



An
Bord
Pleanála

Inspector's Report

ABP-311050-21

Development	Construction of 28 Apartments in 2 new blocks; Conversion of house to two 1 bed and two 2 bed apartments.
Location	Knockmount, Dublin Road, Bryanstown, Drogheda, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	201022
Applicant(s)	Eamonn and Anne Kelly.
Type of Application	Permission.
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Jason and Lara Synnott & Others. Eimear and Kevin Tiernan.
Observer(s)	None.
Date of Site Inspection	7 th of October 2021.
Inspector	Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.77ha and is located immediately west of the Dublin Road (R132) Drogheda, Co. Louth. The site is an irregular shape and currently occupied by a 2 storey red brick residential property (Knockmount House) and ancillary buildings in the centre of the site, mature trees to the east and north and a landscaped garden to the west. The application documentation details that the existing residential property, Knockmount House, was built in the early 1900's and was originally a Church of Ireland Rectory. The building is not a Protected Structure or located within an Architectural Conservation Area.
- 1.2. To the north the site is adjoined by the Drogheda-Oldbridge railway line. The southern and eastern boundaries of the site are adjoined by existing residential development. Access to the site is provided via the Dublin Road which adjoins the western boundary of the site. The western site boundary is enclosed by an existing stone wall and a mature tree line. The application drawings illustrate that levels vary from 98mOD along Dublin Road to 102.85mOD on site.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
- Construction of 28 no. apartments in 2 no. apartment blocks.
 - Renovation and conversion of existing house to 4 no. apartments.
 - Demolition of existing garage and outbuildings.
 - Partial removal of section of existing front boundary wall to provide for new entrance to the site.
 - New internal circulation road, pedestrian footpaths, steps, car parking, bicycle parking, bin storage, ESB substation, public open space and all associated development.
- 2.2. Table 1 below provides a summary of the key site statistics.

Table 1: Key Figures	
Site Area	0.77ha
No. of Residential Units	32 (28 no. apartments within new blocks and 4 no. apartments within conversion of existing house)
Apartment Unit Mix	<p>Block 1: 9 no. 2 bed and 4 no. 3 bed apartments,</p> <p>Block 2: 3 no.1 bed and 3 no. 2 bed apartments.</p> <p>Existing House: 2 no. 1 bed and 2 no. 2 bed units.</p>
Density	41.6 units per hectare
Height	<p>Proposed Apartment Blocks – 3-5 storeys (9m to 16m)</p> <p>Existing residential property – 2 storeys</p>
Car Parking	14
Bicycle Parking	66 no. spaces at basement level of apartment blocks

- 2.3. The proposal will connect to the existing watermain which runs adjacent to the site along the Dublin Road. SUDS measures are incorporated within the development. Wastewater will be connected to the existing public foul sewer for treatment in the Drogheda Wastewater Treatment Plant.

3.0 Planning Authority Decision

3.1. Decision

Louth County Council issued a notification of decision to grant permission for the development subject to 30 no. conditions. The following conditions are of note.

- Condition 2: relates to revised plans detailing location of secure location for bulky storage at basement level.
- Condition 4: works to Knockmount House shall be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planners Report (27th of January 2021)

- Having regard to the characteristics of the proposed development, the lack of any direct hydrological connectivity to designated sites, the distance from designated sites and the intervening urban development, that the potential for significant effects on the SPA's and SAC's can be ruled out.
- The site is a zoned, serviced site in an urban location. The site is a brownfield site where development is prioritised under the core strategy phasing is prioritised within the Drogheda Borough Council Development Plan. The principle of the proposal is considered acceptable.
- It is considered that the proposed apartment blocks harmonise with Knockmount House in terms of proximity, scale, height and massing. The alignment of the buildings given the quality of spaces views between them does not adversely affect the setting of this historic building.
- The internal layout of the existing building lends itself to conversion to apartments.
- The loss of the detached brick garage on site is regrettable. However, its retention would hinder a practical or suitable layout.

- Density at 41.6 units per ha is below the recommended 50 per ha for urban locations. It is considered acceptable having regard to existing constraints on site, dwelling, topography and mature trees.
- The site is an appropriate location for the density and height, subject to qualitative standards in respect of residential amenity.
- The proposal is broadly in accordance with the standards set out within the Sustainable Urban Housing: Design Standards for New Apartments (December 2020). Further clarification is required in respect of storage and bicycle storage.
- Minimum separation distances are achieved between the proposed blocks and adjacent residential properties which serve to protect the amenities of adjacent properties.
- Given the orientation of the proposed apartment buildings and their positions on site it is not considered that the proposal will result in significant overshadowing of adjoining property.
- Clarity is required in relation to the Arboricultural and Ecological Impact Assessments which may have implications on the site layout.

The report recommends a request for further information in respect of the following:

- Item 1: Details of bulky storage and cycle parking for the proposed units. Revised drawings illustrating the provision of a privacy strip between areas of private amenity space and communal/shared amenity spaces. Relocation of bin storage, recycling facilities and ESB substation.
- Item 2: Concerns are raised in relation to the impact of the proposed access and parking on the woodland setting of the site. The applicant is requested to submit a revised site plan illustrating the locations of all trees surveyed and provision of access and parking in a less obtrusive location. Compliance with Policy CH8 of the DBCDP which requires replacement trees at a ratio of 4:1.
- Item 3: Bat survey and revised landscaping plan which incorporate mitigation measures to provide for biodiversity enhancements.

- Item 4: Elevation drawings of proposed vehicular entrance and roadside boundary wall construction details.
- Item 5: Building Life Cycle Reports for all apartments.
- Items 6 to 10: Response to points raised within the infrastructure report.

Planners Report (13/07/2021)

The Planners report dated the 13th of July 2021 recommends a grant of permission subject to condition. The following provides a summary of the points raised:

- Concerns are raised that the quantum, configuration and layout of the proposed storage space is not functional or secure and do not provide for individual storage space that may be allocated to individual apartments. This point can be addressed via condition.
- Provision of bicycle storage, privacy strips in landscaping plan, revised ESB substation and bin storage area are deemed acceptable.
- While access arrangements result in significant works and loss of trees the layout proposed has sought to minimise the loss of trees.
- The bat report and associated mitigation measures and attainment of a derogation licence will ensure that the conservation status of bat species on site is safeguarded.
- The amended landscaping plan has cognisance of the mitigation measures detailed within the Ecology Impact Assessment.
- Significant interventions are proposed to the existing historic wall to create the new vehicular and pedestrian entrance. It is envisaged that the new boundary in terms of its scale, design and materials will complement and harmonise the existing boundary treatment.
- The submitted Building Life Cycle Report is deemed in accordance with the requirements of Section 6.13 of the Design Standards for New Apartments 2000.

- In terms of Items 6 to 9 it is noted that a revised layout plan has been submitted and the applicant has demonstrated that the access complies with DMURS. Details of pelican crossing are also submitted. The Infrastructure Section has reviewed the proposals and no concerns are raised.
- Having regard to the location of the proposed development in proximity to the town centre and train station and the zoning objectives for the area, the restoration and reuse of the historic dwelling, the proposed development is considered acceptable.

3.2.2. Other Technical Reports

Infrastructure Report (11th of January 2021) – The report outlines the following:

- There is limited scope to the north of bridge to create additional public road space due to retaining walls and bridge abutments.
- Concerns area raised in relation to the proposed access arrangements which comprise a sharp bend followed by a tight radius reverse curve.
- Lack of a pedestrian footpath along the western side of the R132,
- No provision for electric vehicles.

A request for further information is recommended in relation to the following:

- Provision of a suitable arrangement for large service vehicles to enter and exit the site unimpeded by cars which may be exiting or entering on the opposite direction;
- Demonstration of sightlines in accordance with DMURS;
- Details of extent of site to be maintained by a management company;
- Demonstrate the location of EV charging points;
- Submit a layout plan illustrating the location of a proposed controlled pedestrian crossing point on the R132 and in accordance with the Traffic Sign Manual and the Traffic Management Guidelines;

Infrastructure Report (8th of July 2021) – the report recommends a grant of permission subject to condition.

3.3. Prescribed Bodies

Irish Water- No objection to the proposal subject to condition.

3.4. Third Party Observations

14 no. observations were received within the initial statutory consultation period.

Issues raised related to the following:

- Traffic and Transport – Traffic impact, inadequate visibility splays, poor pedestrian and cycle environment.
- Scale of Development – the position, scale, density and height of the proposed development is out of character with surrounding development in the area which is characterised by low rise, low density housing.
- Heritage – importance of the built and natural heritage including the existing building on the site and existing trees.
- Impact on local wildlife.
- Impact on Residential Amenity -the scale and height of the buildings and balconies will lead to overlooking and overshadowing of adjacent properties.
- Construction phase impacts.
- Procedural matters – validity of the public notices on foot of non-reference to environmental impact assessment.

3 no. observations were submitted in respect of the applicant's response to the request for further information. The issues raised primarily reflect those on the original submission.

4.0 Planning History

Appeal Site

- PA Ref: 19/518 – an application for 3 no. 2 storey dwellings on site was withdrawn.

Bayview House – north of appeal site

- PA Ref: 20/1086, ABP Ref: 310849-21, Notification of decision to grant permission issued by Louth County Council in June 2021 for construction of 58 no. apartments, works to Bayview House (Protected Structure) and demolition of Bayview Cottage. The application is currently subject to appeal to An Bord Pleanála.

5.0 Policy Context

5.1. Development Plan – Louth County Development Plan 2021-2027

- 5.1.1. The application was assessed by Louth County Council in accordance with the policies and objectives of the Drogheda Borough Council Development Plan 2011-2017 and the Louth County Development Plan 2015-2021. The Louth County Development Plan 2021-2027 was adopted by Louth County Council on the 30th 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 Drogheda Borough Council, Dundalk Town Council and Ardee 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”,

- 5.1.2. I have assessed the proposal in accordance with the policies and objectives of the operative Development Plan namely the Louth County Development Plan 2021-2027.

Louth County Development Plan 2021-2027

Zoning

- 5.1.3. The site is zoned for Existing Residential (A1) purposes within the LCDP with an objective *“To protect and enhance the amenity and character of existing residential communities”*. Residential is listed as a “generally permitted use” on lands zoned for A1 purposes.

- 5.1.4. The Development Plan sets out the following guidance for development on A1 zoned lands: *“The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location”.*

Chapter 2 - Settlement Hierarchy / Core Strategy

- 5.1.5. Table 2.4 of the County Development Plan sets out the settlement hierarchy for County Louth. Drogheda and Dundalk are designated as Regional Growth Centres. The Plan set out the following guidance for these centres:

“Regional Growth Centres are 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”.

- 5.1.6. The following policies are of relevance:

- Policy Objective CS 2: To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.
- Policy Objective SS4: To support high density sustainable development, particularly in centrally located areas and along public transport corridors and require a minimum density of 50 units/ha in these locations.
- Policy Objective SS5: To support increased building heights at appropriate locations in Drogheda, subject to the design and scale of any building making a positive contribution to its surrounding environment and streetscape.

Chapter 3 - Housing

- 5.1.7. Table 3.2 sets out recommended residential densities in Higher Tier Settlements. For the Regional Growth Centres including Dundalk and Drogheda a recommended

minimum density of 50 per hectare is identified for the town centre and 35 per hectare in edge of the settlement is recommended.

5.1.8. The Development Plan outlines that *“Whilst all developments should strive to achieve the recommended densities, it is acknowledged that there will be cases where there are specific constraints (such as topography) that will restrict the scale of development that can be delivered. In such cases a lower density than that prescribed may be considered acceptable”*.

5.1.9. Section 3.12 relates to “Buildings of Height”. The Plan seeks to support increased building in Drogheda and Dundalk, signifying their importance as regional growth centres. The following principles and criteria will be taken into consideration when identifying potential locations for higher buildings:

- Location: Higher buildings will normally be located in central areas of towns close to public transport, in strategic locations at the entrance to towns or on strategic lands on the approach road to the town centre.

The local area shall have the social and physical infrastructure to accommodate the increased levels of activity.

- Strengthened Legibility: Higher buildings shall be a positive landmark in the streetscape and shall respect and respond to the character of the area.
- Strengthen the Sense of Place: Higher buildings have an important role in shaping the perceptions of an area. If they are poorly designed or located in the wrong area, they can create a negative image for an area.
- Promote Quality Design: Higher buildings must make a positive and lasting contribution to their location
- Protect and Enhance the Existing Streetscape and Heritage: It is important that higher buildings do not disrupt or negatively impact on the historic areas of towns or intrude on important views. They should only be located in places that would enhance the character of an area.

5.1.10. Policy Objective HOU 30 seeks: *“To encourage building design and layout that maximises daylight and natural ventilation and incorporates energy efficiency and conservation measures that will improve the environmental performance of buildings in line with best practice”*.

5.1.11. Section 3.16.1 of the Plan relates to Infill, Corner and Backland sites. This outlines that the development of underutilised infill, corner and backland sites in existing residential areas is generally encouraged. A balance is needed, between the protection of amenities, privacy, the established character of the area and new residential infill.

- Policy Objective HOU 32 seeks: To encourage and promote the development of underutilised infill, corner and backland sites in existing urban areas subject to the character of the area and environment being protected.

Chapter 7 – Movement

5.1.12. Section 7.10 of the Louth County Development Plan relates to Protected National and Regional Traffic Routes. Policy Objective MOV 56 seeks: *“To safeguard the capacity and safety of the National and Regional Road network by restricting further access onto National Primary, National Secondary, and Protected Regional Roads in accordance with the details set out in Tables 7.9 and 7.10”.*

5.1.13. Protected Regional Routes are identified in Table 7.10 of the Development Plan and illustrated in Map 7.2 of the Development Plan. Map 7.2 of the Plan identifies “Protected Regional Routes”.

Chapter 8- Natural Heritage, Green Infrastructure and Biodiversity

5.1.14. Table 8.6 of the Development Plan identifies tree preservation orders in Co. Louth. Map 8.11 identifies Trees and Woodlands of Special Amenity Value in Drogheda. No TPO'S or Trees and Woodlands of Special Amenity Value are identified on the appeal site.

5.1.15. Policy Objective NBG 31 outlines that:

“Where in exceptional circumstances, trees and or hedgerows are required to be removed in order to facilitate development, this shall be done outside nesting season and there shall be a requirement that each tree felled is replaced at a ratio of 10:1 with native species and each hedgerow removed is to be replaced with a native species. In Drogheda and Dundalk, replacement trees will be required at a ratio of 5:1 where the removal of trees is required in order to facilitate development”.

5.1.16. Map 8.18 identifies views and prospects for Drogheda. The appeal site is not located within the vicinity of any protected view or prospect.

Chapter 9 – Built Heritage

5.1.17. Section 9.9 of the LCDP relates to Historic Building Stock. The following policy objectives are of relevance:

- BHC 42: To promote, where feasible, the protection, retention, sympathetic maintenance and appropriate revitalisation and use of the vernacular built heritage, including thatched cottages and other structures in both urban and rural areas, which contribute to the streetscape and landscape character and deter the demolition of these structures.
- BHC 44: To encourage the re-use and adaption of existing historic buildings in a manner compatible with their character.

Chapter 13- Development Management

5.1.18. Chapter 13 of the County Development Plan sets out Development Management Guidelines. The following are of relevance:

- Section 13.8.4 relates to Density and Plot Ratio. Recommended densities and maximum plot ratios are set out within Table 13.3 as follows:
 - *Recommended Density:* Town/ Village Centre: 50 units per ha, Edge of Settlement: 35 units per ha
 - *Maximum Plot Ratio:* Town/Village Centre: 2, Edge of Settlement: 1
- Section 13.8.9 relates to Residential Amenity. In terms of privacy, the Development Plan sets out the following guidance:

“Residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area, in addition to the amenities of future residents of the subject development. Whilst some degree of overlooking between properties is likely to occur in urban areas, efforts shall be made to minimise the extent of this overlooking where this is possible. A minimum of 22 metres separation between directly opposing first floor habitable rooms in residential properties shall generally be observed.

This separation distance is not required for windows in non-habitable rooms such as bathrooms, stairwells or landings”.

There may be instances where a reduction in separation distances may be acceptable. This is dependent on the orientation, location, and internal layout of the development and its relationship with any surrounding buildings. Any applications for such developments will be assessed on a case-by-case basis”.

- Section 13.8.10 relates to Daylight and Sunlight. The following guidance is set out in this regard:

“Care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided.

The Building Research Establishment (BRE) guidelines ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and BS 8206-2008 –‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ - provide useful guidance on avoiding unacceptable loss of light and ensuring developments provide minimum standards of daylight for new units. Section 6.7 of the ‘Apartment Guidelines’ states that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solution must be set out, in respect of which the planning authority should apply their discretion, having regard to local factors including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives”.

- Section 13.9.15 outlines that Public Open Space within a development shall normally equate to 15% of the total site area.
- Table 13.11 sets out Car Parking Standards. This sets out a requirement of 1 unit per apartment in Areas 1 and 2. Section 13.3.18 of the Plan outlines that a reduction in the car-parking requirement may be acceptable where the Planning Authority is satisfied that:
 - There is sufficient parking available in the vicinity of the development to cater for any shortfall.

- The nature of the development is such that existing parking spaces in the vicinity could facilitate the dual use of parking spaces, particularly if the development operated at off-peak times. Supporting documentation will be required demonstrating how the dual use will work.
- The public transport links available would reduce the demand for car parking.
- The central location of the development is such that the customers/residents/users of the development would be likely to walk or cycle.
- Section 13.8.33 relates to sub-division of Dwellings:

“The sub-division of an existing dwelling into self-contained units or apartments will be considered based on the location of the property, potential impact the development would have on the character of the area and the amenities of surrounding properties, and the quality of accommodation to be provided for future occupants. Existing and proposed car parking provision will also be considered.

The sub-division of dwellings will normally be required to comply with Development Plan Standards and the Design Standards for Apartments. However, there may be circumstances where these standards can be relaxed due to the design and layout of the existing building or if the development would bring vacant or under-utilised properties back into use. This will be assessed on a case-by-case basis, with consideration given to the quality of the development”.

- Section 13.16.2 outlines that *“Any development in the vicinity of existing rail lines shall comply with the setbacks and construction requirements of Iarnród Éireann, the National Transport Authority, Transport Infrastructure Ireland, and any other relevant stakeholders”.*
- Section 13.19.6 relates to works to Buildings of Historic or Architectural Value
“Any works to buildings of historical or architectural value that are not included in the Record of Protected Structures or located within an Architectural Conservation Area such as those included in the National Inventory of

Architectural Heritage must be carefully considered and take account of any special features or important characteristics of the building.

Any proposals to demolish such buildings will require a detailed rationale by an appropriately qualified professional and will normally only be considered in exceptional circumstances”.

- 5.1.19. Appendix 9 identifies Zones of Archaeological Potential for the County. MAP 9.1 identifies the zone of archaeological potential for Drogheda. This does not extend to include the appeal site.

5.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031**

- 5.2.1. Drogheda is identified as a Regional Growth Centre within the Core Region of the Eastern and Midland Region and was the fastest growing town in the most recent inter census period. An element of the growth strategy for the Eastern and Midland Region is to target growth of the regional growth centres, including Drogheda, as regional drivers and to facilitate the collaboration and growth of the Dublin-Belfast Economic Corridor, which connects the large towns of Drogheda, Dundalk and Newry.
- 5.2.2. The RSES aims to enable Drogheda to realise its potential to grow to city scale, with a population of 50,000 by 2031 through the regeneration of the town centre, the compact and planned growth of its hinterland and through enhancement of its role as a self-sustaining strategic employment centre on the Dublin-Belfast Economic Corridor. It is anticipated Drogheda will accommodate significant new investment in housing, transport and employment generating activity.

5.3. **National Planning Framework (2018)**

- 5.3.1. The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place.
- 5.3.2. Relevant Policy Objectives include the following:

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: 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.

5.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013

5.5. **Natural Heritage Designations**

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

- The Boyne Coast and Estuary pNHA- 2.1km to north-east
- Boyne River Islands pNHA - 3.6km north-west of the site

5.5.2. The following 6 no. European sites are located within a 15km radius of the site.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
Boyne Coast and Estuary SAC	001957	2.2km
River Boyne and River Blackwater SAC	002299	612m
Clogher Head SAC	001459	11km
Boyne Estuary SPA	004080	1km

River Boyne and River Black Water SPA	004232	4km
River Nanny Estuary and Shore SPA	004158	6km

5.6. EIA Screening

5.6.1. An Environmental Impact Assessment Screening report was not submitted with the application. The proposed development falls within the categories of 'Infrastructural Projects', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

10(b)

- (i) Construction of more than 500 dwelling units.
- (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

5.6.2. The proposal is for 32 no. residential units on a site of 0.77ha. The proposed development falls below the development threshold and mandatory EIA is therefore not required.

5.6.3. I have given consideration to whether sub-threshold EIA is required. The introduction of a small scale residential development on an existing residential site will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any designated Natura 2000 site. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and waste water network and surface water drainage.

5.6.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within the built up urban footprint of Drogheda town,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to mitigate the impact of the development on any such site,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.6.5. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination a sub-threshold environmental impact assessment report for the proposed development was not necessary (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

Two third party appeal has been submitted in respect of Louth County Council’s notification of decision to grant permission for the development.

- Joint Appeal from - Jason and Lara Synnott, 31 Mount Auburn, Robert Finan and Miriam Simon, 32 Mount Auburn, Michael Geraghty and Rhonda Young, 33 Mount Auburn, Liam and Nellie Quinn, 34 Mount Auburn and William and Olivia Gavin, 35 Mount Auburn.
- Eimear and Kevin Tiernan, The Walnut, Cromwell’s Lane

The following provides a summary of the grounds of appeal.

Fire

- The heights of the buildings require specific access and facilities for Fire Services. The proposal does not comply with the requirements of the Building Regulations.

Mix of Units

- The proposed mix of units is inappropriate and does not promote diversity of tenure or social inclusivity.

Traffic and Transportation

- The proposed additional traffic would endanger public safety by reason of traffic impact and obstruction to road users on the busy regional road. Concerns relating to congestion associated with traffic accessing the site, insufficient of the carriageway for a filter lane and limited width of the footpath to accommodate pedestrians associated with the pelican crossing.
- Insufficient car parking.
- Concerns relating to traffic impact associated with the development are raised.
- The proposal is contrary to the guidance set out within Section 7.3.5 and Policy TC10 of the LCDP.
- A Road Safety Audit of the intersection of the proposed development with the Dublin Road is required.

Location of high-density development close to public transport

- Affordable residential development should be provided in areas where residential development is supported where infrastructure and road network can accommodate development.

Impact on Residential Amenity

Overlooking

- The proposed balconies will overlook the private open space of neighbouring properties at Mount Auburn and Mount Auburn Close and a perception of

being overlooked. Loss of private open space currently enjoyed by residents will impact on residential amenity.

Contrary to Zoning Objective

- The proposal would be contrary to the RE zoning objective pertaining to the site which seeks “*to protect and/or improve the amenities of developed residential communities*”. The scale of the proposed development does not protect or improve the surrounding residential amenity of the surrounding residential community.
- Proximity of bin storage to no. 11 Mount Auburn.

Cumulative Impact

- The appeal should be jointly considered with the appeal for Bayview House which is an adjacent property to the Knockmount House grounds. (PA Ref 201086).

Impact on Visual Amenity and Architectural Heritage

- The proposed development would seriously injure the visual amenity of the area and Knockmount.
- Knockmount merits inclusion on the NIAH. The proposal will affect the visual amenity of the building. The parkland setting will be destroyed due to the scale and site coverage.
- The proposal to demolish part of the front perimeter wall and reconstruct within the site would seriously injure the heritage and visual approach to the town centre of Drogheda.

Trees, Woodlands and Ecology

- Concerns are raised in relation to the loss of trees on the site.
- The proposal is not in compliance with Policies HER 13-19 of the LCDP.
- Concerns are raised in relation to the impact of the proposed development on bats.

Height

- Concerns are raised in relation to the height of the proposal. It is stated that there is an abrupt transition in scale between the established existing residential dwellings and Category 2 Urban apartment blocks. The proposal would be domineeringly high above established neighbouring residential developments.
- Reference is made to the substantial scale and height difference between the appeal site and surrounding properties.
- Due to the height and scale of the proposed development, the application is lacking substantial detail and reports to support an informed planning decision including a Sunlight and Daylight Assessment.
- The proposed height is not in compliance with RES 19 of the Drogheda Borough Council Development Plan.

Insufficient Information

- Concerns are raised in relation to the scope of the archaeology report and ecological impact assessment.
- The appeal outlines that the following documents should be submitted in conjunction with the application: CGI's and Verified Photomontages, Construction Management Plan, Wind and Microclimate Assessment.

Procedural Issues

- The grounds of appeal outline that the application should have been deemed invalid as the public notices do not state that an environmental impact statement has been submitted.

6.2. Applicant Response

- 6.2.1. A response to each of the third party appeals was submitted by Ger Fahy Planning on the 6th of September 2021 (response to appeal from Jason and Lara Synnott & Others) and the 10th of September 2021 (response to appeal from Eimear and Kevin Tiernan) on behalf of the applicant.

- 6.2.2. The response is accompanied by correspondence prepared by Mc Kevitt King Architects, Whitehill Environmental and Transport Insights. The following provides a summary of the response to the grounds of appeal.

Fire – Compliance with Building Regulations

- Compliance with Fire Regulations is a matter for different codes and not related to planning. The proposed development will be subject to a fire safety certificate which will ensure compliance with the Building Control Regulations.
- Notwithstanding this, it is stated that the proposed development has been designed to comply with Building Control Regulations as detailed in correspondence attached to the appeal from Mc Kevitt King Architects. Fire access arrangements are illustrated on the correspondence on file from Transport Insights.

Mix of Units

- In this regard it is stated that the proposed development provides for an appropriate mix of units. The development includes a mix of 14- 1 bed, 14-2 bed and 4 – 3 bed units. This is a sufficient mix of units in a small scale development close to the town centre.

Traffic and Transportation

- Cross reference is made to the correspondence from Transport Insights submitted in conjunction with the appeal response.
- The appeal site is located within Drogheda town, in the immediate vicinity of the train station and shopping centre. Development should be promoted in such locations.
- The proposed access has been designed to safely accommodate the level of traffic to be generated by the proposed development.
- There is no requirement for a filter lane at this location as the limited volume of traffic associated with the development will not have an impact on the carrying capacity of the existing road network.

- The proposed pelican crossing would improve the permeability of the urban location in terms of walking and cycling and should be supported in the interests of sustainability.
- Having regard to the scale and location of development, the proposal will not give rise to traffic hazard or concerns in respect of traffic safety.
- The proposed level of car parking is sufficient to meet the needs of the scheme and is supported on grounds of the site's proximity to the train station.
- National policy supports the redevelopment of centrally located, brownfield sites in close proximity to public transport routes.

Impact on Residential Amenity

- In terms of overlooking it is stated that the proposed balconies are located 23-24 metres from the site boundary and will not give rise to overlooking of neighbouring properties at Mount Auburn or Mount Auburn Close.
- The development comprises 28 units in 2 no. blocks and is not significant in either scale or density.
- The scale has been controlled in order to respect the existing character of development in the area and in response to the nature and setting of the site and existing building at Knockmount.
- There is sufficient separation distance between the proposed bin storage and no.11 and the bin storage area is screened. Relocation of the bin storage, if required, could be facilitated via condition.

Impact on Visual Amenity

- The proposed development will create an attractive visual amenity on the approach to the centre of Drogheda and will enliven the public realm by opening the underutilised site.
- The development has been sensitively designed as an attractive urban infill site which respects the character of the existing building on site whilst achieving modern urban forms at an acceptable density and also respecting the privacy and security of neighbouring property.

Architectural Heritage

- Knockmount is not a Protected Structure and is not on the NIAH. Notwithstanding this, sensitive development in urban areas can be accommodated within the grounds of a Protected Structure or structures on the NIAH.
- The proposal will not have a negative impact on the visual amenity of Knockmount. The proposal is designed to respect the character and setting of the existing building. A landscaping plan has been prepared to complement the proposed development.

Bats

- A comprehensive assessment of bats was carried out to inform the application. This sets out a methodology for mitigation measures to ensure the protection of bat species that use the site. A derogation licence has been applied for from the NPWS.

Trees and Woodlands

- The application is accompanied by a detailed arborist report and landscaping plan. A justification for the removal of trees is provided on grounds of safety reasons and to facilitate access to the site. The correspondence from Whitehill Environmental submitted in conjunction with the appeal outlines that overall the majority of the trees on site will be retained and this will minimise the overall ecological impacts on the application site.
- The landscaping plan provides for a 4:1 replacement of trees removed and a high quality landscaping planting scheme for the remaining gardens in the appeal site. The loss of trees will not be significant and will be sufficiently mitigated by the proposed landscaping.
- Policies HER 13-19 of the LCDP relate to Trees and Woodland of Special Amenity Value. Special Amenity Areas are identified on Map 5.10 of the Development Plan. Trees on the appeal site are not identified. Therefore, policies HER 13-19 do not apply.

Visual Impact

- The proposed development has been designed to ensure that it would not be domineering.

- The height of the building is stepped away from neighbouring houses. The height is considered acceptable in a central urban location. There is an appropriate transition in scale and massing of the proposed development and that of neighbouring properties.
- A sufficient distance of 24m is provided between the proposed development and the boundary with neighbouring properties.

Height

- In relation to the appellants assertion that the proposal is not in accordance with RES 19 of the LCDP it is stated that the Plan was adopted prior to the publication of the Urban Development and Building Height Guidelines 2018. Section 1.14 of the Guidelines outline that they take precedence over any conflicting policies and objectives of development plans.
- The Guidelines provide for increased density and height in urban areas with particular focus on infill, brownfield sites. Building heights are reduced closer to neighbouring properties in order to respect the character and amenity of these properties. The highest part of the development is located furthest from the existing residential properties.

Insufficient Information

- A comprehensive archaeological assessment was carried out by a qualified archaeologist. 3D models were submitted in support of the application.
- Having regard to the small scale nature of the proposed development and to the separation distances from the neighbouring properties such assessments are not warranted.
- A Construction Management Plan can be submitted for agreement of the planning authority as a condition of permission.

6.3. Planning Authority Response

Louth County Council submitted the following response to the grounds of appeal.

- The Planning Authority had due regard to all submissions and observations in the consideration of the proposed development and is satisfied that there was

sufficient detail submitted with the planning application to allow the Authority to make an informed decision.

- The Planning Authority further considers that the Planner's Reports dated 27th of January 2021 and 13th of July 2021 have addressed the matter raised in the appeals and as such the planning authority has no further submission or observation to make at this time.
- The Planning Authority respectfully requests the Board to uphold the decision to grant permission for this development subject to conditions 1 to 30.

7.0 Assessment

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

- Procedural Matters
- Principle of Development
- Design, Layout and Impact on Character and Setting of Knockmount House
- Height and Impact on Visual Amenity
- Impact on Residential Amenity of Adjoining Properties
- Residential Amenity of Proposed Units
- Access and Transportation
- Other Issues
- Appropriate Assessment

7.2. Procedural Matters

7.2.1. The application was assessed by Louth County Council in accordance with the policies and objectives of the Drogheda Borough Council Development Plan 2011-2017. The Louth County Development Plan 2021-2127 was adopted by Louth County Council on the 30th 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 Drogheda Borough Council, Dundalk Town Council and Ardee Town Council. The Louth County Development Plan 2021-2027 replaces the Drogheda Borough Council Development Plan 2021-2027. 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”,

- 7.2.2. I have assessed the proposal in accordance with the policies and objectives of the operative Development Plan, namely the Louth County Development Plan 2021-2027.

7.3. Principle of Development

- 7.3.1. The appeal site is zoned for Existing Residential purposes (A1) with an objective *“to protect and enhance the amenity and character of existing residential communities”* within the Louth County Development Plan 2021-2027. Residential is listed as a *“generally permitted use”* on lands zoned for A1 purposes.
- 7.3.2. Drogheda is designated as a Regional Growth Centre within the Louth County Settlement Hierarchy. The appeal site is located within close proximity to Drogheda town centre, MacBride train station and existing bus routes along the Dublin Road. National and local policies support the redevelopment of centrally located brownfield sites for residential development to support compact growth including Policy Objectives of the CS2 and CS10 of the Louth County Development Plan 2021-2027. I consider that the principle of the redevelopment of an existing brownfield, zoned site within the urban footprint of Drogheda is acceptable.
- 7.3.3. The vision for A1 zoned lands within the development plan is *“to protect and enhance the amenity and character of existing residential communities”*. The impact of the proposal on the residential amenities of existing properties in the vicinity of the site is therefore a key consideration in assessing the proposed development and this is considered in further sections of this assessment.

Density

- 7.3.4. Objectives 4, 13, 33 and 35 of the National Planning Framework, Section 4.7 of the Regional and Economic Strategy for the Eastern and Midland Region 2019-2031,

SPPR1 and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018 all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

7.3.5. Under national guidance as set out in the guidelines Sustainable Residential Development in Urban Areas (2009), minimum net densities of 50 dwellings per hectare apply to the site, given its location adjacent to a public transport corridor, being within 1km of a high quality rail station and served by a frequent bus service. The Apartment Guidelines identify types of locations in intermediate urban locations where apartments are suitable, which includes sites within 800-1000m of a principal town and within walking distance (1000-1500m) of a high capacity urban public transport stop (including a commuter rail). The application site is within such distances. The Louth County Development Plan promotes densities of 50 units per ha in Drogheda town centre and 35 units per ha in edge of centre locations.

7.3.6. The proposal comprises the construction of 32 no. residential units on a 0.77ha site resulting in a density of 41.6 units per ha, which is below the recommended 50 units per ha for urban locations on public transport corridors. However, I consider that the proposed density is acceptable having regard to existing site development constraints including the existing historic dwelling on site, established residential development within the vicinity of the site, the site topography and the woodland setting of the site. I consider that the principle of the proposed density is appropriate for this urban setting.

7.4. Design, Layout and Impact on Character and Setting of Knockmount House

7.4.1. The proposal includes subdivision and refurbishment works to Knockmount House, the existing period dwelling on site, and the construction of 2 no. apartment buildings to the north and south of the existing dwelling. The southern apartment block is 3 storey's in height and a 5 storey block is provided to the north of the site in proximity to the Navan- Oldbridge railway line. The northern block steps down to 4 storeys in the vicinity of Knockmount House. A total of 32 no. apartment units are proposed. Vehicular access to the site is proposed via the creation of a new entrance from the Dublin Road (R132).

7.4.2. The development strategy for the site as set out within the Architectural Design Statement seeks to respond to the existing site context by placing new contemporary

buildings within the park-land setting defined by mature trees and Knockmount House. The Design Statement outlines how the proposal complies with the 12 no. criteria set out within the Urban Design Manual-A Best Practice Guide (2009).

- 7.4.3. On review of the site layout, I consider that the internal road network and turning circle area constitutes an overengineered approach to access arrangements. In this regard, I would note that the Design Manual for Urban Roads and Streets (DMURS) recommends a standard carriageway width on local streets of 5 to 5.5 metres and a shared surface width of not more than 4.8 metres (Section 4.4.1 refers). I consider that this point could be addressed by means of condition in the instance that the Board is minded to grant permission for the development via a revised internal layout in accordance with the requirements of DMURS.
- 7.4.4. A number of concerns relating to the layout of the scheme are raised within the grounds of appeal. The appeals refer to the impact of the proposal on the character and setting of Knockmount House, visual impacts associated with the loss of mature trees on site and partial loss of the stone wall which forms the eastern site boundary to facilitate the proposed vehicular access. I consider the points raised in turn as follows.

Impact on Character and Setting of Knockmount House

- 7.4.5. The appeal site is currently occupied by Knockmount House, a 2 storey red brick period residence situated within the centre of the site. The property is not a Protected Structure or located within an Architectural Conservation Area. An Architectural Impact Assessment prepared by McKevitt King Architects was submitted in conjunction with the application. This identifies that Knockmount House, was built in the early 1900's and was originally a Church of Ireland Rectory.
- 7.4.6. The proposal includes the sub-division of the existing house to 4 no. apartments (2 no. 1 beds and 2 no. 2 beds). The Architectural Statement details that the proposed sub-division of the property into 4 no. residential units has been considered in a careful and sensitive way with a focus on preserving the buildings fabric. The impact assessment set out within Section 9 of the report outlines that the works retain historical fabric/features of historical importance. The proposal includes works to removal inappropriate additions including the uPVC windows and their replacement

with timber sash windows. The report outlines that the works will ensure an appropriate, sympathetic and viable long-term use for the building into the future.

- 7.4.7. I consider that the existing layout of the dwelling renders it suitable for the conversion into individual apartments as proposed. I consider that the reuse and conversion of the property and proposed improvement works are in accordance with Policy Objective BHC 44 of the Louth County Development Plan which seeks: *“To encourage the re-use and adaption of existing historic buildings in a manner compatible with their character”*.
- 7.4.8. The development includes the construction of 2 no. apartment blocks to the north and south of Knockmount House. The Architectural Design Statement submitted in conjunction with the application outlines that Knockmount House is the existing focal point on site and the development has been designed to ensure that it remains so.
- 7.4.9. On review of the application drawings and submitted CGI's, I consider that the proposed apartment blocks harmonise with Knockmount House in terms of their form, scale and massing. Having regard to the siting of the proposed apartment blocks and their alignment relative to the Knockmount House together with the quality of spaces views between them, I do not consider that the proposed blocks will adversely affect the setting of this historic building. I furthermore consider that the proposed brick finish of the apartment blocks is complementary to the existing house.

Loss of Trees

- 7.4.10. The appeal site is located within a parkland/ woodland setting and contains mature trees to the east and north and a landscaped garden to the west. I refer to the grounds of appeal which raise concern relating to the visual impact associated with the loss of existing trees on site. The Tree Constraints Plan prepared by Dr. Philip Blackstock identifies that there are presently 123 no. trees on site. The Arboricultural Impact Assessment identifies that 17no. existing trees should be felled on site for safety reasons irrespective of future proposals for the site. 61 no. trees are proposed for removal to accommodate the proposed development.
- 7.4.11. A landscaping plan prepared by Jane McCorkell is submitted in conjunction with the application which includes replacement tree planting. Louth County Council's request for further information raised concern in relation to the proposed removal of

woodland and trees to facilitate the proposed access and parking area in terms of the potential impact on the setting of the existing residence and the character of the site. In responding to the FI request, the applicant outlined that the proposed access arrangements represent the least obtrusive design to access the site while providing the necessary sightlines for vehicles entering and leaving the site.

- 7.4.12. Notwithstanding the applicant's response, as earlier detailed, I consider that the internal road network and turning circle area constitutes an overengineered approach to access arrangements and forms a dominant element of the design. Options for the retention of additional trees on site could be considered in this regard.
- 7.4.13. On review of the application details, I consider that while the loss of existing trees is regrettable and will have a visual impact, I note that the trees proposed for removal are not protected or identified as amenity value within the Louth County Development Plan. I consider the ecological value of existing trees further in this report. I refer to the bat survey was submitted in support of the application and I consider that the mitigation measures set out therein should be adhered to in the instance that the Board is minded to grant permission for the proposed development.
- 7.4.14. I consider the proposed loss of trees is acceptable having regard to the quality of the proposed landscaping scheme which includes replacement planting and the need to develop the subject site to its maximum potential in accordance with strategic land use policy for urban areas. I also note that the planning authority has raised no objection to the loss of existing trees on site to facilitate the proposal.
- 7.4.15. As the site is zoned for residential development and is serviced and suitable in principle for such use, some level of loss to trees is acceptable and unavoidable. Significant numbers of trees are proposed, and landscaping plan to retain and enhance tree planting, and boundary hedgerows, etc. included.

Existing stone wall boundary

- 7.4.16. The eastern boundary of the site along the R132 is defined by a stone wall and dense landscaping as illustrated in the attached presentation document. The proposal includes the creation of a new vehicular entrance which will result in removal of part of the stone wall. I refer to the concerns raised within the grounds of appeal which raise concern in relation to the visual impact of the removal of part of

the stone wall at the entrance to Drogheda and its impact on the character and setting of Knockmount House.

- 7.4.17. Drawing no. FI002 illustrates that the replacement wall will be clad in reclaimed stone from the existing wall. I consider that the new boundary in terms of its scale, design and materials will complement and harmonise the existing boundary treatment. I note that Knockmount House is neither a protected structure or located within an Architectural Conservation Area. I do not consider that the proposed works to facilitate the entrance to the site will unduly impact on the visual amenities of the area or the character and setting of Knockmount House.

Conclusion

- 7.4.18. On an overall basis, in design terms, I consider that the proposal presents a modern building form which successfully integrates into the character of the area. I consider that the proposal would integrate positively into the existing streetscape and the development has been appropriately designed to respond to the existing site context and negate against impact on the character and setting of Knockmount House.

7.5. Height and Impact on Visual Amenity

- 7.5.1. The appeal site is located within an established residential area in close proximity to Drogheda town centre. The site is currently occupied by a 2 storey residential property and associated outbuildings set within a mature woodland landscape set back from the Dublin Road (R132) and enclosed by a stone wall. Views of the existing residence on site are limited having regard to the nature of existing boundary treatments and dense landscaping.
- 7.5.2. Concerns relating to the height and associated visual impact of the proposal are raised within the grounds of appeal. The appeals outline that the principle of the proposed height on site is contrary to the requirements of Policy RES19 of the Drogheda Borough Council Development Plan 2011-2017 which relates to a height threshold of 3, max 4 stories for residential development within Drogheda. It is stated that the proposal is visually incongruous within the existing site context and will have a negative impact on the visual amenity of existing residential dwellings in the vicinity of the site and impact on the character and setting of Knockmount House.

- 7.5.3. The prevailing height context in the vicinity of the site comprises 2 storey residential properties to the south and west. The proposal comprises the construction of 2 no. apartment blocks including a 3 storey block to the south of Knockmount House and a 5 storey block to the north of the site in proximity to the Navan- Oldbridge railway line. The height of the proposed apartment blocks range from 9m to 16m (2 to 5 storeys). Knockmount House has a maximum height of 8.67m. The south building is a three storey block with a maximum height of 10.50m. The north building ranges in height from 4 to 5 storeys (12.75m to 16.05m). This block steps down to 4 storeys in proximity to Knockmount House, the existing 2 storey period residence on site. Drawing no. PP501 Contiguous Elevations and Site Sections illustrates the relationship of the proposal with adjoining buildings and indicate that site levels vary from 98mOD along Dublin Road to 102.85mOD on site.
- 7.5.4. At the outset, I note that the appeals raise concern in relation to the principle of the proposed heights and non-compliance with Policy RES19 of the Drogheda Borough Council Development Plan 2011-2017 (DBC DP) which outlines that: *“residential buildings shall not exceed 3 storey’s in height, (including roof space development), except in exceptional circumstances where the planning authority considers that the site can adequately accommodate 4 storeys (including roof space development) and where provision for higher buildings is provided for in any local area plan”*.
- 7.5.5. I note that the Drogheda Borough Council Development Plan 2011-2017 predates the publication of the Urban Development and Building Height Guidelines. Section 1.14 of the Guidelines outline that they take precedence over any conflicting policies and objectives of development plans. The proposal was assessed by Louth County Council in accordance with the objectives of the Building Height Guidelines. No objection to the proposed height of the development was raised by the planning authority in this regard.
- 7.5.6. The Drogheda Borough Council Development Plan 2011-2017 has been replaced by the Louth County Development Plan 2021-2027 which came into effect on the 11th of November 2021. No height thresholds are set out within the Louth County Development Plan 2021-2027. Section 2.13.4 of the Development Plan outlines that the Local Authority will actively promote and support proposals to develop buildings of increased height on suitably located and configured lands. The plan identifies the traditional low rise nature of buildings within Drogheda and Dundalk of 2-3 storeys

and supports the development of high buildings on lands which are “*centrally located, in proximity to public transport or in strategic locations in the Town where such buildings could function as a landmark or focal point for development*”.

- 7.5.7. The Development Plan outlines that a more detailed analysis of the preferred location for taller buildings will be carried out as part of the Joint UAP/LAP for Drogheda. In the interim the development of taller buildings, which are supported by appropriate design briefs, and which are consistent with the provisions of the Specific Planning Policy Requirements set out in the Urban Development and Building Heights, Guidelines for Planning Authorities, 2018, will be considered. Further guidance on appropriate locations for additional height are identified within 5.1.11. of the Louth County Development Plan. Reference is made to locations in proximity to public transport and along the main approach roads to towns in this context.
- 7.5.8. A rationale for the height strategy for the site is set out within the architectural design statement submitted in conjunction with the application. This outlines that building heights are determined on the basis of existing site characteristics including its woodland setting, the existing building on site and its location relative to existing residential properties. In this regard it is noted that the highest element of the proposal is located to the north of the site where the site adjoins the existing rail line and landscaping is dense. The height of the northern block is stepped down to 4 storeys in proximity to Knockmount House.
- 7.5.9. As there are no height restrictions pertaining to the site in the development plan, and the proposed development does not materially contravene the Plan, I am satisfied that strict reliance on SPPR3 is not required to facilitate a grant of permission. However, as an aid to assessing the merits of the scheme, in respect of the proposed height, I have considered the proposal in line with the criteria set out within the Building Height Guidelines and the Louth County Development Plan 2021-2027. At the scale of the town/city, I note that the site is located at an accessible location in close proximity to Drogheda town centre, adjacent to a public transport hub. The site is not located within a visually sensitive location or within the path of a protected view as identified within the Louth County Development Plan 2021-2027.

- 7.5.10. At the scale of the district/neighbourhood, I consider that the proposal responds to its overall natural and built environment. The proposed brick finish of the apartment buildings reflect that of Knockmount House. The proposed mix of 1,2 and 3 bed apartments will add to the mix of residential units within the area. I refer to the location of the site adjacent to the railway line and along a main approach road to Drogheda town. I consider that the proposed height can be accommodated in visual terms subject to assessment of any residential amenity considerations.
- 7.5.11. In my view the proposed development includes an effective mix of 2,3,4 and 5-storey heights which integrate well into existing neighbourhoods with the 5 storey element of the proposal in proximity to the rail line to the north and dense landscaping. While there is a stepping up in height from the existing houses, I consider that there is an appropriate transition between the scale and massing of the proposed development and neighbouring properties. I consider that the form, massing and height of proposed development and the orientation of the apartment blocks have been carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light as detailed further in this assessment. I consider that the principle of additional height can be considered at this location subject to consideration of relevant qualitative and amenity standards.
- 7.5.12. I note the reference in the grounds of appeal to concerns relating to the height of the proposal in the context of fire safety. However, as detailed within Section 3.3 of the Urban Development and Building Height Guidelines compliance with fire safety requirements is a separate, parallel, regulatory requirement. As detailed further in this report the proposed access has been designed to accommodate emergency vehicles.
- 7.5.13. In terms of the visual impact of the proposal, I note that views of Knockmount House on site are limited having regard to the nature of existing boundary treatments including the stone wall which forms the eastern boundary of the site and dense landscaping. The site is not located within the path of a protected view or prospect as identified within the Louth County Development Plan 2021-2027.
- 7.5.14. Concerns are raised within the appeal in relation to the lack of Verified Photomontages and CGI's to inform a full assessment of the visual impact of the proposal. However, I consider that the scope of the application is sufficient. A series

of 3D Visuals and Aerial Views prepared by McKeivitt King Architects are submitted in conjunction with the application which illustrate the visual impact of the proposal.

- 7.5.15. In conclusion, I consider that the principle of additional height can be considered at this location subject to consideration of relevant qualitative and amenity standards. While the proposed buildings will be visibly taller than existing buildings within the vicinity, views of the development will be somewhat limited as a result of the set back from the Dublin Road and landscaping proposals which include retention of a number of mature trees on site and replacement planting. The proposed apartment blocks are sufficiently set back from adjoining residential areas and the building heights are successfully modulated to negate against impact on adjoining residential amenities.

7.6. Impact on Residential Amenity

- 7.6.1. The appeal site is located within an established residential area and adjoined by existing residential development at Mount Auburn Close and Mount Auburn to the south and west and currently occupied by an existing residential property Knockmount House. Additional residential development is located further north of the site at Cromwell's Lane at the opposite side of the railway tracks.
- 7.6.2. Concerns relating to the impact of the proposal on the residential amenity of adjoining properties are raised within the 3rd party appeals. It is stated that the proposal will overlook existing properties, reference is made to the lack of a Sunlight/Daylight assessment with the application and concerns are raised in relation to the siting of the proposed bin storage area. The grounds of appeal outline that the proposed development is contrary to the RE zoning objective pertaining to site as set out within the Drogheda Borough Council Development Plan 2011-2017 on the basis of its impact on the residential amenity of existing properties.

Overlooking

- 7.6.3. The grounds of appeal raise concern that the proposed balconies will overlook the private open space of neighbouring properties at Mount Auburn and Mount Auburn Close and result in a perception of being overlooked. It is stated that the loss of private open space currently enjoyed by residents will impact on residential amenity.

- 7.6.4. I consider that the proposed development has been designed to take account of the amenities of existing residents in the vicinity of the site. In terms of separation distance, I note that the proposed apartment blocks are set back by over 22m from the upper floors of the proposed development and first floors of existing houses at Mount Auburn and Mount Auburn Close to the west and south in accordance with the standards set out within Section 13.8.9. of the Louth County Development Plan.
- 7.6.5. The Proposed Site Layout Plan illustrates that the northern apartment block is set back by over 13m from the western site boundary and over 22m from the nearest residential property. The southern block is set back over 11m from the southern site boundary and 12m from the southern site boundary. Balconies are proposed on the south-western elevation of the proposed apartment blocks and while there may be a perception of increased overlooking, I consider that the proposal is appropriate in an urban context.
- 7.6.6. At present the western and southern site boundaries are defined by dense hedging and trees as illustrated within the attached presentation document. The existing properties and associated private amenity space to the south and west of the site are currently not visible from the site. The Landscaping Plan illustrates that the existing boundary treatment will be retained and supplemented by additional tree planting. I consider that the existing and proposed boundary treatment will also negate against overlooking.
- 7.6.7. In conclusion, having regard to the separation distance between the proposed apartment blocks and adjoining properties and the existing and proposed boundary treatment I do not consider that the proposal would result in undue overlooking/loss of privacy of existing residential properties to the south and west of the site.

Location of Bin Storage

- 7.6.8. Concerns relating to the proximity of the proposed bin storage area to no. 11 Mount Auburn Close are raised within the grounds of appeal. Reference is made to potential dis-amenity impacts associated with the proposed bin storage including potential smells and rodents in proximity to adjoining properties. I refer to the Proposed Site Layout Plan which illustrates that the proposed bin storage area is located c.10m from the closest residential property at no. 11 Mount Auburn Close.

- 7.6.9. Details of the proposed bin store are illustrated on Drawing no. FI401. The proposed store is enclosed, 3.2m in height and clad in select brick/stone with a timber door. Ventilation openings are provided along the elevations of the structure. Landscaping is proposed in the vicinity of the bin store to negate against visual impact.
- 7.6.10. I refer to the guidance set out within Section 13.8.19 of the Louth County Development Plan which outlines that bin storage provision within developments shall be screened, conveniently located and well ventilated. I consider that the location of the storage as proposed in accordance with Development Plan guidance. The structure is enclosed and ventilated, and this should negate against disamenity impacts on adjoining properties.
- 7.6.11. I note that concerns relating to the location of the proposed bin storage was raised by Louth County Council within their request for further information, primarily on grounds of the visual impact of the structure at the access to the development. A rationale for the siting of the bin storage area is set out within the applicant's FI response on the basis of its accessibility to all residents within the complex and at a location where bin lorries will not block vehicle movements within the site. Additional screening was proposed to negate against the visual impact of the unit. Potential alternative locations for the bin storage are illustrated in Drawing no. FI004.
- 7.6.12. On review of the proposal, I consider that there is sufficient separation distance between the proposed bin storage unit and adjoining residential properties including no. 11 Mount Auburn Close. The limited height of the structure and existing and proposed landscaping, and additional boundary treatment will negate against visual impact on adjoining residential properties. The structure is enclosed and ventilated, and this should negate against impacts on adjoining properties including smells and rodents.

Sunlight, Daylight and Overshadowing

- 7.6.13. The proposed apartment buildings range in height from 3 to 5 stories. The grounds of appeal outline that the insufficient information is provided in relation to the sunlight, daylight and overshadowing impact of the proposed development on adjoining residential properties.
- 7.6.14. Section 13.8.10 of the Louth County Development Plan outlines that *"Care shall be taken in the design of residential developments to ensure adequate levels of natural*

light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided”.

- 7.6.15. The provisions of BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) are relevant in the assessment of this development. The BRE document is specifically referenced in the Louth Development Plan (Section 13.8.10 Development Management Standards), in addition reference to same is made in the Section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in buildings’), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines and the Louth County Development Plan 2021-2027.
- 7.6.16. I have also carried out a site inspection, considered the submissions received, that have raised issues in respect of potential impact on their houses and properties as a result of overshadowing/loss of sunlight/daylight and reviewed the planning drawings relating to the properties to the south and west of the appeal site.
- 7.6.17. The Building Height Guidelines seeks compliance with the requirements of the BRE standards and associated British Standard (although I note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and that where compliance with requirements is not met that this would be clearly articulated and justified.
- 7.6.18. The Building Research Establishments (BRE) ‘Site Layout Planning for Daylight and Sunlight – A guide to good practice’ provides a number of tests relevant to residential amenity (eg. ADF, VSC, Sunlight to existing amenity space, Sunlight to adjoining property and APSH, etc) to measure daylight, sunlight and overshadowing impact. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria (para.1.6). The BRE guidelines also state in paragraph 1.6 that:

“Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.”

7.6.19. The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones. The BRE guidelines state that in relation to daylight to existing buildings:

“Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases, the loss of light will be small...” (para. 2.2.4)”

7.6.20. No Sunlight and Daylight assessment is submitted in conjunction with the application. Notwithstanding, I have given consideration to the issue of sunlight and daylight, in the context of guidance contained within both the BRE guidelines and associated BS 17037:2018.

- *Nos 1-11 Mount Auburn Close*

7.6.21. The nearest residential properties to the site include no. 1-11 Mount Auburn Close to the south of the site and 31 to 35 Mount Auburn to the west of the site. The proposed 3 storey apartment block to the south of the site has a maximum height of 10.8m and is located a minimum of 12.25m from the southern site boundary. A minimum separation distance of 22m is maintained between the proposed southern block and the existing properties at Mount Auburn Close.

7.6.22. I have had regard to the guidance set out within Figure 20 ‘Decision Chart’ of BRE 209. On the basis of the assumption that the centre point of the ground floor windows of properties at Mount Auburn Close are 1.6m, a separation distance of 22m between the proposed block and existing properties and the proposed height of the southern block, I conclude that while the distance of the proposed development is less than 3 times its height above the lowest window of existing properties, the proposed development does not subtend more than 25 degrees at the lowest windows of existing properties to the south. As a result, it is unlikely that existing daylighting to the identified existing properties would be significantly affected in accordance with the guidance set out within paragraph 2.1.6 of BRE 209.

7.6.23. Having regard to separation distances from the site to properties at Mount Auburn Close, and the location of the site to the north of these dwellings I do not envisage that overshadowing/loss of sunlight on private amenity space arise.

- *Nos. 31- 35 Mount Auburn*

7.6.24. To the west the appeal site is adjoined by nos. 31 to 35 Mount Auburn. The Proposed Site Layout Plan illustrates that separation distances between the proposed apartment blocks and the rear elevation of dwellings at nos. 31 to 35 Mount Auburn are in excess of 22m (ranging from 22m from the southern block to 24 m to the northern block). I note the presence of sunrooms attached to the dwellings at this location but given the level of glazing in these structures, I do not envisage the proposal would impact on daylight levels. The northern block is 4 storeys in height along the western site boundary (12.75m). Having regard to the separation distance between the proposed blocks and existing properties to the west and the proposed height of both blocks I conclude that while the distance of the proposed development is less than 3 times its height above the lowest window of existing properties, the proposed development does not subtend more than 25 degrees at the lowest windows of existing properties to the west. As a result, it is unlikely that existing daylighting to the identified existing properties would be significantly affected in accordance with the guidance set out within paragraph 2.1.6 of BRE 209.

7.6.25. In conclusion, having regard to the minimum 22m separation distances from the proposed apartment blocks to the existing adjacent dwellings to the south and west, the modulated approach to height of the proposed apartment buildings (3 to 5 storeys) with the highest part of the development is located to the north of the site furthest from the existing residential properties and the 3 storey element of the proposal to the south of the site and the orientation of the proposed apartment buildings relative to adjoining properties I do not envisage that they will result in significant overshadowing/loss of sunlight/ loss of daylight to existing adjoining property.

7.6.26. Overall, I am satisfied that daylight, sunlight and overshadowing impact from the proposed development upon existing properties will be within an acceptable range for an urban environment and not significantly harmful.

- *Proposed Scheme*

- 7.6.27. In terms of the availability of daylight and sunlight for future residents of the scheme I consider that the modulated approach to building heights with the 3 storey element to the south and the 5 storey element to the north will limit the extent of overshadowing that may result. I consider that the separation distances between the proposed blocks and the proposed blocks and existing dwelling on site are acceptable within an urban context and will limit the degree of obstruction that could result between blocks in the proposed development. Buildings proximate to the subject site are not of a scale or height that would generate significant obstruction to light or overshadowing of areas.
- 7.6.28. All of the proposed apartments are dual aspect, maximising available light and ventilation to the units proposed. While the proposed apartment blocks include overhanging balconies located directly above each other the rooms opening onto the balconies are dual aspect and have additional windows on external walls which would provide the primary light source to the rooms. The proposed floor to ceiling heights of 2.7m at ground floor and 2.4m at upper levels within the proposed apartment blocks and 3.05m at ground floor and 2.9m at first floor of Knockmount House and large window openings will provide natural light to living areas and provide a high quality living environment. The proposed open space areas within the scheme are positioned to face south and west which maximises access to sunlight.
- 7.6.29. In conclusion, having regard to the low scale of the surrounding existing residential development, the separation distances between the proposed blocks and the dual aspect design I consider that appropriate daylight and sunlight standards will be achieved for future occupants of the development.

Contrary to Zoning Objective

- 7.6.30. I refer to the grounds of appeal which outlines that the proposal is contrary to the RE zoning objective as set out within the Drogheda Borough Council Development Plan 2011-2017 which seeks *“to protect and/or improve the amenities of developed residential communities”*. It is stated that the scale of the proposal neither protects or improves the residential amenity of the surrounding residential community.
- 7.6.31. As earlier detailed, I note that the operative development plan for the Drogheda area is the Louth County Development Plan 2021-2027 which came into force on the 11th of November 2021. The site is zoned Objective A1 for existing residential purposes

within the existing LCDP with an objective *“To protect and enhance the amenity and character of existing residential communities”*. The A1 zoning objective as set out within the existing Development Plan primarily reflects that set out within the Drogheda Borough Council Development Plan 2011-2017.

- 7.6.32. Having regard to the assessment carried out above, I consider that the proposal has been appropriately designed to negate against impact on adjoining residential properties. I do not consider that the proposal will result in undue overlooking or overshadowing of adjoining properties or consider that the proposal represents a scale or format of development which would unduly impact on the residential amenity of existing dwellings.
- 7.6.33. The A1 “Existing Residential” zoning objective pertaining to the site reflects the presence of Knockmount House on the site. In my view the proposal comprises the successful reuse, refurbishment and enhancement of the existing property on site. The proposal comprises the development of a centrally located brownfield/infill site at an appropriate density in accordance with national and local policy objectives which support compact growth. I therefore consider the proposed development to be in accordance with the zoning objective pertaining to the site.
- 7.6.34. In conclusion, I consider that the proposed development maintains adequate separation distances from the existing residential properties. It would not give rise to undue overlooking or overshadowing of adjoining properties or otherwise cause serious injury to the residential amenities.

7.7. Residential Amenity of Proposed Apartments

- 7.7.1. Regarding the proposed apartments blocks in all instances compliance has been demonstrated with key aspects of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) in relation to the mix of units, the size and internal layout of each unit, orientation and the level of private amenity space provided.
- 7.7.2. There appear to be some minor discrepancies between the schedule of areas provided and the floor plans in terms of compliance with the relevant storage standards. In this regard I note that the schedule of areas outline that the 3 bed units in Apartment Block A (North Block Units 5,10,15 and 20) comply with the 9 sq.m. internal storage space requirements. However, the plans illustrate a total of 7.8sq.m.

of storage space. I consider that the provision of storage in accordance with the relevant standards could be addressed via revised layouts in the instance that the Board is minded to grant permission for the development.

- 7.7.3. I note that there are some minor deviations from the standards for the proposed apartment units within Knockmount House in terms of the aggregate floor areas for living/kitchen dining room in Units 23 and 26. In this regard, I refer to the guidance set out within Section 6.9 of the Apartment Guidelines which outline the requirement for flexibility in application of the standards in a number of instances including refurbishment of existing buildings. I consider the proposed deviations from standards to be acceptable in this instance. The reuse and refurbishment is supported by Development Plan policies including Policy Objective BHC 44 of the Louth County Development Plan.
- 7.7.4. The overall mix of units includes 14 no. 1 bed units, 14 no. 2 bed units and 4 no. 3 bed units. No more than 50% of 1 bed apartments are proposed and, in this regard, the proposed mix of units is in accordance with the requirements of SPPR 1 of the Apartment Guidelines. The grounds of appeal outline that the proposal will not accommodate a mix of tenure. I consider that an appropriate mix of units is provided and furthermore consider the introduction of an apartment format development will add to the overall mix of residential units within the area.
- 7.7.5. All apartments are dual aspect and therefore exceed the requirements as listed under SPPR 4. All ground floor apartments exceed the minimum floor to ceiling heights of 2.7m required under SPPR5. The maximum number of apartments per lift core is 5 and the development is compliant with SPPR 6 in this regard.
- 7.7.6. The majority of the proposed apartments have access to private outdoor open space which is provided in the format of terraces and balconies. The quantum of private open space for the new apartment buildings in most instances substantially exceeds requirements, are contiguous to the living spaces and benefit from east, south and west orientations.
- 7.7.7. I note that no private open space is provided for unit no. 25 in Knockmount House. In this regard, I refer to Section 3.39 of the Apartment Guidelines which relates to relaxation of private open space requirements on a case by case basis for building refurbishment schemes. I consider the non-provision of private open space for the

unit to be acceptable in this instance. Having regard to the overall landscaped setting of the property, I do not consider the residential amenity of future occupants will be unduly compromised.

- 7.7.8. I refer to the guidance set out within Section 3.32 of the Apartment Guidelines which outlines that apartment schemes should provide storage for bulky items outside individual units (i.e. at ground or basement level). Bulky storage is provided at each apartment floor in proximity to the lifts and at basement level in Block A. I share the concerns by Louth County Council in relation to the configuration, layout and functionality of the of the proposed bulky storage areas. I consider that revised proposals for bulky storage should be provided in accordance with the requirements of Condition no. 2 of LCC's notification of decision to grant permission for the proposed development in the instance that the Board is minded to grant permission for the development.
- 7.7.9. In terms of the siting of the proposed apartment blocks I note that minimum separation distances in excess of 22m are provided between the proposed new apartment blocks. This will negate against overlooking between the blocks. In terms of the interface between the proposed apartment blocks and the existing dwelling on site I note that the southern apartment block is set back at a minimum distance of 5.7 m from Knockmount House, but no habitable rooms are provided along this elevation of the apartment block which would overlook the property. The northern block is located at a minimum of 4.4m from Knockmount House. However, no window openings of habitable rooms are provided on the north-western elevation of Knockmount House.
- 7.7.10. The site layout has been designed to ensure that there is a clear demarcation between public, private and semi-private space. The more public parts are located to the front of the buildings in a woodland setting while the semi-private parts are to the south and west in the formal gardens and orchards. The quantum of open space provided is well in excess of the relevant standards as set out within the Louth County Development Plan and the Apartment Guidelines.
- 7.7.11. I note the location of the appeal site relative to the existing operative rail line to the north of the site. In this regard the architectural design statement outlines that treble glazing is proposed. I consider that this would negate against noise impact.

- 7.7.12. As detailed in Section 7.6 above, having regard to the low scale of the surrounding existing residential development, the separation distances between the proposed blocks and the dual aspect design I consider that appropriate daylight and sunlight standards will be achieved for future occupants of the development.
- 7.7.13. In conclusion, I consider that the proposal would provide a high quality of residential amenity for the future occupants of the scheme.

7.8. Access and Transportation

- 7.8.1. A number of transportation related concerns are raised within the grounds of appeal. Concerns are raised in relation to the principle of the proposed access to the site from the R132, traffic impact of the proposal, proposed access and fire safety arrangements, poor pedestrian and cyclist environment in the vicinity of the site, insufficient car parking and lack of a Construction Management Plan. The points raised are addressed in turn below.

Proposed Access

- 7.8.2. Access to the site is proposed via the creation of a new vehicular entrance from the R132. The grounds of appeal also raise concerns in relation to the principle of the creation of an additional access from the Dublin Road. It is stated that the proposal is contrary to Policy TC 10 of the Louth County Development Plan 2015-2021 which seeks *“to prohibit the creation of new accesses or intensification of existing accesses onto National Routes and Protected Regional Routes as set out in Tables 7.2 and 7.3”*. The R132 Dundalk – Drogheda route is identified as a Protected Regional Route within Table 7.3 of the Louth County Development Plan 2015-2021.
- 7.8.3. In responding to the grounds of appeal, the applicant notes that the R132 in the vicinity of the site is not a location where Policy TC 10 relates. The requirements Policy TC10 of the Louth County Development Plan 2015-2021 are reflected within Policy Objective MOV 56 of the Louth County Development Plan 2021-2027.
- 7.8.4. Protected Regional Routes are identified in Table 7.10 of the Development Plan and illustrated in Map 7.2. The R132 Dundalk to Drogheda Route is identified as a Protected Regional Route in Table 7.10. I refer to the extract from Map 7.2 as illustrated in the attached presentation document. The R132, in the vicinity of the site, is identified as a “Regional Route” and not a “Protected Regional Route”. In this

regard I consider that the principle of the creation of an access to the site from the R132 can be considered.

- 7.8.5. The eastern boundary of the site along the R132 is defined by a stone wall and dense landscaping as illustrated in the attached presentation document. Access to the site is currently provided from Dublin Road (R132). The proposal includes the creation of a new vehicular entrance to the site from Dublin Road. The existing entrance is maintained as a pedestrian entrance.
- 7.8.6. The R132 adjoins the eastern site boundary and operates at speed limit of 50km/ph. The Proposed Site Layout Plan Drawing no. FI002 illustrates that sightlines of 49m at a set-back of 2.4m are provided in accordance with the requirements of DMURS at the proposed entrance. The proposed sightlines accord with DMURS for a 50km/h road design speed and are, in my view, acceptable.
- 7.8.7. Site levels between the site and Dublin Road vary from 98mOD along Dublin Road to 102.85mOD on site at this location. Drawing no. FI 502 illustrates the proposed vehicular access, roadside boundary wall and construction details. Drawing no. FI002 illustrates that the front boundary wall which retains the higher ground levels on site will be set back to facilitate the proposed entrance. A concrete retaining structure is proposed which will clad with reclaimed stone from the existing boundary wall.
- 7.8.8. The proposed vehicular entrance and internal road network is 7.2m wide and provides access to the proposed 14 no. surface level car parking spaces. A large turning circle area is provided to the east of the access road. Concerns relating to the impact of the proposed access road on existing mature trees on site were raised by Louth County Council within their request for further information. In response to the FI request, the applicant outlined that the proposal represented the least obtrusive design while providing the necessary sightlines for vehicles accessing the site.
- 7.8.9. Notwithstanding the case made by the applicant I consider that the internal road network and turning area constitutes an overengineered approach to access arrangements. In this regard, I would note that the Design Manual for Urban Roads and Streets (DMURS) recommends a standard carriageway width on local streets of 5 to 5.5 metres and a shared surface width of not more than 4.8 metres (Section

4.4.1 refers). I consider that a revised internal layout in accordance with the requirements of DMURS should be submitted for written agreement of the planning authority.

Traffic Impact

- 7.8.10. Concerns relating to traffic impact associated with the development are raised within the grounds of appeal. In terms of the reference within the grounds of appeal to the requirement for a Traffic Impact Assessment, I note that the proposal is below the thresholds for the requirement of a Traffic and Transport Assessment as identified within Table 2.2 of Transport Infrastructure Ireland's Traffic and Transport Assessment Guidelines (May 2014), namely 100 dwellings within urban areas or development which exceeds 5% of turning movements with national roads.
- 7.8.11. Details of predicted traffic movements associated with the development are provided within the response to the appeal prepared by Transport Insights (dated 6th of September 2021). This outlines that the proposal will generate a maximum of 9 no. vehicular trips during the morning (8am to 9am) and evening (5pm – 6pm) periods. In this regard it is stated that given the particularly low traffic generation potential of the proposed development, the development is not deemed to have potential to disrupt the flow of traffic on Dublin Road. It is furthermore stated that the quantum of parking on site will act as a limiting factor in relation to the number of vehicle trips the proposed development site might generate.
- 7.8.12. Having regard to the small scale of the development, comprising 32 no. apartments and the location of the site in close proximity to public transport connections and Drogheda town centre I do not consider that the development constitutes a scale or format of development which would generate substantial traffic movements.
- 7.8.13. I note the reference within the grounds of appeal to the requirement of an assessment of the cumulative traffic impact of the proposal and the concurrent application for 58 residential units at Bayview House to the north of the appeal site (ABP Ref: 310849-21). However, I note that the appeal site is served by a separate and independent access to that proposed for the Bayview House development. Having regard to the small scale nature of the development, I do not consider that it will have any material impact on the operation of the R132 and in this regard the issue of cumulative impact would not arise.

Existing Pedestrian Environment

- 7.8.14. The grounds of appeal refer to the requirement for a pedestrian and cycling safety audit to inform the application. The constraints of the existing pedestrian environment in the vicinity of the site are identified within the report on file from the Infrastructure Department in Louth County Council. In this regard it is stated that there is limited scope towards the north of the site to create additional road space for sustainable transport due to retaining walls and bridge abutments.
- 7.8.15. The appeal response prepared by Transport Insights outlines that there is no record of collisions involving cyclists on the Dublin Road in the vicinity of the site. While there are records of 2 no. incidents with pedestrians it is stated that pedestrian safety will be enhanced through the provision of a signalised pedestrian crossing on the Dublin Road.
- 7.8.16. No footpath is currently provided north of the rail bridge. Pedestrians from the development will have to cross the R132 to access the town and railway station. A pedestrian crossing on the R132 was proposed in response to Louth County Council's request for further information in order to enhance the connectivity of the site. The details of the proposed crossing are illustrated on Drawing no. C683_4 V 1.1 prepared by Transport Insights (attached as Appendix C of Transport Insights FI response). Concerns are raised within the appeal in relation to the limited width of the footpath to accommodate pedestrians associated with the pelican crossing. I consider that the width of the existing footpath is sufficient, and the proposed signalised pedestrian crossing will enhance road safety measures in the vicinity of the site. Final details of the proposed crossing should be subject to agreement with the planning authority in accordance with the requirements of Condition no. 27 of LCC's notification of decision to grant permission for the development.
- 7.8.17. In terms of the reference within the appeal to the requirement for a filter lane on the R132 I consider that there is no requirement for the creation of a filter lane to facilitate access to the site having regard to the small scale nature of the development.

Fire Safety Access

- 7.8.18. The grounds of appeal raise concern in relation to access for emergency vehicles including fire tender access. This point was raised by Louth County Council within

the request for further information. Drawing no. C683 “Vehicle Swept Path Analysis” prepared by Transport Insights illustrates that the proposed layout has been designed to accommodate a swept path of a 2.2m wide by 10.2m wide refuse vehicle.

- 7.8.19. The appeal response prepared by Transport Insights furthermore includes an overlay of the proposed access for fire services to the development on the Proposed Site Layout Plan (Drawing no ABP 002). On review of the documentation submitted I consider that the applicant has satisfactorily demonstrated that access for emergency vehicles is accommodated.

Car Parking Provision

- 7.8.20. The proposal includes the provision of 14 no. car parking spaces to serve the proposed 32 no. apartments. The grounds of appeal outline that the proposed parking provision is insufficient to accommodate the car storage requirements of the proposal. The application documentation outlines that the parking strategy for the proposed development has been devised having regard to the proximity of the site to Drogheda town centre, the train station and a number of bus routes.
- 7.8.21. In considering the grounds of appeal I note that the site is centrally located within Drogheda and is well served by public transport connections (including train and bus services). The site would be classified as a central location in accordance with the guidance set out within the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020)*. In such locations the guidelines advocate for car parking to be “*minimised, substantially reduced or wholly eliminated*”. Section 13.3.18 of the Development Plan sets out guidance in relation to instances where a reduction in car parking provision can be considered as detailed in Section 5 of this report. In this regard, I note that the site is centrally located within Drogheda and has connections to public transport and local services.
- 7.8.22. On the basis of the central location of the site and its public transport connections I consider that the proposed parking provision is sufficient to meet the requirements of the scheme. I refer to the requirements of Condition no. 6 of LCC’s notification of decision to grant permission for the development which outlines that 2 no. communal car parking spaces shall be provided with functioning electric vehicle charging stations/points as illustrated in Drawing no. FI005. I consider the requirements of this

condition to be appropriate in the instance that the Board is minded to grant permission for the development.

Construction Management Plan

7.8.23. Concerns in relation to the lack of a Construction Management Plan (CMP) as part of the application are raised within the grounds of appeal. It is stated that a CMP should have been submitted as part of the application documentation having regard to the location of the site within a residential area, adjacent to a train line and on a narrow public road with substantial traffic issues.

7.8.24. In considering the grounds of appeal, I note that the site is located adjacent to a regional road and the principle of access to the site is established. I consider that the principle of construction access to the site from the R132 is acceptable. I refer to the requirements of Condition no. 18 of Louth County Council's notification of decision to grant permission for the development which relates to the submission of Construction Management Plan including a Traffic Management Plan for all phases of the proposed development. I consider the requirements of this condition to be appropriate in the instance that the Board is minded to grant permission for the development.

7.8.25. In terms of the proximity of the appeal site to the existing rail line to the north of the site I note that no submission has been received from Iarnród Éireann on the application. The proposed northern apartment block is set back between 9m to 20m from the northern site boundary and further separated from the rail line by undeveloped land. The existing stone wall boundary along the northern boundary of the site is proposed to be retained. I do not consider that construction activities on site would impact on the operation of the railway. In terms of the operational phase of the development, I consider that maintenance of the proposed apartment blocks can be achieved without the requirement for access to Irish Rail property.

7.9. Landscaping and Ecology

7.9.1. The appeal site is located within a parkland/ woodland setting and contains mature trees to the east and north and a landscaped garden to the west. Concerns relating to the loss of existing trees on site and their associated ecological value are raised within the grounds of appeal. It is stated that the proposal is contrary to the

requirements of Policy CH8 of the Drogheda Borough Council Development Plan 2011-2017 in this regard.

- 7.9.2. At the outset, I note that no Tree Preservation Orders (TPO's) are identified on the site. The nearest TPO is identified at Bayview House to the north of the appeal site at the opposite side of the railway line. The existing trees on site are not identified as Trees and Woodlands of Special Amenity in Map 8.11 of the Louth County Development Plan 2021-2027. Policy Objective NBG 31 of the County Development Plan outlines that in Drogheda and Dundalk, replacement trees will be required at a ratio of 5:1 where the removal of trees is required in order to facilitate development. The requirements of this Policy Objective NGB 31 primarily reflect that of Policy CH8 of the DBCDP as referenced by the appellants within the grounds of appeal.
- 7.9.3. The application is accompanied by an Ecological Impact Assessment, Landscaping Plan, Arboricultural Impact Assessment and Bat Survey. The Tree Constraints Plan prepared by Dr. Philip Blackstock identifies the locations of existing trees on site. A total of 123 no. trees are identified. The Arboricultural Impact Assessment identifies that 17 trees on site should be felled on site for safety reasons irrespective of future proposals for the site. 61 no. trees are proposed for removal to accommodate the proposed development. An Arboricultural Method Statement is identified to ensure that trees to be retained are not adversely affected by the proposed development.
- 7.9.4. I refer to the concerns raised within the appeals in relation to the impact of the proposed loss of trees on the ecological value of the site. An Ecological Impact Assessment prepared by Whitehill Environmental was submitted in conjunction with the application. This identified that the biodiversity of the application site varies from low to moderately important on a local level and the most valuable habitats on the site are the woodland habitats which provide a refuge for birds and possibly bats in an area that is mostly dominated by urban habitats.
- 7.9.5. The Ecological Impact Assessment outlines that given the baseline level on noise on site from the Dublin Road the site is unlikely to be of high value for nesting bird species. The assessment outlines that the trees remain the most important ecological feature within the site. Section 6 of the assessment identifies Mitigation Measures to negate against impact on ecological receptors within the site.

- 7.9.6. A Bat Assessment was undertaken in response to Louth County Council's request for further information. This identified bat activity on site along the tree line. Species identified within the survey include common pipistrelle, soprano pipistrelle and Leister's bat. Mitigation measures are identified within the report which include an examination of the existing house for the presence of bats prior to the commencement of any works and checking existing trees prior to felling, planting of vegetation, retention of as many of the existing trees as possible, specifications for lighting on site and provision of bat boxes. The survey outlines that while the development will reduce the availability of lands to bats and some loss of feeding due to the loss of vegetation the development will have no direct impact upon the conservation status of any bat species.
- 7.9.7. I note that the trees proposed for removal are not protected or identified as amenity value within the Louth County Development Plan. A landscaping plan is submitted in conjunction with the application which details planting on site. Having regard to the high quality landscape and planting proposals I have no objection to the loss of trees within the site to facilitate the proposed development. I furthermore refer to the requirements of Policy Objective NGB 31 of the Louth County Development Plan which states that replacement trees will be required at a ratio of 5:1. I consider that full compliance with this objective would prove difficult on the site. The removal of trees on site is in my view acceptable having regard to the need to develop the subject site to its maximum potential in accordance with strategic land use policy for urban areas. I furthermore note that the planning authority raised no objection to the loss of these trees.
- 7.9.8. The concerns of the third parties are noted, however, having regard to the contents of the Ecological Impact Assessment and Bat Assessment, which are evidence based and robust, it is my view that sufficient information has been submitted to fully assess the impact of the development and it is considered that the proposed development would not have a significant negative impact on the biodiversity of the site. I refer to the requirements of Condition no. 5 of Louth County Council's notification of decision to grant permission for the development which outlines that mitigation measures set out within the Bat Assessment shall be adhered to. I consider that the requirements of this condition to be sufficient to protect the existing species on site.

7.10. Other

Procedural Issues- Validity of Public Notices

- 7.10.1. The appeal from Jason and Lara Synnott & Others questions the validity of the public notices on the basis that the public notices did not state that an environment impact statement was submitted. In this regard, I note that an Environmental Impact Assessment Report was not submitted in conjunction with the application documentation. The application documentation includes an Ecological Impact Assessment (EclA) prepared by Whitehill Environmental. The planner's report dated the 27/01/21 outlines that the submissions on file appear to have mistaken the EclA for and EIAR.
- 7.10.2. There is no legislative requirement to include specific reference to the Ecological Impact Assessment within public notices. The notices were considered acceptable and deemed valid by Louth County Council.

Archaeology

- 7.10.3. An Archaeological Impact Assessment prepared by ASC is submitted in conjunction with the application. This identifies that the site does not contain any recorded monuments or sites. The nearest Recorded Monument is a Mound which is located c.0.27km to the west. The Zone of Archaeological Potential for the Historic Town of Drogheda is identified within Map 9.1 of the Louth County Development Plan 2021-2027. The appeal site is located c0.6km to the east of the Zone of Archaeological Potential. The nearest protected structure is Bayview House located c.40m to the northwest of the site.
- 7.10.4. The Archaeological Impact Assessment concludes that while the site contains no recorded monuments, the location of the site within the environs of the Historic Town of Drogheda would suggest that the site has some potential to contain subsurface features or deposits of an archaeological nature. The study recommends mitigation measures on site including a testing programme prior to construction in order to mitigate any potential impact on possible archaeology. Where testing is not possible due to constraints it is recommended that monitoring should take place during groundworks.

7.10.5. Concerns relating to the scope of the study are set out within the 3rd party appeal by Jason and Lara Synnott & Others. The appeal outlines that a desk top study and field survey is insufficient to determine if there will be any adverse impact on the potentially historic medieval site. It is stated that test trenching is required as part of the application. In considering the grounds of appeal I note that the site is not located within a Zone of Archaeological Potential. I consider that the mitigation measures as detailed within the AIA including test trenching prior to the commencement of construction on site are sufficient to negate against any potential impact on archaeology.

7.10.6. I furthermore refer to the requirements of Condition no. 13 of Louth County Council's notification of decision to grant permission for the development which outlines that a suitably qualified archaeologist shall be employed to monitor all groundwork associated with the development. I consider that the requirements of Condition 13 are appropriate in the instance that the Board is minded to grant permission for the development.

7.11. **Appropriate Assessment**

The development site is not located within or directly adjacent to a designated European site. The closest Natura 2000 site to the development is the River Boyne and River Blackwater SAC (002299) which is located c. 612m to the north.

No Appropriate Assessment Screening Report is submitted in conjunction with the application. Section 4.2 of the Ecological Impact Assessment (EclA) prepared by Whitehill Environmental submitted in conjunction with the application identifies designated Natura 2000 sites within the vicinity of the site. The following 6 no. European sites are located within a 15km radius of the site and separation distances are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
Boyne Coast and Estuary SAC	001957	2.2km
River Boyne and River Blackwater SAC	002299	612m
Clogher Head SAC	001459	11km
Boyne Estuary SPA	004080	1km

River Boyne and River Black Water SPA	004232	4km
River Nanny Estuary and Shore SPA	004158	6km

The designated area of sites within the inner section of Boyne Estuary, namely the Boyne Coast and Estuary SAC and the River Boyne and River Blackwater SAC, are proximate to the outfall location of the Drogheda WWTP and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological and hydrological pathways.

7.11.1. *Screening Assessment*

The Conservation Objectives and Qualifying Interests of sites in inner Boyne Estuary are as follows:

<i>Boyne Coast and Estuary SAC (001957)</i> - c 2.2 km from the subject site
<i>Conservation Objective</i> - To maintain the favourable conservation condition of Estuaries in Boyne Coast and Estuary SAC
<i>Qualifying Interests/Species of Conservation Interest:</i> Estuaries; Mudflats and sandflats not covered by seawater at low tide; Salicornia and other annuals colonizing mud and sand; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>); Mediterranean salt meadows (<i>Juncetalia maritimi</i>); Embryonic shifting dunes; Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes'); *Fixed coastal dunes with herbaceous vegetation ('grey dunes')

<p>River Boyne and River Blackwater SAC (002299) - c. 612m from the subject site.</p>
<p>Conservation Objective – To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
<p>Qualifying Interests/Species of Conservation Interest: Alkaline fens; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae); <i>Lampetra fluviatilis</i> (River Lamprey); <i>Salmo salar</i> (Salmon); <i>Lutra lutra</i> (Otter)</p>

7.11.2. Identification of likely effects

Section 4.2 of the EclA relates to impacts upon designated sites. This outlines that the proposal will have no direct, indirect or cumulative impacts upon any site designated as a SAC or SPA. There will be no land take or fragmentation of any habitat within the SAC/SPA. There will be no impact upon any of the species that use any SAC/SPA. No mitigation measures are required as part of this development to specifically protect the integrity of any Natura 2000 site.

In addition to the above, I note that there are no watercourses or water bodies present within the site or its immediate environs. There are no natural surface water features within the site or in close proximity to the boundary of the site.

During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Boyne Estuary from surface water run off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in the Boyne Estuary (dilution factor).

The foul discharge from the proposed development would connect to the public sewer along Dublin Road to the Drogheda WWTP for treatment and ultimately discharge to Boyne Estuary. Therefore, there is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in the Boyne Estuary due to the wastewater pathway.

The subject site is identified for development through the land use policies of the Louth County Development Plan 2021 - 2027. This statutory plan was adopted in 2021 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is located on serviced lands in an urban area. The proposal includes SuDS / attenuation measures which will restrict surface water run-off into the public network. As such the proposal will not generate significant demands on the existing municipal sewers. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.

The Drogheda WWTP has a design capacity of 101,600 population equivalent (P.E.) In 2019, the Annual Environmental Report submitted to the EPA reported a collected load (peak week) of 75,062 P.E. The 2019 AER also stated that capacity is not likely to be exceeded within the next three years. This indicates that there is sufficient capacity within the existing WWTP to treat the additional loading from the proposed development.

It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Boyne Coast and Estuary SAC and the River Boyne and River Blackwater SAC and that Stage II AA is not required.

7.11.3. Screening Determination

It is reasonable to conclude that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, the information submitted as part of the applicant's EclA that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a

significant effect on the Boyne Coast and Estuary SAC and the River Boyne and River Blackwater SAC or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the site, national and local policy objectives which support the redevelopment of brownfield/infill sites, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area, would not adversely impact on the character and setting of Knockmount House and would be acceptable in terms of the safety and convenience of pedestrians and road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 27th of November 2020 and as amended by further plans and particulars received on the 28th of June 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Prior to the commencement of development details of the materials, colours and textures of all the external finishes to the proposed buildings, surface materials and public realm finishes shall be submitted for written agreement of the planning authority</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The proposed development shall be incorporate the following:</p> <ul style="list-style-type: none"> • Secure provision for bulky storage areas allocated to individual apartments, located close to the apartment blocks. • Provision of a concrete post and timber fence along the southern site boundary. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Works to facilitate the conversion of Knockmount House shall be carried out as proposed and to the specifications set out within the Architectural Impact Assessment prepared by Mc Kevitt King Architects (dated October 2020) and in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts, Heritage and Gaeltacht (2011) or as otherwise stipulated hereunder:</p> <p>Reason: To protect architectural heritage and in the interests of the proper planning and sustainable development of the area.</p>
5.	<p>(a) Mitigation measures detailed in the Bat Assessment received on the 28th of June 2021 shall be adhered to.</p> <p>(b) A derogation licence for bats must be sought and any conditions or requirements of the licence by the NPWS must be adhered to.</p> <p>Reason: To ensure the protection of natural heritage on site.</p>

6.	<p>A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtillage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles</p>
7.	<p>The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>Tree Protection Measures as detailed in the Arboricultural Impact Assessment received on the 27th of November 2021 and the 28th of June 2021 shall be adhered to.</p> <p>Prior to first occupation of any apartments the public realm hard and soft landscaping shall be completed to the satisfaction of the planning authority.</p> <p>Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. The scheme shall adhere to the Bat Conservation Trust Guidelines 2018. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety and to conserve bat species.</p>

9.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
10.	<p>Prior to the commencement of development, the developer shall liaise with the Infrastructure Department in Louth County Council to ascertain their requirements relating to the proposed pedestrian crossing on Dublin Road. The crossing shall be completed and commissioned prior to occupation, lease and or sale of any residential units.</p> <p>Reason: In the interest of orderly development and to ensure traffic safety.</p>
11.	<p>Prior to the commencement of development, the developer shall submit revised proposals for the internal road network for written agreement of the planning authority. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
13.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
14.	<p>The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p>

	Reason: In the interest of public health.
15.	<p>Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
16.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
17.	<p>The construction and demolition of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of work, noise and dust management measures, a Traffic Management Plan, details of disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

18.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
19.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. [The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.].</p> <p>Reason: In the interest of sustainable waste management.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and</p>

	<p>maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development.</p>
21.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the</p>

	<p>planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Stephanie Farrington
Senior Planning Inspector

16th of December 2021