



An
Bord
Pleanála

Inspector's Report

ABP-312639-22

Development	Two-storey residential extension to Block A (20 no. apartments) and Block B (16 no. apartments) resulting in 36 no. new apartments in total and all associated site works.
Location	Buttergate Apartments, Donore Road, Drogheda, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	21752
Applicant(s)	Manley Construction Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Sandra and Alan Byrne
Observer(s)	None
Date of Site Inspection	18 th October 2022
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The appeal site is an existing apartment complex spread over two blocks called the Buttergate Apartments, which is on Donore Road, Drogheda, Co. Louth. Drogheda town centre (George's Street) is roughly a 10-minute walk (1km) to the north of the site across the River Boyne. Drogheda Bus Station is approximately 300m to the northeast, near where Donore Road meets George's Street.
- 1.2. The overall development is 3 storeys in height over an existing under-croft car park. Block A and Block B contain 29 and 23 no. units, respectively, giving a total of 52 no. apartments. The site slopes downwards from west to east, which is in the direction of Drogheda town centre and the Boyne River.
- 1.3. There is an existing vehicular access and egress from Donore Road which runs along the front, northern boundary of the site. Donore Road is one of the main arterial routes leading from the M1 Motorway into Drogheda town Centre. Further north, across Donore Road, is green open space which accommodates some large, mature trees. There is a small network of pedestrian paths in this location which serve surrounding housing estates.
- 1.4. The appeal site is adjoined to the east by a row of low-rise, single-storey commercial units which collectively form the Bloomsbury Centre. This small strip of businesses includes a veterinary clinic, foodstore and an arts centre. There is a large public car park situated opposite the Bloomsbury Centre on the far side of the road.
- 1.5. To the south of the site there is a landscaped area which comprises a grassed space, trees, shrubs, and bushes. Immediately south of this, is a residential street called Cherrybrook Drive. Cherrybrook Drive is elevated above the site and there is a retaining wall situated between it and the subject property rising to approximately 9.8m in height. The existing apartment blocks are largely hidden from view from the south, along Cherrybrook Drive, and only fleeting glimpses of the top level apartments are currently possible due to the vegetative screening and height difference that exists.
- 1.6. To the west of the site is an existing wooded area sitting atop of a steep embankment. This embankment is at the northwest corner of where Bottle Lane

meets Donore Road and behind it there are four detached bungalows on spacious plots.

- 1.7. The character of the surrounding area is urban and the predominant land uses are residential and commercial development.
- 1.8. The site has a stated area of 0.45ha.

2.0 Proposed Development

- 2.1. The proposed development comprises a two storey residential extension for each of the existing apartment blocks.
- 2.2. This equates to 20 no. apartments for Block A, including 10 no. 1-bedroom units and 10 no. 2-bedroom units; and 16 no. apartments for Block B, including 8 no. 1-bedroom units and 8 no. 2-bedroom units. This comprises **36 no. new apartments** in total. [The overall number of apartments, when added to the existing development, would equate to 88 no. in total.]
- 2.3. The proposal also includes 88 no. bicycle parking spaces, site lighting, play areas, landscaping (including a landscaped roof garden), bin storage, signage, boundary treatments, and associated site works. The proposed floorplans / layouts are similar to the existing residential floors below and the scheme seeks to extend the existing stair and lift cores up through the new floors to roof level.
- 2.4. The Planning Authority requested further information on 6th August 2021, including a Project Management Plan outlining control measures to minimise potential residential amenity impacts for the residents of the existing apartment complex (Item 1), an assessment of long term running and maintenance costs on a per residential unit basis (Item 2), an assessment of overlooking and provision of cross section drawing showing the scheme relationship with Cherrybrook Drive (Item 3), sunlight shadow and daylight analysis (Item 4), confirmation of feasibility to connect to the Irish Water network (Item 5), and that revised public notices should be submitted to the Planning Authority if the further information is deemed 'significant' (Item 6).
- 2.5. The Applicant provided further information on 8th December 2021, which included revised drawings, daylighting report, outline of previous project experience and an

overview of the Applicant (Manley Construction Limited), Project Management Plan, Building Life Cycle Report, and a copy of the Irish Water Pre-Connection Enquiry.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission on 10th January 2022 subject to 13 no. standard conditions. Notable conditions include:

Condition 2: Materials and finishes.

Condition 4: Provision of communal car parking spaces (5 no.) to have EV charging points.

Condition 9: Control of site working hours.

Condition 10: Management, storage, and disposal of household and commercial waste.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposal requires robust control measures to minimise potential negative impact on residential amenities of the existing residents during the construction phase. The Project Management Plan sets out measures relating to potential construction impacts, site management, traffic management, and delivery plans.
- The potential construction impacts on existing residents have been identified. It is intended to only work on one apartment block at a time and the apartments directly below the work zone would be vacated. This is considered practical and feasible.
- The long-term running and maintenance costs submitted as part of further information are acceptable. A management company will be required to be setup under condition to oversee the maintenance of roads, open space, public lighting and drainage.

- There is potential for overlooking and visual impact on Cherrybrook Drive (residential estate) to the south, particularly in relation to No. 64 caused by the balconies, living room windows and roof garden associated with proposed Block A. However, given the proposed increase in height, location of balconies and windows relative to adjoining properties, and the urban context of the site, it is considered that there would be no direct overlooking of the adjoining properties. There would also be no overlooking from the roof garden.
- The shadow projections and daylight analysis show that the existing apartments at ground and 1st floor level on the southern side of the existing complex. These units would not be unduly affected by overshadowing caused by the proposal. There would, therefore, be no significant loss of sunlight or daylight given the design and form of the proposed development.
- Confirmation of Feasibility required from Irish Water (IW) confirming adequate IW network capacity.
- In summary, having regard to the central urban location, and proximity of the site to the bus station on main arterial route to the town centre, it is considered that the proposed development is acceptable. The proposal is also consistent with the objectives of the NPF.
- The challenges posed by the existing units onsite are subject to separate legislation relating to health and safety, fire safety, landlord and tenant agreements, etc.

3.2.2. Other Technical Reports

Infrastructure Department: No objection, subject to standard conditions, including that prior to commencement of construction the Applicant must prepare and submit a Traffic Management Plan and information relating to the construction management phase, that surface water runoff must be disposed of within the boundaries of the site, footpath diversion and construction hoarding will be subject to licence, plus other details regarding the building phase.

Chief Fire Officer: No objection, subject to standard conditions.

3.3. Prescribed Bodies

Irish Water

- Requested additional information initially. The Applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) to determine the feasibility of connection to the public water infrastructure.
- No objection upon receipt of further information, subject to standard conditions regarding water and foul water – i.e., the Applicant must sign a connection agreement with Irish Water, prior to the commencement of the development, and adhere to the standards and conditions set out in that agreement.

3.4. Third Party Observations

Several third party submissions were received by the Planning Authority. The submissions are mainly from residents in the area, including from those living in Cherrybrook Drive.

The main issues can be summarised as follows:

- Loss of daylight and overshadowing
- Overlooking
- Visual impact, mainly caused by the additional height proposed.
- Additional traffic congestion on Donore Road, which is already very busy
- Noise
- The construction phase would require tenants and families who currently live in the development to be displaced
- Lack of consultation with existing residents
- Availability of existing car parking spaces would be reduced due to new apartments
- Anti-social behaviour
- Dangers posed to young children due to works during the construction phase

- Loss of amenity space due to construction phase
- Previous application on the site for 5 storey blocks was refused permission

4.0 Planning History

Subject Site

Reg. Ref. 07510073: The Planning Authority **granted retention permission** in May 2007 for works to existing apartment development comprising a new position for the retaining wall on south boundary, modifications to landscaping at front and rear gardens, elevational changes, and other minor design alterations.

Reg. Ref. 06510042: The Planning Authority **refused permission** in April 2006 for two residential apartment blocks of 6 storeys in height (66 no. units, total), including underground car parking, including ancillary site works.

Reg. Ref. 04510328: The Planning Authority **granted permission** in May 2005 for two residential apartment blocks of 3 storeys in height (48 no. units in total), including ancillary site works.

Surrounding Area (east)

Reg. Ref. 18176: The Planning Authority granted permission in July 2018 for the demolition of an existing batching plant and construction of a 3 no. part 4/part 5-storey buildings containing 66 no. residential units including semi-basement containing 54 no. car parking spaces, cycle storage, plant and ancillary site works. The works are currently under construction and the site is approximately 80m to the east on Donore Road.

5.0 Policy Context

5.1. Louth County Development Plan 2021 – 2027

Background

The *Louth County Development Plan 2021-2027* ('Development Plan') was adopted by Louth County Council on the 30th September 2021 and came into effect on the 11th November 2021. It incorporates the functional area of the entire County,

including the areas formerly within Drogheda Borough Council, Dundalk Town Council and Ardee Town Council.

Section 1.1 of the Development Plan states 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’.

Zoning

The subject site is zoned ‘A1 – Existing Residential’ which seeks *‘to protect and enhance the amenity and character of existing residential communities’*. Residential is ‘generally permitted’ in this zone.

The relevant Development Plan guidance states that ‘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

The Development Plan (Table 2.4) sets out the settlement hierarchy for County Louth. Drogheda is designated as a ‘Regional Growth Centre’. The Plan sets 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’.

The following policies are of relevance:

Policy Objective CS 2: To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

Policy Objective SS4: To support high density sustainable development, particularly in centrally located areas and along public transport corridors and require a minimum density of 50 units/ha in these locations.

Policy Objective SS5: To support increased building heights at appropriate locations in Drogheda, subject to the design and scale of any building making a positive contribution to its surrounding environment and streetscape.

Chapter 3 Housing

The Development Plan (Section 3.11) relates to residential densities. Table 3.2 sets out the recommended densities for 'Higher Tier Settlements'. For the Regional Growth Centres, which includes Drogheda, a recommended minimum density of 50 per hectare is identified for the town centre and 35 per hectare at the edge of the settlement is recommended.

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

Section 3.12 relates to 'Buildings of Height'. The Development Plan seeks to support increased building heights in Drogheda, signifying its importance as Regional Growth Centre. 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.*

Chapter 13 Development Management Guidelines

Chapter 13 of the County Development Plan sets out Development Management Guidelines.

Section 13.8.9 relates to **Residential Amenity**. In terms of privacy, the Development Plan sets out the following guidance:

‘Residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area, in addition to the amenities of future residents of the subject development. Whilst some degree of overlooking between properties is likely to occur in urban areas, efforts shall be made to minimise the extent of this overlooking where this is possible. A minimum of 22 metres separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. This separation distance is not required for windows in non-habitable rooms such as bathrooms, stairwells or landings.’

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

Section 13.8.10 relates to **Daylight and Sunlight**:

‘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.'

Table 13.11 sets out **Car Parking Standards**. This sets out a requirement of 1 unit per apartment in Areas 1 and 2. Section 13.3.18 of the Plan outlines that a reduction in the car-parking requirement may be acceptable where the Planning Authority is satisfied that:

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

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

Drogheda is identified as a Regional Growth Centre within the Core Region of the Eastern and Midland Region. It was the fastest growing town in the most recent inter-census period.

The RSES aims to enable Drogheda to realise its potential to grow to city scale with a population of 50,000 by 2031 through the regeneration of the town centre, the compact and planned growth of its hinterland, and through enhancement of its role as a self-sustaining strategic employment centre on the Dublin-Belfast Economic Corridor. It is anticipated Drogheda will accommodate significant new investment in housing, transport and employment generating activity.

5.3. National Planning Policy

National Planning Framework – Ireland 2040, Our Plan (2018)

The National Planning Framework focuses on ‘making stronger urban places’ and sets out objectives to support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place.

National Policy Objective 35 seeks to ‘increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

Other National Planning Policy

- *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009*
- *Urban Design Manual: A Best practice Guide, 2009*
- *BRE Guide ‘Site layout Planning for Sunlight and Daylight’, 2011*
- *Urban Development and Building Heights Guidelines for Planning Authorities, 2018*
- *Design Manual for Urban Roads and Streets, 2019*
- *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2020*

5.4. Natural Heritage Designations

The site is not located within, or adjacent, any European site.

The closest such site is the River Boyne and River Blackwater Special Area of Conservation (SAC) (Site Code: 002299), which is 270m to the north.

The Boyne Estuary Special Protection Area (SPA) (Site Code: 004080) is roughly 2.2km to the east.

The River Boyne and River Blackwater SPA (Site Code: 004243) is roughly 2.7km to the west.

5.5. EIA Screening

Having regard to the nature and relatively small scale of the proposed development, comprising the construction of 36 no. apartments on top of two existing residential apartment blocks and ancillary site works, which is within an urban and serviced site, the nature of the receiving environment, proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development is excessive in height and would have a negative impact on the surrounding residential environment.
- The proposal to add two additional floors to increase both existing apartment blocks to five floors. This would cause homes to be overlooked by both structures, which would not be in keeping with the surrounding character of this mature and settled area.
- Traffic congestion and parking problems will arise as there is no additional car parking proposed.
- The provision of new bicycle parking (88 no. spaces) is not sufficient to cater for 36 no. additional apartments and the associated increased demand for car parking spaces.

6.2. Applicant Response

- The proposal is not excessive in height and would not have a negative impact on the surrounding buildings.
- The proposed ridge level of the development would only be slightly above the ground level of Cherrybrook Drive (residential estate) due to the topography of the subject site. The proposed extension would be two storeys above the

ground level for Cherrybrook Drive, which would respect the height of the existing nearby dwellings and not be unusual in a residential context. [See extract from drawings which demonstrates the existing and proposed relationship between the existing development (Buttergate apartments)].

- The issue of overlooking was raised by the Planning Authority as part of their request for further information. This was addressed by including a raised frosted glass parapet which extends to 1,650mm above the roof garden level, and which would prevent views from the proposed roof garden to neighbouring properties.
- There is a minimum of 27m between the proposed extension and existing dwellings on Cherrybrook Drive, which is more than would be normally required or provided across a typical residential street.
- The Daylight and Sunlight Report, submitted as further information, includes daylight and shadow projection diagrams demonstrating that nearby properties would not be affected by the development proposed.
- A reduced car parking scheme is proposed in order to reduce car dependency Drogheda is well served by public transport (rail, public bus, and private bus services, and Go-car facilities – the latter is available in the public car park opposite the site on the northern side of Donore Road).
- The existing under-croft car park is underutilised. This is indicated by a recent survey showing occupation is between 50% and 55%. The existing tenure, unit type and central location of the site, and its access to public transport, has resulted in a limited take-up of car parking spaces by existing residents.
- Of the 61 car parking no. spaces available, only 32 no. are used. This represents a ratio of apartments to used car parking spaces of 52:32 (or 0.671 spaces per apartment). This would equate to an extrapolated car parking demand of 55 no. spaces, which can be accommodated within the existing car park.

6.3. Planning Authority Response

- No further comments to make.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Visual and Residential Amenity
- Traffic and Car Parking
- Daylight and Sunlight
- Appropriate Assessment

7.1. Visual and Residential Amenity

- 7.1.1. The subject site comprises an existing residential complex, called the Buttergate Apartments, which is situated on the southern side of Donore Road, within walking distance of Drogheda town centre. The development comprises two apartment blocks which are 3 storeys over an under-croft car park.
- 7.1.2. The main planning consideration, in my opinion, is in relation to the potential visual and residential amenity impacts arising on the residential street to the south. This street is called Cherrybrook Drive. It is elevated above the subject site, and I observed during my site visit that there is a high retaining wall situated in between this residential area and the appeal site. The structure is approximately 9.8m in height, accommodates some dense foliage, trees, and shrubs. It sits in just behind the existing apartment blocks when viewed from Donore Road.
- 7.1.3. The proposal seeks to place a two-storey residential extension on top of each of the existing apartment blocks. This would result in 20 no. additional residential units for Block A and 16 no. additional residential units for Block B. I acknowledge that the redeveloped apartment scheme would be more visually apparent and that this is a key concern raised by the Appellant. It would be visible from Cherrybrook Drive and also perceptible from various locations along Donore Road. I note that the Appellant has expressed an opinion that the enlarged scheme would not be in keeping with the character of the surrounding area, which they contend is mature and settled.
- 7.1.4. The Design Statement submitted as part of the application visually illustrates the proposed development through various CGI's and computer-generated images. Having visited the site, and completed a visual inspection up close, and from the

surrounding area, I consider that the images are an accurate expression of how the proposal would appear as if constructed. There are limited CGI views of the rear elevation for the proposal. However, I have referred to the various technical plans and particulars as part of my assessment in terms of assessing the physical design and its potential for microclimatic impacts on the receiving environment.

- 7.1.5. The proposed development seeks to use a varied palette of materials and finishes; and the scheme architect has sought to mitigate the potential for visual impact through a considered design response. The new apartments, above the existing ones, would generally match the existing floorplates and internal building layout with the stairs and lift cores continuing up through the new floors to a rooftop garden.
- 7.1.6. The external appearance largely retains the same vertical pattern, and the fenestration arrangement would remain relatively uniform, omitting any elaborate designs or features. The proposed elevational treatment in terms of bay windows, gable ends, balconies and mansard roofs would also replicate the existing style and design of the apartments, which is acceptable, in my view. The intention to use a naturally treated timber material and slate finish is appropriate and I acknowledge that this would help to reduce the perception of excessive bulk and massing. I consider that this variance in materials and colour would also provide good visual relief in terms of the scheme's northern (front) interface onto Donore Road.
- 7.1.7. In terms of assessing the visual impact and potential for overbearance on Cherrybrook Drive, I have referred mainly to the plans and particulars accompanying the application, and also the cross-sections which were submitted as further information (Drwg. Nos. P700 and P701). These drawings clearly show that the proposed development would be roughly two storeys above the street (i.e., ground level) associated with Cherrybrook Drive. The development would also be setback substantially from the nearest houses on this street, approximately 27m, at the nearest point.
- 7.1.8. The proposal would, therefore, be well in excess of the minimum 22m separation distance that is generally required for between directly opposing first floor habitable rooms in residential properties (Section 13.8.9.1 of the Development Plan refers). I also do not consider that such a relationship between houses and apartments would be uncommon in a residential setting such as this, and it is my view that the existing

houses on Cherrybrook Drive would not incur any significant visual impact for mainly this reason.

- 7.1.9. There is an existing landscape strip on the southern side of the appeal site comprising a green space and dense line of mature trees, shrubs and bushes. Some of these trees are evergreen and most appeared to be in good health during my site inspection. The existing development was barely perceptible from Cherrybrook Drive, at ground level, and the existing apartment blocks were largely shielded from view with only fleeting glimpses of the top level apartments possible through the dense foliage.
- 7.1.10. The Applicant proposes to augment this existing screening by way of implementing additional landscaping measures along this shared boundary. This would be in the form of newly planted specimen trees and include a suitable mix of Downy Birch and Ash / Rowan species. The existing railing is also to be repainted in a muted dark green colour. I consider that these measures would further assist in reducing the potential for visual impact.
- 7.1.11. There would also be limited potential for significant overlooking from the rear facing balconies and windows of the proposed development for the reasons cited above; and I would further note that the houses on Cherrybrook Drive face northwards, so that their rear gardens are to the south and orientated away from the proposed development.
- 7.1.12. In relation to the proposed rooftop garden, I note that the Applicant revised the proposal as part of further information to include a frosted glass parapet on the western side on the building. The panel is 1.65m above roof garden level. Its purpose is to prevent overlooking and potential views from the roof garden into neighbouring properties, including to the west (nos. 64 and 65 Cherrybrook Drive) and south, respectively. Therefore, I consider that the level of existing privacy afforded to nearby residential properties has not been significantly affected and that every reasonable effort has been made by the Applicant to minimise overlooking.
- 7.1.13. In summary, I consider that the proposal to add two additional floors to the existing Buttergate apartment blocks would not result in any significant visual or residential impacts on its receiving environment, including that of overbearance, overlooking or

invasion of privacy; and that it would be in keeping with the character of the surrounding vicinity.

- 7.1.14. Finally, I would note that the proposed development is in accordance with Policy Objectives CS2, SS4 and SS5 of the Development Plan, which are in relation to achieving compact growth and supporting high density sustainable development, particularly in centrally located areas and along public transport corridors. It is also consistent with NPO 35 of the NPF which seeks to increase residential density in existing settlements, through a range of measures, including reductions in vacancy, re-use of existing buildings, infill development schemes, site-based regeneration, and increased building heights. I note that the latter is particularly relevant to the subject proposal.
- 7.1.15. Therefore, having regard to the above, I conclude that the proposed development is in accordance with the relevant provisions of the Development Plan, including Chapter 13 which is in relation to 'Development Management Guidelines', and also that of national and regional policy.

7.2. Traffic and Car Parking

- 7.2.1. The total number of car parking spaces would be marginally reduced under the proposal from 61 no. standard spaces to 60 no. There would be 2 no. accessible parking spaces provided, however. Also, a single car parking space would be removed to accommodate additional bicycle lockers. The total number apartments (existing and proposed) would equate to 88 no. units.
- 7.2.2. I note that the Applicant states that a reduced car parking scheme is proposed in order to reduce car dependency. In this regard, I acknowledge that this part of Drogheda is particularly well-served by public transport and that there are several such services in the form of rail, public bus and private bus operators in the vicinity. The site is also a short distance from Drogheda town centre and within walking distance of its various services and facilities.
- 7.2.3. Table 13.11 of the Development Plan sets out Car Parking Standards, which has a requirement of 1 car parking space per apartment in Areas 1 and 2, which applies to the subject site. However, Section 13.3.18 of the Plan states that a reduction in car parking requirements may be acceptable in certain circumstances. This includes

where public transport links are available and if the central location of the development is such that future residents/users are likely to walk or cycle. I consider both circumstances apply and that a reduced quantum of car parking would be in accordance with this policy.

- 7.2.4. The Apartment Guidelines also state that in suburban/urban locations served by public transport or close to town centres or employment areas, and particularly for housing schemes with more than 45 dwellings per ha, planning authorities 'must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard'.
- 7.2.5. The Applicant has submitted a car parking survey in support of the proposal, which confirms that of the 61 no. spaces available in the under-croft car park, only 32 no. are typically in use. This represents a ratio of 'apartments' to 'in-use car parking spaces' of 52:32 (or 0.67 spaces per apartment). The Applicant states that this would equate to an overall pro rata car parking demand of 55 no. spaces which could readily be met by the existing car park.
- 7.2.6. The Planning Authority's Infrastructure Department had no objection to the proposal, subject to standard conditions, including that prior to commencement of construction the Applicant should prepare and submit a Traffic Management Plan. I consider that this could form part of a section of detailed Construction and Demolition Management Plan, which I recommend should be conditioned as part of any decision by the Board to grant permission.
- 7.2.7. I consider that the proposed 88 no. bicycle parking spaces would further assist with reducing demand for car parking. However, in my opinion, it is not fully clear if the standard of cycle parking provision is in accordance with Section 4.17 of the Apartment Guidelines, which has specific requirements in relation to accessibility, secure storage, design and management of cycle parking facilities. The Guidelines state that it is essential that, insofar as possible, that cycle parking be low maintenance and easy and attractive to use by residents. Therefore, I consider that the Applicant should be required to address this issue and to submit details to the Planning Authority confirming compliance with this section of the Apartment Guidelines (i.e., Section 4.17). This can be addressed by way of condition.

- 7.2.8. Having regard to the locational characteristics of the site and its proximity to Drogheda town centre and public transport services, and the current demand for car parking within the existing apartment scheme, I consider it appropriate that the provision of car parking be relaxed, and that the quantity of spaces specified is appropriate.
- 7.2.9. In summary, I conclude that the proposed development would not result in any significant or excessive traffic congestion, or parking problems, in my opinion, and the proposed reduction in car parking provision is acceptable.

7.3. Daylight and Sunlight

- 7.3.1. The application is supported by a Daylight and Sunlight Assessment, prepared by IN2 Engineering. In conducting the assessment, reference was made to the BRE Guide 'Site Layout Planning for Daylight and Sunlight (Second Edition)' and BS 820-2 2008 – 'Lighting for Buildings - Part 2 - Code of Practice for Daylighting'.
- 7.3.2. The assessment does not provide a detailed shadow analysis of the properties to the south of the subject site, which is the concern raised by the Appellant. Instead, the report mainly provides an analysis of the predicted impacts on the existing Buttergate apartments – which would be situated below the proposed new units – and demonstrates how the new development would comply with standards in relation to amenity space and internal daylight requirements. I have reviewed the report and concur with its findings; and I am satisfied that there would be no significant loss of sunlight or daylight to the existing units, and that the proposed open space and new apartments would meet the various tests in relation to daylight and sunlight requirements.
- 7.3.3. In terms of assessing the potential for overshadowing existing properties (located offsite), I note that the Applicant has prepared shadow projections which plot the sun path at various times of the day and month (see Pages 21 – 23 of the IN2 Report). This is so that the extent of potential overshadowing on existing, adjacent residential properties can be identified. I consider that the assessment clearly shows that there would be little or no impact on any properties in the vicinity of the site, including those at Cherrybrook Drive.

- 7.3.4. Overshadowing caused by the proposed development would be mainly to the north. This is because of the direction the sun path takes. I note that there are no sensitive properties in this area, which mainly comprises a section of Donore Road and green, treed embankment.
- 7.3.5. In summary, I am satisfied that there would be no significant overshadowing caused to any adjacent or nearby residential properties, including that of Cherrybrook Drive.

7.4. Appropriate Assessment

Having regard to the nature and scale of the proposed development, which is for 36 no. additional apartments on top of two existing residential apartment blocks and ancillary site works, its location within an urban and serviced area, and the distance from the nearest European site and intervening land uses; no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2127, including the zoning objective for the site ('A1 – Existing Residential'), which seeks to protect and enhance the amenity and character of existing residential communities, and the nature, design and layout of the proposed development; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, would provide an acceptable standard of amenity for future residents, and be acceptable in terms of traffic safety. 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, as amended by the further plans and particulars submitted on 8th December 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation and health and safety measures specified in the Project Management Plan lodged with the application shall be fully implemented.</p> <p>Reason: In the interests of amenity and public safety.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>88 no. bicycle parking spaces shall be provided within the site. Details in relation to the layout, marking demarcation, accessibility, secure storage, design, and management of cycle parking facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan (CDMP), 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> <ol style="list-style-type: none"> a. Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

	<ul style="list-style-type: none"> b. Location of areas for construction site offices and staff facilities; c. Details of site security fencing and hoardings; d. Details of on-site car parking facilities for site workers during the course of construction; e. Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; f. Measures to obviate queuing of construction traffic on the adjoining road network; g. Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; h. Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; i. Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; j. Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; k. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; and l. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. <p>Reason: In the interest of amenities, public health and safety.</p>
6.	<p>Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan (CDWMP), 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</p>

	<p>Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
7.	<p>a. The landscaping scheme shall be carried out in accordance with the submitted Landscape Plan and Landscape Specifications, Management and Maintenance Report lodged with the application and within the first planting season following substantial completion of external construction works.</p> <p>b. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>c. The Applicant shall retain the services of a suitably qualified landscape architect for the duration of the site development works.</p> <p>Reason: In the interest of residential and visual amenity.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>

10.	<p>Water supply and 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>Reason: In the interest of public health.</p>
11.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. 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>
13.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
14.	<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>
15.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</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>

Ian Boyle
 Planning Inspector

16th December 2022