



An
Bord
Pleanála

Inspector's Report

ABP-312697-22

Development

Protected Structure: Demolition of store building to gable end of cottage and replacement with extension to cottage. demolition of sheds and outbuildings to facilitate; change of use from cottage to café, 2 retail units, 47 apartments and 9 houses.

Associated site works.

Location

Crushrod Lane, Drogheda, Co Louth
A92 V20V

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

21950

Applicant(s)

Cushrod Investments Ltd.

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Shamrock Villas Residents
Association.

Observer(s)

Konrad Keller

Charlie & Gemma Diver

Mairead Clarke

John & Fiona Branigan

Tom & Mary Callan

Pauline Holt

Ian & Shenna Coyle

Klara & Ray Ryan

Angela Clarke

Anne & Shane Mulroy

Jennie Bogue

Date of Site Inspection

25th of August 2022

Inspector

Karen Hamilton

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	9
5.0 Policy Context.....	9
5.1. Section 28 Guidance.....	9
5.2. RSES EMRA 2019-2031	10
5.3. Louth County Council Development Plan 2021-2027.....	10
5.4. Natural Heritage Designations	12
5.5. EIA Screening	12
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Applicant Response	16
6.3. Planning Authority Response.....	20
6.4. Observations.....	21
6.5. Further Responses.....	23
7.0 Assessment.....	24
8.0 Appropriate Assessment.....	40
9.0 Recommendation.....	43

10.0	Reasons and Considerations	43
11.0	Conditions	44

1.0 Site Location and Description

- 1.1. The subject site (c.0.91ha) is located to the north of Drogheda town, Co. Louth. It is situated to the rear of a Maxol Petrol Station which fronts onto the Ballymakenny Road and has frontage along the Crushrod Avenue along the south of the site. The site is mostly vacant with old derelict farm outbuildings. The site contains a thatched cottage (protected structure RPS Ref. DB-042) on the corner of the site fronting onto Crushrod Avenue.
- 1.2. The majority of the site is accessed via Crushrod Avenue with direct access from the road. There is no footpath along the front of the site at Crushrod Avenue.
- 1.3. Shamrock Villas residential estate is located to the north of the site and Ascal A Haon residential estate is located to the east of the site. Lands directly southeast of the site include derelict commercial buildings, also with direct access onto the Crushrod Avenue.
- 1.4. Land uses around the site include a mix of residential, social and commercial. Our Lady of Lourdes Hospital is located to the west, St Ita's Special School to the south and small retail units, takeaways, business units are peppered throughout the surrounding residential areas.

2.0 Proposed Development

- 2.1. The proposed development would comprise of:
 - the construction of a mixed-use development (c. 5,712m²),
 - the demolition of a single storey store (c.34m²) located on the western gable of the existing thatched house (RPS Ref. DB-042) and its replacement with a new single storey contemporary building extension (c.18sm²);
 - demolition of 2 no. existing single storey sheds (c. 108 in total), 2 no derelict hay sheds (c.300m²), a barn (c.77m²) and a lean-to (c.17m²).
 - the refurbishment and modification of the thatched house to provide for a change of use to a café (c.91m²),

- modification to the part single storey part two storey farm building to provide for 2 no. retail units at ground floor level (c. 66m² in total) and 1 no. one-bedroom apartment unit above (c. 73m²),
- construction of 55 no. dwelling units arranged in 5 no. building blocks, comprising;
- Demolition, relocation and reconstruction of the existing stone wall adjacent to Crushrod Avenue.
- All other associated works.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant of permission subject to 32 no. conditions of which the following are of note:

C2- A phasing strategy should be submitted and include the refurbishment and modifications of the thatched house to provide for a change of use of café and modifications to the existing farm buildings to provide for retail units and apartments.

C3- Conservation Repairs should comply with the Conservation Method Statement.

C4- The works shall be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities.

C5- The applicant shall engage the services of a Conservation Architect.

C7- Submission of a pre-construction survey of the site for bats and roosts by a competent ecologist and a derogation licence acquired if necessary.

C8- Submission of an Invasive Species Management Plan (Three cornered Leek) *Allium triquetrum*.

C16- Archaeological Assessment of the site.

C23- Submission of a Part V agreement

C24- Restriction of the renting of houses/duplexes.

C32- Submission of sightlines at the entrance of the public road and additional gullies long the Crushrod Avenue

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information summarised below:

Further information

1. Amendments to the address of the site to correctly state Crushrod Avenue to the south of the site rather than Crushrod Lane.
2. Submission of a Daylight, Sunlight and Overshadowing Study to reflect the location of the adjoining property and the proposed raised boundary wall more accurately. BRE guidance and relevant standards are highlighted.
3. Submission of additional photomontages.
4. Compliance with the minimum national standards for apartments.
5. Submission of a Building Lifecycle Report.
6. Alterations to the location of Part V units to ensure they are dispersed throughout the scheme.
7. Submission of an Owners Management Company proposal.
8. Inclusion of a 2m wide public footpath linking Ballymakenny Road to the site entrance.
9. Upgraded site layout plan to indicate compliance with DMURS.
10. Inclusion of additional gullies along Crushrod Avenue.
11. Inclusion of public lighting along Crushrod Avenue.
12. An analysis of car ownership and demand, public transport provision and access to schools and retail.
13. Additional surface water details including measures to remove pollutants.
14. Investigation on the location of underground storage tanks.

The information received with the additional information was considered appropriate. Overall, it was considered the uses proposed within the scheme, the design and layout, including the treatment of the protected structure on the site are considered appropriate. In addition to the above, the area planner undertook an assessment of the apartment standards and the impact of the proposal on the residential amenity.

3.2.2. Other Technical Reports

Infrastructure Planning Section: No objection subject to conditions.

Environmental Compliance Section: No objection subject to conditions.

Housing Authority: No objection subject to condition.

3.3. Prescribed Bodies

Irish Water: No objection subject to conditions.

Department of Housing, Local Government and Heritage: Concern was raised in relation to the demolition of buildings and tree removal and the impact on bats and birds. Conditions to mitigate against any impact were recommended in any grant of permission.

3.4. Third Party Observations

A substantial number of submissions (c. 42) were received from residents in the vicinity of the site. 6 no submissions were received from local Councillors and one from the Shamrock Villas Residents Association. The issues raised in the submissions are similar and have been summarised below:

- The carparking is too low.
- The access is dangerous and not in compliance with the DMURS standards.
- There is not sufficient pedestrian and cycle connectivity to the site.
- The design and layout are not appropriate, and the scale is too large for the site.
- The proposal is not in keeping with the zoning as it negatively impacts the adjoining residential amenity.

- The protected structure should not be altered.
- There is no justification for the removal of an existing hedgerow through the centre of the site.
- Infiltration rates on the site are not favourable for removal of surface water.
- The height and scale of the proposal will cause overlooking/ overshadowing/ overbearing and have a negative impact on the adjoining residential amenity.
- Procedural issues where raised (i.e., road names, OS sheet numbers).
- Appropriate Assessment issues.

4.0 Planning History

PL54.201838 (Reg Ref 02510153)

Permission refused for the redevelopment of existing filling station incorporating removal of 2 no. existing portacabins, demolition of existing workshop and wall, relocation of existing carwash, construction of a 578.09m² building incorporating a car showroom, for reasons relating to the impact on the residential amenity, intensification of the site and traffic hazard and inadequate backland development.

Reg Ref 99510265

Permission refused for the construction of a car showroom for reasons relating to non-compliance with zoning objectives and the likely negative impact on the residential amenity.

5.0 Policy Context

5.1. Section 28 Guidance

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities

- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment

5.2. RSES EMRA 2019-2031

Eastern Midlands Regional Assembly Regional Spatial Economic Strategy (EMRA RSES).

- Drogheda is a Level 2 retail centre (Major Town Centre)
- Table 8.2: the provision of electrified train services to Drogheda.

5.3. Louth County Council Development Plan 2021-2027

Zoning

The site is located on lands zoned as A1, Existing Residential, where it is an objective “To protect and enhance the amenity and character of existing residential communities”

- Residential is a permitted use
- Coffee shop/tearoom and shop (<200m²) are open for consideration.

Urban Design

Section 13.8.8 Urban Design

- An urban design statement will be required for housing developments over 10 dwellings.

Section 13.3 Principles for Quality Design and Layout

- Promote the use of Urban Design Manual

Policy Objective HOU 17: To promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

Policy Objective HOU 19: To enhance and develop the fabric of existing urban and rural settlements in accordance with the principles of good urban design including the promotion of high quality well-designed visually attractive main entries into our towns and villages.

Policy Objective HOU 20: To require a design led approach to be taken to sustainable residential development in accordance with the 12 urban design principles set out in the 'Urban Design Manual – A Best Practice Guide (2009)' and any subsequent guidance, to ensure the creation of quality, attractive, and well-connected residential areas and neighbourhoods.

Density

Table 3.2 and Table 13.3- Minimum Density for Drogheda

- Town Centre- 50 units/ha
- Edge of Settlement- 35 units/ha

Policy Objective SS 4: To support high density sustainable development, particularly in centrally located areas and along public transport corridors and require a minimum density of 50 units/ha in these locations.

Policy Objective 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.

Protected Structure

The site contains a protected structure, a Thatched Cottage (RPS Ref. DB-042). Chapter 9 includes policies and objectives relevant to the built heritage of the County. Those objectives most relevant are listed below:

- Policy Objective 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.

- Policy Objective 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.
- Policy Objective BHC 22: To prohibit inappropriate development within the curtilage and/or attendant grounds of a protected structure. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire complex including the structures, demesne and/or attendant grounds.

5.4. Natural Heritage Designations

The site is located:

- c.800m to the north of the River Boyne and River Blackwater SAC (site code 002299).
- c. 2.5km to the west of the Boyne Estuary SPA (site code 004080), the Boyne Coast and Estuary SAC (site code 001957) and, the River Boyne and River Blackwater SPA (site code 004232) the Boyne Coast and Estuary pNHA (site code 001957).
- c. 7.4km to the northwest of the River Nanny and Estuary Shore SPA (site code 004158)
- c. 10.3km to the west of Clogherhead SAC (site code 001459).

5.5. EIA Screening

- 5.5.1. The proposed development includes the demolition of store buildings within the curtilage of a protected structure (PS), extension to cottage (PS), change of use from cottage to café, 2 no retail units and 55 no residential units.
- 5.5.2. The proposed works to the protected structure and construction of mixed-use development do not exceed the thresholds for mandatory EIA (i.e., 500 dwellings or 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) as per Item 10(b)

of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended).

5.6. Schedule 7A of the Planning and Development Regulations, 2001 (as amended) sets out information to allow a screening for EIA. I have assessed the proposed development in accordance with the criteria in Schedule 7 regarding the:

- Characteristics of Proposed Development
- Location of Proposed Development
- Types and Characteristics of Potential Impacts

5.6.1. I do not consider the proposal would have any likely negative impact on the environment. Therefore, having regard to the nature and scale of the proposed development 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 grounds of appeal are submitted by a Planning Agent on behalf of the Shamrock Residents Association. The issues raised are summarised below:

6.1.1. Site Context

- The site includes a protected structure, and the application relates to the curtilage outbuildings) also.
- The site is c.1km from the town centre and not well served by high frequency public transport facilities.
- The subject site and surrounding area have not been subject to large scale development

6.1.2. Zoning Objectives

- The proposed development overlooks, overshadows and overbears existing residential properties and is not in keeping with the zoning objectives.

- The development will negatively impact the residential amenity and St Ita's School.

6.1.3. Recent Planning History

- Planning history on the site is of a modest scale relevant to the thatched cottage.

6.1.4. Further Information and subsequent decision by LCC.

- The PA requested 14 separate issues.
- In relation to the point 12 there are concerns in relation to the overflow of car parking onto the surrounding residential estates.
- It is considered the scale, mass and height of the build has not been adequately addressed by LCC.
- All blocks apart from Block C sits perpendicular to the houses within Shamrocks Villas.
- The positioning of the apartment blocks will be highly overbearing and result in overshadowing and overlooking.
- Issues raised by third parties during the application process were not considered by the PA.

6.1.5. Negative impact on the adjoining residential and visual amenity

- Blocks A, B, D and E are located within the vicinity of well-established residential areas (Shamrock Villas, Pearse Park and Yellowbatter).
- The scale of the blocks (14.2m in height) will be overbearing and result in overlooking
- Block D is c.19.4m, Block A is c. 19.9m and Block B is c. 19m is from the nearest dwelling at Shamrock Villas.
- Blocks A and B contain living and kitchen areas which will result in overlooking.
- The impacts on the residential amenity will be contrary to the zoning objectives on the site.

6.1.6. Negative impact on Harty's Cottage and its curtilage

- The record of protected structure in the development plan clearly emphasises the importance of the group of buildings within the appeal site.
- The proposal seeks to demolish some of the buildings and construct an unsympathetic extension.
- There is no reference to any comments from a Conservation/ Heritage officer in LCC.
- The proposal will negatively impact the character and setting of Harty's Cottage.
- The form and context do not sit well with the protected structure.
- There are no rationale/criteria for the design used.

6.1.7. Overdevelopment of the site

- The proposal has an excessive density.
- The site is not town centre or reasonably located close to public transport.
- The proposal will have a negative impact on the protected structure.

6.1.8. Negative visual impact on the area

- The scale is not appropriate for the character of the area.
- The scale of the dwellings will be visually obtrusive.
- The photomontages do not indicate the true visual impact of the proposal.
- The visual impact from the rear of Shamrock Villas cannot be assessed.

6.1.9. Poor quality residential environment created by the proposed development

- Blocks A and B are near the northern boundary with Shamrock Villas and sit c.5 m from each other.
- The northern boundaries are c. 10m away from each other.
- The landscaped screening is not adequate mitigation for loss of privacy or overlooking from the Blocks.

6.1.10. Removal of the hedgerows

- The ecological report identifies that a Hawthorn and Elder hedge in the centre of the site will be removed.
- The existing hedgerow and vegetation are considered important to the local biodiversity network.
- The impact was not adequately considered by the PA.

6.1.11. Carparking and inadequacies in the local road network

- The applicant is applying for a relaxation of parking and referenced the apartment guidelines.
- The site is not located beside a bus station or train station and is highly dependent on cars.
- A recent high court decision against a ABP decision¹ quashed the decision to take account public transport.
- The vehicle access is located beside St Ita's special needs school with a high flow of traffic.
- Part of the footpath provided in the additional information is outside the red line boundary.
- The proposal will result in illegal parking and result in increased traffic hazards and public safety concerns.

6.1.12. Negative impact on property values

- The proposed development will have a negative impact on the value of properties along the boundary of the subject site.

6.2. Applicant Response

6.2.1. A response was submitted by a Planning Consultant on behalf of the applicant. This response was accompanied by the following:

- An Architectural response,
- A Traffic and Transport response,

¹ Ballyboden Tidy Towns Group v An Bord Pleanala [IEHC 2020, 16JR]

- A Conservation response,
- An Ecological response.

The applicant's response relates to the topics highlighted in the grounds of appeal and the submission is summarised below.

6.2.2. Site Description

- The site is located less than c. 1km north of Drogheda town centre.
- There is a protected structure on the site and the remainder of the site remains vacant/undeveloped.

6.2.3. Response to Issue 1- Principle of development

- The proposal for the 55 no. residential units and refurbishment of the thatched cottage are in keeping with the pattern of development of the area.
- The design response ensures any opportunities for overlooking are minimised.
- The proposed apartment blocks are c. 20-21m from the dwellings on Shamrock Villas and over 22m has been achieved between Block E and dwellings at Aascal A Haon.
- The planners report refers to the impact of the proposal on the adjoining properties and has assessed this impact.

6.2.4. Response to Issue 2- Impact of Residential Amenity

- The design has been cognisant to the surrounding scale, pattern, and character of the surrounding residential development.
- No concerns are raised by the planner in respect to impact on residential amenity.
- The design strategy includes the tallest buildings in the centre of the scheme to reduce any impact on the surrounding areas.
- Appropriate separation distances have been used between buildings.
- The Daylight and Sunlight indicate that the vertical sky components (VSC) are not adversely impacted by the proposed development.

6.2.5. Response to Issue 3- Impact on Protected Structure

- The current state of the protected structure is poor.
- The proposal will upgrade and convert the building along with a concrete farmyard shed adjacent to the cottage.
- A Conservation Report and Heritage Impact Assessment were submitted with the application and provide a detailed assessment of the restoration.
- The extension is small, compact and sensitive.
- The impact of the residential development is acceptable to the historic setting
- The Planning report provides sufficient reference to the impact of the proposal on the protected structure.

6.2.6. Response to Issue 4- Overdevelopment and Visual Impact

- The appeal is accompanied by an architectural response to the issues raised.
- The proposal is in keeping with the density and standards in the development plan.
- The proposal represents an opportunity to provide an intense form of development in a location well served by community and social infrastructure.
- The proposal is modest with 3-4 storey buildings.
- The proposal is not considered visually obtrusive.
- The site is an infill development close to the town centre.

6.2.7. Response to Issue 5- Poor Quality Residential Environment for future Occupants

- The scheme has been designed as a high-quality proposal.
- There will be no negative impacts from the design of Blocks A and B.
- Specific design measures have been integrated to ensure opportunities for overlooking between Blocks A and B are minimised
- Each dwelling complies with the national standards for apartments and all apartments are dual aspect.

6.2.8. Response to Issue 6- Removal of Existing Hedgerow

- The appeal is accompanied by a landscape assessment and Arboricultural Assessment.
- It is proposed to remove a hedgerow (c.75m) in the centre of the site which is primarily hawthorn and elder.
- This hedgerow is considered of low ecological value.
- Extensive planting is proposed to mitigate against the removal of the hedgerow.
- The proposal includes the retention of a perimeter of native hedgerow.

6.2.9. Response to Issue 7- Traffic Generation and Car Parking

- A traffic assessment accompanied the appeal, and it is strongly contended that the proposal will not lead to “illegal” parking.

6.2.10. Response to Issue – Impact on property values

- It is considered there is no evidence to suggest the proposal will impact nay property values.

6.2.11. Architectural Response

- A detailed response to the issues raised by the appellant is included to support the applicant’s response as summarised above.
- This response includes plans and illustrations already included within the application documentation.
- It is stated that the windows at the end of Blocks A and B are designed (some with high level windows) and orientated (away from the rear of the dwelling) and will not lead to any direct overlooking on the properties in Shamrock Villas.
- It is considered the proposal, and the urban response along the main roads, is acceptable for this location.

6.2.12. Traffic & Transport Response

- 45 no car parking spaces are provided.
- An overview of the walking distance to the public transport etc is provided.

- Overview of the public transport system, frequency, and estimated capacity.
- Traffic count and overview of the traffic generated and proposed enhancements of the local service network.
- It is considered there is sufficient information to indicate the level of parking appropriate and the local traffic network capable of accommodating the proposal.
- Appendix A - Bus occupancy levels
- Appendix B -Traffic Survey Results

6.2.13. Conservation Response

- A response to the issues raised in the grounds of appeal relating to the thatched cottage.
- In relation to point 1- the buildings to be demolished are from the middle twentieth century and no particular significance.
- In relation to the west extension to the cottage it is considered the removal of a poor quality shed and replacement with a contemporary design is the most appropriate solution for a protected structure.
- In relation to point 3- the assessments submitted, and photomontages indicate that a balance between restoration and retention has been achieved.
- Photos of the site submitted

6.2.14. Ecological Response

- A letter from the environmental consultant states that the hedgerow to be removed is of low ecological value.
- The compensatory hedgerow will be twice the length and include native planting.

6.3. **Planning Authority Response**

A response from the planning authority confirmed the planner had no further comments to make.

6.4. Observations

11 no. observations were received from residents and owners of properties in the vicinity of the site, Shamrock Villas. The issues raised in the submissions are similar, therefore I have summarised these under common themes below:

6.4.1. Location/ addressed of site and the adjoining road

- There were inaccuracies in the original submission and following further information (FI) the reference to the correct road was included (Ballymakenny and Crushrod Avenue).
- The planning report refers to a pedestrian entrance into Shamrock Villas although this is not evident from the documents.
- There is a lack of attention and detail throughout the documents.
- The inaccuracies in the documentation are not adequately addressed

6.4.2. Design and Scale.

- The 3 – 4 storeys are not appropriate at this location.

6.4.3. Overshadowing and Overlooking

- The proposal will overshadow the adjoining dwellings.
- The development plan promotes infill development where it does not affect the surrounding properties.
- Photographs submitted illustrate the rising sun at the rear of properties in Shamrock Villas.
- The shadow analysis indicates overshadowing on these properties in the morning which will block the morning sun and impact the amenity of residents.
- The impact on the residents would be greater and the trees included on the drawings are computer generated.
- No computer-generated images were submitted to illustrate the impact on the residents.
- The windows from Block D (west facing) will look down into the kitchen/living area.

- Houses within Shamrock Villas are at a lower level than the subject site which will change the impact of the overshadowing.
- Homes in Shamrock villas will not be able to install solar panels due to overshadowing.
- Permitted extensions to dwellings in Shamrock villas have not been considered.

6.4.4. Access and Parking

- The surrounding car parks (Lourdes Church and CrossAvenues) are for use by businesses.
- The on-street parking is used by hospital staff and local resident.
- All housing in the vicinity have at least one parking space, some have 2 spaces.
- There should be at least one space per unit provided.
- It is not realistic that there will be bicycle usage.
- There is some confusion in relation to the sightlines to the west of the entrance. It is stated there is 33m sightline although only 24m in the RFI engineers report.
- The entrance is near a special school and the junction is very busy at peak times.
- There is only one bus route to the site and no cycle infrastructure.

6.4.5. Underground oil storage tanks

- It is not clear from the RFI if the Maxol service station was in existence before 1989.

6.4.6. Bat Fauna Survey

- The condition included on the grant of permission does not give any indication when the bat survey needs to be carried out.
- The survey should be undertaken by an independent ecologist at an appropriate time of the year.

6.4.7. Density of development

- The density of 61uph is not appropriate for an edge of settlement site.
- The site can only accommodate 30-32uph.

6.4.8. Flood Risk

- The proposed development will have a knock-on impact on the flood zone B lands in the vicinity and Ushers Stream.
- In times for heavy rainfall the streams and drains block up and this causes flooding elsewhere.

6.4.9. Part V Housing

- The Part V housing is located beside the service station in the most undesirable location.

6.4.10. Storm and foul drainage.

- There is insufficient information supplied with the application.
- There are no details that there is capacity in the foul system to accommodate another 56 units.
- There is no confirmation from Irish Water that a connection is feasible.

6.5. Further Responses

6.5.1. In accordance with Section 131 of the Planning and Development Act, 2000, as amended, the applicant's response to the grounds of appeal was circulated to all parties. Further responses were received from 3 of the observers and the issues raised are similar to the initial submissions and are summarised below:

6.5.2. Principle of Development

- Having regard to the impact on the existing residential development, the proposal is contrary to the zoning objective.
- Details of meetings between LCC and the developers have not been made available.

6.5.3. Impact on Harty's Cottage

- The current condition of the protected structure is poor because the owner has not maintained the building correctly.
- The refurbishment of the cottage is the owner's responsibility

6.5.4. Overdevelopment and Visual Impact

- The plan for 56uph exceeds the development plan standards.
- The proposal will be visually dominant.

6.5.5. Poor Residential Environment for Future Occupants

- The duplex units are located beside a busy service station.
- The northern end of Blocks A and B are too close together.
- Conventional housing would have been more acceptable on the site.

6.5.6. Impact on Residential Amenity

- The perceived overbearing cannot be mitigated by high quality materials.

6.5.7. Access and Parking

- The car parking remains too low.

6.5.8. Natural Environment

- The hedgerow will still be removed.

6.5.9. Impact of property values.

7.0 **Assessment**

7.1. I consider the main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Density
- Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on the Built Heritage

- Impact on the Natural Environment
- Traffic & Transport
- Other

Principle of Development

- 7.2. The site is located on lands zoned as A1, Existing Residential, in the Louth County Council Development Plan 2021-2027, where it is an objective *“To protect and enhance the amenity and character of existing residential communities”*. The proposed development includes the following:
- change of use of a thatched cottage from residential to café, refurbishment, and extension,
 - conversion of outbuildings for 2 no retail units,
 - demolition of additional outbuildings and construction of 56 residential units.
- 7.3. Residential use is permitted within the residential zoning and coffee shop/tearoom and shop (<200m²) are open for consideration. The surrounding area is characterised by a mix of residential and modest commercial developments which service the local community. The site is located to the north of Drogheda town centre which is readily accessible on foot (c.600m).
- 7.4. The grounds of appeal, and observations, have raised concern in relation to the negative impact of the proposal on the residential amenity of the existing residential communities. Having regard to this impact they consider the overall development is not in keeping with the land use zoning and represents a material contravention of the development plan.
- 7.5. I have assessed the design and layout and addressed the impact of the proposal on the residential amenity separately below. I note the site is a brownfield site, close to Drogheda town centre and serviced for development. Having regard to the land use zoning, the location of the site and the characteristics of the surrounding area, I consider the residential use and commercial proposal is acceptable. Therefore, overall, I consider the principle of the proposal is acceptable subject to separate planning considerations detailed below.

Density

- 7.6. The grounds of appeal argue that a density of 61 units per hectare (uph) is excessive at this location. Reference to the planner's report and Policy HC17 is included. The appellant considers the site is not a town centre site and is not within a 16min walk of the town centre, 20min walk from a bus station or 2.2km from a train station. In this regard the grounds of appeal consider the site is defined as an edge of settlement site.
- 7.7. Chapter 5 of the national guidance on sustainable residential development² provides guidance for appropriate densities for residential developments. In general, increased densities in towns and cities are promoted where the development can provide a high-quality architectural form and a reasonable protection of the amenities and privacy of adjoining dwellings and protection of the established character. No upper limit for densities is stated although a minimum of 50uph is recommended in urban areas and in particular brownfield sites.
- 7.8. The policies and objectives of the development plan promote higher densities in line with the national guidance. Table 3.2 and Table 13.3 refer to densities from 50uph for Drogheda Town centre and 35uph for edge of settlements. Policy HOU 15 also promotes densities which support compact growth and the consolidation of urban areas. The site is located on the northern edge of Drogheda town centre which is within a short walking distance (c.600m and 5 mins). In addition to is, the site is well positioned to take advantage of a wide range of social infrastructure and commercial activity. Having regard to the location of the site centrally located close to the town centre I consider the density allocation for a town centre location is applicable rather than an edge of settlement location.
- 7.9. The national and local policy (Policy SS4) also promotes higher densities along public transport corridors. In this regard a minimum density of 50uph is required. The grounds of appeal and observers consider the site is poorly served by public transport and therefore is not suitable for a higher density (further discussed under traffic and transport below).

² Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (2009)

- 7.10. A Traffic and Transport assessment was submitted in response to the grounds of appeal. This assessment provides an analysis of the receiving environment including the location, frequency, and capacity of the location bus service. Whilst there is only one bus route directly adjacent to the site along the south (D5 route Crushrod Avenue) there are a wide range of services along routes in the vicinity of the site (D173, D168 and D190). A bus occupancy survey of the D168 route in front of the hospital noted a frequent service at peak times (less than 10 mins between buses) and ample spare capacity on each of the buses. Having regard to the location of the site beside the town centre and within a reasonable distance to several bus services, a high frequent service with ample capacity, I consider the site can accommodate higher densities in line with the national guidance.
- 7.11. Therefore, having regard to the location of the site, near the town centre of Drogheda (a regional growth town) and the availability of public transport within the vicinity of the site, I consider the proposed density of 61uph is acceptable.

Impact on Visual Amenity

Introduction

- 7.12. The proposed development includes for a mixed-use development with the retail and commercial concentrated around the converted protected structure and outbuildings on the corner of Crushrod Avenue. The remaining development consists of 55 no. dwelling units. These are arranged in 5 no. building blocks as summarised below:
- Block A and Block B (3 to 4 storey residential blocks) are in the centre of the site and include 8no one-bedroom and 18 no. two-bedroom apartment units (26 no. apartment units),
 - Block C is located along the front of the site facing onto Crushrod Avenue, and has 7 no. two bedroom duplex apartment units in a 3-storey block,
 - Block D is within the site beside the entrance, backing onto the Maxol Station and has 3 no. two bedroom duplex apartment units in a 3-storey block,
 - Block E is a terrace of houses located within the site backing onto the rear of Ascaill a hAon
- 7.13. The negative visual impact of the proposed development is raised in the grounds of appeal. In this regard the appellant considers the proposal is not of an appropriate

scale for the site and the true visual impact of the proposal, from the surrounding area and Shamrock Villas, has not been fully assessed. It is considered that the submitted photomontage illustrations are not sufficient.

- 7.14. The height of the Blocks ranges from 3- 4 storeys with 2 storey terrace dwellings along the east of the site. The 4-storey element is located to the south of the central residential blocks (Block A and Block B). The greatest cause of concern in relation to the visual impact is the impact on the dwellings along Shamrock Villas estate.
- 7.15. In response to the grounds of appeal, the applicant notes the proposal represents a modest development of between 3-4 storeys and considers the proposed development is not overdevelopment of the site and cannot be considered visually obtrusive.
- 7.16. Photomontage drawings were submitted as part of the initial planning application. On foot of a further information request the applicant submitted updated photomontage drawings including a view of the proposed development from Asal A Haon (View 10 and 11). The planning authority noted the height of the proposal, up to 4 storeys, and having regard to Specific Planning Policy Requirements (SPPRs) in the apartment³ and building height guidelines⁴ , and the location of the 4-storey element of the proposal, the height was considered acceptable.
- 7.17. Section 13.8.13 of the LCC development plan encourages a range of building heights to provide variety within residential developments. The principle of taller buildings at strategic locations in town centres is acceptable in principle. Policy SS5 supports “increased building heights at appropriate locations in Drogheda, subject to design and scale of any building making a positive contribution to its surrounding environments and streetscape”. The development plan has no height restriction for residential developments.
- 7.18. As detailed above, it is my opinion that the density proposed is appropriate at this location. I consider the three-storey element along Crushrod Avenue provides a strong urban presence. The photomontage drawings clearly indicate a change of design between the Shamrock Villas estate and the proposed development although it is my opinion that a design to accommodate increased densities would require a

³ Sustainable Urban Housing: Design Standards for New Apartments (2020)

⁴Urban Development and Building Height Guidelines (2018)

different approach to the traditional 2 storey residential estate. In relation to the photomontage images from Shamrock Villas (View No. 9), I note Block B has not been fully included. The impact of the proposal on the residential amenities of No 26 and No 27 Shamrock Villas is further discussed below although the Board will note my recommendation that two apartments (No 8 and No 21 on the third floor of Block A and B) closest to these dwellings are removed. I consider the removal of these two apartments will provide a stepped approach to the design of Blocks A and B and provide a more appropriate transition of height within the site. The photomontage illustrations from the remaining areas indicate either a minimum visual impact or an acceptable impact on the surrounding area.

- 7.19. Therefore, having regard to the location of the site within an urban setting and the heights proposed, I am of the opinion that the overall design and layout, including the heights, is acceptable and will not have a negative impact on the visual amenity of the surrounding areas.

Impact on Residential Amenity

Existing Occupants of dwellings in the vicinity

- 7.20. The site is bound to the north by Shamrock Villas, a traditional two storey estate with detached and semi-detached dwellings and to the east by Ascaill a Haon a two-storey terraced estate. The proposal includes a row of two storey terrace dwellings adjoining Ascaill a Haon. The northern elevation of Block A and Block B face onto Shamrock Villas and Block D, a 3-storey duplex building is located to the west, mostly adjoining the rear of the Maxol Station.
- 7.21. The grounds of appeal and observations have been submitted from residents of the dwellings with Shamrock Villas. The impact of the proposal from overlooking and overshadowing are the main cause of concern. I have addressed these issues separately below.
- 7.22. In relation to **overlooking**, I note 5 no dwellings within Shamrock Villas are located along the northern boundary. I have provided an assessment in each dwelling below:
- No 25: There are no gable windows along the north of Block E and the orientation of Block B is away from the rear, therefore I consider there is no direct overlooking impact on this property.

- No 26: Block B is located c. 19m from the rear building line and although the windows on the northern elevation do not directly look into the first-floor windows, I consider there is potential from the second floor living windows and private balcony for direct overlooking into the rear garden space and rear of the dwelling.
- No 27: As per above, Block A is located c. 19 from the rear building line and although the windows on the northern elevation do not directly look into the first floor, I consider there is potential from the second floor living windows and private balcony for direct overlooking into the rear garden space and rear of the dwelling.
- No 1: Block D is located c.21 m from the rear of no 1 and is orientated west onto the Maxol Station site and high-level windows are located on the northern gable wall, therefore I do not consider there is any direct overlooking impact on this property.
- No 2: As per above, Block D is located further from No. 1, therefore I do not consider there is any potential for overlooking.

7.23. The living room and kitchen windows of the apartments to the north of Block A and B are oriented north. The kitchen window is a high-level window whilst the living room window is a large full height window. The kitchen areas of both No 27 and No 26 Shamrock Villas face south towards the site. Whilst the north of these blocks does not directly face into the back living areas of those house at Shamrock Villas, I note the height of the second floor is elevated relative to the existing properties and having regard to the design of the Blocks A and B I consider apartments along the north of both buildings (apartment No. 8 in Block A and apartment No. 21 in Block B) has potential for overlooking into these properties. I also note the location of the balconies associated with both apartments, orientated north, which I consider will allow direct overlooking into the rear and the private amenity space of both dwellings.

7.24. Having regard to the distance of apartments No. 8 and apartment No. 21, c. 19m to the south of properties No 27 and No 26 Shamrock Villas and the elevated location and design of the living room windows and balconies, I consider there is potential for overlooking. In this regard, I consider the proposal would have a significant negative

impact on the residential amenity of those existing dwellings. I note the design of both apartments Blocks A and B are staggered from a 4th floor along the south to 3 storeys to the north. It is my opinion that should apartment No. 8 and No. 21 be removed, the potential for overlooking into the rear of No 26 and No 27 would be greatly reduced and a set back of a further c. 10m to the next apartment on the third floor on both Blocks would mitigate against any significant impact. I consider it is reasonable to remove these two apartments by condition on any grant of permission. This would ensure the protection of the existing residential amenities and allow a staggered design for both blocks.

- 7.25. In relation to **overshadowing**, Section 13.8.10 of the LCC development plan refers to daylight and sunlight impacts and requires care to ensure adequate levels of natural light are achieved to nearby properties. The development plan refers to the minimum standards BRE guidelines⁵, BS standards⁶ and Section 6.7 of the Apartments Guidelines⁷ in relation to compensatory measures.
- 7.26. On foot of a further information request the applicant submitted an updated Daylight, Sunlight and Overshadowing Impact assessment, based on the BRE and BS standards. The additional information requested that properties along Shamrock Villas and Ascal A Haon were considered fully in the assessment. The planning authority concluded that the vertical sky component (VSC) results of the surrounding buildings and associated amenity areas would not be significantly adversely affected by the proposed development.
- 7.27. I have given a detailed description of the interface between the proposed development and existing housing above. I have also carried out a site inspection, considered the third-party submissions that express concern in respect of potential impacts because of overshadowing/loss of sunlight/daylight and reviewed the planning drawings. In considering the potential impact on existing dwellings I have considered – (1) the loss of light from the sky into the existing houses through the main windows to living/ kitchen/ bedrooms; and (2) overshadowing and loss of sunlight to the private amenity spaces associated with the houses (rear/ main gardens in this instance).

⁵ Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

⁶ BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’

⁷ Design Standards for New Apartments- Guidelines for Planning Authorities (2020)

- 7.28. In relation to the light from the sky (VSC) Section 7 of the applicants updated assessment includes an illustration of the proposed development and surrounding dwellings with rooms shaded green where the daylight/sunlight remains unchanged (VSC > 27%) and yellow where a change of daylight/ sunlight would occur (VSC < 27%). Appendix B provides a breakdown of the results. I note the results provided indicate that most windows maintain a VSC of greater than 27%. Of those windows that do not, the results indicate a new VSC greater than or equal to 80% of the initial pre-development value. I note the assessment includes all those windows on the facades of the existing dwellings adjoining the development rather than the main windows to living/ kitchen/ bedrooms as required by the BRE guidance. Overall, I consider the VSC results are comprehensive and acceptable to indicate no significant impact on the daylight/sunlight into the adjoining properties.
- 7.29. In relation to the impact on the adjoining amenity spaces, the daylight/ sunlight assessment includes a shadow analysis. This analysis considers the impact during the 21st of March (equinox) in line with the BRE guidance. The report notes that at least half of the open space areas (i.e., 50% of each individual plot) will have received 2 hours of sunshine. The analysis notes any significant impact is generally caused by existing boundary walls. I note the orientation of the site and the surrounding gardens. Having regard to the distance of the proposed buildings, the layout, and the recommendation for the reduction of two apartments (discussed above) I do not consider the overshadowing on any private amenity spaces will have a significant negative impact on the residential amenity of any adjoining properties.

Future occupants of the proposed residential units

- 7.30. The appellant has raised the layout of Blocks A and B as inappropriate both in the general design but also in respect to the potential overlooking between Blocks A and B. It is considered these blocks are located too close at c. 5m at the most northern point.
- 7.31. The Board will note my recommendation to remove apartments No 8 and No 21 on the third floor of Block A and B. I note the rooms and spaces in the ground and first floor of Block B (facing onto Block A) does not include any main living spaces. The rooms from Block A (facing onto Block B) include one living area. Therefore, having regard to the layout of the apartments and use of the rooms, I do not consider there

would be any significant negative impact from overlooking within the proposed development.

Conclusion

- 7.32. Having regard to the design and layout of the proposed development and the location of the site and surrounding area, subject to the removal of two apartments in Block A and B, it is my opinion that the proposal will not have a significant negative impact on the residential amenity of the existing or future residents.

Impact on the Built Heritage

- 7.33. The thatched cottage on site is a protected structure (RPS Ref. DB-042) and the main works include the demolition of a side extension (corner of Crushrod Avenue and Shamrock Villas) and replacement with a contemporary extension. The proposal also includes a change of use from residential to café. The dwelling is currently vacant, and the submitted conservation assessment notes the building in a poor state of repair.
- 7.34. The works to the protected structure also include the reinstatement of cob walls and patch work to the external render; repair and retention of the timber roof structure; conservation repairs to the historic thatched roof coverings; replacement of the existing front door (south elevation) with a timber sheeted replacement door; conservation repairs to the existing sash windows throughout the cottage, including the reinstatement of the currently blocked window on the north elevation.
- 7.35. The proposal includes the demolition of several outbuildings within the wider site, one directly to the rear of the cottage (14m²) and a low wall along the south of the site adjoining Crushrod Avenue. The proposal includes the retention of the sheds immediately adjacent to the cottage and reuse for retail space.
- 7.36. The grounds of appeal consider the proposal is unsympathetic to the protected structure and will have a negative impact on the character and setting of Harty's Cottage. The absence of any input from the Conservation or Heritage Office of Louth County Council is noted.
- 7.37. The applicant submitted a Conservation Report and Heritage Assessment with the application. The applicant also included a detailed conservation response to the issues raised in the grounds of appeal. This response addresses the three main

points raised by the appellants namely, the demolition of structures, the extension and works to the protected structure and the impact of the residential development on the character and setting of Harty's Cottage.

- 7.38. I note the plans and particulars submitted with the application include a detailed inventory of the buildings to be demolished. No issues were raised by the planning authority and the application was referred to the Department of Housing, Local Government & Heritage (Dept). The Dept made no comments on the impact of the proposal on the built heritage.
- 7.39. The location of a thatched cottage within an urban setting is unusual and is currently surrounded by a mix of uses ranging from schools to petrol station. The proposed development includes the retention and reuse of the sheds within the immediate vicinity of the cottage and the proposed residential development is separated by public realm and an access road. I note the photomontage illustrations, clearly illustrated the row of residential units along Crushrod Avenue, which I consider will have the greatest visual impact on the character and setting of the cottage, which I consider acceptable.
- 7.40. In relation to the impact of the works on the character of the protected structure, I have had regard to the proposed extension on the corner of Crushrod Avenue, the retention of some sheds and the demolition of others in a poor state and the photomontage drawings which accompanied the application. I also note the guidance in the Architectural Heritage Protection: Guidelines for Planning Authorities in particular Section 6.8.4: Extensions and Chapter 13: Curtilage. In this regard, I would consider the modern extension and works to the protected structure allow the preservation of a historic building in a sympathetic approach.
- 7.41. Overall, I do not consider the setting of the protected structure will be negatively impacted by the proposal. I consider the modern extension is sympathetic to the design of the cottage and the reuse of the sheds at the rear of the site complements the commercial use and setting of the protected structure. In addition, I believe the design and layout of the residential development will not have a negative impact on the character and setting of Harty's Cottage. The planning authority conditioned the use of a conservation specialist during construction works and a priority and phased

approach to the refurbishment of the protected structure, which I consider reasonable.

Impact on the Natural Heritage

Hedgerow

- 7.42. The proposed development includes the removal of a hedgerow in the centre of the site. The grounds of appeal consider this hedgerow will vegetation are important for the local biodiversity network and the removal of this vegetation was not adequately considered by the planning authority.
- 7.43. The applicant's response to the grounds of appeal includes a report from the environmental consultant. The report notes the length of the hedgerow for removal 70m in total and does not consider it would survive relocation. Additional planting of c. 140m along the boundary of the site are considered acceptable compensatory measures for the loss of this hedgerow.
- 7.44. I note the application was accompanied by an Ecological Impact Assessment, Arboricultural impact and tree protection, and landscaping plans. In addition to the planting of compensatory hedgerows along the boundary of the site, the proposal includes additional native planting throughout the site.
- 7.45. I note the Arboricultural Assessment and impact report notes the hedgerow is incomplete (i.e., it does not form part of a wider network). The species within the hedgerow is primarily hawthorn and elder. The landscaping proposal includes a new mixed native species planting along the northern boundary. Additional proposed planting of the semi-private and public open space areas is proposed and includes semi mature native species.
- 7.46. I consider the proposed landscaping plan is sufficient to compensate the removal of the existing hedgerow along the centre of the site. I consider the quantum and choice of species proposed will ensure the local biodiversity network is supported.

Bat Survey

- 7.47. A number of the observations raise concern with the appeal have raised concern in relation to Condition No. 7 and the undertaking of a pre-construction bat survey by a competent ecologist. The condition notes the potential for a derogation licence. The

third party consider this survey should be undertaken by an independent ecologist at an appropriate time of the year.

- 7.48. The Ecological Impact Assessment included a Bat Survey which noted no evidence of any bat roosts on the site. As part of mitigation measures the report recommended a pre-construction survey on the off change that any bat was found under slates etc. I consider this mitigation measure acceptable and should be undertaken by a competent expert, with appropriate correspondence with the Department.

Traffic and Transport

- 7.49. The grounds of appeal consider the proposal, including the level of car parking and access into the site, is not appropriate for the site. It is considered the quantum of car parking is too low and will lead to an overspill of carparking into adjoining residential areas. The third parties also consider the local road network is not sufficient to accommodate an increase in traffic volume.
- 7.50. The applicant's response to the grounds of appeal was accompanied by a Transport Response, further detailed below separately.

Carparking

- 7.51. The proposed development includes the change of use of the protected structure for a café, two retail units and 55 no residential units. 45 no. car parking spaces are provided throughout the site. The grounds of appeal consider the absence of one space per unit will lead to overspill onto adjoining areas. The mixed-use nature of the surrounding area, in particular the hospital, it considered to place added pressure on the area for parking spaces.
- 7.52. On foot of a further information request the applicant included an analysis of the public transport as justification for the quantum of parking proposed. This public transport analysis was further updated as part of the applicant's response to the grounds of appeal. As detailed above within the analysis of proposed density, the subject site is located within an area which has an accessible and frequent public transport service. A survey of the capacity of a regular service from outside Our Lady of Lourdes Hospital (c.300m) during peak times indicated that there was sufficient capacity. In this regard, I consider the site can be served reasonably by public transport.

- 7.53. In relation to the parking pressures associated with other uses in the area, upon site inspection I noted the public car parking which served the hospital (along Cross Avenues) has capacity and was not full.
- 7.54. The national guidance for apartment guidelines promotes residential development promotes appropriate reductions in car parking at certain locations in cities and towns. This infill site located within walking distance to schools, hospital and Drogheda town centre would, in my opinion, be appropriately located to consider a reduced car parking standard.
- 7.55. The Board will also note my recommendation for a reduction of two no apartments, therefore the final scheme would include 53 no. residential units (c. 0.9 spaces per residential unit). I consider the carparking provision on the site is acceptable

Sightlines and road network

- 7.56. The grounds of appeal and third-party submissions notes the location of the site access beside St Ita's school, the delivery of the footpath along Crushrod Avenue (some of which is not within the red line), and the sightlines proposed and consider the impact of the proposal is not acceptable.
- 7.57. The entrance to the subject site is located within the urban area of Drogheda. The planning authority's further information request required the applicant to submit sightlines in compliance with DUMRS standard for a 50 km/h design speed. The applicant's response to the further information included a traffic survey of the road as justification for a lower design speed of 42 km/h based on the measures 5th percentile traffic speed on that approach.
- 7.58. Table 4.2 of DMURS requires forward visibility splays of 45m on a road with a design speed of 50km/h, this decreases to 33m on a road with a design speed of 40km/h. The justification for visibility splays of 33m was accepted by the infrastructure section.
- 7.59. I note the layout of the local road network in the vicinity of the site. The proposed entrance into the site is located close to the junction between Crushrod Avenue and Ballymackenny Road, which in my opinion, serves to slow the traffic on approach to the site. I consider the applicant's response to the further information and

subsequently to the grounds of appeal is sufficient to allow consideration of the forward visibility splays in line with the 40km/h design speed in Table 4.2 of DMURS.

- 7.60. A public footpath has been provided along the full length of the site, east in front of Block C and west within the public plaza. Pedestrian access is provided to the rear of the cottage onto Ballymakenny Road; therefore, the proposal can connect to the existing pedestrian network. I note the absence of section of the public footpath between the subject site and the existing footpath to the west along Crushrod Avenue. This is a derelict site in separate land ownership and currently for sale.

Other

Storm and Foul Water

- 7.61. The impact of foul and storm proposals are raised by one of the observers with specific reference to the absence of an Irish Water confirmation. I note the Irish Water correspondence on file (dated 31/0/2021) which confirms no objection subject to a standard Irish Water condition. I also note the report of the Infrastructure Section did not raise any concerns in relation to the servicing of the site or capacity of the receiving Wastewater Treatment System. Therefore, I consider the site can be adequately serviced by the public water and wastewater systems.

Flooding

- 7.62. The issue of **flooding** is raised in several of the observations and the grounds of appeal. Concern is raised in relation to the potential for heavy rainfall to block streams, causing a knock-on impact on the Flood Zone B lands in the vicinity.
- 7.63. The site is not located within any flood zone. The Infrastructure Section report notes that Irish Water are aware the surface water connections to the Irish Water system and no issue has been raised regarding this connection. On foot of a response for FI the applicant included a number of additional gullies along the front of the site, Crushrod. Overall, I am of the opinion that the treatment of surface water has been dealt with sufficiently and the impact on the site and the surrounding area has been assessed.

Underground Storage Tanks

- 7.64. In relation to the **underground storage** tanks, the applicant was requested to submit additional information to include a detailed survey of any underground tanks,

contamination of soils and proposals for remediation and removal of waste. The applicant's response noted no planning history prior to 1995 with a letter from the previous owner to confirm no tanks or other infrastructure installed on the site.

- 7.65. I note the planning authority where not satisfied with the applicant's response as it was not clear if any activity relating to the petrol station was in existence prior to 1998 and recommended a condition requiring the removal of any tanks and remedial action for contaminated soil, prior to any works on the site. Condition No 20 requires the applicant to contact the planning authority in the event underground storage tanks are exposed during works. Details of remedial action are to be submitted.
- 7.66. I note the current use to the rear of the petrol station is greenfield with no evidence of any contamination. This aside, I consider the inclusion of a similar condition to the planning authority would be sufficient to ensure decontamination of the site, should any underground tanks be found.

Impact on Property Values

- 7.67. The grounds of appeal argue the proposed development would devalue the property in the vicinity of the site. A letter from a property valuers accompanied an observation to state that the proposal would have a negative impact on the property value in the vicinity. No detailed analysis of property values was included with the letter.
- 7.68. I note the proposed development on lands located on lands zoned as residential in a serviced urban area. As stated above in my assessment, the principle of the proposed development, design and layout and density is acceptable at this location having regard to national and regional planning policy. Therefore, having regard to the planning considerations raised by third parties and my detailed assessment above, it is my opinion that there are no planning considerations which would warrant a reason for refusal on this site.

Road Names/ inadequacies

- 7.69. Third party observations noted an error in the development address on the public notices. The initial application called that road along the south "Crushrod ane" rather than "Crushrod Avenue". The applicant's response to the FI altered the development description along noted a discrepancy to address in Eircode and the OS information.

7.70. I note the change in reference and whilst I have provided reference to the southern boundary as Crushrod Avenue throughout my assessment, the Board will note public documentation also reference this road as Crushrod Lane.

8.0 Appropriate Assessment

Introduction

8.1. The proposed development comprises of a mixed-use development for 2 no retail units, change of use of a dwelling for café and the construction of 55 no residential units. The application was accompanied by an Appropriate Assessment (AA) screening and an Ecological Impact Assessment. The AA screening assessment considered the impact of the proposed development on European Sites within a 15km radius of the site. The PA undertook an AA screening of those sites within a 15km radius of the site and concluded that no appropriate assessment issues were likely to arise, and a Stage 2 AA was not required.

8.1.1. The site is located c.800m to the north of the River Boyne and River Blackwater SAC (site code 002299) and c.2.4km to the west of the Boyne Estuary SPA (site code 004080), the Boyne Coast and Estuary SAC (site code 001957) and River Boyne and River Blackwater SPA (site code 002299), c. 7.4km to the north west of the River Nanny and Estuary Shore SPA (site code 004158) and c. 10.3km to the west of Clogherhead SAC (site code 001459).

8.1.2. Summary of European Sites within 15km radius.

Site Name and Code and distance from site	Qualifying Interest and Conservation Objectives
Special Areas of Conservation (SAC)	
River Boyne and River Blackwater SAC (site code 002299) c. 800m to the south	QI: Alkaline fens [7230], Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>)(priority habitat) [91E0], <i>Lampetra fluviatilis</i> (River Lamprey) [1099], <i>Salmo salar</i> (Salmon) [1106], <i>Lutra lutra</i> (Otter) [1355] CO: To maintain/ or restore the favourable conservation condition of the habitats or species.

<p>Boyne Coast and Estuary SAC (site code 001957)</p> <p>c. 2.4km to the northwest</p>	<p>QI: Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Annual vegetation of drift lines [1210], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330], Embryonic shifting dunes [2110], Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>CO: To maintain or restore the favourable conservation condition of the habitats or species.</p>
<p>Clogherhead SAC (site code 001459).</p> <p>c. 10.3km to the east</p>	<p>QI: Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], European dry heaths [4030]</p> <p>CO: To maintain or restore the favourable conservation condition of the habitats or species.</p>
<p>Special Protection Areas (SPA)</p>	
<p>River Boyne and River Blackwater SPA (site code 004232)</p> <p>c. 2.4km to the west</p>	<p>QI: Kingfisher (<i>Alcedo atthis</i>) [A229]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>
<p>Boyne Estuary SPA (site code 004080)</p> <p>c.2.4km to the west</p>	<p>QI: Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p>

	CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
River Nanny Estuary and Shore SPA (site code 00415) c. 7.4km to the northwest.	QI: Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Herring Gull (<i>Larus argentatus</i>) [A184] Wetland and Waterbirds [A999] CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

Assessment of likely Significant effects

- 8.2. The site is located within the urban area of Drogheda town on lands zoned for residential use. The proposed development includes a public water and wastewater connection. Irish Water has recommended a grant of permission subject to standard conditions and no issues are raised by the planning authority in relation to the capacity of the WWTP. It is proposed that the surface water is treated in the public system having regard to the low infiltration rates on the site.
- 8.3. The AA screening assessment notes an indirect pathway between the site and the European Sites via the foul and surface water systems. It is considered that having regard to the proposed connection to the combined public system and discharge to Drogheda WwTP there will be no impact on the conservation objectives of any European Sites.
- 8.4. The AA screening report did not specifically address the use of the site by any species listed as special conservation interest in the SPAs although I note the planning authority addressed third party queries over the use of the site by lapwing and oystercatcher. The planning authority noted no evidence to suggest the site was used by either species and having regard to the habitats on site and distance from the European Site it could be concluded, beyond any reasonable doubt, that the

proposal would not be likely to have a significant effect on any European Site. The AA screening assessment included a list of potential developments in considering the in-combination effect, which I consider reasonable.

- 8.5. I note the nature of the site and the absence of any habitat which may support those species listed in the European Sites within 15km, namely Boyne Estuary SPA and River Nanny Estuary and Shore SPA and I do not consider the proposal will likely have any significant impact effect on the species listed as special interest in these or any other European Sites. Whilst the AA screening report notes a potential indirect pathway, I note the proposal includes a public water and wastewater connection for both foul and surface water. I do not consider there are any specific mitigation measures required to prevent any effect on the conservation objectives of any European Site. Therefore, I consider that in the absence of any hydrological connections and the lack of suitable habitat for wintering bird species it can be concluded that the proposed development would have no potential for likely significant effect on the following European Sites.

Screening Determination

- 8.6. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

9.0 Recommendation

- 9.1. I recommend a GRANT of the above proposed development based on the reasons and considerations under and subject to the conditions set out below

10.0 Reasons and Considerations

Having regard to the:

- a) the nature, scale and design of the proposed development,
- b) the policies and objectives of the Louth County Development plan 2021-2027, in particular the A1, Existing Residential land use zoning,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenities of the area and would not endanger public safety by reason of traffic hazard or have an adverse impact on the character and setting of a protected structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be amended as follows:</p> <p>a) The third-floor apartments to the north of Block A (Apartment No 8) and Block B (Apartment No 21) shall be removed.</p> <p>b) Privacy Screens shall be provided for balconies for Apartments No 9 (Block A) and Apartments No 22 (Block B).</p> <p>For clarity, the permission shall relate only to 53 no residential units.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity</p>

3.	<p>(a) The development shall be carried out on a phased basis. The first phase shall consist of the refurbishment of the protected structure and the associated commercial buildings, together with their associated site development works. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.</p> <p>(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.</p> <p>Reason: To ensure the timely provision and protection of a Protected Structure and its setting.</p>
4.	<p>Prior to commencement of development, the developer shall provide for the following:-</p> <p>(a) 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.</p> <p>(b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.</p> <p>All repair/restoration 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” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.</p>

	<p>Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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>
6.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
7.	<p>Predevelopment testing of the site shall be undertaken to establish the presence of any underground storage tanks. In the event that any storage tanks are found, decontamination of the site should be undertaken following the written agreement of the Planning Authority.</p> <p>Reason: In the interest of environmental protection and public health</p>
8.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be</p>

	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
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 over ground 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>Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.</p> <p>Reason: In the interest of the amenities of the area/visual amenity.</p>
11.	<p>A minimum of 20% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance</p>

	<p>with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>. Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles</p>
12.	<p>. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>. Reason: In the interest of residential and visual amenity</p>
13.	<p>. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, [access road to the service area] shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. 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 amenity and of traffic and pedestrian safety.</p>
14.	<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>
15.	<p>The applicant shall comply with the requirements of Irish Water.</p> <p>Reason: In the interest of public health.</p>
16.	<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 house.</p>

	Reason: In the interests of amenity and public safety
17.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority and include a pre-construction survey undertaken by a competent expert. These actions should be agreed prior to commencement of development and measures shall be implemented as part of the development.</p> <p>Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p>Reason: In the interest of wildlife protection</p>
18.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
19.	<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</p>

	<p>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>
20.	<p>. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.</p> <p>. Reason: To provide for the future maintenance of this development in the interest of residential amenity and orderly development</p>
21.	<p>. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>
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Karen Hamilton
Senior Planning Inspector

07th of September 2022