattern of development in the area, the planning history for the site and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential amenities of the area in terms of overshadowing, overbearing or overlooking, would not represent a piecemeal development of the lands or constitute a flood risk. 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 on the 11 th of October 2019 and as amended by further plans and particulars received on the 21 st of May 2020 and 17 th of July 2020 except as may otherwise be required in order to comply with the following conditions. Where such conditions
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	<p>require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be incorporate the following:</p> <p>(a) Balconies on eastern and western elevations of Block A2 shall be fitted with privacy screens to prevent any undue indirect overlooking of private residential amenity areas onto rear gardens of Regent Place dwellings.</p> <p>(b) The roof terrace on Apartment Block A1 and A2 shall be used as a roof garden only.</p> <p>(c) Prior to the commencement of development details of the boundary treatment along the southern boundary of the site shall be submitted for written agreement of the planning authority. Boundary treatments shall be as detailed on drawing no. 1740-PA-008 dated March 2020.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
3.	<p>(a)The commercial element of the development hereby permitted shall be used only for the purposes as specified in the description of the proposed development, that is, a pharmacy, café/bakery and medical centre unless otherwise granted planning permission.</p> <p>(b) No amalgamation of units or subdivision of any unit shall take place without a prior grant of planning permission.</p> <p>(c) The subject permission is for 42 residential units.</p> <p>(d) Details of all security shuttering, external shopfronts, lighting and signage shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.</p>

	Reason: In the interest of the amenities of the area/visual amenity.
4.	<p>Prior to the commencement of development details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted for written agreement of the planning authority</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to the commencement of development specific details and a sample pallet of all the external materials, colours, finishes and furnishings to be used, shall be submitted for the written approval of the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Prior to first occupation of any apartments, houses or commercial units, the public realm hard and soft landscaping shall be completed to the satisfaction of the planning authority.</p> <p>Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity.</p>
7.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
8.	<p>Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners Management Company. Furthermore, confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.</p> <p>Reason: To ensure a satisfactory standard of development.</p>
9.	<p>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 94(4) and</p>

	<p>section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>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.</p>
10.	<p>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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
11.	<p>The development shall carry out pre-development archaeology testing in accordance with the requirements of the Department of Culture, Heritage and the Gaeltacht including the following:</p> <ul style="list-style-type: none"> a) Engage the services of a suitably qualified archaeologist to carry out monitoring of demolition works and conduct pre-development archaeological test excavations at the site. b) Notify the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of any site preparations c) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at identified locations.

	<p>d) Submit a written report to the Planning Authority and the Department of Culture, Heritage and the Gaeltacht for consideration.</p> <p>e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Culture, Heritage and the Gaeltacht will advise the applicant/developer with regard to these matters.</p> <p>f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Culture, Heritage and the Gaeltacht.</p> <p>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.</p>
12.	<p>Prior to the commencement of development, the developer shall liaise with the Infrastructure Department in Louth County Council to ascertain their requirements relating to works required to the public road to facilitate the development.</p> <p>Reason: In the interest of orderly development and to ensure traffic safety.</p>
13.	<p>The proposed vehicular entrance to the development shall be set out in accordance with the requirements of Section 4.3 DMURS.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
14.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
15.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

16.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
17.	<p>The construction and demolition of the development shall be managed in accordance with a Construction 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 provide details of intended construction practice for the development, including hours of work, noise and dust management measures, disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development.</p>
19.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid</p>

	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Stephanie Farrington
Senior Planning Inspector

29th of January 2021

