



An
Bord
Pleanála

Inspector's Report

ABP-311126-21

Development	Construction of a three storey building comprising 6 apartments.
Location	Bridge Store, Castletown Road, Dundalk, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	20900
Applicant(s)	Samantha Fegan.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Geraldine Martin and Others.
Observer(s)	N/A.
Date of Site Inspection	7 th of October 2021.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.07ha, comprises a vacant brownfield vacant site to the east of the railway line and bridge at Castletown Road in Dundalk. The site is currently enclosed by 2m-2.2m high perimeter fencing along the northern and eastern site boundaries and a 2.5-3m high wall along the southern and western boundaries. The railway line runs to the west of the site. Existing site levels range from c.2.8m OD to 3.5m OD.
- 1.2. The site is adjoined by Castletown Road to the north and Moira Terrace to the east. The existing pattern of development in the vicinity of the site comprises 2 storey red brick properties along Moira Terrace to the east and semi-detached bungalows along Castletown Road to the north east. To the south the site is adjoined by a green open space.

2.0 Proposed Development

- 2.1. The development, as originally proposed, comprised of a three storey mixed use building with 2 no. retail units at ground floor level, 2 no. 1 bed apartments and 2 no. 2 bed apartments.
- 2.2. Significant further information was submitted on the 23/06/2021 which included replacing the 2 no. shops at ground floor level with 2 no. apartments (1 no. 2 bed apartment and 1 no. one bed apartment). The revised proposal includes the provision of 6 no. apartments on site. Further amendments to the site layout were made in response to Louth County Council's request for further information. Of significance the FFL of the building was increased to 4.69 OD and a stepped entrance and ramp provides access to the apartment block.
- 2.3. The building has a flat roof design and a ridge height of 9.925m above ground level. The proposed materials comprise a mix of plater render and brick. Communal open space to provided to the north of the site. Private open space is provided in the format of balconies for each unit. Table 1 provides a summary of key site statistics.

Table 1: Key Figures	
Site Area	0.07ha
No. of Residential Units	6 no. apartments
Apartment Unit Mix	3 no. 1 bed units , (56.7 sq.m. excl. balcony) 3 no. 2 bed units (83.3 sq.m., excluding balcony)
Private Open Space	Balconies
Public Open Space	Not provided
Height	3 storeys (9.9m)
Car Parking	4 street level spaces
Bicycle Parking	6 spaces

3.0 Planning Authority Decision

3.1. Decision

Louth County Council issued a notification of decision to grant permission for the development subject to 10 no. conditions. The following conditions are of note:

- Condition no. 3: Material and external finishes to be agreed with the planning authority prior to the commencement of development.
- Condition no. 9: A minimum of 1 no. parking space shall be provided with EV charging stations/points.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (9th of December 2020)

The initial planner's report recommends a request for further information. The following provides a summary of the issues raised:

- Reference is made to the residential phasing set out within the Core Strategy of the Dundalk and Environs Development Plan. The site is not identified as "Consolidation of Urban Core, Phase 1, Phase 2 or Phase 3 lands. For the purposes of assessment, the lands are classified as Phase 3 lands.
- All 4 no. apartment meet or exceed minimum standards set out within "*Design Standards for New Apartments- Standards for Planning Authorities*".
- It is considered that the scale, design, massing, material finishes, siting, layout and communal open space is acceptable to the character of the surrounding area.
- Given the previous retail use on site, shop local use at ground floor level is acceptable.
- The site is not located within a Natura 2000 site. The nearest designated site is 286m (Dundalk Bay SAC/SPA). No source/pathway/receptor routes between the site and nearest designated sites. Having regard to the nature and scale of the proposed development and the nature of the receiving environment no appropriate assessment issues arise.
- The flood maps indicate that the site is vulnerable to Coastal Flooding.
- Having regard to the nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such an EIAR is not required.

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

- Bin storage, cycle parking, landscaping details, requests from infrastructure and comments from Iarnrod Eireann.

Planners Report (20th of July 2021)

The planner's report dated the 20th of July 2021 recommends a grant of permission for the proposal subject to conditions. The following provides a summary of the main points raised:

- While the proposed development has been amended to include 2 no. apartments in place of the retail units, the scale of the building has remained unaltered.
- The positioning of the building within the site has changed slightly. A separation distance of c.29.8m from dwellings at Assumption Place to the north-east and 13.2m to the west of dwellings at Moira Terrace. Balconies and bedrooms face onto public open spaces or public road. Given separation distances no significant overlooking or overshadowing is envisaged.
- The further information response includes correspondence from Irish Rail confirming that they have no further comment to make in respect of the application.
- The revised drawings submitted include raising the FFL of the apartment block to 4.69 OD. Steps and a ramp provide access to the block. The proposed revisions are considered acceptable.
- Car parking provision is deemed acceptable having regard to the infill nature of the site and established transport links along Castletown Road.
- The FI response is deemed acceptable and the revised scheme is policy compliant.

3.2.2. Other Technical Reports

Infrastructure (3rd of December 2020) Further information on flooding, clarification on storm water and SUDS calculations.

Infrastructure Directorate: (30th of June 2021): No objection subject to condition.

3.3. Prescribed Bodies

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

Iarnrod Eireann (30th November 2020): Observation outlines that the clearance between the building and western site boundary should be 4m. Any modification to the existing site boundary should be agreed with Iarnrod Eireann and a minimum height of 2.4 boundary wall should be provided. Conditions are recommended to ensure safety in operation of the railway is maintained.

3.4. **Third Party Observations**

5 no. submissions were received within the initial statutory consultation period. The submissions were from residents in the vicinity of the site at Moira Terrace and Assumption Place. The following provides a summary of the issues raised.

- Concerns relating to the height of the proposal and overshadowing impact;
- The proposal is out of character with the area;
- Traffic impact, safety issues, insufficient car parking and location of parking will result in a reduced width carriageway;
- Impact on residential amenity – overlooking, anti-social behaviour, disruption associated with service connections;
- Insufficient justification for retail units in light of vacant retail units within the area;
- Potential flood risk;
- Insufficient capacity of water mains;

3 no. submissions were received in relation to the FI response. The issues raised within the submissions primarily reflect those cited in earlier submission above. Concerns are raised in relation to the relocation of the building closer to the eastern site boundary.

4.0 **Planning History**

4.1. The following planning history relates to the appeal site.

- PA Ref 12520012: Permission granted in March 2012 for demolition of existing shop (Rice's Bridge Stores) and associated dwelling, all debris to be

removed from site and all disturbed ground to be made good and finished level to existing ground with granular fill material compacted in layers, together with all ancillary site development works.

- PA Ref 05520240: Planning permission granted in November 2005 for change of use from residential to retail and from store to retail of existing dwelling/retail premises including front extension new pitched roof to shop and house.

5.0 Policy Context

5.1. Development Plan

5.2. Louth County Development Plan 2021-2027

5.2.1. The application was assessed by Louth County Council in accordance with the policies and objectives of the Dundalk and Environs Development Plan 2009-2015 (as extended). The Louth County Development Plan 2021-2027 was adopted on the 30th of September 2021 and came into effect on the 11th of November 2021. I have assessed the proposal under the provisions of the operative Development Plan, namely the Louth County Development Plan 2021-2027.

5.2.2. 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”,

Settlement Strategy

5.2.3. 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”.

5.2.4. Section 2.6.6. of the Plan relates to compact growth and outlines that “an overriding objective of both the NPF and the RSES is the need to achieve ambitious targets for compact growth in urban areas. *Louth is required to deliver at least 30% of all new homes within existing built up footprints (NPO 3c). Achieving this target can be realised through urban regeneration and infill/brownfield site development, which will contribute to sequential, sustainable and compact growth, revitalisation of existing settlements of all scales and transition to a low carbon, climate resilient society”.*

5.2.5. 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 CS 10: Direct and consolidate the majority of the County’s future population growth into the strong and dynamic Regional Growth Centres of Drogheda and Dundalk in line with the objectives of the Regional Spatial and Economic Strategy and in accordance with the Core and Settlement Strategies of the Development Plan.*
- *Policy Objective SS 4: 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 SS 26: To support the implementation of the 2008 Urban Design Framework Plan for Dundalk.*

5.2.6. Section 2.14.2 of the Plan relates to Town Centre Area of Dundalk and outlines that the Urban Design Framework published in 2008 will continue to provide the platform for future development for the town centre area.

Zoning

5.2.7. The site is zoned for “Objective A1 Existing Residential” purposes with an objective: *“to protect and enhance the amenity and character of existing residential communities”*.

5.2.8. The Plan sets out the following guidance for development within A1 zoned areas: *“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”*.

5.2.9. Residential is listed as a use which is generally permitted on lands zoned for Existing Residential Purposes.

Other Designations:

5.2.10. The Dundalk Zoning and Flood Zones Map illustrates that the site is located within Flood Zone A. Policy Objective IU 27 of the Development Plan seeks *“To ensure all proposals for development falling within Flood Zones A or B are consistent with the “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” 2009. Proposals for development identified as being vulnerable to flooding must be supported by a site specific Flood Risk Assessment and demonstrate to the satisfaction of the Planning Authority that the development and its infrastructure will avoid significant risks of flooding and not exacerbate flooding elsewhere”*.

Development Management

5.2.11. Section 13.8.10 of the Plan 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.

- 5.2.12. Section 13.8.15 relates to the provision of public open space within a development and outlines that public open space within a development shall normally equate to 15% of the total site area. The plan outlines that reduced rate of open space may be acceptable in areas where the open space is of high quality. There is no requirement for open space for residential developments of up to 5 dwellings.
- 5.2.13. Section 13.8.28 relates to Design Standards for New Apartments. This outlines that all applications for apartments are required to demonstrate compliance with the Design Standards for New Apartments and the SPPR's set out therein.
- 5.2.14. 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"*.
- 5.2.15. Table 13.11 sets out Car Parking Standards. This sets out a requirement of 1 unit per apartment in Areas 1 and 2. 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.*
- *There was no off street car parking provided with the existing/previous use of the property and the redevelopment of the property would not result in a significant increase in the car parking requirement.*

5.2.16. Cycle Parking Standards are set out within Table 13.12 of the Development Plan. For residential use – 1 space is required per unit and 1 visitor space per 5 units.

2008 Urban Design Framework Plan for Dundalk

5.2.17. The site is located within the Laurels Character Area within the Dundalk Urban Design Framework. The key objective for this character area is *“to maintain and enhance the character of the residential environment”*.

5.2.18. Key Objectives for the Laurels Character Area include the following:

- Protect and improve residential amenity;
- Improve connectivity and enhance permeability to the Cox’s and Ard Easmuinn areas to the west of the rail line;

5.2.19. The following Design Guidelines are set out for the Area:

- Use of perimeter block as basic urban form – pg. 104
- Quality public realm and high standard of street furniture and public lighting
- Site Coverage: Max. 60
- Plot Ratio: max. 2.5
- Typical heights 2.5- 5 storeys

5.3. Ministerial Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020.

5.3.1. The following Specific Planning Policy Requirements are relevant-

- Specific Planning Policy Requirement 1 states -

Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

- Specific Planning Policy Requirement 2 states-

'For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha.....:

Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;

.....All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by case basis, having regard to the overall quality of a proposed development.

- Specific Planning Policy Requirement 3 states-

Minimum Apartment Floor Areas:

1- Bedroom apartment (2 persons) 45 sq.m.

2-bedroom apartment (4 persons) 73 sq.m

- Specific Planning Policy Requirement 4- Dual Aspect

33% required in central and accessible locations, may be reduced for refurbishment schemes on a case by case basis subject to quality.

- Specific Planning Policy Requirement 5- Ground Floor Ceiling Height

Ground floor apartments a minimum 2.7m

Appendix 1 sets out the required Minimum Floor Areas and Standards

Paragraph 3.39 of the Guidelines outlines that: "Private amenity space standards for apartments are set out in Appendix 1. For building refurbishment schemes on sites

of any size or urban infill schemes on sites of up to 0.25ha , private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality”.

5.4. **Other**

Other guidance documents of relevance include:

- The Planning System and Flood Risk Management’ Guidelines.

5.5. **Natural Heritage Designations**

The site is not located within or directly adjacent to any designated sites. The following sites are located within 15km of the appeal site.

- Dundalk Bay SPA (Site Code 0004026), Dundalk Bay SAC (Site Code 000455), Dundalk Bay pNHA – 270 m
- Strabannon/Braganstown SPA (Site Code 004091) – 14km
- Carlingford Mountain SAC (Site Code IE0000453) – 7.5km
- Slieve Gullion SAC (UK 0030277) – 10km

5.6. **EIA Screening**

5.6.1. An Environmental Impact Assessment Screening report was not submitted with the application. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

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

5.6.2. The subject development is the construction of a three storey building with 6 no. apartment units, together with associated works, on a site with a stated area of 0.07ha. The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold.

5.6.3. The site is in an established residential area and proposed development 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. 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 drainage services of Irish Water and Louth County Council, upon which its effects would be marginal.

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 on lands that are zoned for Objective 'A1'- Existing Residential purposes, where residential uses are permissible under the Louth County Development Plan 2021-2027,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The existing pattern of residential development in the vicinity,
- 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 an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been received from 5 no. residents in the vicinity of the site at the following addresses:

- Paul Gannon – 1 Assumption Place, Castletown Road.
- Gavin McCormick – 2 Assumption Place, Castletown Road.
- Anne Kelly – 3 Assumption Place, Castletown Road.
- Geraldine Martin – 4 Assumption Place, Castletown Road.
- Aoife and Ciaran Fox-5 Moira Terrace, Castletown Road.

The following provides a summary of the main grounds of appeal:

Scale and Height

- The scale and height of the proposal is inconsistent with the character of development in the area.

Impact on Residential Amenity

- The proposal will impact on the residential amenity of adjoining dwellings by means of overlooking/loss of privacy, overshadowing, depreciation in value. The provision of the proposed service connection on Moira Terrace will result in disruption to adjoining residential properties.

Traffic and Transportation

- Concerns are raised in relation to insufficient car parking provision. 4 spaces are proposed to serve 6 no. apartments. The provision of a disabled space would result in a further reduction in parking.
- The introduction of 4 no. additional parking spaces on Moira Terrace will result in a narrowing of the road. Reference is made to limited parking provision in the area.

- The corner is already a dangerous corner for pedestrians including school children. A traffic, transport and road safety audit is required on the basis of lack of car parking and danger to pedestrians.
- The streetscape elevation has a negative impact on the streetscape and reduce visibility for motorists and pedestrians. Windows on the streetscape and eastern elevation could cause glare to motorists, pedestrians and train drivers.

Demand for the Proposal

- Reference is made to existing vacant apartment developments within the area and the demand for the proposal is questioned in this regard.

Service Connections

- The provision of the proposed service connection on Moira Terrace will result in disruption to adjoining residential properties. The existing water main on Moira Terrace may not be sufficient to accommodate the proposal.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

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

- The issues raised within the appeal are similar to those raised and considered within the planner's assessment.
- In response to the appellant's concerns raised in relation to overlooking it is noted that the balconies and bedrooms face onto either public open space or public roads. On the basis of separations distances the proposed development does not have any significant overlooking or overshadowing impacts on adjoining dwellings.

- The design, height and external finish will allow the proposal to integrate into the streetscape and it is not considered to have any negative impact on the visual amenities or character of the area.
- The car parking provision is considered sufficient given the site location in proximity to good public transport links, local services, schools and Dundalk Town Centre.
- The need for residential development is accepted at this location.
- The Infrastructure Department have no objection to the proposal on grounds of pedestrian/traffic safety or parking provision.
- Condition no. 10 restricts site development works in order to protect residential amenities of properties along Assumption Place and Moira Terrace.
- Irish Water raised no objection in relation to water supply.
- The proposed windows on the eastern and streetscape elevations are not envisaged to have a significant impact on motorists, train drivers or pedestrian in terms of glare.
- The Board is requested to uphold the decision of the planning authority to grant permission for the development.

7.0 **Assessment**

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

- Principle of Development
- Design and Height
- Impact on Residential Amenity of Existing Properties
- Impact on Proposed Residential Amenity
- Traffic and Transportation

- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The appeal site is zoned for Objective A1 Existing Residential purposes within the Louth County Development Plan 2021-2027 with an objective “*to protect and enhance the amenity and character of existing residential communities*”. Residential use is listed as a generally permitted use on lands zoned for Objective A1 purposes.
- 7.2.2. The proposal comprises 6 no. apartment units on a 0.07ha site yielding a density of 85 units per ha. The proposed density is in accordance with the guidance set out within Policy Objective SS 21 of the Louth County Development Plan which seeks a minimum density of 50 units per/ha in centrally located areas and along public transport corridors. The redevelopment of a centrally located brownfield site for residential purposes is in accordance with the requirements of the zoning objective. The principle of the development of the site for residential purposes is acceptable in this regard.
- 7.2.3. The grounds of appeal question the demand for an apartment scheme within the area on the basis of existing vacancy within the area. Dundalk is designated as a Regional Growth Centre within the RSES Settlement Hierarchy where significant population and economic growth is envisaged. The redevelopment of centrally located brownfield sites for residential development is supported by both national and local policy including Policy CS2 of the Louth County Development Plan.
- 7.2.4. I refer to the wording of the Objective A1 zoning objective which seeks “*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. This is considered in further sections of this assessment.

7.3. Design and Height

- 7.3.1. The proposal comprises a three storey flat roof building with a maximum height of 9.925m. The building presents a dual frontage to Moira Terrace and Castletown Road and includes a landscape amenity space to the north fronting onto Castletown Road. The levels of the proposed building, as amended in response to Louth County Council's request for further information, are set at 4.69OD. The Proposed Site

Services Plan (Drawing no. 2053-P-102-B) prepared by Dowdall Architects illustrate that existing site levels at Moira Terrace is 3.42m.

- 7.3.2. The third party appeal outlines that the height of the proposal is inconsistent with the existing character of development within the area which includes a mix of single and 2 storey residential properties. At the outset in considering the grounds of appeal, I note that the appeal site is located within the Laurels Character Area as identified within the 2008 Urban Design Framework Plan for Dundalk. Policy Objective SS 26 of the Louth County Development Plan seeks *“To support the implementation of the 2008 Urban Design Framework Plan for Dundalk”*. An indicative height of 2.5 to 5 storeys is identified for the Laurels Character Area within the Urban Design Framework. The proposed height is in accordance with the height parameters for the area as set out within the Framework Plan in this regard.
- 7.3.3. Drawing no. 2052-P-101-A “Proposed Site Sections AA and BB” illustrates the interface of the proposal with adjacent residential properties at Moira Terrace and Assumption Place. On review of the application drawings, I do not consider the proposal to represent an abrupt transition in scale which would render it visually incongruous with the existing character of development in the area. I refer to the location of the site adjacent to the railway line and at the junction of Moira Terrace and Castletown Road, I consider that the proposed height can be accommodated in visual terms subject to assessment of any residential amenity considerations.
- 7.3.4. In terms of materials, the proposal comprises a mix of brick and render. This reflects the established material typology in the area. The proposal presents a dual frontage to Castletown Road and Moira Terrace. Overall, 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 design would integrate positively into the existing streetscape.

7.4. Impact on Residential Amenity of Existing Properties

- 7.4.1. Concerns relating to the impact of the proposal on residential amenity of existing residential properties at Moira Terrace and Assumption Place are raised within the third party appeal on grounds of overlooking, overshadowing and impacts associated with connection to infrastructure services.

- 7.4.2. Moira Terrace comprises a terrace of 2 storey red brick terrace houses located to the east of the appeal site at the opposite of the existing road. The existing residential properties at Assumption Place are single storey and located to the north-east of the appeal site at the opposite side of Castletown Road.
- 7.4.3. Drawing no. 2052-P-101-A “Proposed Site Sections AA and BB” illustrates the interface of the proposal with adjacent residential properties at Moira Terrace and Assumption Place. A minimum separation distance of 13 m between the appeal site boundary and the nearest residential property Moira Terrace and c.30m from the nearest residential property at Assumption Place.

Overlooking / Loss of Privacy

- 7.4.4. At the outset, having regard to the separation distance of 30m between the proposed apartment block and existing residential dwellings at Assumption Place and the nature of intervening development which includes Castletown Road and proposed landscaped communal open space I consider that no issues of overlooking of these properties arise.
- 7.4.5. Moira Terrace comprises a terrace of 2 storey red brick properties which front onto the adjoining street. Private amenity space associated with these properties are located to the east of these properties. The proposed development includes habitable room windows and balconies along the eastern elevation which face onto the existing properties at Moira Terrace. The proposed building is set back c.13m from the existing buildings on Moira Terrace. I consider the proposed separation distances to be appropriate in an urban environment and will not result in undue overlooking.
- 7.4.6. In conclusion, I am satisfied that having regard to the orientation of the existing properties relative to the development site, the layout and height of proposed development and the separation distances proposed that the proposed development would not have an undue negative impact on the existing residential amenities of existing dwellings at Assumption Place or Moira Terrace in terms of overlooking.

Overshadowing

- 7.4.7. Concerns in relation to overshadowing and loss of light to adjoining residential properties at Moira Terrace and Assumption Place are raised within the third party

appeal. No sunlight/daylight assessment is submitted in conjunction with the application. I note the requirements of Section 13.8.10 of the Louth County Development Plan 2021-2027 which 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”.

7.4.8. In terms of separation distance, I note that the proposed building is set back by 13m from existing properties at Moira Terrace to the east and by 30m from the nearest residential units to the north-east at Assumption Place. I consider such separation distances to be appropriate having regard to the infill urban nature of the site and the existing pattern of development in the area. I furthermore note that Louth County Council did not raise any concerns in relation to the impact of the proposal on sunlight/daylight of adjoining residential properties.

7.4.9. 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.

7.4.10. The Building Research Establishments (BRE) ‘Site Layout Planning for Daylight and Sunlight – A guide to good practice’ describe recommended values (eg. ADF, VSC, 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.”

7.4.11. 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)

- 7.4.12. Having regard to the proposed separation distances of between 13m - 30m from the proposed 3 storey apartment block to the existing adjacent dwellings to the east and north east, to the limited height of the proposal (9.9m) and the location of the development relative to existing dwellings, I am satisfied that the proposed development is unlikely to have any significant impact on the sunlight or daylight currently enjoyed by residents of the existing dwellings (including their associated amenity spaces).
- 7.4.13. 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. I have applied the guidance within the BRE guidelines and associated BS 17037:2018 in my assessment of this issue, and particularly in light of the guidelines own assertions that numerical targets should be applied flexibly, and that natural light is only one of many factors in site layout design (paragraph1.6).

Connection to Services

- 7.4.14. Concerns are raised within the third party appeal in relation to disruption associated with connection to site services. The proposal includes connection to the existing foul sewer network and watermains on Moira Terrace to the east of the site. However, I consider that works associated with the connection to such services will be short term in duration and measures will be put in place to negate against impact on the amenity of adjoining residential areas.
- 7.4.15. I refer to the requirements of Condition no. 10 of LCC’s notification of decision to grant permission for the development which restricts site development works to between the hours of 0800 to 1800 Monday to Friday and 0800 to 1400 on Saturday and not at all on Sundays and Bank Holidays. I consider the requirements of this condition would safeguard the residential amenity of adjoining properties during the construction phase of the development. I consider condition to be appropriate in the instance of a grant of permission.

Depreciation in Value

7.4.16. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.5. Residential Amenity of Proposed Apartments

7.5.1. Regarding the proposed apartments, 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.

7.5.2. Communal amenity space is provided to the north of the site in an open green landscaped area between the building and Castletown Road and to the west of the building. The quantum of communal open space provided exceeds the relevant standards set out within the Apartment Guidelines. I note that no public open space is provided within the development but consider this acceptable having regard to the limited scale of development, infill nature of the site and presence of a public open space area to the south of the appeal site. I furthermore note that Louth County Council raised no objection to the non-provision of public open space within the development.

7.5.3. Section 13.8.10 of the Louth County Development Plan 2021-2027 sets out guidance for Daylight and Sunlight considerations for new developments and cross refers to the guidance set out within 'Site Layout Planning for Daylight and Sunlight' (2nd edition, 2011) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and the apartment guidelines.

7.5.4. Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG, 2018) outlines a series of criteria which are to be applied in the consideration and assessment of proposed building heights and, of relevance to the issue of daylight and sunlight, it states that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning

for Daylight and Sunlight' (2nd edition, 2011) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The Guidelines go on to state that: -

'Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives.'

- 7.5.5. Section 6.6 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.
- 7.5.6. I note that an updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), was published in May 2019, to replace the 2008 BS, but this updated guidance does not have a material bearing on the outcome of the assessment and the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.
- 7.5.7. In relation to the BRE 209 guidance, with reference to BS8206 – Part 2, sets out minimum values for average daylight factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms, or where a room has a dual purpose the higher ADF value is recommended.
- 7.5.8. No daylight and sunlight assessment report was submitted with the application, so I have not been able to confirm that the relevant standards within both the BRE and BS guidance have been achieved. Notwithstanding, I have given consideration to the issue of sunlight and daylight within the proposed apartments, in the context of guidance contained within both the BRE and BS guidance. In this regard, I note that all of the proposed apartments are dual aspect and there are no single aspect, north-facing apartments. Each of the apartments contains a combined kitchen/living/dining layout. Floor to ceiling heights are 2.7m at ground floor level and 2.55m at first and second floor levels. Having regard to the level of separation between the apartment blocks and adjacent housing/buildings, together with the orientation of each

apartment, I am satisfied that the proposed apartments will receive adequate daylight and sunlight levels.

- 7.5.9. In conclusion I consider that the proposal would provide a high quality of residential amenity for the future occupants of the scheme.

7.6. Traffic and Transportation

Car Parking

- 7.6.1. The proposed development includes the provision of 4 no. parking spaces to serve the 6 no. apartments. Concerns are raised within the grounds of appeal in relation to insufficient parking to serve the development. Car parking standards are set out within Table 13.11 of the Louth County Development Plan 2021-2027. This set out a requirement of 1 space per apartment. On application of the parking standards a total of 6 no. parking spaces could be provided to serve the development.
- 7.6.2. Section 13.16.12 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 Dundalk and has connections to public transport and local services. I furthermore refer to the guidance set out within the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) which outlines that:
- “The quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria”. (paragraph 4.18)*
- “For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location”. (paragraph 4.27)*
- 7.6.3. Louth County Council have accepted the principle of a reduced quantum of parking to serve the development on grounds of the infill nature of the site, its proximity to Dundalk town centre and public transport connections. Notwithstanding this, as detailed below I have concern in relation to the proposed parking provision which results in the removal of a public footpath along Moira Terrace to accommodate car

parking and the restrictions of the existing carriageway along Moira Terrace as referred to within the grounds of appeal.

- 7.6.4. The site is located in proximity to good public transport links, local services, schools and Dundalk Town Centre. Having regard to the location of the site, and the guidance set out within the Louth County Development Plan and the Design Standards for New Apartments Guidelines for Planning Authorities (2020) I consider that the non-provision of parking would be appropriate in this instance.

Carriageway Width and Footpath

- 7.6.5. The proposed development includes the provision of 4 no. street level parallel parking spaces along Moira Terrace to serve the development. Concerns relating to the reduced width of the Moira Terrace to accommodate the proposed parking are raised within the grounds of appeal. It is stated that the junction is already a dangerous corner for pedestrians and a traffic, transport and road safety audit is required on the basis of lack of car parking and danger to pedestrians.
- 7.6.6. At present a narrow public footpath of c.1m is provided along the eastern site boundary. I refer to the access and parking arrangements for the site as illustrated on the Proposed Site Plan Drawing no.2053-P-101-B. Having regard to the level difference between the site and the surrounding street network a stepped entrance is provided to the building along the northern and eastern site boundaries. The provision of on street parking results, together with the stepped entrance arrangements results in the non-provision of a street level footpath along the eastern site boundary.
- 7.6.7. I note that the report on file from the Infrastructure Department does not raised objection to the proposed access or parking arrangements. However, I consider the street layout along the eastern site boundary as proposed would result in a conflict between vehicles and pedestrians and raise safety concerns in this regard. I consider that the removal of the existing footpath along Moira Terrace would be contrary to the objectives of the Louth County Development Plan which seeks to enhance permeability.
- 7.6.8. In the instance that the Board is minded to grant permission for the development I recommend that a revised layout is submitted for written agreement of the Planning Authority which includes the provision of a footpath along the eastern site boundary

in lieu of the proposed parking provision. As earlier detailed having regard to the small scale nature of the development and its central location within Dundalk, I consider that the non-provision of car parking is acceptable in this instance.

Traffic Hazard – Building Materials

- 7.6.9. Concerns relating to traffic hazard associated with the proposed building materials and potential glare from vehicles passing on Castletown Road are raised within the third party appeal. I note that the building is set back by c.12m from Castletown Road. I do not consider that the proposed windows on the eastern and streetscape elevations would have a significant impact on motorists, train drivers or pedestrian in terms of glare or constitute a traffic hazard. I refer to the submissions on file from Iarnrod Eireann and the Infrastructure Department in Louth County Council. No objection to the proposal on safety grounds is raised within these submissions. I similarly have no objection to the proposed building materials on grounds of traffic hazard.

7.7. Other

Capacity of Services

- 7.7.1. In terms of the reference within the appeal to insufficient water capacity I note that the proposal, comprising 6 no. apartment units, is small scale in nature and the submission on file from Irish Water raises no concern in relation to capacity.

Flooding

- 7.7.2. The Engineering Report submitted in conjunction with the application includes a Flood Risk Assessment. Potential flood risk sources are identified as Castletown River and Dundalk Bay. The FRA refers to the history of the site and outlines that recurrent flooding occurs under Castletown Bridge during extreme storm events, but this does not impact on the development site. It is stated that the flooding is isolated to a section of the road under the bridge.
- 7.7.3. The Flood Risk Assessment identifies that on the basis of CFRAMS mapping that the site can be classified within Flood Zone A. This is consistent with the Zoning and Flood Zone Map for Dundalk as set out within the Louth County Development Plan 2021-2027 as illustrated within the attached presentation document. In order to negate against potential flood risk, the FFL of the proposed building is raised to a

4.69 OD in response to Louth County Council's request for further information. The assessment outlines that the levels provide a 0.5m freeboard level and 0.5m climate change allowance above the extreme water level of 3.69mOD.

- 7.7.4. Residential development is classified as a "Highly Vulnerable Development" within the Flood Risk Management Guidelines. This format of development can be considered on Flood Zone A lands subject to compliance with the Justification Test. In this regard the Flood Risk Assessment outlines that the site is zoned for residential purposes within the operative Development Plan and was previously occupied by a house and a retail unit. The FRA furthermore outlines that no coastal or fluvial flood events have recorded on site.
- 7.7.5. The FRA confirms that the proposed development will not obstruct an important flow path, will not entail the storage of hazardous material, will not impede access to a watercourse, flood plain or flood protection and management facilities. Mitigation measures proposed include application of SuDS design to the site and flood resilient construction measures including electric sockets caballing to be constructed above freeboard flood risk level, sanitary drains to be fitted with non-return/backflow valves etc.
- 7.7.6. I refer to the report on file from the Infrastructure Division in Louth County Council which raises no objection to the proposal subject to condition. I consider that the applicant has demonstrated that the risk of flooding to the proposed development is low and will not exacerbate flood levels within the site or surrounding area. Appropriate mitigation measures have been incorporated within the development including appropriate floor levels and SuDs measures.

7.8. **Appropriate Assessment**

- 7.8.1. The appeal site is not located within or directly adjacent to a designated Natura 2000 site. The following sites are located within 15km of the appeal site.
- Dundalk Bay SPA (Site Code 0004026) – 270m
 - Dundalk Bay SAC (Site Code 000455) – 270 m
 - Strabannon/Braganstown SPA (Site Code 004091) – 14km
 - Carlingford Mountain SAC (Site Code IE0000453) – 7.5km

- Slieve Gullion SAC (UK 0030277) – 10km

7.8.2. Having regard to location of the proposed development, within an established urban area, and the modest nature of the proposed development which comprises a development of 6 no. apartments on a brownfield site, that will be connected to existing services, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission is granted for the proposed development in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the residential zoning of the site, 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 in accordance with the provisions of the Louth County Development Plan 2021-2027, that it would not seriously injure character or visual amenities of the area or the residential amenities of the property in the vicinity, and that it 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.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 30th of October 2020 and as amended by further plans and particulars received on the 23 rd 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
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	<p>development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the developer shall submit revised layout drawing illustrating the following for written agreement with the Planning Authority:</p> <p>(a) Omission of proposed parking spaces along Moira Terrace and the provision of a public footpath adjacent to the eastern site.</p> <p>Reason: In the interest of pedestrian safety and residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Proposals for a house naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and apartment numbers shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
5.	<p>The boundary treatment and landscaping shall be carried out in accordance with the landscaping plan submitted to the Planning Authority on the 23rd of June 2021 and completed prior to the occupation of any residential units hereby permitted. Any planting which fails in the first planting season shall be replaced.</p> <p>Reason: In the interests of visual amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>Surface water attenuation and discharge and public lighting shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest public safety.</p>
8.	<p>All flood mitigation measures for the proposed development shall be in accordance with the Flood Risk Assessment dated May 2021 and received by the Planning Authority on the 23rd of June 2021.</p> <p>Reason: In the interest of flood prevention.</p>
9.	<p>The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
10.	<p>The developer shall comply with the requirements of Iarnrod Eireann in relation to works/development in the vicinity of rail lines.</p> <p>Reason: In the interest of safety and the proper planning and sustainable development of the area.</p>
11.	<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 of roads, footpaths, watermains, drains, 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 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>

	Reason: To ensure the satisfactory completion of the development.
12.	<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 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>

Stephanie Farrington
Senior Planning Inspector

18th of November 2021