



An
Bord
Pleanála

Inspector's Report ABP-311001-21

Development

Demolition of single storey dwelling and construction of a mixed-use building containing three retail units at ground floor with two apartment units, one duplex unit over together with all associated site works and services.

Location

Main Street, Blackrock, Co Louth.

Planning Authority

Louth County Council.

Planning Authority Reg. Ref.

21/622.

Applicant(s)

Mucklagh Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third-Party.

Appellant(s)

Ryan Hoey.

Observer(s)

None.

Date of Site Inspection

14th day of May, 2022.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The appeal site has a stated 0.154ha and it is located on the western side of Main Street (R172), c29m to the north of its junction with Sandy Lane and c67m to the south of Church Park, in the coastal settlement of Blackrock, in east County Louth.
- 1.2. Main Street Blackrock is situated c6km by road to the south east of Dundalk town and it consists of a wide street that for most of its length is characterised by a mixture of residential, retail, and commercial developments on its western side with these being predominantly traditional and period in character. Whereas the eastern side is predominated by a sea walk/promenade that runs alongside the seawall. Between it and Main Street is public car parking. This pattern of development is not replicated directly opposite the site as there is pay car parking provision that on its northern side adjoins a mixture of land uses contained in a collection of buildings. The land use on the opposite side of Main Street includes a convenience store, a dental Surgery, a pharmacy which are contained in a four-storey building adjacent to the seafront.
- 1.3. The site contains a vacant, boarded up and in poor condition single storey dwelling house that is located towards its north eastern corner. The c8m setback area between this dwelling's principal façade and the pedestrian footpath that bounds the site was in use for amusement rides and associated equipment. To the rear and to the south of the aforementioned dwelling the site consists of hard surfacing in use as car parking. Adjoining the northern boundary alongside the rear elevation is the rear of 'Barry's Fit Food Butchers' which contains two refrigerated containers.
- 1.4. The southern boundary of the site is shared with the adjoining single storey amusement arcade (Blackrock Leisure) whose northern elevation which contains a number of windows, door and overhanging plant equipment runs along its entire length. This adjoining building occupies slightly lower ground levels.
- 1.5. The ground levels of the site rise from its south eastern corner to the rear and northern boundaries.
- 1.6. The rear and northern boundary of the site adjoins the rear garden amenity spaces of a number of residential properties. In addition, towards Main Street end of the northern boundary there is a single storey retail unit accommodating the aforementioned butcher shop.

1.7. The site is located towards the northern most end of Main Street and it forms part of a streetscape scene that has a mixed-use character with buildings being predominant two storey in their built form and period in their architectural expression. To the west and as one journey's further north from Main Street the land use character is predominantly residential.

2.0 Proposed Development

2.1. Planning permission is sought for demolition of an existing single storey dwelling and construction of a two and three storey mixed commercial/residential development consisting of: 3 no. retail units and an apartment access to the ground floor; 2 no. one bed apartments; 1 no. two bed duplex unit to the first/second floor (3 residential units in total); connections to public sewers and watermains. In addition, planning permission is also sought for associated side development works including revised vehicular entrance, footpaths, bin storage area, car/bicycle parking and boundary treatments.

2.2. This application is accompanied by the following documentation:

- Certificate of Exemption Under Part V, Section 96.
- Preliminary Demolition & Waste Management Plan.
- SUDS Design Report.
- Flood Risk Assessment Report.

2.3. The table below provides a summary of the proposal and site key statistics.

Table 1: Site and Proposal Summary

Site Area	0.1540ha
<u>Residential</u>	
No. of Dwelling Units	3 No. Apartments
Floor Space	234.1m ²
Type	<u>'Apartment 01'</u> 1 No. 2 Bedroom 4 Person Apartment – Gross Floor Area: 105m ²

	<p><u>'Apartment 02'</u></p> <p>1 Bedroom Apartment – Gross Floor Area: 55.8m²</p> <p><u>'Apartment 03'</u></p> <p>1 Bedroom Apartment – Gross Floor Area: 56.5m²</p>
<p><u>Retail/Commercial</u></p> <p>Floor Space</p> <p>No. of Retail Units & Related Floor Space</p> <p>Hours of Operation</p>	<p>206.9m²</p> <p>3</p> <p>Retail Unit 01 – 60.5m²</p> <p>Retail Unit 02 – 73.2m²</p> <p>Retail Unit 03 – 73.2m²</p> <p>08:00 to 24:00</p>
<p>Building Height (existing and proposed)</p> <p>Building Floor Space</p> <p>Mixed Use Building (Class 1 & 4 combined) Floor Space (Proposed)</p>	<p>Single Storey Bungalow (Demolition) with a maximum given ridge height of 5.39m.</p> <p>2/3 Storey Mixed Used Building (Proposed) with a maximum given ridge height of 11.442m.</p> <p>Bungalow (Existing) – 122.3m²</p> <p>441m² (Note: Ground Floor 218.7m²; First Floor 176.9m² and Second Floor 45.5m².)</p>
Density	19.4
Site Coverage and Plot Ratio	Not provided
Parking (Car and Bicycle)	<p>20 car parking spaces and 3 bicycle parking spaces</p> <p>Note: 13 no. car parking spaces indicated but not benefitting from planning permission.</p>

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 9th day of July, 2021, planning permission was **granted** for the proposed development subject to 17 no conditions including:

Condition No. 2: Financial Contributions.

Condition No. 5: Requires a minimum of 10% of all communal car parking spaces to be provided with functioning electric charging stations/points.

Condition No. 6: Requires that the window on the northern elevation of the building on Drawing No. PL-106-A to be permanently glazed with opaque glass.

Condition No. 7: Cash deposit for appropriate completion of development up to taking in charge standards.

Condition No. 9: Requires that the retail/commercial units be operated in a manner that does not give rise to any emissions of malodours, fumes, gas, dust, or other nuisance that would give reasonable cause for annoyance to any person in any residence or public place in the vicinity.

Condition No. 13: Sets out the infrastructure requirements.

Condition No. 14: Deals with Vibrations.

Condition No. 15: Deals with Noise, Vibrations and Dust.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's** report, which is dated the 6th day of July, 2021, is the basis of the Planning Authority's decision. It includes the following comments:

- Proposed mixed use development was deemed to be acceptable in principle and compatible with its central village context.

- Proposed development was considered to be consistent with local through to national planning provisions.
- Design and scale of the development was deemed acceptable.
- This proposal is deemed to be more suitable to its site context than the denser previous proposal permitted by the Board, but which has now expired (Note: ABP. Ref. PL.230221).
- Though concerns are raised in relation to the restricted depth of the private amenity provision it is considered that this is compensated for by the quantum of private amenity space exceeding requirements and it is further noted that the communal open space also exceeds minimum requirements.
- Concerns in relation to bin storage can be dealt with by way of condition.
- The impact from this development on properties in its vicinity is not inconsistent with that which is to be expected in an urbanscape location.
- It is unlikely that the proposed development would give rise to any net gain in the run-off from this site.
- The mitigation measures for flooding were deemed to be acceptable.
- Car parking provision deemed acceptable.
- Concern is raised that inadequate bicycle parking spaces have been provided.
- The Part V exemption certificate is noted.
- The applicable development contributions are calculated.
- Report concludes with a recommendation to grant permission subject to conditions.

3.2.2. **Other Technical Reports**

Infrastructure: No objection, subject to safeguards.

Environment: No objection, subject to safeguards.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** None received.

3.4. Third Party Observations

3.4.1. During the Planning Authority's determination of this application, they received 5 no. Third Party Observations. These all objecting to the proposed development and the main concerns raised in these observations can be summarised as follows:

- Overlooking/Diminished Privacy.
- Car Parking on site is unauthorised and has been *in situ* for approximately 1 year.
- The placement of the bin store would give rise to unacceptable adverse nuisances for properties in its vicinity.
- The site layout fails to accurately depict buildings in its immediate context.
- The balcony depths of Apartments 2 and 3 are substandard and fail to comply with the standards set out under Section 3.26 of the Design Standards for Apartments Guidelines.
- It is sought that the northerly window be fitted with obscure glass to address overlooking arising from it on adjoining properties.
- Regard should be had to the adverse welfare impact of such a development on residential properties in its vicinity.
- Concern is raised that the commercial units in future could be changed to residential use.

4.0 Planning History

4.1. Recent and Relevant Planning History

4.1.1. Site

P.A. Ref. No. 13357: On the 15th day of October, 2013, an extension of duration of planning permission was **granted** for a development permitted by the Board under ABP Ref. No. PL15.230221 and which consisted of the demolition of a dwelling house, part demolition of an amusement arcade and replacement of same with 14 no. apartments made up in one block, 3 storeys high, new shop front to amusement arcade, car parking, open space and associated site development works.

Of note under Condition No. 1 the extension of duration of permission expired on the 8th day of March, 2019.

Of further note this development related to a much larger site of 0.1898ha.

Note: The Planning Authority's Planning Officer's report which is attached to file sets out a detailed overview of the site's planning history which I have noted.

4.1.2. **Setting**

I note that there are a number of Board decisions in relation to developments within the vicinity of the site, but in my considered opinion these are not relevant based on various factors including they predate the recent Louth County Development Plan, 2021-2027, which has superseded the Dundalk and Environs Development Plan, 2009-2015, which included specific planning provisions for the settlement of Blackrock, through to the site context and type of developments sought are different.

5.0 **Planning & Context**

5.1. **Local Planning Context**

5.1.1. The Louth County Development Plan, 2021-2127, was adopted by Louth County Council on the 30th day of September, 2021 and came into effect on the 11th of November 2021. The Louth County Development Plan incorporates the functional area of the entire County including the areas formerly within Dundalk Town Council. In terms of the status of the Plan, Section 1.1 outlines that: "*when adopted, the County Development Plan will replace the Drogheda and Dundalk Development Plans, and Urban Area Plans / Local Area Plans will be prepared for these towns during the lifetime of this Plan*". Therefore, the Dundalk and Environs Development Plan, 2009-2015, has been superseded by the new Development Plan and at the time this report has been prepared there is no specific plan for Dundalk and its Environs which includes the settlement of Blackrock.

5.1.2. Under the said Development Plan the site is located on lands zoned 'B1' – Town or Villages on Map 1.2 (Dundalk Zoning & Flooding Zones). This plan also indicates that the south eastern corner of the site is located on Flood Zone B lands and immediately adjoining Flood Zone A lands as identified by the OPW CFRAM Study. In addition, it shows that the opposite side of Main Street occupies Flood Zone A lands.

- 5.1.3. Section 13.21.8 of the Development Plan in relation to 'B1 Town or Village Centre' zoned lands sets out that the objective for such lands is: *"to support the development, improvement and expansion of town or village centre activities"*. The stated guidance reads: *"the purpose of this zoning is to protect and enhance the character and vibrancy of existing town and village centres and to provide for and strengthen retailing, residential, commercial, cultural, entertainment and other appropriate uses. It will promote the consolidation of development on town and village centre lands, allowing for a broad range of compatible and complementary uses, which will be encouraged to locate in this area in order to create an attractive environment to reside, shop, work, visit and in which to invest. The appropriate reuse, adaption and regeneration of buildings, backlands, vacant, derelict, and underutilised lands for uses suitable to the location will be encouraged. Such uses may include residential development. The full use of upper floors in retail and commercial premises in the town centre for residential use is considered permissible. Primacy of the Retail Core area will be retained and prioritised for any new retail development to enhance its vitality and viability"*. It further indicates that retail proposals shall have regard to relevant policies and objectives in the Retail Strategy contained in Appendix 4, Volume 3, of the said Plan; Chapter 5 of the said Plan and the Retail Planning Guidelines, 2012.
- 5.1.4. Table 10.2 of the Development Plan provides a description for the three different flood zone types with 'Flood Zone Type A' being described as: *"the probability of flooding is highest (greater than 1% or 1 in 100 for river flooding or 0.5% or 1 in 200 for coastal flooding) and where a wide range of receptors would be vulnerable"* and "Flood Zone B" being described as: *"the probability of flooding is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding and between 0.1% or 1 in 1000 year and 0.5% of 1 in 200 for coastal flooding"*. Of relevance Policy Objective IU 26 states: *"to reduce the risk of new development being affected by possible future flooding by:*
- *Avoiding development in areas at risk of flooding and*
 - *Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction, and adaption to the risk."*

- 5.1.5. Section 5.20 of the Development Plan deals with the matter of 'Retail' with Section 5.20.1 setting out that this sector plays a crucial role in providing sustainable employment and supporting a vibrant economy within the county.
- 5.1.6. Section 5.21 of the Development Plan deals with the matter of the Louth Retail Strategy which as previously stated is provided under Volume 3, Appendix 4 of the said plan. It states that: "*a key focus of this Retail Strategy is to provide an up-to-date picture of the current retail landscape in Louth and to implement the objectives of the Retail Planning Guidelines 2012 with regards to future retail provision within the County*".
- 5.1.7. Section 5.24 of the Development Plan sets out 'Town Centre First Approach' and it places the health of town centres at the heart of decision making and that this also reinforces the need for towns to be thriving places for living well. Part of the approach to bringing people to the town centre as set out in this approach is by facilitating town centre living, supporting a multi-functional destination providing a range of services, leisure, cultural, civic, and residential uses through to better use of underutilised and vacant land.
- 5.1.8. In relation to residential development Chapter 3 of the Development Plan deals with the matter of Housing.
- 5.1.9. Section 3.6 of the Development Plan indicates that the Council will: "*promote healthy living by encouraging compact growth and the development of infill and brownfield sites in preference to edge of centre greenfield locations, and promote quality residential developments with a mix of housing in proximity to local services and community and recreational facilities*".
- 5.1.10. Policy Objective HOU 10 of the Development Plan is relevant. It states that the Council will: "*continue to support the creation of sustainable communities throughout the County for people across all the life stages by facilitating the creation of attractive neighbourhoods where there are strong links and connections to local services, community facilities and employment areas and where walking, cycling, and public transport is prioritised*".
- 5.1.11. In relation to Town Centre Living Section 3.7 of the Development Plan it is recognised that the increasing presence of online retailing is resulting town centres facing unprecedented challenges, resulting in a decrease in footfall and an increase in

vacancy. It sets out that part of the approach for revitalising town centres is re-use or adaption of vacant and under utilised buildings.

- 5.1.12. Policy Objective HOU 15 of the Development Plan is relevant. It states that the Council will: *“promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.”*
- 5.1.13. Table 5.3 of the Development Plan sets out the retail hierarchy for the County. Blackrock is not identified in this table; however up until the adoption of this plan it formed part of Dundalk’s environs which was subject to the Dundalk and Environs Development Plan, 2009-2015. Dundalk is classified as a Level 2 settlement ‘Major Town Centre/County Town but the settlement Blackrock is significantly remote from the centre of Dundalk. Small settlements are classified as Level 5 under this table.
- 5.1.14. Chapter 13 of the Development Plan sets out the Development Management Guidelines.
- 5.1.15. In addition, Section 13.8.4 of the Development Plan in relation to density and plot ratio it states that: *“in designing a development, it is important that a higher density does not reduce the quality of the development”*; Section 13.8.27 of the said Plan sets out that: *“the suitability of a specific site for the development of apartments will be considered on a case-by case basis and will take account of the location, the prevailing pattern of development of the area, the proximity to local amenities and services, and the scale of development proposed”*; and that: *“apartments shall generally be located in central urban areas within a reasonable walking distance (up to 15 minutes) of town centres, public transport, or employment areas”* ... *“there may be opportunities to provide smaller apartment schemes on infill or brownfield lands in these locations”*.
- 5.1.16. Section 13.8.31 of the Development Plan deals with the matter of ‘Mixed Use Development’ and states: *“in considering proposals for mixed-use developments, minimising any potential conflict between uses, preserving, and protecting amenity will be key considerations. This includes issues such as air quality, noise, and security.”*
- 5.1.17. Section 13.8.34 of the Development Plan deals with the matter of ‘Town Centre Living’ and it indicates that there will be a presumption in favour of providing residential accommodation in the upper floors of buildings in town and village centres. This forms

part of the strategy of promoting town centre living and improving vibrancy and diversity of uses in town and village centres.

5.1.18. The minimum standards for floor areas, private open space and storage for apartment units is set out under Table 13.5 of the Development Plan. Of relevance to this application are following key statistics from this table. These are extracted in the table below.

Apartment Unit Type	Floor Area	Storage	Private Open Space
One bedroom	45m ²	3 m ²	5 m ²
Two bedroom (4 Person)	90m ²	6m ²	7m ²

5.1.19. Section 13.16.12 and Table 13.11 sets out the Development Plans car parking standards.

5.1.20. Table 13.12 of the Development Plan sets out the cycle parking standards.

5.2. Regional Planning Context

5.2.1. The **Eastern and Midland Regional and Spatial Economic Strategy**, which came into effect in 2019, builds on the foundations of Government policy in Project Ireland 2040, which combines spatial planning with capital investment. Chapter 4 (People & Place) sets out a settlement hierarchy for the Region and identifies the key locations for population and employment growth. It includes Dublin City at the top of the settlement hierarchy. This strategic plan seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and sets out 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans.

5.3. National Planning Context

5.3.1. Relevant national planning provisions and guidance includes but is not limited to:

- The **National Planning Framework - Project Ireland 2040**, (NPF), published in 2018, is the Governments plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It

is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

- **Climate Action Plan, 2019.**
- **National Development Plan, 2021 to 2030.**
- **Housing for All – A New Housing Plan for Ireland to 2030, 2021.** Like other national policy provisions this targets settlement centre growth first and seeks regeneration of cities, towns, and villages.
- **Affordable Housing Act, 2021.**
- **Housing Supply Target Methodology for Development Planning Guidelines, 2020.**
- **Rebuilding Ireland, 2016.**
- **Section 28 Ministerial Guidelines:** The following Section 28 Ministerial Guidelines are relevant:
 - Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities, 2018.
 - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
 - Design Manual for Urban Roads and Streets.
 - Urban Development and Building Heights – Guidelines for Planning Authorities.
 - The Planning System and Flood Risk Management (including associated Technical Appendices).
 - Quality Housing for Sustainable Communities: Best Practice Guidelines for Sustainable Communities.
 - Regulation of Commercial Investment in Housing.
 - Retail Planning Guidelines, 2012.

5.4. Natural Heritage Designations

5.4.1. The site is located c48m to the west of Dundalk Bay SPA (Site Code: 004026) and Dundalk Bay SAC (Site Code: 000455) at its nearest point. Of note, pNHA Dundalk Bay (Site Code: 000455) is located c40m to the east of the site at its nearest point.

5.5. Built Heritage

5.5.1. None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this Third-Party Appeal can be summarised as follows:

- The grant of permission for the proposed development is objected to.
- The appellant has lived at No. 36 Sandfield Gardens since 2009 and one of the reasons moving to it was the privacy afforded by its garden which he uses to relax and for recreation. This amenity has become more valuable to him during the recent Covid restrictions.
- The proposed development would diminish the residential amenity of his property by way of a loss of privacy and this in turn this would in his view drastically affect his wellbeing as well as way of life.
- There are five other neighbouring properties who would also experience a negative impact should this development be permitted.
- The appellant is aware of the current demand for housing in the Blackrock area and they are not against development. However, this current proposal is unreasonable and would result in overbearance of his and other neighbouring properties.
- A two-storey development with no rear balconies and frosted glass windows to the rear would be far more suitable than the development proposed.
- The three-story development is excessive and the placement of balconies to the rear of the development maximises the visual perception of encroachment and would injury to residential amenity of properties in its vicinity.

6.2. Applicant Response

6.2.1. None.

6.3. Planning Authority Response

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

- The concerns raised by the appellant have been fully considered by them in their determination of this application.
- It is accepted that the balconies of the proposed apartments will have general views looking westwards from the site towards the rear gardens of dwellings in the Sandfield Gardens estate. However, it is noted that the building is setback 20m from the western boundary of the site and c29.8m from No. 38 Sandfield gardens with the design incorporating the positioning of an internal stairwell at its south western corner that will partially block views from the proposed balconies towards the rear of these dwellings.
- Having regard to the infill nature of the application site within a village centre/urban environment and given the separation distance involved it is not considered that the proposed development would unduly impact upon the existing residential amenity enjoyed by the appellant.
- The Board is requested to uphold its decision.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. Preliminary Comment

7.1.1. I have reviewed the proposal in the light of relevant national, regional, and local planning provisions and guidelines, I have also had regard to the planning history and pattern of development of the site and it's setting together with the submissions of all parties in this appeal case. In addition, I have carried out an inspection of the site and its immediate setting. I consider that the substantive issues that arise in this case are

the residential amenity impact concerns raised by the appellant in their appeal submission to the Board. I therefore propose to assess this appeal case under the following broad headings:

- Principle of the Proposed Development Sought and Planning History
- Consistency with Planning Provisions and Guidelines
- Residential Amenity Impact
- Other Matters Arising
- Appropriate Assessment

7.2. Principle of the Proposed Development Sought and Planning History

- 7.2.1. By way of this application planning permission is sought for the demolition of an existing single storey dwelling and the construction of a part two and part three-storey mixed use building. This building would contain three retail units at ground floor level and three apartment units above, one of which would be a duplex unit. Permission is also sought for access to public mains water and drainage as well as other associated site development works.
- 7.2.2. In relation to connection to public mains water and foul drainage I note to the Board that this appeal site is located in an area that contains public water and public mains drainage infrastructure. From available information and from the details provided on file with this application there appears to be no capacity issues for either public infrastructure. As such the Planning Authority raised no objection for the connection of this development to public infrastructure nor was any objection to this received by Irish Water. With this being component of the development deemed to be acceptable subject to standard safeguards. Including appropriate management of surface water measures through to additional measures that seek to reduce water usage, discharge to public mains drainage and the like in line with climate resilient safeguards as part reducing reliance and demands on this infrastructure.
- 7.2.3. Subject to the inclusion of such measures which I consider could be improved over and above the measures indicated in the submitted documentation by way of reducing non permeable surfacing on site, more quantitative area of deep soil through to more robust rainwater capturing to serve the proposed development sought. Subject to such improvements I concur with the Planning Authority that the general principle of

this component of the proposed development sought under this application is acceptable.

- 7.2.4. In relation to facilitating the provision of the proposed mixed-use building the applicant seeks permission for the demolition of the existing single storey building on site. From my inspection of the site and examination of publicly available imagery of Main Street it would appear that the residential use or any other discernible use of the existing building has been abandoned for some time. On this point I note that publicly available streetscape views of Main Street that captured this building and its setting appear to support that any functional use of this building has not occurred since at least 2009. An examination of the planning history of the site would suggest that the permitted use prior to this buildings abandonment of functional use was residential in nature.
- 7.2.5. I note to the Board that this building is afforded no specific protection and from my inspection of the site as well as examination of other available information it is my considered opinion of it is of no architectural or other merit or interest.
- 7.2.6. I further consider that this building due to its vacant and unkempt appearance unfortunately detracts from the visual amenity, the vibrancy as well as the vitality of the northern end of Main Street's streetscape scene. This diminishment of Main Street's streetscape is further added to by the *ad hoc* use of this building's curtilage. At the time of my inspection, it was in use for car parking, access to 'Blackrock Leisure' and also storage of structures associated with fairground type use. The latter at the time of inspection encroached onto the public domain and in turn significantly limited the width available for those using the public footpath along the adjoining stretch of Main Street. As such it effectively obstructed the safe movement and operation of the adjoining stretch of the public domain.
- 7.2.7. An examination of the planning history does not support that this is permissible by a S254 licence, nor does it indicate that the other uses on site are permitted by any grants of permission.
- 7.2.8. It would also appear that this *ad hoc* use of the curtilage associated with the subject building for which demolition is sought has been similarly used for significant period of time.
- 7.2.9. Notwithstanding, these matters are enforcement matters for the Planning Authority to deal with as they see fit.

- 7.2.10. The demolition of the existing building on this appeal site would unlock the latent development potential of this site to contribute in a more respectful manner with the streetscape scene of Main Street as well as has the potential to give rise to an opportunity to maximise the efficient use of brownfield land within an urban landscape at a location that is served by public mains water and drainage infrastructure.
- 7.2.11. The site's location within what is considered to be the urban centre of the settlement of Blackrock is reflected in my view by its 'B1' – Town or Villages land use zoning under the current Development Plan. The stated objective of 'B1' zoned land as set out in the Development Plan includes supporting development that would give rise to positive improvement and expansion of town/village centre activities at this location.
- 7.2.12. The Development Plan guidance for 'B1' zoned lands includes but is not limited to seeking the adaption and regeneration of lands that are vacant and underutilised.
- 7.2.13. The Development Plan also sets out in relation to land occupying central locations within settlements land use functions that reinforce the economic vibrancy, vitality through to reinforces its retail, service, cultural, amenity offer, and the like are encouraged at ground floor levels. With it noting that active shopfronts also having the potential to add to the attractiveness of these urban streetscapes for visitors, shoppers through to those who live and work within them.
- 7.2.14. Alongside, the Development Plan in relation to above ground floor levels in a manner that in my view is consistent with local, regional, and national planning provisions as well as guidance encourages use above retail units and the like for other active functional uses. Including in particular residential which adds further potential for these places to be more safe and vibrant places to be 24 hours 7 days a week.
- 7.2.15. Moreover, the Development Plan in a manner consistent with regional through to national planning provisions and guidelines it seeks to direct development to urban centres at appropriate locations as part of encouraging and supporting the efficient use of such land alongside where there is capacity for development to be positively and sustainably absorbed.
- 7.2.16. As such I raise no specific planning concerns in relation to the demolition of the existing dwelling house from the site, subject to standard safeguards. Including in the event of a grant of permission that conditions are imposed to ensure that the demolition and waste is appropriately dealt with to best standards. Including that appropriate

measures are required by way of condition that seeks to ensure that no undue nuisance to the established amenity of properties in its vicinity or no undue damage or obstruction of the adjoining public domain during this phase of the development.

- 7.2.17. Further, having examined the planning history of the site, which suggests its permitted use was residential in nature, scale and extent, residential land use is listed also listed as a land use that is deemed to be permissible under the Development Plan on 'B1' zoned land. Whereas the use of the site as a car park is not similarly listed as being permissible or open for consideration and in the case of use associated with or ancillary to the adjoining amusement arcade is listed as being open for consideration.
- 7.2.18. Therefore, given the existing functional use of the site, the permissible land uses, visions, and guidance for 'B1' zoned land, it is my considered opinion that the subject site has untapped latent potential more efficient use of serviced urban centre land, to achieving a more positively contribution to the visual amenity of its streetscape scene and functional vitality of Blackrock's central town/village centre urbanscape. Against this context and having regard to the above the principle of the proposed mixed-use development sought under this application would in my view be consistent with the proper planning and sustainable development of the site as well as its setting.
- 7.2.19. In relation to the mixture of land uses sought under this application retail use, which is sought for the ground floor level and the residential use above are both listed as permissible with 'B1' zoned land.
- 7.2.20. With future development at the subject site being within walking distance of a public transport bus stop, a wide variety of amenities, services, retail offer, educational facilities, employment opportunities and the like. All of which would add to the attractiveness of the proposed apartments for future occupants.
- 7.2.21. In addition, the provision of additional retail units would not only add to employment opportunities for residents of Blackrock they would also give rise to other positive synergies with Blackrock's urban centre and its hinterland. Including adding in a manner consistent with the Development Plans Retail Strategy to add sustainable additional future retail units through to having the latent potential to add to the variety of retail offer within Blackrock's urban centre.
- 7.2.22. In addition, the provision of retail units at ground floor level fronting onto Main Street with residential over is consistent with the pattern of development at the northern end

of Main Street. With this proposed development having the potential to reinforce the urban centre function and variety of synergistic land uses at a point where this site alongside the adjoining Butcher Shop to the north physically demarcate the end of Main Streets urban centre function with the development on the western side to the north of it transitioning at this point to being characterised by residential development. This is not dissimilar on the opposite side of Main Street. With the mixed use four storey building and Uncle Tom's Lounge marking the north eastern end of Main Streets urban centre function.

- 7.2.23. Moreover, I note that Policy Objective HOU 11 of the Development Plan encourages and supports a range of appropriate uses in town as well as village centres that will assist in the regeneration of vacant and under-utilised buildings and Section 3.11 of the said plan also sets out a strategy of securing more compact growth and consolidating development in central locations.
- 7.2.24. The local planning provisions are consistent with regional strategy. With the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy setting out for example RPO 3.2 that local authorities set out measures in their core strategies to achieve compact urban development targets of at least 30% for other urban areas outside of Dublin City and its Suburbs. And under RPO 3.3 setting out that local authorities include specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites.
- 7.2.25. At a national level, the National Planning Framework, under National Strategic Outcome 1 seeks compact growth and states that: *“from an urban development perspective we will need to deliver a greater proportion of residential development within the existing built-up areas of cities, towns and villages”*. With its stated strategy targeting 40% of future housing to be within and close to the existing ‘footprint’ of built-up areas (Note: National Policy Objective 3a) as well as making better use of underutilised land. Further Dundalk and its environs as a settlement is targeted not just for future population growth but also for employment growth (Note: National Policy Objective 2a broadly providing for this). Moreover, National Policy Objective 6 supports the regeneration and rejuvenation of cities, towns and villages of all types and scale to accommodate in part increase employment activity.

- 7.2.26. As such the mixed use retail and residential building is generally consistent with local through to national planning provisions and guidance.
- 7.2.27. In relation to the planning history of the site, the Board in appeal case ABP Ref. No. PL15.230221 (P.A. Ref. No. 08/39) granted permission for a development consisting of the demolition of dwelling, part demolition of amusement arcade and construction of 14 no. apartments, new shop front, car parking and all associated site works.
- 7.2.28. As such I consider that the Board in this previous appeal case relating to the site raised no particular concern to the demolition of the existing building on the subject site alongside the site's redevelopment to accommodate the mixed-use development scheme proposed. Since this decision was made local through to national planning provisions have evolved. In addition, the extension of duration of permission that was permitted under P.A. Ref. No. 13357 expired on the 8th day of March, 2019.
- 7.2.29. Based on the above considerations it is my view that the general principle of the proposed development is acceptable, subject to safeguards, and would therefore accord with the proper planning and sustainable development of the area.

7.3. Consistency with Planning Provisions and Guidelines

Density, Design and Building Heights

- 7.3.1. I acknowledge that the substantive concern for the appellant in this appeal case relates to residential amenity impact. However, prior to assessing the impact of the proposed development on the residential amenities of properties in the immediate vicinity of the subject site I first propose to assess the proposed developments design resolution against relevant planning provisions and guidance to whether it is an appropriate response in terms of this 'B1' zoned land in and its site context which includes its siting whereby it addresses the northern end of the settlement of Blackrock's principle street of Main Street.
- 7.3.2. The proposed low-density scheme which consists of the removal of a vacant building and the provision of a mixed-use building that would utilise in a rearranged format an existing L-shape area of hard surfaced on the site. Alongside it includes the placement of the proposed part two storey and part three storey mixed-use building which would be positioned to incorporate the footprint of the building to be demolished in the north eastern corner of the site but with a slightly larger footprint.

- 7.3.3. On this point I note that the existing dwelling house has a footprint of 122.3m² and the mixed-use building which has an indicated overall gross floor area 441m² has a footprint of 218.7m². As such the proposed mixed-use building would occupy a footprint that would be 96.4m² larger.
- 7.3.4. The third-floor level is positioned centrally in terms of the eastern boundary of the site and its Main Street address.
- 7.3.5. Access to the proposed mixed-use building and parking would separate the proposed mixed-use building from the applicant's amusement arcade building located alongside the southern boundary of the site. On the northern side of the proposed mixed use building a retail unit indents into and adjoins the north eastern portion of the site.
- 7.3.6. The overall proposed development for this 0.154ha site has a given density of 19.4 units per hectare. The enlarged building footprint of the proposed mixed-use building would be positioned on site to achieve a lateral separation distance of c20m to the rear western boundary of the site. At its nearest point this building would be positioned with a lateral separation of c18m separation distance to the rear of properties positioned to the north of it.
- 7.3.7. Within this established urban context and 'B1' zoned lands I consider that this is substantive lateral separation distances between the proposed part 2-storey and part three storey building and residential properties in its vicinity. And subject to appropriate design safeguards the proposed building should not give rise to any undue overlooking that could be considered at odds with its context. A context where a level of overlooking is present and can be expected given the pattern of development that characterises this and urban areas is general.
- 7.3.8. The lateral separation distance between the part two and part three storey building relative to the nearest residential property, having regard to orientation as well as other features present, is also such that it would not give rise to any significant adverse impact by way of overshadowing, daylight, or sunlight.
- 7.3.9. In reaching this conclusion I do accept that there is vulnerability of the adjoining residential property to the immediate west given that the majority of its private amenity space runs along the length of this site boundary together with this property's rear elevation also being visible. Due to at present there is little screening between these

two properties that would provide a measure of screening to reduce overlooking to the rear of their property.

- 7.3.10. It is unclear from the documentation provided with this application whether the applicant would improve the screening at this location and any grant of permission by the Board should seek that a more site appropriate in height and material boundary treatment is positioned along this boundary. This would in the interests of providing a reasonable balance in safeguarding the residential amenities of this adjoining property.
- 7.3.11. In relation to the design resolution in my view is of no particular traditional or contemporary architectural quality alongside the proposed palette of materials are not particularly qualitative or robust in terms of reducing future maintenance and the like. In saying this they are not inconsistent with the variety of materials present within Main Streets urbanscape setting. Whilst the provision of traditional shopfront is not out of character with this streetscape setting it would have been more appropriate in my view for the design to take a more definitive architectural direction. Moreover, the provision of traditional shopfronts as proposed is unreflective of a building that is not designed to be appreciated as being of traditional architectural idiom. As such I question the merits of this design approach.
- 7.3.12. Notwithstanding, this concern which could be addressed by way of an appropriately worded condition in the event of a grant of permission and aided by a more qualitative durable site responsive palette of materials, finishes and treatments so that a more qualitative address to the northernmost end of Main Street on its western side is achieved.
- 7.3.13. Overall, my primary concern in relation to the design resolution for this mixed-use development scheme is that it is not of any qualitative or other merit that would in some way provide justification for the low-density of 19.4 dwelling units sought. At a location that is situated within a town centre urban scape on what is a highly visible serviced site on the northern end of Main Street.
- 7.3.14. Of further concern the design resolution sought does not put forward a qualitative response for large area of the site that is in use and would still effectively be maintained as car parking.

- 7.3.15. These concerns are new issues in the context of this appeal that in my view warrant substantive consideration by the Board in their determination of this appeal case and whether the development as sought is consistent with local through to national planning provisions and guidance.
- 7.3.16. Firstly, the national planning provisions and guidance in a consistent manner as they have evolved to present times including but not limited to the National Planning Framework which advocates higher residential densities in suitable locations alongside facilitating residential development in a manner that accords with the proper planning and sustainable development at appropriate serviced sites within settlements.
- 7.3.17. The NPF includes a number of National Policy Objectives of relevance including but not limited to National Policy Objective 35 which states: *“increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.”*
- 7.3.18. It states: *“historically, low density housing development has been a feature of Ireland’s housing landscape in cities, towns, villages, and the countryside. To avoid urban sprawl and the pressure that it puts on the environment and infrastructure demands, increased residential densities are required in our urban areas”* and *“that the infill/brownfield targets set out in NPOs 3a, 3b and 3c of this Framework will necessitate a significant and sustained increase in urban housing output and apartment type development in particular, if we are to avoid a continuation of the outward expansion of cities and larger urban areas”*.
- 7.3.19. In addition, the NPF in relation to Louth and the North-East recognises the significant influence of Dublin and cross-border network which extends to the county towns and other settlements within the north eastern regional areas of the country. In this regard it states: *“in leveraged employment and sustainable population growth, development must be supported by enhanced connectivity, quality of life, strengthened urban cores and more compact housing in urban settlements. This is to protect and manage the strategic capacity of transport infrastructure and to ensure that the distinctiveness of settlements and rural areas is maintained”*.

- 7.3.20. Of particular relevance also to the proposed development sought is the Sustainable Residential Development in Urban Areas, Guidelines (DoEHLG, 2009), which promotes the principle of higher densities in urban areas and promotes sustainable patterns of urban settlement.
- 7.3.21. For example, under Section 5.7 of the Guidelines deal with the matter of 'Brownfield' lands and recognise that these particularly where they are close to existing can represent an opportunity for their redevelopment at higher densities, subject to safeguards expressed in these guidelines.
- 7.3.22. In my view the subject site could be considered as 'Brownfield' lands having been subject to previous development on all of the site.
- 7.3.23. I note that the safeguards include but are not limited to compliance with the policies of public and private open space adopted by development plans, avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours through to conformity with any vision of the urban form of the town or city as expressed in development plans.
- 7.3.24. Crucially in relation to the proposed development sought under this application Section 6.9 of these Guidelines, in relation to centrally located sites in smaller town or village, whilst recognising that it is difficult to be prescriptive about the level of density recommended.
- 7.3.25. Notwithstanding this difficulty these guidelines indicates that at such locations: *"densities of 30-40+ dwellings per hectare for mainly residential schemes may be appropriate or for more mixed use schemes"*.
- 7.3.26. It also indicates that: *"there is also the potential for schemes of particularly high architectural and design quality to suggest densities higher than the range suggested above"* at such locations.
- 7.3.27. In addition, Section 6.10 of the said Guidelines indicates that: *"the emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example street pattern"...* *"innovation and flexibility will essential in the interpretation of*

standards so that they do not become inflexible obstacles to the achievement of an attractive village and small town character in new development”.

7.3.28. The Urban Development and Building Heights Guidelines, 2018, is also of relevance to the proposed development sought under this application for this urban site.

7.3.29. Under Section 1.9 of these Guidelines, it sets out that consideration of: *“general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels”.*

7.3.30. I note that the settlement of Blackrock has overtime become part of the environs of Dundalk and as such was provided for as part of this settlements separate Development Plan which expired upon the new County Development Plan becoming operational. Within the said Development Plan, it indicates that new plans will be prepared during its lifetime for this and other settlements. At present there is no adopted or draft local area plan or otherwise for this settlement and its environs.

7.3.31. Of further note the said Guidelines under Section 1.20 sets out that: *“a key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels”.*

7.3.32. In addition, under Section 1.2.1 it states: *“increasing prevailing building heights therefore has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development”* and under Section 2.3 it sets out that: *“increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport employment, services or retail development can achieve a requisite level of intensity for sustainability”.*

7.3.33. It further sets out under Section 2.11 of the Guidelines that it is critically important that development plans identify and provide policy support for specific geographic locations or precincts where increased density is not only desirable but a fundamental policy requirement.

- 7.3.34. Moreover, under Section 2.12 it states that in intermediate urban locates where medium density residential development in excess of 45 residential units per hectare would be appropriate having regard to matters including the potential contribution of locations to the development of new homes, economic growth and regeneration in line with the compact urban growth principles set out in the National Planning Framework through to ecological sensitivities of the receiving environment through to the visual, functional and cumulative impacts of increased building height.
- 7.3.35. Further, under SPPR 1 of the said Guidelines it states: *“in accordance with Government policy to support increased building height and density in locations with good public transport accessibility” and that planning authorities shall explicitly identify “areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and economic Strategies and shall not provide for blanket numerical limitations on building height”.*
- 7.3.36. In relation to the regional planning context, I note that Section 4.5 of RSES identifies Dundalk as a Regional Growth Centre, and it defines these as *“large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area”.*
- 7.3.37. As mentioned previously in this assessment Blackrock as a settlement forms part of the urban environs of Dundalk.
- 7.3.38. In such settlements RSES supports the direction of significant population and economic growth towards them and considers these settlements act as economic drivers for the region, capitalising on their strategic location and high-quality connections to Dublin.
- 7.3.39. It also sets out that there is an opportunity for the growth of these settlements to realise a more consolidated urban form that will optimise the use of existing and planned services by increasing population and employment density in a sustainable fashion.
- 7.3.40. Of relevance Section 2.3 of RSES, which sets out 16 strategic regional outcomes includes sustainable settlement patterns which seeks better management of the sustainable and compact growth as well as development of key settlements including Dundalk (Note: RSO 1) and it promotes compact growth and urban regeneration of

settlements by making better use of under-used land and buildings within the existing built-up urban footprint (Note: RSO 2).

- 7.3.41. With the advocacy of sustainable settlements being consistent with National Strategic Outcome NSO 1, 7 and 10 as well as compact growth and regeneration being consistent with NSO 1.
- 7.3.42. Of further note RPO 3.2 of RSES sets out that Local Authorities, in their core strategies shall set out measures to achieve compact urban development targets of 30% for urban areas outside of Dublin city and its suburbs.
- 7.3.43. In addition, RPO 3.2 of RSES that these core strategies relating to the delivery of development on urban infill and brownfield regeneration sites shall align with RSES and provide for the increased densities set out in the Section 28 Ministerial Guidelines including 'Sustainable Urban Housing: Design Standards for new Apartments Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'.
- 7.3.44. In relation to the local planning context, I note that the Core Strategy is set out in Chapter 2 of the Development Plan with Section 2.6.6 stating: "*an overriding objective of both the NPF and the RSES is the need to achieve ambitious targets for compact growth in urban areas*" with Louth: "*required to deliver at least 30% of all new homes within the existing built up footprints (NPO 3c)*". It goes on to state that: "*achieving this target can be realised through urban regeneration and infill/brownfield site development, which will contribute to sequential, sustainable and compact growth, revitalisation of existing settlements of all scales and transition to a low carbon, climate resilient society*" and that: "*this compact growth will be delivered in central locations of these settlements and along key transport corridors on lands zoned for town centre, residential, or mixed uses*". With Table 2.17 setting out that infill and brownfield lands within the regional growth centre of Dundalk during the land period having the potential to deliver a total of 1,743 dwelling units.
- 7.3.45. Section 2.7 of the Development Plan on the matter of Economic Development sets out in line with the growth and settlement strategies the plan will seek to ensure that there is a convergence of where people live and work, improve the job ratio, reduce commuting patterns thereby improving the quality of life for people and promoting a transition to a low carbon and climate resilient society.

- 7.3.46. Section 2.8 of the Development Plan on the matter of Retail Development indicates that the retail strategy recognises the indicative potential for additional convenience, comparison through to bulky household goods floorspace in Dundalk with the strategy also being informed by the projected population growth.
- 7.3.47. Overall, the Development Plan in a manner consistent with regional and national planning provisions promotes the achievement of higher densities in urban areas with Policy Objective HOU 15 seeking to promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas whilst ensuring that it's appropriate to the local context as well as enhances the local environment in which it is located.
- 7.3.48. In addition, Section 3.11 of the Development Plan indicates that the density of development in relation to small towns and villages will be reflective of the character of the settlement and the existing pattern of development in the area.
- 7.3.49. I also note that the Development Plans retail strategy identifies the need for additional retail floor space at an appropriate location to support the projected growing population.
- 7.3.50. Further, the Development Plan like regional and national planning provisions and guidance recognises and supports the untapping of the latent potential of brownfield and underutilised land as part of achieving more sustainable compact patterns of development.
- 7.3.51. In relation to the planning history of the site, it is important to note that it formed part of a larger site area of 0.18ha (Note: the site included the adjoining property to the south 'Blackrock Leisure') for which the Board under ABP Ref. No. PL15.230221 in summary permitted a mixed use scheme that consisted of the demolition of the subject dwelling, part demolition of amusement arcade and the construction of 14 no. apartments, new shop front, car parking and all associated site works. As such the Board considered that this scheme with a density equivalent of 78 units per hectare was acceptable. With the Boards Inspectors in this case in their assessment noting the site context as including the presence of other higher density apartment schemes granted in Blackrock to the east of the site.
- 7.3.52. The Planning Authority's officer report in relation to the proposed development sought under this application whilst acknowledging that the planning history of the site

includes the acceptability of a multi-unit scheme, and that the achievement of higher density is consistent with NPO 3a of the National Planning Framework considered that the current scheme more reduced scale and density to be more acceptable to that permitted by the Board under ABP Ref. No. PL15.230221. This conclusion is based on the sites context alongside ensuring the maintenance of residential amenities of adjoining properties is achieved.

7.3.53. As such the Planning Authority considered that the proposed density of 19.4 units per hectare to be acceptable in their determination of this application.

7.3.54. I am not convinced that the proposed development is one that is of particular high quality or shows any particular architectural merit or innovation in terms of what is an important underutilised site at what is a focal point on the northern entry of village centre of Blackrock. With this focal location being reinforced by the bend in the R172 which to the north of the site has a steady changing easterly alignment and is at a point where uses including the adjoining and neighbouring 'Blackrock Leisure' and the Neptune Bar on the western side of Main Street to the immediate south of the site. Together with the mixed use 4-storey building on the opposite side of Main Street. With this proposal seeking to maintain an existing, albeit not permitted, car parking provision that currently predominates the main area of the site. Providing at the same location as the existing bungalow for which demolition is proposed with an albeit slightly larger footprint a part two and part three storey mixed use building with a gross floor space of 441m².

7.3.55. The modest 3-storey element of this mixed-use building consists of a modest gable facing third floor level on its southern side. With the building at this point having a maximum ridge height of 11.442m (Note: Drawing No. 2024 – PL – 106 A). For the most part the mixed-use building consists of 2-storey with this having a maximum ridge height of 9.805m. The documentation indicate that three traditional shop fronts would definite the ground floor eastern elevation the retail unit's street frontage. Modest visual softening of the addition of two street trees in the setback from the public domain. This setback area does have the potential to improve the active street frontage at this location due to the generosity of its width.

7.3.56. Whilst the proposed mixed-use building would in its own right and subject to the use of a qualitative palette of materials, finishes and treatments together with its setback

from Main Street would result in an improved contribution to the streetscape scene of Main Street over and above that of the existing contribution which does not positively enhance Main Streets visual character.

- 7.3.57. Notwithstanding, the site area will mainly consist of maintaining a large, surfaced area that is essentially unchanged and that would just be modified to be incorporated into this proposed scheme if implemented.
- 7.3.58. It is unclear from the documentation on file why a 20-car parking space provision which when regard is had to car parking standards set out under Table 13.11 of the Development is 7 spaces above that required for the quantum of development that is proposed. With the site being located at a central urban location where there is easy access to public bus to Dundalk which has good accessibility to other settlements including Dublin city, Belfast city through to Dublin Airport. As well as a variety of other land uses that are synergistic to residential development without the need for a car.
- 7.3.59. Indeed, this over provision of car parking on site at a location that is well served by public on-street car parking not only adds to the proposed developments underutilisation of this site's potential.
- 7.3.60. It would also, if permitted, result in a loss of the site's potential to achieve better streetscape containment and a built focal end point along the western side of Main Street on its northernmost end.
- 7.3.61. Of further note the development as proposed does not indicate any provision being made for points for charging points for Electric Vehicles as part of the scheme as required under Chapter 13 of the Development Plan (Note: Development Plan Policy Objective MOV 11).
- 7.3.62. Through to it is not consistent with the spirit of shifting modal patterns away from private car use as part of climate resilient pattern of spatial development at locations where consolidation and compact urban form is sought. As such this over provision of car parking on site would in my view be contrary to Development Plan Policy Objective MOV 14 which encourages a modal shift from the use of the private car towards more sustainable modes of transport.
- 7.3.63. The transition towards a low carbon and climate resilient society is one that is strongly advocated at national, regional, and also local planning policy provisions as well as

guidance levels. I am not convinced that this significant over provision of car parking is an appropriate form of development on 'B1' zoned land nor would it be consistent with Development Plan Policy Objective CA 1 and CA 3, if permitted.

7.3.64. On this point I note that Development Plan objective CA 1 seeks to promote, support and direct effective climate action policies and objectives that seek to improve climate outcomes across the settlement areas within the county as part of contributing and delivering on the obligations of the State to transition to a low carbon and climate resilient society through the encouragement and integration of appropriate mitigation and adaptation considerations and measures into all developments. Alongside Development Plan objective CA 3 states that the Council will: *“actively implement policies that support and encourage sustainable compact growth and settlement patterns, integrate land use and transportation, and maximise opportunities through development location, form, layout and design to secure climate resilience and reduce carbon dioxide and greenhouse emissions”*.

7.3.65. Taking the above matters into consideration I do not concur with the Planning Authority that the density, scale and overall design of the proposed development is consistent with local, regional and national planning provisions in terms of achieving site appropriate compact, consolidation through to sustainable regeneration of this 'B1' zoned land and would if permitted result in the potential of this site to contribute in a positive manner to the function, character, sense of place, vitality and vibrancy not being fully realised.

7.3.66. **Consistency with Planning Provisions and Guidelines**

Design and Layout of the Apartment Units

7.3.67. As set out under Section 2.3 of this report above this mixed-use scheme includes three apartment units, i.e., two one-bedroom apartment units and one two-bedroom four-person apartment unit with all three being accessed from the first-floor level of the proposed mixed-use building. Thus, being located above the three retail units proposed.

7.3.68. At a national planning context, the Design Standards for New Apartments sets out the design criteria for apartment developments and these are carried through under the Development Plan under Chapter 13 which sets out the Development Managements Standards for developments, in particular under Section 13.8.28.

7.3.69. In general, I concur with the Planning Authority's Planning Officer that the three apartment units are by and large consistent with the design criteria set out in the said guidelines in particularly in terms of the following:

- The **sites accessible and central location** within the settlement of Blackrock as well as forming part of the Dundalk's urban environ, which is an identified Regional Growth Centre.
- **Future Housing Need/Mix** - The identified deficit of 1 to 2 person households and in the context of this scheme providing two one-bedroom unit and one two-bedroom units. This modest mixed-use scheme which includes the above 50% one-bedroom requirement set out under Specific Planning Policy Requirement 1 (SPPR 1) and SPPR 2 of the said Guidelines.
- **Apartment Floor Area/Storage** - The two-bedroom four-person apartment unit (Apartment 01) which occupies part of the first-floor level, and the second-floor level has a gross floor area of 105m². This is 32m² above that required under Table 13.5 of the Development Plan, i.e., 73m². With Apartment 02 having gross floor area of 55.8m² and Apartment 03 having a gross floor area of 56.5m².

This exceeds the 45m² required under Table 13.5 of the Development Plan and for clarity these minimum floor area standards are consistent with those set out under SPPR 3 of the said Guidelines which has the same minimum floor area requirement for one- and two-bedroom (four person) apartment units.

I therefore generally concur with the Planning Authorities Planning Officer that this additional provision of apartment floor area compensates in part for the lack of bulky storage provision for each of the apartment units proposed.

- **Dual Aspect Ratio** - All three apartments proposed are dual aspect and they have an east west orientation with generous setbacks to the front and rear that are devoid of any significant natural or manmade feature that could obscure light. As such the apartments would benefit from cross ventilation and having regard to the glazing dimensions adequate solar gain/daylight. I therefore consider that the proposal is consistent with SPPR 4 of the said Guidelines which requires a minimum of 33% of apartment units within a scheme to be dual aspect in a central and accessible location.

- **Floor-to-Ceiling Height** – SPPR 5 of the said Guidelines requires a minimum height of 2.7m to facilitate future change to commercial use if necessary. Each of the three apartments proposed have floor-to-ceiling heights of 2.7m and are therefore consistent with this design criteria.

On a side point, I do however question the overall ridge height of the 2-storey element relative to the floor-to-ceiling height of the first floor level of Apartment 02 and Apartment 03, in that there is generous attic level over and arguably there could have been a provision of more generous floor-to-ceiling heights for these two one-bedroom apartments given the ridge height of 9.862m, the 3m floor-to-ceiling height of the ground floor level below and that these attic are essentially voids over these apartments with no access to them for storage use.

In this context more generous floor-to-ceiling heights for these two particular apartments would have provided some level of justification of the roof structure over the two-story element.

- **Spatial Dimensions of Apartments Internal Layout** – These are consistent with local and national requirements for the type of apartment units proposed in this mixed-use scheme.

7.3.70. Despite the above considerations I do raise a number of concerns in relation to the residential provision, which in part also overlaps as concerns for the three retail units proposed.

7.3.71. The first concern I wish to raise is the adequacy of the bicycle parking provision.

7.3.72. The Development Plan under Table 13.12 this is 2.5 spaces less than what is required for the apartment units proposed. With this table setting out that 1 long term cycle space being required as a minimum standard per bedroom for apartment units of the sizes proposed. Alongside the provision of 1 long term cycle space per 2 units for visitor/short stay for apartment units in general.

7.3.73. As this proposal seeks permission for a mixed-use building, it is of relevance that Table 13.2 of the Development Plan requires 1 space per 5 staff and 1 space per 100m² gross floor area for visitor/short stay.

7.3.74. In terms of the documentation provided with this application it indicates that the retail units would have 12 employees.

- 7.3.75. As such applying the Development Plan standards this requires a provision of 2.4 cycle spaces and 2.06 for visitor/short stay to be compliant. Thus, there is a shortfall of 6.96 cycle parking spaces within this scheme. It would be reasonable and appropriate to round this figure to 7 cycle parking spaces as the shortfall for the retail provision.
- 7.3.76. Therefore, the proposed three cycle spaces are significantly deficient to meet the demands of this mixed-use development which to be compliant with the Development Plans minimum standards would require an addition of 9.5 bicycle spaces above that proposed. It would therefore be appropriate that any grant of permission seek by way of condition that this be dealt with preferably including a secure, design appropriate and suitably positioned on site covered storage shelter for bicycle storage for future occupants and employees working within the retail units proposed together with a provision being made on site for customers. There is ample space on the site to do so without compromising other demands the proposed development would generate including car parking provision.
- 7.3.77. The second concern I wish to raise relates to the adequacy of the private amenity space for the two one-bedroom apartment units, i.e., Apartment 02 and Apartment A3.
- 7.3.78. In relation to the two one-bedroom apartment units I do not concur with the Planning Authority's Planning Officer that these apartments are served by qualitative in function private amenity space provision. With Apartment 02 having a private amenity space totalling 7.009m² and Apartment 03 having a private amenity space totally 7.39m². While I recognise that this is just over 2m² respectively for each of these apartment units above the minimum required under Table 13.5 of the Development Plan. Which I also note is also 2m over the minimum private open space standards set out in the Sustainable Urban Housing: Design Standards for New Apartment Guidelines. Notwithstanding, of concern Section 3.37 of the said Guidelines states: "*a minimum depth of 1.5metres is required for balconies, in one useable length to meet the minimum floor area requirement under these guidelines*".
- 7.3.79. In terms of meeting this standard both balcony spaces of Apartment 02 and Apartment 03 have a measured and given 1.298m depth. This is therefore below the 1.5m depth required under the above said Guidelines. This substandard depth would in my view provide limited qualitative functional future private amenity space for future occupants

despite the quantitative over 2m² over minimum spatial standard for private open space for these apartment units. I also do not consider that the marginal provision above the quantum of minimum required private open space is compensated for within the scheme by the communal open space nor would the rear first floor level linear walkway access to the rear of Apartment 02 and 03. I also do not consider that this deficiency in private open space is justifiable based on the density achieved within this scheme and where the majority of the site would consist of above standards car parking provision.

7.3.80. I am cognisant that Section 3.39 of the said Guidelines provides for relaxation in part or as whole, on a case by case, of private amenity standards for apartments. Notwithstanding, this is subject to overall design quality. Having regard to the overall design quality of this proposed mixed-use scheme I do not consider that the provision of balconies whose depth does not meet minimum national standards is justifiable in this circumstance.

7.3.81. The third concern I wish to raise is the communal open space provision.

7.3.82. The design resolution seeks to position this space in the north western corner of the site on what is a modest residual pocket of the site. Overall, as a space in my view its design does not seek to achieve any qualitative passive or other amenity for use by future occupants. It could not be considered to be a pleasant environment considering some of the following factors:

- It immediately addresses the car parking provision with access to its one recreational bench restricted by a car parking space.
- It is completely overlooked from the car parking space provision alongside it. With car parking being a significant component of the development proposed under this application. Such a use gives rise to nuisances from noise to air borne pollutants.
- It includes a lack of meaningful soft landscaping or other treatments to enhance it through to creating a barrier between it and the active car parking land use which also has an amusement arcade opening onto it for access.
- It lacks easy connectivity to the apartment units.

- Its location is in proximity to a bin store and loading area. With these having the potential to give rise to nuisances that would diminish the amenity value for occupants through to employees of this mixed scheme.

7.3.83. I do acknowledge that the site's coastal location would provide future residents with easy access to high quality amenity space. Notwithstanding, given that two of the three apartments proposed do not meet the minimum depth spatial standards for private open space amenity and given the concerns raised in relation to the communal open space provision for future residents I am not of the view that outdoor amenity space for future occupants is of an acceptable quality.

7.3.84. In addition to the above concerns, I also raise concern that the access to the apartments in the absence of the provision of lift through to the provision of walkway access that is exposed to the elements in the case of Apartment 02 and Apartment 03 gives rise to this mixed-use residential element being difficult to access for those with mobility impairments, those with small children through to changing life circumstances.

7.3.85. Based on the above considerations, whilst some of the issues of concern could be dealt with by way of condition, I consider that they add to the concerns previously raised in relation to overall appropriateness of this low-density mixed-use scheme. I do not concur with the Planning Authority in this instance that this low-density mixed-use development would give rise to qualitative, innovative, or highly sustainable residential amenities for future occupants if permitted in the form proposed. I therefore consider that the proposed development would for these reasons be contrary to the proper planning and sustainable development of the area and would give rise to an undesirable precedent for other similar developments.

7.4. Residential Amenity Impact on Properties in its Vicinity

7.4.1. The appellant in this appeal case contend that the proposed scheme would, if permitted, give rise to adverse residential amenity impact on their property, and for this reason should be refused. The impact would arise from adverse overlooking and visual overbearance of their property, a property which I note bounds the western boundary of the site and which under Map 1.2 of the Development Plan is zoned 'A1 – Existing Residential'.

7.4.2. Section 13.21.5 of the Development Plan sets out the objective for 'A1' zoned land is: "to protect and enhance the amenity and character of existing residential communities"

and the guidance for this zoning is: *“to conserve and enhance the quality and character of established residential communities and protect their amenities”*.

- 7.4.3. Section 13.21.3 of the Development Plan on the matter of transitional zone areas, which I consider is of relevance in this case given the linear character of B1 land with residential land uses bounding it to the west, states: *“abrupt transitions in scale and use should generally be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone”*.
- 7.4.4. The proposed mixed-use building has positioned the third-floor element on the southern end of the building with this portion including an enclosed stairwell which provides access to the own doors of Apartments 01, 02 and 03 at first floor level. At first floor level this stairwell does include a south western corner window. This stairwell serves three apartment units, and the aforementioned window is not of significant dimensions. It should not therefore give rise to significant overlooking to the rear of the appellants property which is in a location where a degree of overlooking is present and can be expected given to its urbanscape context.
- 7.4.5. In addition, this window is positioned over 20m from the shared western boundary between the subject appeal site and the appellants property. In this urbanscape setting this is a generous separation distance.
- 7.4.6. However, the Board should it be minded to grant permission may wish to consider imposing a condition that the western glazed element of this window be fitted permanently with obscure glazing to safeguard the established amenities of the appellants properties. The obscure glazing of this window would not give rise to any undue residential amenity of future occupants in terms of the functional use of the stairwell.
- 7.4.7. The third-floor element of the mixed-use building includes a second-floor level balcony with a westerly orientation. There is limited consideration in the design resolution and treatment of this balcony in my view in terms of reducing the perception of being overlooked and visual overbearance for properties to the west.
- 7.4.8. As said, however, there is over 20m separation distance between it and the properties to the west. In addition, there is an established level of overlooking arising above ground floor level between single and two storey residential properties in the

immediate vicinity. As said overlooking arising above ground floor level is not out of context in town and/or village urbanscape like this. The Board, however, could by way of condition should they be minded to grant permission, as a precaution and given the transitional character of the land use zoning, require amendments to the design and provision of private amenity space for Apartment 01 that would overcome this particular concern.

- 7.4.9. In relation to the walkway access at first floor level serving Apartment 02 and 03, given its limited depth, I consider it is unlikely that it would be used as an additional amenity provision by future occupants of these apartments.
- 7.4.10. In addition, such a use would obstruct its function in providing useable access to both of these apartments.
- 7.4.11. There is limited glazing on the main western elevation of Apartment 02 and 03.
- 7.4.12. As discussed previously this walkway has a depth of 1.315. Given the limited glazing, the depth of the walkway, the separation distance of this mixed-use building from properties in its vicinity including opposing first floor level lateral separation distance, and the site's urbanscape context where there is an established precedent of overlooking, I am not of the view that any undue overlooking would arise for the appellants property or other properties in its vicinity.
- 7.4.13. In terms of visual overbearance, whilst there may be some level of visual overbearance arising from the western balcony at second floor level serving Apartment 01. This as discussed could be mitigated by way of a condition should the Board be minded to grant permission.
- 7.4.14. In terms of the built form, height, mass, scale, and volume of the proposed mixed use building it is significantly setback from its western boundary and from its northern boundary.
- 7.4.15. It is in a location where there is a pattern of two storey buildings dominating Main Street but also in a context where there is a pattern of single and two storey properties characterising 'A1' zoned land in its vicinity.
- 7.4.16. Moreover, there is three and four storey buildings of various designs present along Main Street within the visual context of the site and the adjoining residential in use

land to the west is characterised by residential properties which in the case of the appellants property has generous amenity space to the rear.

- 7.4.17. The proposed development would I accept give rise to a change of context given that the appeal site has been under utilised for a long time with the residential property thereon abandoned for a considerable time. Alongside the car parking use being a recent *ad hoc* and piecemeal development being a recent change to the site's use as well as the fact that the boundary wall between the two properties consists of a low concrete block wall. This provides little meaningful screening between the two properties.
- 7.4.18. As discussed previously the proposed design resolution does not appear to include any improvements of the western boundary to safeguard the residential amenities of the appellants property and residential properties also neighbouring and adjoining this boundary. This I do not consider to be acceptable; however, could be addressed by way of an appropriate condition should the Board be minded to grant permission. Such a condition should look at both man-made and natural screening along this boundary. With the natural screening having the advantage of improving the assimilation of surface water runoff from the site as well as enhancing the biodiversity in this urban context.
- 7.4.19. In terms of the over provision of car parking, I consider any grant of permission should reduce the provision of car parking on site and this to would improve the residential amenities of properties in the vicinity of the site. Particularly in terms of noise and the level of heavy particulates in the vicinity of private amenity spaces associated with adjoining residential properties.
- 7.4.20. In terms of potential for overshadowing this application has not been accompanied by a shadow analysis.
- 7.4.21. Notwithstanding the absence of such a document I consider given the built form and its graduated three to two storey building height; the separation distance between the proposed building and land uses sensitive to change, in particular, residential properties to the west, north west and north; the orientation of the building; and the overall pattern of development in its vicinity; the potential for the proposed development, if permitted, to give rise to significant change in overshadowing above the existing context is limited. With the main impact arising to the adjoining butcher

shop premises to the north and with this being limited to the late morning in early spring and late autumn.

7.4.22. Based on the above considerations, I am not of the view that the proposed development would warrant a refusal of permission based on it giving rise to serious and significant residential amenity impact on properties in its vicinity by way of overlooking, overbearing, overshadowing or otherwise. I am also of the view that by way of the use of appropriate conditions that the residential amenities impact concerns that would arise from the proposed development were it to be permitted could be appropriately dealt with by way of condition should the Board be minded to grant permission. I also consider that there is an onus on the appellant to provide suitable screening to safeguard residential amenity of their property also. With the current situation being one whereby their rear elevation and rear private amenity space is not provided by any robust screening to protect their privacy.

7.5. Other Matters Arising

7.5.1. Flooding and Drainage

On Map 1.2 (Dundalk Zoning & Flooding Zones) it indicates that the south eastern corner of the site is located on Flood Zone B lands and immediately adjoining Flood Zone A lands as identified by the OPW CFRAM Study. In addition, it shows that the opposite side of Main Street occupies Flood Zone A lands. Notwithstanding this sensitivity, this is a brownfield site on a prominent location on Main Street within a central location in the urban centre of the settlement of Blackrock. A location that is characterised by a variety of land uses on the western side of this street and a location benefitting from a more generous setback from the coastline alongside rising ground levels.

On the basis of the information on file; the report from the Planning Authority's Infrastructure Department; the availability of public water and foul drainage services in this urban area, I am satisfied that adequate arrangements can be made for a connection to public water and foul drainage provisions.

I am also satisfied that there is adequate capacity in this public infrastructure to accommodate this low density and modest mixed scheme, subject to standard safeguards.

In relation to the potential for flooding, I concur with the Planning Authority that subject to the mitigation measures including in the Flood Risk Assessment together with the site's location where development is permitted under Section 5.28 of the Planning System and Flood Risk Management Guidelines with less vulnerable uses located at ground floor level, that the demolition of the existing bungalow and the construction of this part single part two storey mixed use scheme would give rise to no adverse flooding or flood risk impacts to the site, properties in its setting or otherwise, subject to the safeguards recommended in the Flood Risk Assessment Report.

Notwithstanding, I consider that such a low density and site coverage scheme could have achieved more meaningful deep soil and natural planting. These would have further improved the assimilation of surface water runoff on site. Alongside the design itself could have included more robust and sustainable measures to reduce the demands of this development on public infrastructure, in particular in terms of water usage and water capture.

Despite this should it be minded to grant permission for the proposed development that it includes the requirements set out under Condition No. 13 of the Planning Authority's notification to grant planning permission.

7.5.2. Loading

Should the Board be minded to grant permission I would recommend that the location of the loading/deliveries on site be reconsidered by way of condition due its lack of synergy with the retail units and its potential to give rise to additional nuisance for future residents as well as residential properties over and above what is necessary.

7.5.3. Adjoining Property to the South – Blackrock Leisure

In relation to the property adjoining the southern boundary of the site, which contains an amusement arcade, I note that during my inspection that I observed that its northern elevation includes not only window and door openings that open directly onto the red line area of the site. But also, large mechanical extraction/ventilation structures projecting into and oversailing the red line area of the site.

Of concern the drawings and documentation submitted with this application do not demonstrate the significant level of encroachment.

Nor does it provide any clarity on what measures would be taken as part of the development proposed to ensure that these and the use of the southern boundary of the site do not unduly interfere with the southern boundary pedestrian footpath proposed in the submitted plans.

I note that this proposed footpath merges with the pedestrian footpath of Main Street on the southern boundary towards its eastern end of the site.

This concern would require resolution by way of condition or by way of the additional information should the Board be minded to grant permission for the proposed development and as a precaution it would be reasonable as well as appropriate for such a low density and scale scheme to include design measures that separate this portion of the site. Which is part of the functional area of the amusement arcade, and which is a land use with established late-evening and late-night operating hours, as part of safeguarding the residential amenities of future occupants of this scheme.

Further, the single storey dwelling house for which demolition is sought sits in the north eastern corner of the site setback c8m from the public domain of Main Street with the space between it and the public domain appearing to be used for outdoor amusement.

Historically this area included the semi-private amenity space of the said dwelling.

In light of this and given that the site is owned by 'Blackrock Leisure' should the Board be minded to grant permission for the proposed development as a precaution they may wish to restrict the use of the setback area from the public domain due to the site and 'Blackrock Leisure' and any incursion of such uses into the outdoor areas of this mixed-use scheme.

7.5.4. *Depreciation of Property Values*

The documentation provided with this appeal do not substantiate by way of any robust evidence how the proposed development, if permitted, would give rise to any significant and/or material depreciation of property values.

7.5.5. *Demolition and Construction Nuisances*

The appellants concern in relation to construction nuisances can be appropriately dealt with by way of standard conditions and such nuisances would be temporary in their duration.

7.5.6. ***Shopfront/Signage/Lighting/Setback treatment adjoining the Public Domain of Main Street***

Should the Board be minded to grant permission I recommend that an appropriate condition be imposed requiring the prior agreement of all external materials, finished and treatments including shopfront design; signage; external lighting including but not limited to all lighting fixtures and fittings attached to the mixed use building, but also that serving the car parking and residual spaces on site; the material, landscaping and street furniture treatment of the setback area adjoining the public domain of Main Street for the purposes of securing an appropriate qualitative standard of development that is site sensitive too as well as achieves positive contribution to the streetscape scene of Main Street in what is a highly visible as well as focal point marking its northern end.

7.5.7. ***Contributions***

I concur with the calculations set out in the Planning Authority's Planning Officers report in relation to the Section 48 contributions applicable to this mixed-use scheme were it to be permitted as proposed due to these calculations being consistent with the Planning Authority's Contribution Scheme.

7.6. **Appropriate Assessment (AA) Screening**

- 7.6.1. The appeal site is located c48m to the west of Dundalk Bay SPA (Site Code: 004026) and Dundalk Bay SAC (Site Code: 000455) at its nearest point. Having regard to the brownfield character of the site; the modest nature, scale and extent of development sought and the site's location in a fully serviced built-up urban area, it is considered 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 other plans or projects on a European site, despite this modest lateral separation distance which I note includes the public domain and two lane carriageway of Main Street together with a public car parking provision as well as mixed use buildings on the opposite side of Main Street.

8.0 **Recommendation**

- 8.1. I recommend that permission be **refused**.

9.0 Reasons and Considerations

1. Having regard to:

- The planning history of the site.
- The design resolution of the proposed development part two storey part three storey mixed use building sought under this application. Including but not limited to the low density of 19.4 dwellings per hectare scheme proposed, the substandard private and communal open space amenity, the over provision of car parking, the lack of adequate cycle parking and bin storage for the quantum of development proposed, through to the lack of an appropriate scale as well as architectural response to a key and highly visible site located on the northern end of Main Street.
- The appeal site's location on 'B1 – Town or Villages' zoned land on Map 1.2 of the Louth County Development Plan, 2021-2027.
- The Louth County Development Plan, 2021-2027, which classifies Dundalk as a Level 2 settlement 'Major Town Centre/County Town'. With Blackrock forming part of its environs.
- The relevant objectives and policies of the Louth County Development Plan, 2021-2027, in particular Policy Objective HOU 15 which promotes development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas and which would be appropriate to the local context and enhance the local environment in which it is located and the Development Plans Core Strategy which recognises that the overriding objective of the NPF and RSES is the need to achieve ambitious targets for compact growth in urban areas with Louth required to deliver at least 30% of all new homes within the existing built-up footprints. With this being realised in part through the regeneration of brownfield infill sites which would contribute to the sequential, sustainable, and compact growth as well as revitalisation of settlements of all scales and the transition towards a low carbon climate resilient society.
- RSO 1 and RSO 2 of the Eastern and Midland Regional and Spatial Economic Strategy, 2019, which seeks better management of the sustainable

and compact growth as well as development of key settlements including Dundalk (Note: RSO 1). In addition, to promoting compact growth and urban regeneration of settlements by making better use of under-used land and buildings within the existing built-up urban footprint (Note: RSO 2). With the settlement of Dundalk forming part of the Dundalk's environs.

- Section 4.5 of the Eastern and Midland Regional and Spatial Economic Strategy, 2019, which identifies Dundalk as a 'Regional Growth Centre' and supports the direction of significant population and economic growth towards them and considers these settlements act as economic drivers for the region, capitalising on their strategic location and high-quality connections to Dublin. With the settlement of Dundalk forming part of the Dundalk's environs.

- National Strategic Outcome 1 of National Planning Framework - Project Ireland 2040, which seeks compact growth and the delivery of a greater proportion of residential development within the existing built-up areas of cities, towns and villages. With its National Policy Objective 3c targeting 30% of future housing to be within the existing 'footprint' of built-up areas and National Policy Objective 35 seeking increased residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

- Section 6.9 of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (Department of Environment, Heritage, and Local Government), 2009, recommends net densities of 30-40+ dwellings per hectare for mixed use schemes in centrally located sites in smaller towns or villages. This density is reasonable considering that urban centre location of the site in the settlement of Blackrock which is located in the peripheries of Dundalk's environs.

- The Urban Development and Building Heights Guidelines, 2018, which advocates building heights of at least three to four storeys, coupled with appropriate density, in locations including town centre areas and suburban areas. It also sets out that such heights must be supported in principle at development plan and development management levels.

It is considered that the low density, low scale through to the qualitative and quantitative standards of this proposed mixed-use scheme which includes a significant over provision of car parking spaces is not in accordance with local, regional, and national planning provisions as well as guidance.

In particular, the Core Strategy and Policy Objective HOU 15 of the Louth County Development Plan, 2021-2027; RSO 2 of the Eastern and Midland Regional and Spatial Economic Strategy, 2019; the recommended densities set out under Section 6.9 of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009; the building heights advocated by the Urban Development and Building Heights Guidelines, 2018; NPO 3c and NPO 35 of the National Planning Framework - Project Ireland 2040, 2018. It is further considered that the proposed developments design resolution is of no particular high quality or innovative to justify the lack of consistency with local, regional, and national planning policy provisions as well as guidance.

Moreover, the proposed development, if permitted, is one that by way of its under utilisation of this town centre zoned land, would not contribute to the latent potential of this site in positively contributing to the sequential, sustainable, and compact growth as well as vitality and vibrancy of Blackrock in a manner that is consistent with transitioning to a low carbon climate resilient society and it would result in an undesirable precedent. The proposed development, would not, therefore, be in accordance with the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

11th day of August, 2022.