



An
Bord
Pleanála

Inspector's Report

ABP-312544-22

Development	Demolition of 5 no. houses and construction of 57 no. build to let units etc. Works to protected structure.
Location	26, 28, 29, 30 & 31 George's Street & Trinity Gardens, Drogheda, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	21396
Applicant(s)	Urban Life (GSD) Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Trinity Gardens Residents Association.
Observer(s)	Imelda Munster TD; Cllr. Joanna Byrne and Cllr. Tom Cunningham.
Date of Site Inspection	24 th October 2022.
Inspector	Lucy Roche

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	4
3.0 Planning Authority Decision	7
4.0 Planning History.....	12
5.0 Policy Context.....	13
6.0 The Appeal	22
7.0 Assessment.....	33
8.0 Recommendation.....	69
9.0 Reasons and Considerations.....	69
10.0 Conditions	70

1.0 Site Location and Description

- 1.1. The proposed development site is located at the junction of George's Street (R132) and Trinity Gardens (Road), to the northwest of Drogheda Town Centre. The site is rectangular in shape and has a stated area of 0.36ha. The topographical survey, drawing No.7537-001 illustrates that the topography of the site slopes from northwest corner of the site (25.28m OD) towards the southeast corner of the site (21.79m).
- 1.2. The site comprises five houses (No's 26, 28, 29, 30 and 31 Georges Street) and their curtilages, which include lands known as 'Swan Yard' which were previously used for commercial purposes (car parking, carwash, and servicing etc). The lands and buildings on site are currently vacant and falling into a state of disrepair.
- 1.3. Each of the five dwellings address George's Street to the east. No's 26 and 28 are detached and set back from the road while No's 29, 30 and 31 directly abut the concrete footpath. No. 26 is served by a garage, the doors of which open onto Trinity Gardens (Road) to the south.
- 1.4. Georges Street is part of the R132 Regional Road linking Dublin to Dundalk and includes part of the National Route 1 that was re-categorised after the opening of the M1 Motorway. The road measures approximately 6.7m as it passes the site and has a right-hand turning lane to Patrick Street (R166). Trinity Gardens (Road) is a local access road connecting George's Street to the east and Trinity Street to the southwest via the cul-de-sac, Simcock's Lane. It serves Trinity Gardens, an established residential development of single storey, terraced / semi-detached houses. The section of Trinity Gardens (road) that extends along the southern site boundary comprises a concrete surfaced lane of approximately 6m with no footpaths, set between two concrete rendered block walls with cast Iron railings. The entrance walls, railings and nameplate to Trinity Gardens are listed as a protected structure (Ref: DB 402).
- 1.5. The western site boundary (extending to approximately 50m) abuts the rear gardens of no's 55 to 61 Trinity Gardens. The northern boundary (extending to approximately 68m) abuts No.32 Georges Street and its associated rear garden area. The northern boundary is defined by a masonry wall, part of which acts as a retaining wall, and varies in height from c3 to 5m.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition and clearance of all buildings on site including the demolition of five houses, a domestic garage and outbuildings associated with Swan Yard, and the construction of a 'Build to Rent' residential development.
- 2.2. The proposed development varies in height from 1-2 storeys along the western and northern boundaries and from 3-7 storeys on Georges Street and comprises 57 no. apartments (6 no. studio, 34 no. 1 bed and 17 no. 2 bed), communal residents support services and amenities with a central courtyard and car parking area to contain 17 no. car parking spaces.
- 2.3. A new vehicular access to the development is proposed off the local access road to the south of the site (Trinity Gardens) with works including the provision of a new footpath and public lighting along the southern site boundary. The eastern wing of the development, fronting onto George's Street, is to be set back from the established building line allowing for an area of a public open space and the widening of the footpath.
- 2.4. The development was amended by way of significant further information submitted to the planning authority on the 19th day of November 2021. The amendments outlined in the documents received include:
 - Alteration of the application site boundary to include the adjoining public footpaths and roads.
 - Recognition of the addition of the entrance walls, railings, and name plaques at the entrance to Trinity Gardens to the record of protected structures (Ref: DB 402), the northern section of which fall within the application site. As a result of the change in status of the wall and railings it is now proposed to retain in-situ a section of the northern boundary wall with 'Trinity Gardens' including the name plaque. A further section of the is to be taken down and rebuilt to the back of a new pedestrian footpath. Sections of the wall are to be removed to facilitate vehicular and pedestrian access. A pedestrian entrance is to be located at the location of the existing garage structure which is to be removed. This garage does not form part of the protected structure.

- The revised plans also result in consequential alterations to the proposed development including to parts of the internal layout, elevation and balconies and to the pedestrian entrance of Georges Street.

2.5. This application also provides for an ESB substation, undergrounding of overhead lines where required, landscaping, bin storage, bicycle parking/storage and all associated site development works and boundary treatments.

2.6. Table 2.1 below provides a summary of the key site statistics and development details:

Table 2.1: Site Statistics and Development Details:		
Site Area	0.36ha	
No. Of Residential Units	57	
Gross Floor Area	4,755sqm	
Demolition	680sqm	
Housing Mix	Refer to table 2.2 below	
Density	158 units /ha	
Site Coverage	48%	
Plot Ratio	1:3	
FFL	25.225	
Height	One to seven stories (c4.732m to 24.111m)	
Parking	Car Parking	17
	Cycle Parking	104 spaces (Secure spaces at lower ground level and in external area in courtyard)
Open Space	Communal	600sqm
Access	Proposed entrance of Trinity Gardens	

Surface Water Drainage	Discharge to combine sewer network. SuDS to include underground attenuation with a flow control device, permeable paving, and petrol interceptor.
Water supply	Connection to public mains
Foul Drainage	Discharge to a new network of gravity sewers to existing public combined sewer on George's Street

2.9. Table 2.2 below provides detail of the proposed housing mix.

Table 2.2 Housing Mix					
Unit Type	Studio	1 Bed	2 Bed (3 person)	2 bed (4 person)	Total
No. of Units	6	34	5	12	57
% Total	10.5	60	9	21	100

2.10. The application is accompanied by:

- Planning Report and BTR Justification
- Architectural Design Statement; Urban Development and Building Heights Report and compliance report in respect of Design Standards for New Apartments
- Townscape and Visual Impact Assessment
- Verified Photomontages
- Report on the Architectural / Historical Significance of the Subject site on George's Street
- Report on the Architectural / Historical significance of the Entrance wall to Trinity gardens
- Boundary Wall Works - Assessment and Method Statement

- Archaeological Assessment
- Daylight, Sunlight and Overshadowing Study
- Daylight Study for proposed residential development
- Landscape Management and Maintenance Plan
- Bat Assessment
- Screening for Appropriate Assessment (updated at further information stage)
- Outdoor lighting report
- Flood Risk Assessment
- Engineering Assessment Report
- Building Lifecycle Reports

3.0 Planning Authority Decision

3.1. Decision

Louth County Council did by order dated 15th December 2021 decide to grant permission for the proposed development subject to 33 conditions. The following conditions are of note:

Condition 2 Restricts to use of the 57 apartments to build-to-let in accordance with the apartment guidelines (2018)

Conditions 3 and 4 Relate to the operation of the proposed build to let scheme and require the development to be owned and occupied by an institutional entity for a minimum period of not less than 15 years.

Condition 5 Restricts the use of the rooms denoted for use as residents support facilities and requires that they be appropriately furnished.

Conditions 6,7,8 and 9 Relate to the proposed works to the protected structure.

Condition 10 Requires compliance with the mitigation measures outlined in the Bat Survey

- Condition 19 Requires the undertaking of a detailed historic building survey of properties 29, 30 and 31 Georges Street
- Condition 27 Requires the payment of development contributions under Section 48 of the Planning and Development Act 2000 (as amended)

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (June 2021)

- The initial report of the case planner has regard to the locational context and planning history of the site; relevant national and local planning policy; the third- party submissions and interdepartmental reports received.
- The principle of residential development is acceptable, and the proposed build-to-rent scheme is suitable and justifiable at this location.
- This is considered an appropriate location for the density of development proposed subject to achievement of the qualitative standards in respect of residential amenity.
- The scheme has due regard to the provisions and requirements of the Urban Development and Building Height Guidelines (2018)
- The development will not impinge on protected views and prospects
- The proposal represents a contemporary and urban form of development which is compatible with adjoining streetscape.
- The applicant has arranged the site having regard to existing residential properties. Privacy is not an issue.
- The Daylight, sunlight and Overshadowing Study submitted details that the impact of overshadowing on adjoining properties will be temporal and marginal and that sunlight will exceed BRE recommendations. Further information is required to ascertain the daylight performance of combined living, kitchen and dining rooms with the proposed apartment units.

- Subject to the provision of adequate community services, the proposed development will provide an acceptable level of residential amenity for future occupants, and it is not envisaged that the proposal will have any significant detrimental impact on the residential amenities of nearby properties.
- Car parking provision (17no spaces) is considered acceptable having regard to the central location of the site and proximity to public transport
- Further information is required to ensure the adequacy of refuse storage facilities.
- The proposal does not relate to a protected structure and there are none within the immediate vicinity of the site. The views of residents in relation to the proposed alterations to the entrance to Trinity Gardens are noted however these have to be balanced against the desirability of achieving wider planning objectives and the redevelopment of this vacant town centre site
- Further information is required in relation to ensure the longevity and stability of the existing boundary walls to the north and west of the site
- A detailed Bat Survey is required
- Having regard to the separation distance from European sites and the location of the site within an urban environment, the development is likely to be located beyond zones of sensitivity for both noise and dust however further information is required to confirm same and to rule out that the development would have a significant effect on European Sites.
- A request for further information is recommended

Planner's Report (December 2021)

- The second report of the case planner considers the further information received on the 19th of November 2021 (which was deemed to be significant) along with the third-party submissions and reports received.

- The further information received is considered acceptable subject to compliance with condition.
- While only 35 of the proposed 57no. apartments (61%) achieve 2 percent ADF, it is considered that the overall scheme will provide a quality living environment for future residents and as such a lesser target of 1.5 percent ADF is acceptable for the remaining 23 units proposed.
- The proposal (as amended) provides for the retention, sympathetic reuse and rehabilitation of the entrance walls, railings and nameplate to Trinity Gardens (now included in the record of protected structures) while facilitating residential development and improved pedestrian linkages. This approach is considered appropriate and acceptable.
- A grant of permission, subject to condition is recommended

3.2.2. Other Technical Reports

Environment

(Dec 2021). No objection subject to condition

Infrastructure:

(May 2021): Requests further information

(Dec 2021). No objection subject to condition

3.3. Prescribed Bodies

The Arts Council: (Dec 2021). The development does not impact on a cultural space or any public realm area where cultural activity may be impacted. The Council will not be making an observation on this development but trust the local authority development plan can uphold the standards required in planning development.

Dept. Housing, Local Government and Heritage:

Built Heritage: Recommends clarification of further information arising from the important context of the site to determine the significance of surviving form street fronted fabric, to determine industrial archaeological significance, to indicate the location of surviving

masonry structures and their inter-relationships to each other and to ascertain historic fabric that should be safeguarded as an integral part of any future development

DAU: (Dec 2021). Notes the proximity of the development to the zone of archaeological potential established around recorded monument LH0.24-041. An Archaeological Impact Assessment (AIA) should be prepared to assess the impact of the development on archaeological heritage. Conditions recommended in this regard

3.4. Third Party Observations

A large number of third-party observations were received at each stage of the application process i.e., within the initial 5-week public consultation period and on receipt of further information. The submissions from the third-party appellant, Trinity Gardens Residents Association, include legal submissions, objections from community residents and a petition of objectors to the proposed development. Observations are on file for the Boards information. The main issues raised in the third-party submissions are comparable to those raised in the grounds of appeal which are summarised in section 6.1 below.

The following provides a summary of the main issues raised:

- The Build-to-rent housing model is more appropriate for dense city centre locations. There is no demand for this form of development in Drogheda. It is purely for profit
- The proposed development would be contrary to the zoning objective for the site.
- The proposed development in terms of its density, scale and height is inappropriate for this area; it will result in the overdevelopment of the site and is contrary to development plan policy.
- The proposed development would have a negative impact upon the character and visual amenities of the area

- The proposed development would have a negative impact on the architectural and archaeological heritage of the town with particular reference to the proposed works to the entrance walls and railings to Trinity Gardens (a protected structure).
- The proposed development will have a negative impact the amenities of residential properties in the area by way of overlooking, overbearing, overshadowing, loss of natural light, visual impact, and devaluation of property etc.
- Potential impacts on the amenity and integrity of neighbouring properties during the construction period.
- Insufficient car parking
- The local road network, including, Trinity Gardens cannot accommodate the additional traffic movements generated by this development.
- Concerns raised regarding the risk of anti-social behaviour due to uncertainty of tenure.
- The proposed development would have a negative impact on local habitats and species including bats
- EIA Screening required. Inadequate information for AA Screening
- The grant of permission under LCC Ref: 18/1056 is not a precedent as it is located on town centre zoned lands.
- Impact on water services and drainage.

4.0 Planning History

LCC Ref:15/57 Retention permission refused (2015) for existing (a) commercial car park, (b) carwash/car valeting, (c) car servicing/tyre sales business, and (d) associated signage. The development for retention would be contrary to land use objectives on the site, depreciate the amenity and value of residential use around the site; result in a traffic hazard and be hazardous to pedestrians.

5.0 Policy Context

5.1. National Policy and Guidance

Regard is had to:

- Project Ireland 2040 - National Planning Framework (2018)
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (updated 2020)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection - Guidelines for Planning Authorities 2011

5.2. Louth County Development Plan 2021- 2027

5.2.1. The application was initially 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 2021-2127 was adopted by Louth County Council on the 30th of September 2021 and came into effect on the 11th of November 2021. The second report of the Senior Executive Planner (Dec 2021) had regard to the policy objectives contained within the LCDP 2021-2127.

5.2.2. The Louth County Development Plan 2021-2127 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”,

- 5.2.3. 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

Zoning:

- 5.2.4. The site is zoned A1 ‘Existing Residential’ with the objective “To protect and enhance the amenity and character of existing residential communities” Residential is listed as a land use that is “generally permitted” within this zoning.
- 5.2.5. 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

- 5.2.6. 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”.

5.2.7. The following policy objectives are of relevance

- 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.
- CS10: 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.
- 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.
- 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
- SS 10 To manage the growth of Drogheda in a manner that will achieve the creation of a compact settlement with attractive and inclusive sustainable neighbourhoods where there is a choice of affordable homes for all.

Chapter 3 Housing

5.2.8. Section 3.11 of the Development Plan relates to residential densities. Table 3.2 sets out recommended 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.

5.2.9. 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.

5.2.10. The Following Objectives are Noted:

HOU 15 To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.

HOU 16 To support increased building heights in appropriate locations in the Regional Growth Centres of Drogheda and Dundalk

Chapter 9 – Built Heritage and Culture

5.2.11. The entrance walls, railings & nameplate to Trinity Gardens is identified as a Protected Structure on Record of Protected Structures set out within Volume 4 of the Louth County Development Plan.

I.D: DB-402

Description: Constructed c.1931 consisting of rendered block and cast-iron railings the wall forms a unique entrance to one of the first housing estates in Drogheda

Appraisal: None

5.2.12. The following policies are of relevance:

BHC 20 To ensure that any development, modification, alteration, or extension affecting a protected structure and / or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure

BHC 21 The form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage, and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected.

BHC 23 To require that all planning applications relating to protected structures contain the appropriate documentation as described in the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any subsequent guidelines, to enable a proper assessment of the proposed works and their impact on the structure or area

- BHC 26 To encourage the retention, sympathetic reuse and rehabilitation of protected structures and their settings where appropriate and where the proposal is compatible with their character and significance. In certain cases, development management guidelines may be relaxed in order to secure the conservation of the protected structure and architectural features of special interest
- BHC 27 To permit the demolition or significant modification of a protected structure, only in exceptional circumstances.
- BHC 28 To ensure the protection of architectural features of special interest as part of any proposed re-development where there is conflict with other development plan requirements such as open space, car parking etc.

Chapter 13 – Development Management

5.2.13. 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:

“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 13.9.15 relates to Public Open Space “*Public open space within a development shall normally equate to 15% of the total site area*”.
- Section 13.8.28 relates to Design Standards for 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.
- 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 in certain circumstances
- 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.

5.3. Natural Heritage Designations

5.3.1. No natural heritage designations apply to the subject site. The following sites are located within the wider geographical area:

Designated Site	Site code	Distance
River Boyne and River Blackwater SAC	002299	c0.3km to the south
River Boyne and River Blackwater SPA	004232	c2.6km to the west
Dowth Wetland pNHA	001861	c4km to the west
Boyne Estuary SPA	004080	c2.1km to the east
Boyne Coast and Estuary pNHA and SAC	SAC – 001957 pNHA - 001957	c3.5km to the east
Boyne River Islands pNHA	001862	c2.2km to the west
King William’s Glen NHA	001804	c4km to the west
River Nanny Estuary and Shore SPA	004158	c8km to the southeast
Laytown Dunes /Nanny Estuary pNHA	00554	c8km to the southeast

5.4. EIA Screening

5.4.1. The proposed development falls within the category of ‘Infrastructural Projects’, under Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended), 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.

5.4.2. The number of dwelling units proposed at 57 is well below the threshold of 500 dwelling units noted above. With a site area of 0.36 hectares, located in the built-up area of Drogheda, it is materially below the applicable threshold of 10 hectares.

- 5.4.3. As per section 172(7)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1- or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Planning Authority determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.4.4. I have given consideration to whether sub-threshold EIA is required. The site is zoned A1, 'existing residential' in the current Louth County Development Plan in which residential is permitted in principle. The introduction of a residential development on a serviced and zoned site within the urban footprint of Drogheda will not have an adverse impact in environmental terms on surrounding land uses.
- 5.4.5. The existing buildings on site which are to be demolished are not listing in the record of protected structures however the proposed development does incorporate the carrying out of works, including works of demolition, to the boundary wall and railings along the southern site boundary which form part of a protected structure (DB-402). The proposed development and its impact on the protected structure / architectural heritage of the area is to be considered in the assessment of this application; I am satisfied that sufficient information has been submitted in this regard. I am also satisfied that the extent and nature of the development proposed would have no significant adverse direct, indirect or cumulative effects on cultural heritage that in itself would warrant the submission of a subthreshold EIA.
- 5.4.6. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the area. It would not give rise to a risk of major accidents or risks to human health. The proposed development is to be served by public mains water and sewage. The site is not within a European site. any issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive.

- 5.4.7. The application is accompanied by a number of specialist studies including an Architects Design Statement, a Townscape and Visual Impact Assessment, an Engineers Assessment, Screening Report for Appropriate Assessment and an Archaeological Impact Assessment. These address the issues arising in terms of the sensitivities in the area.
- 5.4.8. Having regard to the nature scale of the proposed development comprising only 57 no. residential units, the location of the site on zoned and serviced lands within the built-up area of Drogheda and outside of any protected site, the patten of development in the area and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. I therefore consider that the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal, submitted on behalf of the Trinity Gardens Residents Association, against the decision of the Louth County Council to grant permission for the proposed residential development at, George's Street & Trinity Gardens, Drogheda, Co. Louth. The issues raised in the grounds of appeal have been set out under various headings and are summarised as follows:

Negative Impact on Residential Amenity

- The development would result in an undue adverse impact on the residential amenity of properties to the west (Trinity Gardens) by way of both perceived and direct overlooking.
- The proposal will remove morning sun and light from properties along Trinity Gardens and have a significant overshadowing impact on No.32 George's Street to the north

- The proposed development will be highly overbearing and result in a loss of amenity to properties in the area

Negative Visual Impact and Inappropriate Design Approach

- The proposal is completely unjustified from an urban design perspective.
- Rather than enclose the site, the design approach taken abounds existing residential while leaving its elevation to Trinity Gardens open.
- The development will have a profound negative visual impact on the immediate local area. The Photomontages submitted fail to provide local context views; in particular, the cul-de-sac to the west.
- Photomontage Views 6 and 7 are misleading and incorrect as they indicate planting instead of the proposed relocated boundary wall along Trinity Gardens
- There is a level difference (0.5m to 1.25m) between the proposed development site and the adjoining properties to the west (56-59 Trinity Gardens). The western wing of the development located c5m from the western boundary will appear c7.55 – 8.15m above the garden level of adjoining dwellings (56-59 Trinity Gardens).
- The impact of the development on adjoining properties to the west will be compounded by the monolithic design form and height to the north and western blocks of the development.
- The scale and mass of the scheme would be highly overbearing and visually obtrusive when viewed from the rear of the houses to the west

Contrary to CDP Policy HOU16 (Building Height)

- The application significantly fails to achieve the required principles to allow increased building heights.
- The proposed development will amount to unacceptable overdevelopment of the site
- It has not been demonstrated that due regard has been made to the prevailing height in the surrounding area, the proximity of existing residential

development or the formation of a cohesive streetscape pattern in accordance with Building Height Guidelines as well as the principles under Policy HOU 16

- The proposal is not at the scale of the street and fails to make a positive contribution to the neighbourhood and streetscape
- The lack of street level commercial use / activity will overall create a negative contribution to the legibility of the site and area.
- While on the boundary with two other zones, the scale and form fail to facilitate any appropriate transition.
- The landscaped courtyard at podium level above the street is poorly considered and will have a negative visual impact on Trinity Gardens
- The Building Height Guidelines have not been adequately or appropriately taken into consideration or adequately responded to.

Proposed Development is in Contravention of the Sustainable Residential Development in Urban Areas (2009).

- The proposed density at 158units /ha, is not supported by any planning policy given its land use and context
- The development is outside the town centre therefore a minimum density of 35units / ha applies. a development five times the minimum density should not be expected or supported by the Board in this instance.
- The planning authority qualify the proposed density based on achieving internal qualitative development with no reference to the required balance between density and respecting /upholding residential amenities.
- There is no basis for the Board agreeing with the planning authority that this is an appropriate location for the density proposed.
- The development offers poor design, lack of connectivity, does not create any form of sense of place or identity and does not make any positive contribution to the streetscape. It is therefore contrary to Policy HOU 21 which requires new development to be consistent with the Guidelines.

Negative impact on the Setting and Character of the Protected Structure

- The proposal seeks to demolish the majority of the protected structure and only partially seeks to reinstate the wall and railing in a setback location.
- It will appear inconsistent with the long-established pattern of development that forms the access to Trinity Gardens
- The demolition of a protected structure is prohibited except in exceptional circumstances. No exceptional circumstances have been identified. Such demolition would also constitute a material contravention of the development plan.
- The report submitted by the applicants on the ‘Architectural / Historic significance of Entrance Walls to Trinity Gardens...’ is flawed as it does not discuss the impact of the development on the protected structure and the effect of imposing the over scaled proposal at the entrance.
- The application fails to comply with CDP Policy BHC 20, 21, 22 and 23. It fails to be sensitively designed at a scale that is compatible with the character of the protected structure; fails to retain the form and structural integrity of the protected structure, fails to reflect the overall conservation strategy and reflects an inappropriate development within the curtilage of a protected structure and is inconsistent and contrary to the provisions of the Architectural Heritage Guidelines.

Inappropriate Vehicular access and Car Parking Arrangement that will result in a Traffic Hazard:

- The development is significantly under provided for in terms of car parking and will result in spill over of car parking into adjoining residential areas
- Trinity Gardens is deficient in terms of road width. the proposed setting back of the boundary will amount to a piecemeal solution to pedestrian safety and will require / encourage the use of Trinity Gardens as a pedestrian route creating a potential serious traffic hazard
- Traffic speeds along this stretch of road will likely increase as a result of the road widening

Negative Impact on Property Values

- The proposed development will have a negative impact on the value of the appellants properties given the overbearing nature of the proposed development the decrease in light, privacy and significant loss of residential amenity

6.2. Applicant Response

The applicant's response to the issues set out in the grounds of appeal have been set out below.

Harm to Residential and Visual Amenity for Existing Residents

- The proposed development responds to the sites context by stepping down in height to two-storey along the northern boundary and from two to one storey along the western boundary
- Existing boundary walls (between 3-5m in height) along the northern and western boundary are to be retained
- There are no windows to habitable rooms on the western or northern boundary of the proposed building at ground or first floor level
- The access walkway at first floor level around the northern and western façade will feature a 1.8m high metallic panel system to obscure visibility. This is a circulation area not a balcony.
- There are no directly opposing first floor habitable rooms
- To seek no development or single storey development to match the existing pattern of development would not result in a sustainable development form
- The western boundary will be planted with trees to provide further screening and to soften the building outline
- The proposed building along the northern and western site boundaries responds to its context, is modest in scale and will not result in overlooking.
- The tallest element of the development is located approximately 44m from the closest house in Trinity Gardens. The finished floor level of this seven-storey element is over three meters lower than the building along the western boundary, further reducing its visual impact as viewed from Trinity Gardens

- There will be no overlooking of rear gardens of housing in Trinity Gardens from the balconies of the apartments in the seven-storey apartment building.

Overshadowing and Loss of Daylight to Existing Residential Properties

- The subject application was accompanied by a Daylight, sunlight and Overshadowing Study
- In terms of the developments impact on daylight, all properties along the western boundary meet or exceed BRE standards with the proposed development in place
- Minimal additional shading from the proposed development is visible on the east facing façade of houses in Trinity Gardens during the early mornings of March and December when the sun is at a lower angle.
- Of the 10 amenity spaces adjacent to the proposed development site, 8 will continue to receive at least 2 hours of sunlight on over 50% of their area or received within 80% of what they were in the existing scenario, exceeding BRE recommendations
- The remaining two property, to the north of the development site have the two lowest scores in terms of existing sunlight to their garden areas due to the existing high boundary wall which is up to 5 meters in height.
- It has been demonstrated that the proposed development will not result in a material or negative impact on the daylight or sunlight enjoyed by existing residents. The applicant has submitted no evidence to the contrary.

Excessive Mass and Scale and Overdevelopment of the Site

- The development plan sets a minimum residential density target of 50 units per hectare for town centre sites. The proposed development exceeds this.
- The site cannot be considered an edge of settlement site as it is centrally located directly adjacent to the core of the settlement of Drogheda
- It is a brownfield site on one of the main public transport corridors in proximity to the core of the settlement and one of the main employment centres
- The proposed development is in compliance with Section 28 guidance in all respects including building height and BTR development.

- It is recognised that the height of the development is taller than the prevailing building height. This height is effectively balanced with the broad horizontal townscape and the adjacent Drogheda Primary Care Centre in terms of scale.
- The seven-storey element will be a discernible addition to the skyline but the steeping down of the proposed building to tie in with the lower residential properties ensure that it would not cause unacceptable or significant adverse effects
- The development will form part of the significant and cumulative changes in Drogheda that will have a collective substantial yet positive contribution to the townscape character of this part of Georges Street and can be successfully absorbed.

Urban Design

- The context of the site has been fully considered
- Having regard to a site's context, redevelopment does not require the existing building lines, heights and density to be replicated
- The new building will provide a landmark building and mark the transition from historic town centre to the south and more residential character to the north
- The site is open to the south to take advantage of the southern aspect to provide a high-quality communal courtyard for residents
- The proposed development responds to the 12 criteria as outlined by the Urban Design Manual and has been considered in terms of the development management criteria pertaining to SPPR 3 of the Building Height Guidelines.
- The submission of the applicant is unfounded.

Negative Impact on the Character and Setting of the Protected Structure

- The applicant objects to the method and reasoning behind the addition of the walls and nameplate of Trinity Gardens into the Record of Protected structures. The walls and railings have no architectural or historical significance.
- Notwithstanding, the applicant amended the proposed development in recognition of the change in status of the walls, railing and name plate. The

proposed works have been assessed in conservation terms and are considered to be a minimal intervention with the majority of the protected structure being unaffected

- By retaining the splayed arrangement off Georges Street, the walls will continue to read as an approach road that this specific to Trinity Gardens
- The proposal to provide a vehicular entrance is considered an understated intervention
- Reconstructing the current wall and wall top railings to the back of the new footpath will both maintain the linear character and physical appearance of the structure along the roadside to Trinity gardens
- The proposed development is set back within the walls retaining their original function.

Traffic Hazard and Car Parking Provision

- The applicant has provided no basis on which to assert that the proposed development will result in increased traffic speeds on the access road to Trinity Gardens
- It has been demonstrated that adequate sightlines are available and within the control of the applicant
- The provision of a footpath will increase pedestrian safety
- Parking provision is in line with national planning policy for a BTR scheme

Misleading Information Submitted by Applicant

- The applicant strongly objects to any implications that information was submitted is misleading
- The planning application was accompanied by several expert studies, drawings etc to illustrate works proposed with verified photomontages produced to provide the most accurate visualisation of the development in place
- The applicant acquired the site in 2020, The dilapidation of buildings on site occurred over many years

Devaluation of Property

- No evidence is submitted to justify this assertion
- The redevelopment of the site in the manner proposed would add to the value of property in the vicinity and act as a catalyst to attract new uses and activities to this part of the core area of Drogheda

6.3. Planning Authority Response:

6.4. The Planning Authority's response to the issues raised in the grounds of appeal are set out below:

Impact on Residential Amenity

- The planning authority gave careful consideration to this issue. Advice at pre-planning stage resulted in a re-design of the scheme.
- The proposal will not give rise to overlooking or undue overshadowing at this location
- The proposed development is considered to align with all the qualitative and quantitative standards of the CDP
- There is a change in levels on the site and due consideration was given to this.
- In respect of compliance with Section 13.8.9 of the CDP, the reference to 11m and more for buildings over 2-storey has been misinterpreted. This section clearly provides for a case-by-case determination. It also refers to a requirement for 22m between directly opposing windows at first floor level which is not the case here.
- Perceived overlooking is very different to actual overlooking which does not occur in any event

Protected Structure

- When the application was lodged, the existing wall, railing and name plaque to Trinity Gardens were not on the Record of Protected Structures

- The applicant re-advertised, referring to the protected status of the wall prior to the submission of further information, therefore complying with the statutory provisions of the Act and Regulations
- The applicant's proposal to remove part of the wall and set back a portion is considered a measured response to the changed status of the wall.
- The protected nature of the wall does not preclude the removal or setting back of same
- Having regard to the planning considerations in this instance, namely the availability of this vacant site located in a central part of Drogheda within a few minutes of the heart of the town centre, the need to provide a safe entry/egress point, it is considered that exceptional circumstances do exist for the removal in part and setting back of the wall
- For the development of this site to create an enclosure onto Trinity Gardens, a greater portion of the wall would be required to be removed

Car Parking

- The planning authority consider this a location where no parking would be acceptable however given that the proposed units are build-to-let and that there would likely be a change in occupants due to short term leases it was considered that some parking provision was prudent
- The Planning Authority would not be opposed to the removal of parking spaces if the Board consider it appropriate

Design and Height

- Section 3.12 Buildings of Height provides guidance as to where taller buildings are acceptable i.e., central town sites on public transport routes where this site is.
- While the taller structure does represent a break from the traditional two/three storey structures it is considered that the existing pattern of the streetscape along Georges Street remains, and the juxtaposition of the new taller structure provides a modern insertion.

- Careful consideration has been given to the interruption on the skyline that would be created by this taller structure.
- This is a gateway site; the proposed structure will act as a way finder and create a sense of arrival to the town when viewed from the north or south
- The site must be considered in terms of the wider context
- The planning authority do not consider that the lack of commercial activity fails to contribute to street activity.
- The reference in the submission to negative visual impact however this statement has not been qualified and as such is considered subjective
- Taller structures are features of urban landscapes and given that the applicant has demonstrated achievement of the quantitative standards as provided for in the CDP it was considered appropriate to allow the proposed development.
- Should the Board consider that a reduction in height or scale, then it is considered that a condition amending same could be provided to address these concerns
- The planning authority seeks that the decision to grant permission for the subject development is upheld and where concerns such as height are considered an issue for the Board, that this could be addressed by way of condition.

6.5. Observations

Imelda Munster TD; Cllr. Joanna Byrne and Cllr. Tom Cunningham

- Trinity Garden's entrance walls, railings and nameplate were entered into the Record or protected structures following a unanimous vote by all Councillors in favour of this decision
- The proposed works to this protected structure is a blatant disregard for the will of elected members to protect this structure, and to the residents who have opposed this move from the outset
- The demolition of a protected structure, or of elements which contribute to its special interest, may only be permitted in exceptional circumstances. There is

nothing exceptional about these circumstances. Should it proceed it should need a material contravention of the development plan

- The FI report fails to investigate how the development may impact on the protected structure. They are opposed to any overshadowing, overwhelming and over -powering development being imposed on top of these walls
- The entrance walls, railing and nameplate form a unique historically important entrance to one of the first housing estates in Drogheda following the founding of the state. Their loss / change would only serve to undermine the local character and identity of a very unique and charming part of Drogheda.
- The cast iron railings are one of the few examples of this type of structure still in existence in the area
- It is the opinion of residents that the architect who designed the estate did so with the foresight and intention to ensure that the walled entrance remain an integral part of the estate
- No provision has been made for the additional HGV traffic during the construction phase.
- The road is narrow and will extra pressure on residents, traffic management etc
- The amount of car parking is insufficient to cater for a development of this size. Excess on street parking would impede emergency vehicles
- Refute the notion that waste vehicles will have ample space to reverse and swing into the proposed development safely without blocking sight lines for oncoming traffic and /or pedestrians
- Not opposed to the area being developed but feel the proposal in its current form goes against the aesthetics of the area and will be detriment of resident's quality of life

7.0 **Assessment**

- 7.1. Having examined the application details and all other documentation on file, including 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:

- Zoning, Density and Policy Compliance
- Urban Form, Building Height, and Visual Impact
- Impact on Existing Residential Amenity
- Proposed Apartments – Qualitative Standards
- Built Heritage
- Traffic / Parking
- Appropriate Assessment

7.2. Zoning, Density and Policy Compliance

- 7.2.1. Permission has been sought for the demolition and clearance of all buildings and structures on site including the demolition of five houses, a domestic garage, and outbuildings associated with Swan Yard, and for the construction of a 'Build to Rent' residential development. The proposed scheme comprises the redevelopment of an infill / brownfield site located within an established residential area in the Regional Growth Centre of Drogheda.
- 7.2.2. The proposed development site is zoned 'A1 - Existing Residential' under the Louth County Development Plan 2021-2027 (LCDP). The zoning objective for this area is to protect and enhance the amenity and character of existing residential communities. Residential development is listed as a use that is generally permitted within this zoning. The guidance for the 'A1' zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. It is stated within the LCDP that infill developments will be considered within this zoning where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.

7.2.3. The appeal site is located close to Drogheda's town centre, at the edge of the settlements commercial core and within easy walking distance to a wide range of shops and services. The area is served by public transport, the site being located c120m from the closest bus stop on George's Street, c1km from Drogheda Bus Station and c1.8km from Drogheda Railway Station. Therefore, while not located on designated town centre lands i.e., lands that have been zoned 'town centre' under the LCDP 2021-2027, I am satisfied that the site occupies a central location within the settlement. The redevelopment of centrally located brownfield sites for residential development is supported by national and local policy as a means of achieving compact growth. I refer the Board to Policy Objective CS2 of the Louth County Development Plan 2021-2027 in this regard.

7.2.4. Based on the above, I consider that the principle of the redevelopment of an existing infill/ brownfield, zoned site within the urban footprint of Drogheda for residential use is acceptable. How the proposed apartment scheme will 'fit' with the established pattern and character of the area and its impact on the residential amenities of existing properties in the vicinity of the site are I consider key considerations in the assessment of the proposed development. These issues shall be considered in later in this report.

Density

7.2.5. The proposal is for 57 no residential units on a 0.36 ha site, which equates to a residential density of 158 units per hectare. This would exceed the prevailing density of residential development within the vicinity of the site, which is comprised mainly of single and two storey semi-detached and terraced dwellings.

7.2.6. Table 3.2 of the LCDP 2021-2027 sets out the recommended densities for residential development in higher tier settlements. For Regional Growth Towns such as Drogheda, a minimum density of 50 units per hectare is recommended in town centres while a minimum density of 35 units per hectare is recommended at edge of settlement locations.

7.2.7. A case is made within the third- party appeal that the proposed development site is located outside of Drogheda town centre and that as such the minimum

recommended density of 35 units per hectare applies. On this basis, the third-party appellants contend that it is reasonable and appropriate to conclude that a development that is five times greater than this minimum density should not be expected or supported by the Board.

7.2.8. While I note the location of the site outside of Drogheda's designated town centre, it is my opinion, as set out previously in this report, that the appeal site occupies a central location within the settlement.

7.2.9. An overriding objective of both the National Planning Framework and the Regional Spatial and Economic Strategy 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. The LCDP recognises that in order to achieve compact growth, higher density development will be required, particularly on centrally located lands or on lands well connected to the town centre. This is reflected in the LCDP's Strategic Settlement Strategy for Drogheda which, under Policy Objective SS4, requires a minimum density of 50 units/ha in centrally located areas. I am therefore satisfied that a residential density greater than of 50 units per hectare is appropriate for this site.

7.2.10. While the proposed density would at c158units per hectare, far exceed the recommended minimum density of 50 units per hectare for centrally located sites, the LCDP does not set an upper limit on the number of dwellings that may be provided. Instead, the LCDP provides that when identifying the potential density of a site, consideration must be given to the surrounding context and how the development would relate to the existing built form and character of its location; the primary considerations will be the quality of the residential environment that will be created. Policy Objective HOU 15, seeks to promote development that facilitates a higher, sustainable density, which will be appropriate to the local context and enhance the local environment in which it is located.

7.2.11. I therefore consider that the principle of the proposed density is acceptable and in accordance with guidance set out within national and local policy subject to

residential amenity standards and consideration of how the design of the proposal responds to the receiving environment.

BTR Justification

- 7.2.12. As regards the nature of the proposal as a “build to rent” (BTR) scheme, I note Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 (Apartment Guidelines), provides guidance on build-to-rent and shared accommodation sectors. The guidelines define BTR as “purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.”. These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. The residential type and tenure provide a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.
- 7.2.13. An analysis of existing household composition and tenure presented as part of the BTR Justification Test submitted in support of the application, indicates that there is almost an equal split between owner / occupier and renters in the area surrounding the application site but that the dominant form of accommodation in the area is houses. The proposed BTR development of 57 units comprising 6 no. studio, 34 no. 1 bed and 17 no. 2 would provide for an alternative housing typology that would add to the housing mix in the area.
- 7.2.14. Section 5.7 of the Apartment Guidelines acknowledges the key aspect of the BTR model is its potential to accelerate the delivery of new housing at a significantly greater scale than at present, making a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland, and the scale of increased urban housing provision envisaged by the National Planning Framework.
- 7.2.15. I refer the Board to the provisions of Specific Planning Policy Requirement 7 (SPPR7) of the apartment Guidelines, which provides that: Build-to-Rent development must be:

- (a) Described in the public notices associated with a planning application specifically as a 'Build-to-Rent' housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately (my emphasis) for that period.
- (b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:
 - (i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
 - (ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

7.2.16. In this instance, the public notices refer to the scheme specifically as a 'Build-to-Rent' housing development. A copy of a draft legal agreement referred to in SPPR7 has been enclosed. This document indicates that the applicant is willing to accept a condition requiring that the residential units remain in use as BTR accommodation owned by an institutional entity and that no unit shall be sold (save for part V compliance) for a period of 15 years.

7.2.17. In terms of communal recreational amenity, c288sqm of residential amenity space has been provided within the proposed scheme for residential support services and amenity. This equates to 5sqm per apartment and includes, a double height lobby area, a concierge / mail room and various amenity spaces (possible uses for which

include gym, laundry, works areas). Condition 5 as attached to the planning authority's decision requires that the rooms denoted for use as residents support facilities, services and amenities be retained for these functions and that they be appropriately furnished.

- 7.2.18. To conclude on the question of the principle of the proposed build to rent scheme I consider that given the policy context, the proposed build-to-rent units are acceptable in principle subject to detailed considerations. The overall quality of residential amenity afforded to future occupants of the proposed scheme is discussed later in this report.

7.3. Urban Form, Building Height, and Visual Impact.

- 7.3.1. It is the opinion of the third-party appellants, as expressed in the grounds of appeal, that the proposal is unjustified from an urban design perspective. The case is made that the design approach, to open-up the site to the south and to locate apartments along the western and northern boundaries, fails to provide a new streetscape along Trinity Gardens and results in increasing the visual impact on adjoining properties. It has also been contended that the proposal will, due to its height, scale, and mass, be over dominant and visually obtrusive.
- 7.3.2. The application is accompanied by an Architectural Design Statement, Landscape and Townscape Visual Assessment Report and verified photomontages in which the rationale for the design, layout, height, and scale of the proposed development is set out.
- 7.3.3. The proposed development site is located at the junction of George's Street and Trinity Gardens. George's Street, to the east, forms part of the R132 Regional Road one of the main access routes into Drogheda. Trinity Gardens Road which borders the site to the south, is a local access road that connects George's Street to Simcock's Lane to the west. The site is bounded by residential development to the north and west.

- 7.3.4. The proposed apartment scheme has been laid out in a perimeter block style with buildings arranged along the eastern, northern, and western boundaries of the site addressing a central area of communal open space (courtyard). The development opens onto Trinity Gardens (road) to the south, providing a southern aspect to the external courtyard and facilitating vehicular and pedestrian access to the site. The vehicular access leads directly to a surface car park, accommodating 17no spaces.
- 7.3.5. The prevailing height context in the vicinity of the site includes two-storey, mainly residential development, to the north, east and south of the appeal site, fronting onto Georges Street, and single storey residential dwellings (Trinity Garden's) to the west. A four-storey, primary health care centre, is located on St. Patricks Street, c50m to the east of the appeal site. The proposed development varies in height from 1 to 2 storeys (4.732m to 6.925m) along the western and northern site boundaries and from 3-7 storeys (10.573m to 24.111m) along George's Street to the east. The stepped building height is I consider a suitable response to the context of the site and its relationship with neighbouring properties. The impact of the proposed development on the residential amenities of neighbouring properties is considered later in this report.
- 7.3.6. The positioning of the higher, 3 and 7 storey elements along Georges Street is I consider appropriate from an urban design perspective, given the status of this road as one of the primary access roads to Drogheda. A strong street frontage to George's Street will contribute not only to the streetscape but the wider urban realm. The three-storey element on George's Street is set back c 6m from the established building line, allowing for the introduction of an amenity area to the front of the building where wider footpaths and tree planting has been proposed to enhance the public realm. The seven-storey element of the proposed scheme is confined to the southeast corner of the site, at the junction of Georges Street and Trinity Gardens, this is I consider a suitable location for a higher landmark building.
- 7.3.7. While I note the concerns raised in the third-party appeal regarding the failure of the development to enclose the site and create a new streetscape along Trinity Gardens, I consider that the design approach taken by the applicants in this respect, is acceptable. Trinity Gardens (road) is a lightly trafficked local access road, situated

between two housing plots (currently occupied by No's 22 and 26 Georges Street) and flanked by high walls. Views of / towards this section of roadway are limited to its immediate environs and I do not consider that the provision of an enclosed streetscape at this location would contribute, in any meaningful way, to the urban realm or townscape of Drogheda. Furthermore, I am satisfied that the development has been designed to adequately address Trinity Gardens (road). The proposed scheme will significantly improve the level of natural surveillance on the road and widening of the roadway to provide a footpath will I consider, create a more pedestrian friendly environment.

Building Height

- 7.3.8. In terms of the principle of the proposed height, Section 2.13.4 of the Louth County Development Plan 2021-2027 outlines that the local authority will actively promote and support proposals to develop buildings of increased height on suitably located and configured lands. 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.
- 7.3.9. 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.
- 7.3.10. The LCDP 2021-2027 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*”. Further guidance on the appropriate location for

buildings of height is provided under Section 3.12. of the Louth County Development Plan. Here reference is made to locations on the approach road to the town centre and it is stated that the local area shall have the social and physical infrastructure to accommodate the increased levels of activity. In this context, I consider the appeal site an appropriate location for increased building height.

- 7.3.11. At the scale of the town/city, I note that the site is located at an accessible location close to Drogheda's town centre. The site is located within 130m of bus stops that serve the town as well as regional and inter-city services. Drogheda bus station is located within c800m of site while the Drogheda Railway station is located c1.8km from the site. The site is not located within a visually sensitive location. The proposed development has been subject to a Townscape and Visual Impact Assessment. The report concludes that the proposal, while substantial, would result in a positive contribution to the townscape character, has no unacceptable townscape / landscape or visual effects and can be successfully absorbed into the character and views of this part of Drogheda.
- 7.3.12. At the scale of the district / neighbourhood/Street: I consider that the proposal responds adequately to its natural and built environment and that the redevelopment of these lands will make a positive contribution to the urban neighbourhood and streetscape. The location of the proposed development at the junction of George's Street and Trinity Gardens and opposite the junction of George's Street and Patrick Street is I consider a suitable location for a landmark building. A building of height at this location would, I consider, make a positive contribution towards strengthening the areas legibility and sense of place, and would therefore accord with the criteria of buildings of height set out in Section 3.12 of the LCDP. The stepping of building heights from 1 to 2 storeys on its western and northern boundaries and from 3 to 7 storeys along Georges Street, in my view provides an appropriate transition between the scale and massing of the proposed development and neighbouring properties. The variety in building height, setback, and elevational treatment, breaks up the mass of the building, while the use of brick as the main elevational treatment reflects that of neighbouring structures. The proposed BTR units will I consider contribute to the mix of dwelling typologies in the area.

7.3.13. At the scale of site / building: Overall, I am satisfied that the form, massing, height, and orientation of proposed development have been carefully modulated with the view to maximising access to natural daylight, ventilation and views and minimising overshadowing and loss of light. I am also satisfied that appropriate and reasonable regard has been taken of quantitative performance approaches to daylight provision. These issues are considered in further detail later in this assessment.

Visual Impact.

7.3.14. The Townscape and Visual Impact Assessment (TVIA) prepared by Parkhood Chartered Landscape Architects accompanies the application. I note that the TVIA was prepared prior to the boundary wall, railings, and name plate of Trinity Gardens, which borders the site to the south being included in the record of protected structures. The impact of the proposed development on the protected structure is to be considered later in this report.

7.3.15. The TIVA categorises the site, comprised a set of run-down and vacant buildings, as a poor townscape of low sensitivity, quality, and value that is capable of accommodating change in townscape/landscape visual terms. I agree with the assessment in this regard and consider that the site currently contributes little to the streetscape and urban realm of Georges Street.

7.3.16. The TVIA provides a summary of the existing setting and likely / anticipated effects on eleven representational viewpoints. These viewpoints are illustrated in a series of verified photomontages prepared by Modelworks. Concerns are raised within the appeal in relation to the lack of local context views; the location and set back of Views 3 and 4 from along Patrick Street, and the accuracy of Views 6 and 7 which detail planting along the southern boundary as opposed to the proposed boundary wall set back. I refer the Board to Page 21 of the applicant's response to the grounds of appeal includes a photomontage which details Viewpoint 6 updated to include the walls and railings along Trinity Garden. I have reviewed the viewpoints and photomontages submitted with the application and I have carried out an inspection of the area; I consider that the viewpoints and photomontages provided are sufficient for assessment purposes.

7.3.17. The TVIA finds the proposal will be a readily apparent component in local views for an approximate 200m section of Georges Street and a short section of the approach from Patrick Street and that it will represent a change in scale and nature of building in the area when viewed from the east (Trinity Gardens). While recognising that there are some significant local impacts to immediate adjacent areas, the report concludes that the proposal, will on balance have no unacceptable townscape / landscape or visual effects and can be successfully absorbed into the character and views of this part of Drogheda. I accept the veracity of the findings and conclusions of this report.

7.3.18. Conclusion

7.3.19. Overall, I consider that the proposal presents a modern building form which has been appropriately designed to respond to the existing site context and which will integrate positively into the existing streetscape. In addition, I consider that the principle of the proposed 7 storey height can be considered at this location in both visual and policy terms subject to consideration of relevant qualitative and amenity standards.

7.4. Impact on Residential Amenity:

7.4.1. The A1 zoning objective pertaining to the site 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 is therefore a key consideration in assessing the proposed development. The redevelopment of a brownfield site within an established urban setting will alter the context of the site and the receiving environment and a degree of impact on the residential amenities of existing properties is I consider inevitable. I therefore submit that any impacts identified must be balanced against the need to develop infill / brownfield sites at higher and more sustainable densities in accordance with nationally adopted strategies.

7.4.2. The third-party appellants have raised concerns in relation to the impact of the proposal on the residential and visual amenities of the adjoining single storey

properties to the west (Trinity Gardens) by way of overlooking, overshadowing and visual obstruction / overbearing and, on the neighbouring property to the north, No. 32 Georges Street, by way of overshadowing and overbearing. The depreciation in property values is also raised as a concern. I consider the issues raised in turn as follows:

Overlooking / Loss of Privacy

- 7.4.3. A case is made in the third-party appeal that the proposed BTR scheme will, due to its height and proximity to the western site boundary (c2.3m - 5m) and, due to the presence of west facing balconies on the 7-storey element, result in an undue adverse impact on residential amenities of neighbouring properties in Trinity Gardens by way of both perceived and direct overlooking.
- 7.4.4. In relation to privacy, it is stated under Section 13.8.9.1 of the LCDP that 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. On review of the application drawings, I consider that the potential for overlooking has been adequately mitigated through the design process.
- 7.4.5. The existing boundary walls along the northern and western site boundaries, which vary in height from c3 to 5m, are to be retained in situ. The retention of these walls will I consider help to maintain a degree of privacy for existing properties. I note that these walls have been surveyed by a structural engineer and that a method statement for their retention has been included as part of the application.
- 7.4.6. As noted by the applicants in their response to the grounds of appeal, the proposed development responds to the site context by stepping down in height to two storeys along the northern boundary and from two to one storey along the western boundary. There are no windows to habitable rooms on elevations along the western or northern boundaries, negating the need to comply with the standard 22m separation distance between opposing windows.

- 7.4.7. The access walkway at first floor level that extends around the western and northern façade of the building is to be bounded by a 1.8m high metallic panel system. This opaque screen is I consider sufficient to obscure visibility from the walkway and to prevent overlooking of adjoining residential properties to the north and west.
- 7.4.8. Separation distances in excess of 40m between west facing windows / balconies serving the 7-storey element and the western site boundary far exceed the minimum standard of 22m and are I consider sufficient to ensure an adequate degree of privacy for both existing and proposed residential units.

Overbearing

- 7.4.9. The grounds of appeals outline that the proposed scheme would be highly overbearing and visually obtrusive when viewed from the rear gardens of neighbouring properties.
- 7.4.10. The rear gardens of No's 53 to 61 Trinity Gardens border the site to the west. The western wing of the proposed scheme is predominantly two-storeys with a height of c6.92m above FFL, stepping down to a single storey height of c4.75m at its southern end (adjacent to No.61 Trinity Gardens). Reference is made in the grounds of appeal to a level difference of between 0.5m and 1.25m between the proposed development site and the adjoining lands to the west which would result in the western wing of the proposal appearing between c7.5 and 8.15m above the garden level of the neighbouring terraced houses in Trinity Gardens.
- 7.4.11. Separation distances of between 9.3m and 16.2m have been provided between the western wing of the proposed development and the rear elevations of the opposing terraced units in Trinity Gardens. A reduced separation distance of 2.8m has been provided between the side elevations of the proposed single storey element and No.61 Trinity Gardens.
- 7.4.12. While I note the single storey nature of the existing development within Trinity Gardens and while I accept that the proposed development will be visible from the rear of these properties, I am satisfied, having regard to the location of the proposed

development in a built-up urban area, the design and layout of the proposed scheme and the separation distances between the existing properties and the proposed development, that the proposal would not have a significant undue overbearing visual impact on existing residential properties in Trinity Gardens.

7.4.13. In relation to No. 32 Georges Street, I refer the Board to the architectural Drawing No:1954-PA-204 which details the northern elevation of the proposed scheme. The northern wing of the proposed scheme extends almost the entire length of No. 32 Georges Street and its rear curtilage. It is predominantly two-storey in height (c6.92m above FFL) increasing to three-stories as it fronts onto Georges Street. The hatched line on Drawing No:1954-PA-204 indicates the height of the existing wall that delineates the boundary between the appeal site and No. 32 Georges Street. The retention of this wall (as proposed), will I consider, adequately mitigate the overbearing impact of the proposed two-storey element.

7.4.14. The three-storey element lies adjacent to and to the rear of the two-storey dwelling, No. 32 Georges Street. The separation distance between the two structures is c0.5m. The three-storey element reaches a height of c10.8m, with a parapet height of c9.8m along its northern elevation, which is c2.2m higher than the ridge level of No. 32.

7.4.15. The proposed structure, due to its height, large blank façade, and limited separation distance, will alter the outlook from the rear garden area of No.32 Georges Street and to a lesser extent its neighbouring properties to the north. I note however that No.32 Georges Street and its neighbouring properties are served by extensive rear garden areas which, although narrow, extend to lengths of c55m. The quantum of amenity space afforded to these properties should I consider help to moderate the overbearing visual impact of the proposed development. Notwithstanding, I consider that on balance, the degree and scale of impact arising would not be sufficient to recommend a refusal in this instance.

7.4.16. In the wider context, whilst I acknowledge that the proposed development, with a maximum height of 24.1m, would be visible from the properties in the area and will change the outlook from these properties, I consider that the extent of visual change

would be in character with the constantly evolving and restructuring urban landscape and would not adversely impact on the residential amenities of the properties as to warrant a refusal of permission.

Daylight/Sunlight

- 7.4.17. The proposed apartment block ranges in height from 1 to 7 storeys. The prevailing height context in the vicinity of the site is characterised by single and 2 storey dwellings. 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*”.
- 7.4.18. 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. Both documents are specifically referenced in the Louth Development Plan (Section 13.8.10 Development Management Standards) and in Section 28 Ministerial Guidelines on Urban Development and Building Heights 2018.
- 7.4.19. The applicant engaged the services of IES to assess the impact of the development on daylight and sunlight. A Daylight, Sunlight and Overshadowing Study was submitted in support of the application. A further Daylight Study, to ascertain the daylight performance of the rooms of the proposed development units, was submitted in response to the planning authority’s request for further information. These documents rely on the standards set out in
- BRE209 “*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*’ (2011).
 - British Standard BS8206 Part 2, Lighting for Buildings, Code of Practice for Daylighting (2008).

7.4.20. I have considered the report submitted by the applicant and have had regard to BRE209 and BS8206. While I note and acknowledge the publication of the updated BRE209 guidance in 2022 and the updated British Standard (BS EN 17037:2018 'Daylight in buildings', which replaced the BS8206 2008 in May 2019 (in the UK), I am satisfied that this 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 Section 28 Ministerial Guidelines and the Louth County Development Plan 2021-2027.

7.4.21. 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 (e.g., 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. 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.”

7.4.22. 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)”

Internal Daylight and Sunlight:

- 7.4.23. The Building Height Guidelines seeks compliance with the requirements of the BRE standards and associated British Standard, and that where compliance with requirements is not met that this would be clearly articulated and justified.
- 7.4.24. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 209 Guidance with reference to BS8206 – Part 2, sets minimum values for ADF that should be achieved. These are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidelines notes that non-daylight internal kitchens should be avoided where possible, especially if the kitchen is used as a dining area too. If the layout means that a small, internal galley-type kitchen is inevitable, it should be directly linked to a well daylighted living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining (LKD) layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.
- 7.4.25. The proposed scheme comprises studio apartments with combined kitchen, living, and bedrooms (KLB's) and apartments with combined LKDs and therefore consideration should be given to achieving the higher ADF target of 2%.
- 7.4.26. Using the above targets, the applicants Daylight Study found that the 78% of all occupiable rooms within the proposed scheme would have adequate access to daylight. The design target of 1% ADF for Bedrooms was achieved in all cases while the design target of 2% ADF for a combined KLB's and KLD's was achieved in 30 of the 57 apartments (53%). It is noted that when assessed against the lower ADF target of 1.5%, compliance was achieved in 100% of cases.
- 7.4.27. An addendum to the IES Daylight Study, entitled New Balcony Design – ADF Analysis, was prepared to reflect design changes to balconies at the southeast corner of the site. Both documents were submitted to the planning authority as part of the applicant's response to the further information request. The analysis shows that of the 14no. L/K/D rooms (re)tested, the pass rate at the higher level of 2% ADF increased from 9 to 14 (+5 units), resulting in an overall pass rate within the scheme of 61%.

7.4.28. The applicant has failed to meet the higher 2% ADF target for dual purpose rooms in 39% of cases; however, I accept that in a scheme of this nature, it is significantly challenging for all large open plan living / kitchen / dining rooms to achieve 2% ADF target. The applicant has proposed an alternative ADF target of 1.5%. Rooms that achieve in excess of 1.5% ADF would I consider enjoy good daylight amenity and as such I consider it reasonable to allow a lower 1.5% ADF target. In this regard I note that the ADF for rooms is only one measure of the residential amenity that designers should consider in the design and layout, and to this end, I am satisfied that the applicant, while proposing an alternative ADF for the kitchen/living rooms, has endeavoured to maximise sunlight/daylight to the apartments.

7.4.29. Based on the above, the proposed scheme would achieve a level of compliance:

- 2% ADF for K/L/D: 61%
- 1.5% ADF for K/L/D: 100%
- 1% ADF for bedrooms: 100%,

7.4.30. I consider that these results represent reasonable level of compliance with BRE standards particularly having regard to the proposed density and urban location.

7.4.31. In terms of compensatory design solutions, I note that 42% of the proposed apartment units are dual aspect and that there are no north facing single aspect units. The development includes a large communal amenity space with favourable southern aspect along with additional communal resident support facilities and services. Each of the proposed BTR units is to be served by a private amenity space in the form of a balcony, access via the living areas. The proposal also contributes to wider planning aims such as the delivery of housing and the regeneration of an underutilised brownfield site.

7.4.32. Having regard to above, on balance, I consider that the proposed BTR units would achieve sufficient levels of daylight to provide an adequate level of amenity for future residents. As such, in relation to daylight and sunlight provision for the proposed units, the proposal complies with the criteria as set out under Section 3.2 of the Building Height Guidelines

Adjacent Residents:

7.4.33. In designing new development, it is important to safeguard the daylight to nearby buildings. Existing development in the vicinity of the site comprises: single storey dwellings to the west (Trinity Gardens), 2 storey dwellings to the north, south and east and a commercial property (public house) to the southeast.

7.4.34. A case is made in the third-party appeal that the proposed BTR scheme will result in the loss of morning sunlight from properties in Trinity Gardens and overshadowing of No. 32 Georges Street, which will have a negative impact on the residential amenities of these properties

Shadow Analysis

7.4.35. Section 5 of the Daylight, Sunlight and Overshadowing Study prepared by IES, provides a Shadow Analysis of the proposed development. Shadows cast by the development on March 21st, June 21st and December 21st are presented in both plan view and 3D view. The assessment outlines the following results for residential properties:

- Trinity Gardens West: Minimal additional shading on east façade during early mornings of March and December. No impact at any other time.
- Georges Street – Northwest: Additional shading on west facing façade from mid to late afternoon of March/December. Minimal impact during June to the window of the property adjacent to the development site (No.32 Georges Street).
- Georges Street – Northeast: Minimal impact on north-western façade during late afternoon of March/December.
- Georges street – South West: Minimal additional shading on northwest facing façade of the upper dwelling during late afternoon of March.

- Georges Street – Southeast: Additional shading during late afternoon in March and June.

7.4.36. While the study identifies some overshadowing on neighbouring properties, I do not consider such impact to be significant or excessive in this urban context.

Sunlight to Existing Amenity Spaces

7.4.37. Section 6 of the Daylight, Sunlight and Overshadowing Study considers the impact of the proposed development on sunlight to both existing and proposed amenity spaces. The existing amenity spaces of 10 properties were considered in the analysis: No's 53 to 59 Trinity Gardens and No's 32,33 and 34 Georges Street. The report refers to the guidance set out in Section 3.3.17 of the BRE's Site Layout Planning for Daylight and Sunlight which outlines that for a space to appear adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least 2 hours of sunlight on the 21st of March.

7.4.38. The study found that on the 21st of March, 8 out of the 10 existing amenity spaces adjacent to the proposed development would continue to receive at least 2 hours of sunlight over 50% of their area, exceeding BRE recommendations. The assessment illustrates that the amenity spaces to the rear of No's 32 and 33 Georges Street do not meet the required standard in both the existing and proposed scenario.

7.4.39. While the rear gardens of both No's 32 and 33 Georges Street are extensive, extending over 55m in length, the assessment illustrates that they currently receive a limited amount of sunlight, with only 5% of the garden area serving No's 32 and 13% of the garden area serving No.33 receiving at least 2 hours of sunlight on the 21st of March. Under the proposed scenario this will decrease to 0% for No's 32 and 10% for No.33. It is therefore evident that the proposed development would reduce the level of sunlight currently afforded to No's 32 and 33 Georges Street; however, I note that the images presented illustrate very little difference to the amount of sunlight received between both the existing and proposed scenarios. On this basis and having regard the location of the development in a built-up urban area it is my

opinion the degree of impact that would arise is acceptable in allowing for the redevelopment of this brownfield site.

Daylight Analysis of Existing Buildings

7.4.40. Section 7 of the report provides a daylight analysis of the impact of the proposal on existing properties in the immediate vicinity of the site

- VSC View 01 - Trinity Gardens West
- VSC View 02 - Georges Street – Northwest
- VSC View 03 - Georges Street – Northeast
- VSC View 04 - Georges Street – Northwest
- VSC View 05 - Georges Street – Northeast

7.4.41. This assessment concludes that 87% (97 of 111) of the points tested have a vertical sky component of greater than 27% or 0.8 times their former value in accordance with BRE recommendations.

7.4.42. Of the remaining 14 points tested below the recommended values, all are above 22% with the majority in excess of 24/25%, just below the recommendations; the report contends that occupants should see minimal change to levels of light received. In addition, the report notes that 4 of the points are associated with the public house, a commercial property and as such can be noted as having less of a requirement for natural daylight.

Devaluation of Property

7.4.43. The appellants raise a concern that the development of this site as proposed would result in a depreciation in the value of their properties. However, having regard to the assessment and conclusions 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.

Impact on Amenities of Adjoining Property – Conclusion

7.4.44. In conclusion, I am satisfied that sufficient information has been provided with the application and appeal to allow for a comprehensive and thorough assessment of the impacts of the proposal on properties within the vicinity of the site. I submit that the impacts identified must be balanced against the need to develop infill / brownfield sites at higher and more sustainable densities in accordance with nationally adopted strategies. Such strategies do have the potential to impact the amenities of neighbouring properties. In this instance the proposed development will give rise to impacts of overshadowing / loss of light and overbearing particularly on the neighbouring residential property to the north, No. 32 Georges Street. However, I submit that the degree and scale of impact in terms of overshadowing / loss of light that would arise are acceptable in allowing for the development of the site and that the proposal would not have excessively overbearing impacts when viewed from the adjoining residential property to justify a refusal of permission

7.4.45. Having regard to the assessment and conclusions 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 enjoyment or value of property in the vicinity. Accordingly, the proposed development would comply with the zoning objective for these lands, as contained in the development plan and the proposed development should not be refused for reasons relating to impacts on neighbouring amenities.

7.5. Proposed Apartments – Qualitative Standards.

7.5.1. Having regard to the nature of the proposed residential development as a BTR apartment scheme, I consider it appropriate to assess the design details of the proposed apartment units having regard to the requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, updated 2020. A Compliance report with the Design Standards for New Apartments (2018) prepared by Van Dijk Architects is submitted in conjunction with the application.

7.5.2. SPPR 7 and SPPR 8 of the Guidelines specifically refer to Build to Rent Schemes (BTR). SPPR 7, considered previously in this report, sets out the requirements for a residential development to fulfil if it is to qualify as specific BTR development in the planning process. Where the requirements of SPPR 7 are fulfilled, a number of distinct planning criteria may be applied in the assessment of the BTR scheme, these are set out in SPPR 8.

7.5.3. The scheme provides for 57 BTR units as follows:

- 6 no. studio (10.5%)
- 34 no. 1 bed (60%)
- 17 no. 2 bed (30%)

As per SPPR 8 there a no restriction on dwelling mix within BTR schemes.

7.5.4. A Housing Quality Assessment has been submitted as part of the application which indicates that all apartment floor areas meet the requirements of SPPR 3, with 67% of the units exceeding the minimum floor area standard. 24 of the proposed 57 units are dual aspect; this equates to 42% of the total provision which exceeds the 33% minimum requirements under SPPR 4.

7.5.5. The proposed development is in line with SPPR 5 which requires that a minimum floor to ceiling height of 2.4m with ground floor units required to have a minimum of 2.7m floor to ceiling height. SPPR 6 specifies a maximum of 12 apartments per floor per core, I note the proposed development does not exceed 6 apartments per core.

7.5.6. SPPR 8 (ii) allows flexibility in relation to the provision of storage and private amenity space, associated with individual units as set out in Appendix 1 of the Guidelines. In this case, each of the proposed units are served by private amenity space, in the form of balconies. The proposed private amenity space is contiguous to the main living space and the quantum of amenity space provided is in accordance with the requirements set out in Appendix 1 of the Guidelines. Internal storage also accords with the requirements set out in Appendix 1 of the Guidelines.

Communal Open Space, Support Facilities and Amenities

- 7.5.7. Section 5.5. of the Apartments Guidelines states that the provision of dedicated amenities and facilities specifically for residents is usually a characteristic element of BTR. The provision of such facilities contributes to the creation of a shared environment where individual renters become more integrated and develop a sense of belonging with their neighbours in the scheme. SPPR 7 (b) of the Guidelines outlines that BTR developments must be accompanied by detailed proposals for supporting communal and recreational amenities, to be categorised as 'resident support facilities' and 'resident services and amenities'
- 7.5.8. The proposed BTR scheme incorporates 288sqm of internal floor space for residential support services and amenity, this equates to 5sqm per unit. The lower ground floor of the proposed development in the southeast corner has been dedicated to residents' services and facilities. This area incorporates a double height lobby, concierge office and three communal rooms (one of which incorporates a kitchen area) as well as storage for bicycles and bulk items. Additional amenity spaces are provided at the north-west corner of the scheme at both ground and first floor levels. These spaces have been deemed suitable for use as a gym or laundry as they are easily ventilated and would not impact on visual amenity at street level. I note that section 5.11 of the Apartment Guidelines provides that the nature and extent of the resident services and amenities serving BTR developments may be agreed by the developer and the planning authority.
- 7.5.9. In addition to the internal amenity spaces, the proposed scheme provides for an external courtyard measuring c600sqm (16.6% of the site area) which exceeds the required standard set out in Appendix 1 of the Guidelines (c313sqm). The external courtyard, which includes a play area, benefits from passive surveillance and a southern aspect which should ensure adequate levels of sunlight throughout the year.

Conclusion:

- 7.5.10. Having examined the details of the scheme and the submitted drawings I am satisfied that the development meets or exceeds the quantitative requirements of the

Apartment Guidelines for BTR development, and it would provide an adequate level of amenity for future occupants.

7.6. Built Heritage

Demolition

- 7.6.1. The proposed development comprises the demolition and clearance of all buildings on site including, five dwellings (No's 26, 28, 29, 30 and 31 Georges Street) and outbuildings to the rear of No. 29 Georges Street.
- 7.6.2. An Architectural Heritage Impact Assessment (AHIA) prepared by David Slattery, Architect and Historical Buildings Consultant, was submitted in conjunction with the application. This report considers the architectural / historical significance of the subject site on George's Street and the impact of the proposed redevelopment. A photographic record of structures for demolition was also included.
- 7.6.3. The AHIA describes Drogheda as a walled medieval town, which was urbanised during the Georgian period, and which later underwent industrialisation in the east section of the town. It notes that the proposed development site is located outside of the original town walls and outside of Drogheda's 'Heritage Quarter' as designated in the 2013 'Urban Design Framework Plan for the Heritage Quarter, Drogheda'. None of the buildings for demolition are protected or included in the National Inventory of Architectural Heritage survey of Louth. The entrance walls and railing to Trinity Gardens, the northern section of which extends along the southern site boundary, is a protected structure (DB-402). The impact of the proposed development on this structure is considered separately below. The surviving masonry walls along the northern and western site boundaries are to be retained.
- 7.6.4. The AHIA finds that as a result of dilatation and extensive alterations, the structures on site, contain no surviving features of architectural or other interest. The report concludes that the subject site in its present form, detracts from the architectural character of Georges Street and that the demolition of these structures would not constitute any loss of historic or architectural heritage or character.

- 7.6.5. However, the Department of Housing, Local Government and Heritage are of the opinion that further investigative works, particularly in respect of No. 31 George's Street, are required to ascertain any underlying surviving significance. They consider the record drawings of No.31 to be inadequate. On this issue, I refer the Board to Condition 19 of the planning authority's decision which requires the applicant to undertake a detailed historic building survey of properties 29,30 and 31 prior to the commencement of development. I consider this a reasonable response to the concerns raised by the Department, and I recommend that a similar condition be included should the Board decide to grant permission.
- 7.6.6. The Department have also raised concerns regarding the impact of the proposed development on the scale and character of Drogheda. They note that the appeal site originally formed part of a terrace that closed the vista along the historic route of Patrick Street, and they consider that the demolition of structural integrated street fronted buildings based on poor condition, is not justified.
- 7.6.7. Whilst I acknowledge that historically, the appeal site (including No's 29,30 and 31 George's Street) formed part of an intact street fronted terrace along George's Street; 20th century intervention, including the demolition of terraced units to facilitate the construction of the access route to Trinity Garden's, has I consider resulted in a fragmented street frontage and a weakening of the vista at the western end of Patrick Street. The redevelopment of this site as proposed will I consider, result in a strengthening of the streetscape and an improved public realm which will in turn provide a suitable closure for the vista along Patrick Street.
- 7.6.8. The proposed seven storey element at the junction of Trinity Garden's and George's Street would represent a significant intervention in the streetscape; however, this element occupies only the southeast corner of the site, which is I consider a suitable location of a landmark building. Reduced heights to the north and west of the site provide a suitable transition between this modern building and the more traditional single and two storey development on neighbouring lands.
- 7.6.9. While the demolition of historic buildings is regrettable, I consider that on balance, the demolition of No's 29,30 and 31 George's Street and associated structures to

facilitate the redevelopment of this underutilised brownfield site in a well serviced urban area outside of the boundary of Drogheda's Heritage Quarter is justified in this instance.

Works to Protected structure (Ref: DB 402)

- 7.6.10. The entrance walls, railings, and nameplates at the entrance to Trinity Gardens were entered into the record of protected structures during the latest review of the Louth County Development Plan and following the lodgement of this application with the planning authority. The entrance walls (constructed in the c1930's) extend the length of the local access road linking the residential development of Trinity Gardens to George's Street. They form the northern boundary of No. 22 George's Street and the southern Boundary of No. 26 George's Street (the appeal site).
- 7.6.11. As originally proposed, the section of the entrance walls, falling within the boundary of application site, was to be demolished in its entirety. However, in recognition of the change in status of the wall and railings, the scheme was amended to allow for the retention, in-situ, of a c7m section of the boundary wall, including the Trinity Garden's name plaque, closest to the George's Street junction. A further section of the wall (c38m) is to be taken down and rebuilt to the back of a new pedestrian footpath. The remaining sections of the wall (totalling c11m) are to be removed to facilitate vehicular and pedestrian access to the scheme. A pedestrian entrance is to be located at the location of the existing garage structure which is to be removed. This garage does not form part of the protected structure.
- 7.6.12. Concerns have been raised within the third-party appeal and in the submissions / observations received, regarding the proposed works and their impact on the setting and character of the protected structure. The case is made that the entrance walls, railing, and nameplate form a unique historically important entrance to one of the first housing estates in Drogheda following the founding of the state and that their loss / change would only serve to undermine the local character and identity of a very unique and charming part of Drogheda. It has also been contended that the

demolition of this structure would constitute a material contravention of the LCDP with reference to Objective BFC 27.

- 7.6.13. An Architectural Heritage Impact Assessment (AHIA), on the architectural / historic significance of the entrance walls to Trinity Gardens was submitted during the course of the planning authority's assessment of the application. The AHIA was prepared by David Slattery, Architect and Historical Buildings Consultant. A further submission from David Slattery, Architect, was included as part of the applicant's response to the grounds of appeal. In this submission, the applicants set out their objection to the method and reasoning behind the addition of the walls and nameplate of Trinity Gardens to the recorded of protected structures (RPS), noting that it was done so against the recommendation of the Chief Executive and the Senior Planner and contrary to Section 28 guidance. The applicants submit that the structure has no architectural significance and does not meet any of the criteria required for it to merit inclusion in the RPS.
- 7.6.14. In relation to the concerns raised in the applicant's submission regarding the validity of the notices issued and the procedure followed to add the structure to the RPS, I note that the making of an addition to the record of protected structures (RPS) is a reserved function of the local authority. The procedure for making an addition to the RPS is set out in legislation and falls under the remit of the Planning Authority. As the function and responsibilities of the Board do not extend to the role of Ombudsman, the Board, in my opinion, are not in a position to consider or to make a determination on procedures followed by Louth County Council in relation to the addition of the structure to the RPS. This assessment will therefore focus on the works proposed and their impact on the protected structure.
- 7.6.15. On the matter of material contravention, Objective BHC 27 of the LCDP permits the demolition or significant modification of a protected structure, only in exceptional circumstances. Third-Party appellants contend that no exceptional circumstances have been identified to support the demolition of this structure and that as such the proposal would represent a material contravention of the development plan. However, the applicants contend that partial removal and subsequent reinstatement

of the wall does not comprise the demolition of a protected structure, is not prohibited and is not a material contravention of the Development Plan.

7.6.16. The planning authority, as set out in their response to the grounds of appeal, note that the protected nature of the wall does not preclude the removal or setting back of same. Notwithstanding, they are satisfied having regard to the planning considerations in this instance, namely the availability of this vacant site, in a central part of Drogheda, within a few minutes of the heart of the town centre and the need to provide a safe entry / egress point to the site, that exceptional circumstances do exist in this instance.

7.6.17. The proposed development does not comprise the demolition of a protected structure it does, however, comprise the modification, including partial demolition, of a protected structure. The question therefore arises as to whether the proposed modifications are significant and if so, whether exceptional circumstances exist to permit same. In this regard I note the following:

- The works proposed are limited to the entrance boundary to the north of Trinity Gardens, the entrance wall, railings, and nameplate to the south of the access road are unaffected by the proposal.
- The development as proposed includes for the demolition/removal of c11m of the existing boundary wall and railings to facilitate access (vehicular and pedestrian) to the site from Trinity Garden's. Accessing the site from Trinity Gardens (road) is I consider the most viable option from both a traffic safety and visual amenity perspective. The provision of a safe access via George's Street would be difficult due the existing junction arrangement and would necessitate a break in the streetscape (at least at ground floor level) which I consider has the potential to detract from the urban realm. The section of the wall to be demolished does not contain any special architectural or design features.
- Further sections of the wall and railings (totalling c38m) are to be removed and set back to facilitate the provision of adequate sightline distances at the

entrance and to allow for the construction of a new pedestrian footpath. The wall in question is comprised of concrete blocks with a cement render finish; it is of a standard construction. Save for the 'Trinity Garden's' nameplate and the iron railings, the structure lacks any architectural or artistic detail, and I note that the scheme as proposed allows for the retention in-situ of the 'Trinity Garden's' nameplate and reuse of the railings.

- The retention of the c7m section of the splayed entrance wall 'at the junction of Trinity Garden's and George's Street, together with the Trinity Gardens nameplate will I consider help to retain the character and appearance of the existing entrance arrangement to Trinity Garden's from Georges Street.
- The integrity of the protected structure, in terms of its use and function as a boundary wall, is to be retained; and as a boundary wall, I am satisfied that no significant issues in terms of overshadowing or overwhelming/overpowering are likely to occur as a result of the redevelopment of this site
- The report of the Department of Housing, Local Government, and Heritage's Development Application Unit, received by the planning authority in December 2021, raised no objection to the proposed works to the entrance to Trinity Gardens, stating, in relation to FI submission regarding the retention of the entrance to Trinity Gardens, that the Department had no further observations to make on the built heritage context.

7.6.18. Based on the above, I consider that the works proposed to the structure have been sensitively designed and sited, and that subject to appropriate condition, the removal and sensitive reconstruction of this structure can occur without any significant impact on the character of the structure or its setting. In addition, I consider that the proposed works to the entrance walls and railings to Trinity Gardens (a protected structure), including the proposed works of demolition, are justifiable as they are required to facilitate the redevelopment of an underutilised, brownfield site in a well serviced urban area while also allowing for improved pedestrian linkages between the town centre and Trinity Gardens. I am therefore satisfied that the proposed

development would accord with the policy objectives of the LCDP in relation to architectural heritage and, would not materially contravene Objective BHC 27.

7.7. Vehicular Access / Parking:

Insufficient Car Parking:

- 7.7.1. As per LCDP standards, one car parking space is required for each apartment. A reduction in the car parking requirement is permissible in certain circumstances, for example, where the planning authority is satisfied that public transport links are available or where the central location of the site is such that the residents of the development would be likely to walk or cycle.
- 7.7.2. The proposed development includes a total of 17 no. car parking spaces to serve the 57 no. apartments, this equates to 0.30 spaces per unit and an overall shortfall of 40 no. spaces. The grounds of appeal raise concerns in relation to insufficient car parking provision and potential for overspill on the adjoining road network.
- 7.7.3. The Design Guidelines for New Apartments (updated 2020) recommends that reduced car parking standards be considered in urban locations served by public transport or close to town centres. For higher density apartment developments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced, or wholly eliminated in certain circumstances.
- 7.7.4. This is a centrally located site that is I consider, adequately served by public transport, employment opportunities and amenities to justify a reduction in car parking standards. I note that the proposal also allows for the provision of 104 no. cycle parking spaces within the scheme which will promote sustainable transport modes.

7.7.5. Therefore, based on 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.

Vehicular Assess

7.7.6. Vehicular access is proposed via the local access road serving Trinity Gardens to the south of the site. Trinity Gardens (road) is accessed off Georges Street (R132) to the east and comprises a concrete surfaced roadway of approximately 6m in width with no footpaths. The roadway has double yellow lines on either side and is set between two concrete rendered block walls with cast iron railings. The speed limit in the vicinity of the site is 50km/h.

7.7.7. The third-party appellants contend that Trinity Gardens (road) is deficient in width and that the proposal to set back the roads northern boundary to facilitate the provision of a footpath will amount to a piecemeal solution to pedestrian safety that will likely result in an increase in traffic speeds along this stretch of roadway.

7.7.8. Section 5.2 of the Engineering Assessment Report prepared by Waterman Moylan addresses the transport demand for the proposed development. This outlines that TRICS survey information was utilised to generate trips for the new development. An AM peak between 8am and 9am and a PM peak between 6pm to 7pm were identified. Table 10 of the report details 5 arrivals and 10 departures during the AM peak hour and 8 arrivals and 4 departures during the PM peak. The report outlines that the surrounding road network will not be negatively impacted by the proposal.

7.7.9. A 7-day speed survey was carried out by TRACSYS on Trinity Gardens in July 2021. The results indicate a 7-day speed average of 18.8km/h. Drawing no. 20- 047-P140 prepared by Waterman Moylan details sightlines at the proposed site entrance. The drawing illustrates that 2.4m x 23m sightlines can be achieved in both directions, which, in accordance with DMURS, is sufficient to cater for roads with a design speed of 30km/h. I have no objection in this regard.

- 7.7.10. The existing boundary wall and railing on the northern side of Trinity Gardens (road) is to be removed / set back to facilitate access to the proposed development site and the construction of a 2m wide concrete footpath, which will connect the proposed development to the existing footpath on Georges Street. The new footpath will extend along the southern boundary of the site for a distance of c50m; a new c2m wide grass verge is to be provided along the remainder of the southern site boundary (c7m). This grass verge will provide an additional dwell area for pedestrians.
- 7.7.11. The provision of this pedestrian footpath to serve the proposed development is I consider appropriate in the interests of traffic and pedestrian safety. While these works would have the effect of increasing the width of the roadway, I do not consider, having regard to the limited scale of the works proposed and their proximity to the junction of Trinity Gardens and Georges Street, that this would have a significant impact on traffic speeds on the roadway.

Conclusion:

- 7.7.12. Having regard to the nature and scale of the development, the proposed parking provision, the location of the site in the built-up area close Drogheda town centre and the availability of public transport, I do not consider that the proposal constitutes a scale or format of development which would generate substantial traffic movements. I am satisfied that the road network, including Trinity Gardens, is adequate to cater for the likely volume of traffic that would be generated by this development and that the design of the development, in particular the proposed access arrangements and pedestrian facilities, are acceptable in terms of traffic safety.

7.8. **Appropriate Assessment**

- 7.8.1. A Screening report for Appropriate Assessment prepared by Doherty Environmental Consultants Ltd was submitted to the Planning Authority on the 19th of November 2021. This document, submitted as part of the applicant's response to the planning authority's request for further information issued on the 4th of June 2021, supersedes a previously submitted Appropriate Assessment Screening Document prepared by Roger Goodwillie and Associates.

7.8.2. The Screening report identifies three European Sites within the zone of influence of the project.

- River Boyne and River Blackwater SAC (Site Code IE0002299) – 230m
- Boyne Coast and Estuary SAC (Site Code IE0001957) – 3.3km
- Boyne Estuary SPA (Site Code IE0004024) – 2.3km

Section 5.0 of the report clarifies that all other European Sites have been excluded due to their location, remote from the project site, and the lack of connectivity between the proposed development and European sites having regard to the Source-Pathway- Receptor risk assessment principle.

7.8.3. Table 5.33 of the Screening Report lists the European Sites within the zone of influence and establishes the presence or otherwise of a hydrological connection between them and the project site. It also examines whether the hydrological pathway (where present), has the potential to function as an impact pathway. The qualifying interests and conservations objectives for these sites are set out in Table 5.4 of the report.

7.8.4. There is no direct hydrological pathway from the site to any Natura 2000 sites.

7.8.5. In respect of the River Boyne and River Blackwater SAC, located c230m to the south of the site, it is stated under Table 5.33 of the screening report, that given the presence of existing artificial surfaces on site and the distance between the project site and the SAC, there is no potential for groundwater base flows to function as a hydrological pathway between the project site and this SAC. Surface water generated on site during the construction phase will discharge to the existing combined sewerage system on George's Street which will in turn discharge to the Drogheda Wastewater Treatment Plant for treatment prior to release to the receiving environment. Uncontrolled discharge from the site during construction will be further prevented due to the enclosed nature and fall of the site towards George's Street. Wastewater generated during the operational phase of the development will discharge to the Drogheda Wastewater treatment system. Irish Water have confirmed that there is sufficient capacity at the Drogheda WWTP to cater for the

proposed development. During the construction phase, wastewater will be contained within impermeable bunded containers and routinely collected from the site and transported to a licenced WWTP by a licenced waste operator. I am satisfied that this arrangement represents standard practice for construction sites of this nature. The report concludes that there will be no potential impact pathway linking the project site to this SAC.

7.8.6. The Screening Report identifies an indirect pathway from the site to Boyne Coast and Estuary SAC and Boyne Estuary SPA via the surface water/foul water networks to Drogheda WWTP. The report notes that the Drogheda WWTP is a fully licenced facility and states that effluent arising from the treatment plant does not adversely affect the status of the designated site. In the case of both the SAC and SPA the report concludes that there will be no potential for this pathway to function as a potential impact pathway between the project site and the European Site.

7.8.7. The Screening Assessment concludes that:

“...the project is not likely, alone or in combination with other plans or projects to have a significant effect on any European Site in view of their conservation objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.

This Screening as resulted in a finding of no significant effects and as such a Stage II Appropriate Assessment is not required.”

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

7.8.9. It is my view that, having regard to the nature and scale of the development, the sites location in a serviced urban area and the nature of existing development which separates the appeal site from the designated sites and to the nature of the

qualifying interests, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the treatment of surface runoff and foul water in Drogheda WWTP, that the proposed development would not be likely to have a significant effect on any European site.

7.8.10. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Boyne Coast and Estuary SAC, River Boyne and River Blackwater SAC, , Boyne Estuary SPA, or any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.8.11. As there are no impacts to the European sites arising as a result of this development, there is no potential for cumulative impacts. There are no likely impacts arising from the proposed development on Natura 2000 sites and therefore cumulative impacts with other projects will not occur.

7.8.12. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1.1. Having regard to:

(a) The residential zoning objective for the site,

(b) National and local policy objectives which support the redevelopment of infill/brownfield sites,

- (c) Section 28 Ministerial Guidelines on Urban Development and Building Heights (2018) and Design Standards for New Apartments (2020),
- (d) The location of the site within a well serviced urban area in close in proximity to the Drogheda Town centre and where public transport is available
- (e) The pattern of development in the area, and the nature, scale, and design 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 provide an adequate level of residential amenity for future residents, would not seriously injure the residential or visual amenities of the area, would not adversely impact on the character and setting of the entrance walls, railings, and nameplate at the entrance to Trinity Gardens (a Protected Structure), 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 12th of April 2021 and as amended by further plans and particulars received on the 19th of November 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. 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 clarity.</p>
----	---

2.	<p>The 57no. build to rent units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and be used for long term rentals only. No portion of this development shall be used for short term lettings.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity.</p>
3.	<p>Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than fifteen years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first apartments within the scheme.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area</p>
4.	<p>Prior to expiration of the fifteen-year period referred to in the covenant, the owner shall submit to, and agree in writing with, the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.</p> <p>Reason: In the interests of orderly development and of clarity.</p>

5.	<p>The rooms / spaces denoted for use as resident support facilities, services and amenities on the plans submitted shall be retained for these functions only. All rooms / spaces shall be appropriately furnished and available for use prior to occupation of the proposed build-to-rent accommodation.</p> <p>Reason: To ensure that appropriate residential amenities and facilities are provided for future residents in accordance with Special Planning Policy Requirement 7 of the Sustainable Urban Housing: Design Standards for New Apartments 2020</p>
6.	<p>Prior to the commencement of development, the developer shall:</p> <ul style="list-style-type: none"> (a) Provide for the appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works. (b) Submit to and for the written agreement of the planning authority, a full method statement, prepared by a suitably qualified professional, detailing the methodology, design, and specifications of all works to the protected structure. <p>The works shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht (2011).</p> <p>Any difficulties encountered in the course of the works to the protected structure and their proposed resolution or modifications to method statements proposed shall be agreed in writing with the planning authority, before the modification is carried out.</p> <p>Reason: To protect Architectural heritage in the interests of the common good and the proper planning and sustainable development of the area.</p>

7.	<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>
8.	<p>Proposals for a 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 numbers shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interests of amenity.</p>
9.	<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. All existing overground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Prior to commencement of development the developer shall submit to the Planning Authority for written agreement A Stage 2 - Detailed Design Stage Storm Water Audit.</p> <p>Upon Completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during</p>

	<p>construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management</p>
11.	<p>Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
12.	<p>A minimum of 20% of all car parking spaces should be provided with electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points or stations at a later date.</p> <p>Reason: To provide for and future proof the development such as would facilitate the use of electric vehicles.</p>
13.	<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>
14.	<p>(a) The site shall be landscaped in accordance with the Landscape Proposals Plan (Drawing No:6916-L-201A) received by the planning authority on the 19th November 2021 and The Landscape Management and Maintenance plan, prepared by Parkhood Chartered Landscape Architects received by the planning authority on the 12th April 2021</p>

	<p>(b) The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter</p> <p>Reason: In the interests of residential and visual amenity</p>
15.	<p>All mitigation measures in respect of site clearance and buildings works site development and the site commissioning as detailed in the Bat Assessment prepared by Bat Eco services shall be fully adhered to</p> <p>Reason: in the interest of protecting the environment and to address any potential impacts on Biodiversity</p>
16.	<p>(a) The submitted external lighting scheme shall incorporate all mitigation measures as set out in the Bat Assessment prepared by Bat Eco Services and shall be reviewed by an ecologist to ensure its design is in accordance with guidance pertaining to bats and that the scheme is signed off by an ecologist / bat specialist.</p> <p>(b) Confirmation of any amendments to the lighting scheme shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>(c) The agreed public lighting scheme shall be provided and commissioned prior to the making available for occupation of any residential unit within the development.</p> <p>Reason: To conserve bat species, which are afforded a regime of special protection under the Habitats directive (92/43/EEC), by avoiding light pollution and to ensure a satisfactory standard of development.</p>

17.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <ul style="list-style-type: none"> (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably qualified archaeologist who monitor all site investigations and other excavation works, (c) should archaeological material be found during the course of archaeological monitoring, all work which might affect that material will cease pending agreement with the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht to how it is to be dealt with, (d) all archaeological deposits/features, within the area where groundworks will occur, which were recorded during previous test excavations, shall be fully archaeologically planned, photographed and excavated by a suitably qualified archaeologist, all necessary licences or consents under the National Monuments Acts 1930 to 2014 having been obtained, (e) all costs of archaeological work necessitated by, or arising from, the development shall be borne by the developer. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination. <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
18.	<p>For the purpose of historical records, a thorough and detailed historic building survey of properties No's 29, 30 and 31 George's Street,</p>

	<p>Drogheda, shall be undertaken by a suitably qualified professional, which shall include detailed drawings and photographs.</p> <p>This survey shall be submitted to and agreed in writing with the planning authority prior to the commencement of any development</p> <p>Reason: In the interests of recording the architectural and industrial archaeology present on site.</p>
19.	<p>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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment</p>
20.	<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..</p> <p>Reason: In the interest of sustainable waste management</p>
21.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p>

	<p>Deviation from these times will only be allowed in exceptional 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>
22.	<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:</p> <ul style="list-style-type: none"> (a) The routing of construction traffic to and from the construction site (b) The location of parking for site workers during the course of construction (c) Location of the site and materials compound(s) including areas identified for the storage of construction refuse (d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network (e) Details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels <p>A record of daily checks that the works are being undertaken in accordance with the Construction and Demolition Management Plan shall be kept for inspection by the planning authority</p> <p>Reason: In the interests of public safety and residential amenity.</p>
23.	<p>Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent</p>

	<p>Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.</p> <p>Reason: In the interests of orderly development and the proper planning and sustainable development of the area.</p>
24.	<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> <p>Reason: To ensure the satisfactory completion of the development.</p>
25.	<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>

26.	<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 or 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>
-----	--

Lucy Roche
Planning Inspector

11th January 2023