



An
Bord
Pleanála

Inspector's Report

ABP-313100-22

Development	Demolition of 5 cottages, construction of 42 no. independent / assisted living and medical support residential units, commercial uses (490.2sqm) and all associated site works.
Location	51-55 Hardman's Gardens, Drogheda, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	228
Applicant(s)	Brugha Developments Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Thomas R. White
Observer(s)	None
Date of Site Inspection	24 th July 2023
Inspector	Elaine Power

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1.0 Site Location and Description

- 1.1. The subject site is located at 51-55 Hardman's Gardens in Drogheda, c. 400m north of the town centre. The surrounding area is urban in nature. The site is bound to the north by a retail unit and outbuildings, to the south by no. 4 Moonan's Cottage (which fronts onto Hardman's Gardens) and the rear gardens of dwellings on Scarlet Street and Regent Place and to the east by Scarlet Crescent. There is a pelican crossing on Hardman's Gardens immediately adjacent to the subject sites western boundary.
- 1.2. The site is irregular in shape with a stated area of c. 0.63ha, which includes the public road to the front of the site. The development site has an area of c. 0.57ha. It is predominantly a backland site and currently accommodates a terrace of 5 no. derelict 2-storey dwellings that front directly onto Hardman's Gardens. The site is overgrown with vegetation and scrub. The sites southern boundary with Regent Place comprises a c. 2m high stone block wall. The sites eastern boundary with Scarlet Crescent comprises a c. 2m high palisade fence and the northern boundary comprises a stone block wall.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing 5 no. derelict dwellings and construct a mixed use development. The scheme includes 42 no. independent / assisted living and medical support residential units, comprising 10 no. 1-bed units, 9 no. 2-bed, 3-person units and 32 no. 2-bed, 4-person units in 2 no terraces (T1 and T2) and 2 no. apartment blocks (A1 and A2) ranging in height from 2-5 storeys over basement level. The scheme includes a 2-storey commercial block fronting onto Hardman's Gardens comprising a café / bakery (83.5sqm), a pharmacy (72.2 sqm) at ground floor level and a medical centre (226.4sqm) at first floor level.
- 2.2. The development includes landscaped open space with play area and outdoor gym equipment, 46 no. car parking spaces at basement and surface level, 125 no bicycle parking spaces. A new vehicular access is proposed from Hardman's Gardens and an additional pedestrian access is proposed from Scarlet Crescent.

2.3. The works also include the relocation of the existing pelican crossing on Hardman's Gardens.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant Permission subject to 21 no. standard conditions.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The planners report dated 24th February 2022 raised no concerns regarding the proposed development and recommended that permission be granted subject to conditions.

3.2.2. ***Other Technical Reports***

Environmental Section: report dated 17th February 2022 raised no objection, subject to conditions.

Infrastructure Section: report date 16th February 2022 raised no objection, subject to conditions.

3.3. **Prescribed Bodies**

Uisce Eireann: No objection subject to conditions

Department of Housing, Local Government and Heritage (DAU): The proposed development is located within the Historic Town of Drogheda LH024-041 and lies in proximity to Recorded Monument LH024-041014. Given the scale, extent and location of the proposed development it could impact on subsurface archaeological remains. It is recommended that an Archaeological Impact Assessment be prepared to assess any impact on archaeological remains within the site. The report recommends that conditions be attached to any grant of permission.

3.4. **Third Party Observations**

1 no. third party submission was received. The concerns raised are similar to those in the appeal.

4.0 **Planning History**

ABP. PL.15.308082, Reg. Ref. 19/832: Permission was refused in 2021 for the demolition of 5 no. derelict 2-storey cottages and the construction of 40 no. residential units. The reason for refusal related to inadequate qualitative form and disposition of communal open space and inadequate private open space for each dwelling in Block T1, which constituted a poor quality of urban design and residential amenity that is substandard in its form and layout.

ABP. PL54.236365, Reg. Ref. 09/139: Permission was refused in 2010 for the demolition of 6 no. residential units and the construction of a medical centre, 3 no. retail units and 32 no residential units. The reasons for refusal related to (1) injure the visual amenities of the area and the streetscape, by reason of the loss of no. 4 Moonan's Cottages and (2) the orientation and size of some of the private open space and the poorly located areas of semi-private open space would result in a substandard form of development and poor residential amenity for future residents.

5.0 **Policy Context**

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

The subject site is zoned A1 Existing Residential with the associated land use objective to protect and enhance the amenity and character of existing residential communities.

Section 3.8 sets out guidance for housing for older persons and Section 13.8.32 sets out guidance for infill and Backland Development.

The following policies are considered relevant:

Policy Objective HOU 12 To support the implementation of the Policy Statement 'Housing Options for Our Ageing Population' and the provision of independent and/or assisted living for older persons such as purpose built accommodation, the adaptation

of existing properties, and opportunities for older persons to avail of 'rightsizing' within their community at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.

Policy SS6: To support the sustainable development of the regeneration sites identified on the land use zoning map for appropriate uses compatible with the surrounding neighbourhood.

Policy HOU10: To continue to support the creation of sustainable communities throughout the County for people across all the life stages by facilitating the creation of attractive neighbourhoods where there are strong links and connections to local services, community facilities and employment areas and where walking, cycling, and public transport is prioritised.

Policy HOU11: To encourage and support a range of appropriate uses in town and village centres that will assist in the regeneration of vacant and under-utilised buildings and land and will re-energise the town and village centres, subject to a high standard of development being achieved.

Policy HOU12: To support the implementation of the Policy Statement 'Housing Options for Our Ageing Population' and the provision of independent and/or assisted living for older persons such as purpose built accommodation, the adaptation of existing properties, and opportunities for older persons to avail of 'rightsizing' within their community at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.

Policy Objective HOU13: To support the provision of independent and/or assisted living for people with disabilities or mental health issues such as purpose built accommodation or the adaptation of existing properties.

Policy HOU26: To require the provision of an appropriate mix of house types and sizes in residential developments throughout the County that would meet the needs of the population and support the creation of balanced and inclusive communities.

Policies Policy CS 2, SS 1, HOU1, HOU15, HOU16, HOU17, HOU 18, HOU 19, HOU 20, HOU 21, HOU23, HOU 28, HOU29, IU 21, IU 23, IU 87, BHC 5, BHC 6, BHC 42 and Chapter 13: Development Management Guidelines are also considered relevant.

5.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region**

Drogheda is identified as a Regional Growth Centre within the Core Region of the Eastern and Midland Region and was the fastest growing town in the most recent inter-census period. An element of the growth strategy for the Eastern and Midland Region is to target growth of the regional growth centres, including Drogheda, as regional drivers and to facilitate the collaboration and growth of the Dublin-Belfast Economic Corridor, which connects the large towns of Drogheda, Dundalk and Newry. 6.2.2. The RSES aims to enable Drogheda to realise its potential to grow to city scale, with a population of 50,000 by 2031 through the regeneration of the town centre, the compact and planned growth of its hinterland and through enhancement of its role as a self-sustaining strategic employment centre on the Dublin-Belfast Economic Corridor. It is anticipated Drogheda will accommodate significant new investment in housing, transport and employment generating activity. The RSES also identifies key transport infrastructure investment, including the provision of electrified lines to Drogheda as part of the DART expansion programme. A Joint Urban Area Plan is to be jointly prepared by Louth and Meath County Councils (given the town lies within the functional area of these two local authorities), in collaboration with EMRA, as a priority.

5.3. **National Planning Framework**

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. The NPF further emphasises the importance of Dundalk and Drogheda within Chapter 3 where it states that *“it will be necessary to prepare co-ordinated strategies for Dundalk and Drogheda at both regional and town level to ensure that they have the capacity to grow sustainably and secure investment as key centres on the Drogheda- Dundalk-Newry cross-border network.”*

Relevant Policy Objectives include: -

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2022
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

5.5. **Natural Heritage Designations**

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

- River Boyne and River Blackwater SAC (0002299), c. 520m from the subject site.
- Boyne Coast and Estuary SAC (0001957), c. 1.5km from the subject site.
- Boyne Estuary SPA (0004024), c. 1.6km from the subject site.
- River Boyne and River Blackwater SPA (0004232), c. 3.1km from the subject site.
- River Nanny Estuary and Shore SPA (0004185), c. 7.3km from the subject site.
- Clogher Head SAC (0001459), c. 10.8km from the subject site.

5.6. EIA Screening

5.6.1. The proposed mixed use development is located within an urban area on zoned and serviced land. Having regard to the nature and scale of the proposed development and the absence of any connectivity to any 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was received from Thomas R. White (The White Family) who own a portion of undeveloped land immediately north of the subject site. The concerns raised are summarised below:

- The proposed development would negatively impact on the value the appellants property as the proposed development does not retain access to the appellants site. Therefore, there is no possibility of future development.
- Well planned infill developments include all pieces of land.
- The proposed development comprises disorderly, piecemeal, ad hoc infill / backland development, which is contrary to relevant development plan policies and would set an undesirable precedent.

6.2. **Applicant Response**

No response received.

6.3. **Planning Authority Response**

The response from the planning authority is summarised below:

All the issues raised in the appeal have been addressed in the planners report, therefore, the planning authority has no further comments. It is requested that the Board uphold the decision to grant permission.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

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

- Principle of Development
- Impact on Development Potential of Adjacent Lands.
- Design Approach
- Residential Amenity
- Open Space
- Car Parking
- Appropriate Assessment

7.2. ***Principle of Development***

7.2.1. The subject site is zoned 'A1' Existing Residential with the associated land use objective *to protect and enhance the amenity and character of existing residential communities*. Residential Institution is generally permitted and the proposed café / bakery, pharmacy and medical centre uses are open for consideration. Therefore, the proposed uses are considered to be in compliance with the zoning objective. It is also noted that the planning authority raised no concerns regarding the principle of the development.

7.3. ***Impact on Development Potential of Adjacent Lands***

7.3.1. The main concern raised in the appeal relates to the potential negative impact that the proposed scheme would have on the development potential of an undeveloped site immediately north of the subject site. In particular, the appellant states that the proposed development would negatively impact on the value the appellants property as the proposed development does not retain access to the appellants site. Therefore, there is no possibility of future development. It is also considered that well planned infill developments include all pieces of land and that the proposed development comprises disorderly, piecemeal, ad hoc infill / backland development, which is contrary to relevant development plan policies and would set an undesirable precedent.

7.3.2. The information submitted in the appeal indicates that the appellants site is currently landlock and never formed part of the rear gardens of properties fronting onto Hardman's Lane. However, there is a wayleave indicated on the submitted drawings between the appeal site and the appellants site. It is noted that the proposed development includes a 2m wide footpath along the sites northern boundary with the appellants site. Therefore, subject to agreement there is potential for a future pedestrian access to be provided to the appellants site, which is a benefit to the appellants site. In addition, it is noted that there is potential for future vehicular access points to the appellants site from Scarlet Crescent, Pearse Park or the lands to the west of the appellant's site, that front onto Hardman's Gardens. I am satisfied that the proposed development does not negatively impact the current access arrangements to the appellants site.

7.3.3. Concerns are also raised in the appeal that the proposed scheme represents disorderly, piecemeal, ad hoc infill / backland development, which is contrary to relevant development plan policies and would set an undesirable precedent. Section 13.8.32 of the development plan provides criteria for assessing infill and backland development in urban areas. There is some overlap between the criteria. However, it is my opinion that they can be summarised as design approach, residential amenity, open space and car parking. In the interest of clarity these criteria are addressed individually below.

7.4. ***Design Approach***

7.4.1. Section 13.8.32 recommends that regard be had to the prevailing density and pattern of development in the immediate area including plot sizes, building heights, and the proportions of buildings and that the design of the building shall be of a high quality and make a positive contribution to the local streetscape and character.

7.4.2. The proposed development comprises the demolition of 5 no. 2-storey derelict dwellings and the construction of a mixed use development. The proposed scheme consists of 42 no. independent / assisted living and medical support residential units in 4 no. blocks (A1 and A2 and T1 and T2) ranging in height from 2-5 storeys over a partial basement level. The residential element is generally located to the rear of the site. A 2-storey commercial block is proposed at the sites frontage with Hardman Gardens. This block would accommodate a café / bakery (83.5sqm) and a pharmacy (72.2 sqm) at ground floor level and a medical centre (226.4sqm) at first floor level.

Demolition

7.4.3. Policy BHC 42 aims to promote, where feasible, the protection, retention, sympathetic maintenance and appropriate revitalisation and use of the vernacular which contribute to the streetscape and landscape character and deter demolition. The applicants Conservation Statement provides a justification for the demolition of the existing structures. In particular, it is noted that the buildings are not protected structures, the site is not located within an Architectural Conservation Area and that the existing buildings do not provide for modern living standards. It is also noted that the historic plot sizes / rear gardens associated with the dwellings on Hardman's Gardens have been amalgamated over time and that the subject site forms a single site. The

demolition of the structures allows for the comprehensive redevelopment of this 0.57 ha zoned and serviced urban site. As the buildings to be demolished do not contain any features of architectural merit I have no objection to their demolition to facilitate the development of the site. The planning authority and appellant raised no objection to the proposed demolition works.

Density

- 7.4.4. The proposed development comprises the construction of 42 no. independent / assisted living and medical support residential units on a 0.57ha site. The site area of the residential element excludes the commercial block at the western portion of the site. Therefore the scheme has a density of c. 74 units per ha. Policy SS4 supports high density sustainable development, particularly in centrally located areas and along public transport corridors and requires a minimum density of 50 units per ha in these locations. The proposed density is considered to be in accordance with the provisions of the development plan and it is noted that the third party and the planning authority raised no concerns regarding the proposed density.

Design and Layout

- 7.4.5. As noted above, to facilitate the proposed scheme it is proposed to demolish the existing terrace of 5 no. 2-storey derelict houses and construct a mixed use scheme.
- 7.4.6. The 2-storey commercial Block (C1) fronts onto Hardman's Gardens. This block comprises a café / bakery (83.5sqm), a pharmacy (72.2 sqm) at ground floor level and a medical centre (226.4sqm) at first floor level. Block C1 has a traditional design approach with a brick finish and a gable ended pitched roof. It is also proposed to provide a new vehicular access from Hardman's Gardens to the site. It is my opinion that the traditional design of Block C1 is reflective of the character of the area and that the provision of the non-residential uses would provide an suitable active frontage, at this underutilised brownfield site and provides an appropriate urban edge to Hardman's Gardens. Therefore, I am satisfied that Block C1 successfully integrates into the streetscape.
- 7.4.7. Due to the irregular shape and relatively limited size of the site the proposed blocks generally follow the sites boundaries. Block T1 is located to the rear of Block C1 at the

sites southern boundary. It is a 2-storey terrace comprising 4 no. (2-bed) maisonettes, each with rear private open space. Block T2 is located at the sites western boundary with the rear gardens of dwellings fronting onto Hardman's Gardens. Block T2, and the corner unit in Block T1, also front onto a central area of public open space. Block T2 comprises a 2-storey terrace of 3 no. (2-bed) maisonettes. Blocks T1 and T2 both have a traditional design approach with a brick finish and gable ended pitched roof. All units within the maisonettes are dual aspect and each of these units reach or exceed the standards set out in the Sustainable Residential Development Guidelines.

7.4.8. Blocks A1 and A2 are located to the rear of the site, at the sites eastern boundary with Scarlet Crescent. While the internal layout of the blocks is separated they appear as a single block from first to 3rd floor level. There is a gated pedestrian walkway provided between the blocks at ground floor level. Block A1 is a 4 storey Block comprising 15 no. residential units. Block A2 is a 5 storey Block comprising 20 no. residential units and internal communal space at ground floor level. Each unit is provided with private open space in the form of a balcony or terrace. Each of these units reach or exceed the standards set out in the Apartment Guidelines. Blocks A1 and A2 have a contemporary design approach with flat roofs and large sections of glazing. They are predominately finished in brick, with a feature brick element and cladding.

7.4.9. As noted above, the proposed scheme incorporates high quality materials and finishes. The use of brick, which is a robust and durable material is welcomed and I am satisfied that due consideration has been given to the materials and finishes. However, having regard to the high visibility of the proposed scheme and to ensure a high quality finish it is recommended that a condition be attached that the final details of all external materials be agreed with the planning authority.

7.4.10. It is also noted that c. 74% of the units in Blocks A1 and A2 are dual aspect and all of the maisonettes are dual aspect. There are no single aspect north facing units within the scheme. I have no objection to the room sizes or percentage of dual aspect units and consider them appropriate at this site. Overall the unit mix comprises 10 no. 1-bed units, 9 no. 2-bed, 3-person units and 32 no. 2-bed, 4-person units. The scheme also incorporates a c. 35sqm communal room, c. 10sqm kitchen area, 10sqm laundry room, 6sqm storage room, toilets and an office at the ground floor of Block A2. I am

satisfied that the proposed residential units include an appropriate mix and that the overall scheme would result in a high quality of residential amenity for future occupants.

7.4.11. It is acknowledged that Blocks A1 and A2 would introduce a new architectural typology and change the character of the site from low density residential to mixed use. However, it is my view that the design approach is well considered and has regard to the site's urban context and topography. The redevelopment of this underutilised brownfield site is welcomed and represents a high-quality, contemporary scheme, which includes variety in height, scale and uses that would positively contribute to the streetscape, aid with placemaking and legibility and the consolidation of the urban environment. It is also noted that the planning authority raised no objection to the proposed design and layout.

Impact on Development Potential

7.4.12. Section 13.8.32 of the development plan also states that the location and orientation of any buildings and windows shall take cognisance of the potential of adjacent infill / backland sites being developed and shall not prejudice the development potential of such lands.

7.4.13. There is an undeveloped site immediately north of the subject site, which is in the ownership of the appellant. The northern elevation of Block A1 is located c. 7m from the northern site boundary with the appellants site. Block A1 is 4-storeys (c. 15m) in height. It is proposed to provide private amenity space for 2 no. residential units (1 no. at first floor level and 1 no. at second floor level) on the northern elevation of Block A1. Both of these units are referenced at Unit Type X7 on the submitted floor layout plans. Due to the proximity of the private amenity space to the sites northern boundary there is potential for undue overlooking of the site, therefore, it is recommended that a condition be attached to any grant of permission that a minimum 1.8m high screen be provided on the northern elevation of these 2 no. private amenity spaces. It is also noted that there are 2 no. bedroom windows (1 no. bedroom window at first floor level and 1 no. bedroom window at second floor level) which look directly onto the private amenity spaces on the northern elevation. These windows are located c. 9.5m from the sites northern boundary, however, I am satisfied that the provision of a 1.8m high

screen on the private amenity space would prevent any undue overlooking from the bedroom windows. Having regard to the relatively limited height of the proposed scheme, the separation distances and subject to the condition outlined above, it is my view that the proposed scheme would not prejudice the future potential development of the appellants site.

Height

- 7.4.14. The proposed scheme ranges in height from 2-5 storeys. The commercial Block (C1) and Blocks T1 and T2 are 2-storeys in height. Block A1 is 4-storeys in height and Block A2 is 5-storeys in height. The surrounding prevailing height is single and 2-storey residential dwellings and commercial uses, with some 3 / 4 storey buildings in the wider environs of the site. The 2-storey buildings (C1, T1 and T2) are generally located at the sites western boundary adjacent to existing single and 2 storey properties while the taller blocks (A1 and A2) are located to the rear of the site.
- 7.4.15. The development plan does not set out height limitations. Policy SS5 and HOU16 aim to support increased building heights at appropriate locations. Section 13.8.6 of the development plan also notes that the Building Height Guidelines support increased building heights in urban areas as part of the strategy of strengthening urban areas and creating more compact settlements and that proposals for higher buildings in urban areas will be considered on a case-by-case basis. It is acknowledged that Blocks A1 and A2 are taller than the existing surrounding buildings and would introduce a new feature in the skyline. However, having regard to the sites urban location, the current derelict / overgrown nature of the site, the high quality contemporary design of the scheme and the transition in height with lower scale buildings located at the sites boundary with Hardman's Gardens and taller elements located away from this sensitive boundary I am satisfied that the proposed scheme would not negatively impact on the visual amenities of the area.
- 7.4.16. While I have no objection in principle to the proposed building height it is considered appropriate to assess the scheme in accordance with the criteria set out in the Building Height Guidelines. Section 3 of the Building Height Guidelines refers to the Development Management Process. It is noted that 'building heights must be generally increased in appropriate urban locations. In this respect the continuation of low-rise

development is not an option in this location, simply because the prevailing heights are 1/2-storeys. The Guidelines continues to describe information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town, at the scale of district/neighbourhood/street, and at the scale of the site/building. Taking each point in turn as detailed in this section 3.2 of the Guidelines with reference to the bullet points therein, I conclude:

Scale of Relevant city/town:

- The site is within walking distance (400m) of the town centre. There are north and south bound bus stops on Hardman's Gardens, which are served by routes 101X, 168 and 190. The site is also located c. 1.3km north west (as the crow flies) from Drogheda Train Station.
- A Landscape and Visual Impact Assessment has not been carried out. However, having regard to the submitted information, which includes CGI's and contextual elevation drawings, I am satisfied that the proposed scheme successfully integrates into the surrounding area with regard to the sites topography and urban context. I am satisfied that there will not be an unacceptable visual impact.
- Proposal makes a positive contribution to the streetscape, using appropriate massing, scale and height to achieve increased densities with sufficient variety. It responds to the scale of adjoining developments.

Scale of district/neighbourhood/street:

- Design has responded to its overall natural and built environment and makes a positive contribution with the incorporation of the semi-basement level into the existing topography of the site and the provision of areas of public open space and improved public realm along Hardman's Gardens.
- It is not monolithic. There are varying uses, heights and scales.
- It enhances a sense of scale and enclosure having regard to the passive surveillance of the open spaces and Hardman's Gardens as a result of the design.
- The design and layout provide for improved connectivity through the site from Hardman's Gardens to Scarlet Crescent and provides pedestrian access to the appellants site to the north.

- It positively contributes to the mix of uses in the wider community.

Scale of site/building:

- The Daylight and Sunlight Analysis submitted demonstrates that access to natural daylight, ventilation and views and minimise overshadowing and loss of light and has taken account of BRE documents.
- Given the flat, low-lying nature of the existing site, and the height and orientation of the proposed blocks the development is unlikely to create negative local wind microclimate impacts.

7.4.17. I am satisfied that the relevant specific assessments required to support the development have been carried out in the reports submitted.

7.4.18. In addition, Objectives 4, 13, 33 and 35 of the National Planning Framework and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

7.4.19. It is my opinion that having regard to the sites zoning objective, urban location, size and access to public transport and local infrastructure that it is a suitable location for increased height without giving rise to any significant adverse impacts or visual impact and represents a reasonable response to its context. The high-quality design would also support the redevelopment of this underutilised brownfield site and the consolidation of the urban area, which is welcomed. It is also noted that the planning authority raised no objection in principle to the proposed height.

7.5. ***Residential Amenity***

7.5.1. With regard to infill and backland developments Section 13.8.32 states that the impact on the residential amenities of surrounding properties such as the potential loss of daylight or new/increased overlooking should be considered.

Overlooking and Overbearing Impact

7.5.2. The subject site is located within an existing urban area. It is bound to the west by Hardmans Gardens, to the north by a commercial / retail unit with associated outbuildings, partially to the south and west by rear gardens of dwellings on Hardman's

Gardens, partially to the south by rear gardens of dwellings on Scarlet Street and Regents Place and to the east and north east by Scarlet Crescent.

Hardmans Gardens

- 7.5.3. Blocks C1, T1 and T2 sit at the sites northern and western boundaries with dwellings and their associated rear private open space on Hardman's Gardens. These proposed blocks are 2 storey in height. Block C1 is located immediately north of an existing single storey dwelling, no. 4 Moonans Cottages (which fronts onto Hardman's Gardens). There are no windows on the southern elevation of Block C1 and, therefore, there would be no overlooking. While it is noted that Block C1 would be highly visible from the rear garden of no. 4 Moonan's Cottages I am satisfied that due to the relatively limited height (8.5m) of the block that it would not result in an overbearing impact.
- 7.5.4. The proposed dwellings in Block T1 do not directly oppose the existing dwellings on Hardman's Gardens. The proposed dwellings in Block T2 are located a minimum of c. 9m from the sites western boundary and c. 36m between rear elevation of no. 1-4 Moonans Cottages (which front onto Hardman's Gardens). While it is acknowledged that the scheme would be visible from these dwellings I am satisfied that due to the limited height of Blocks T1 and T2, to the design and layout of the proposed scheme and significant separation distances that the proposed scheme would not result in any undue overlooking or have an overbearing impact on existing dwellings which front onto Hardman's Gardens.

Scarlet Street

- 7.5.5. The southern (side) elevation of Block T2 is located c. 2m from the boundary with the rear gardens of no. 11 and 12 on Scarlet Street and a minimum of c. 36m from the rear elevations of the dwellings. There are no windows on the southern elevation of Block T2. Having regard to the design of Block T2, the limited height (c. 8.6m) and to the significant separation distances I am satisfied that the proposed development would not result in any undue overlooking or overbearing impact of dwellings on Scarlet Street.

Regents Place

- 7.5.6. The southern (side) elevation of Block T2 is also located c. 4m from the boundary with the rear garden of no. 5 Regent's Place and c. 19m from the rear elevation of the dwelling. Again, it is noted that there are no windows on the southern elevation of Block T2. Having regard to the design of Block T2, the limited height (c. 8.6m) and to the separation distances I am satisfied that Block T2 would not result in any undue overlooking or overbearing impact of dwellings on Regents Place.
- 7.5.7. The 4 storey element of Block A2 is located c. 6.5 m from the sites southern boundary with 2 no. dwellings (no. 7 and no. 8) on Regents Place and a minimum of c. 10m from the rear elevation of these dwellings. While the 5 storey element is located c. 8.5m from the sites boundary and c. 12m from the rear elevations of the dwellings.
- 7.5.8. The 5 storey element of Block A2 has a maximum height of c. 18m. The site section drawings indicate that due to the level difference between the appeal site and the dwellings on Regents Place, Block A2 would be c. 6m higher than the ridge of the existing dwellings. It is acknowledged that Block A2 would be highly visible from dwellings on Regents Place and that the limited separation distance in combination with the 5-storey (18m) height of Block A2 has the potential to have an overbearing impact on no. 7 Regent Place, in particular. However, it is also noted that the limited separation distance is partially due to the limited size of the rear open space associated with dwellings on Regent Place. It is my view that when balanced against the need for housing on zoned and serviced brownfield sites in the urban area the limited separation distance is considered acceptable, in this instance. It is also noted that the planning authority raised no concerns in this regard.
- 7.5.9. There are secondary windows on the southern elevation of Block A2, which serve bedrooms and kitchen / living rooms. It is proposed that these windows would be fitted with obscure glazing to prevent overlooking. I have no objection to this design approach.

Scarlet Crescent

- 7.5.10. The subject site is generally bound to the east by Scarlet Crescent, which is a public road, with a minimum separation distance of c. 27m from the eastern elevation of

Blocks A1 and A2 from the front elevation of existing 2-storey dwellings on Scarlet Crescent. Having regard to the separation distances and orientation of the buildings I am satisfied that the proposed development would not result in undue overlooking or have an overbearing impact on the existing dwellings to the east of the site.

7.5.11. The northern elevation of Block A1 is also located c. 5m from the sites north east corner and c. 9m from the front and side of no. 58 Scarlet Crescent. Block A1 is 4 storeys (15m) in height. The contextual elevation submitted indicates that no. 58 Scarlet Crescent has a ridge height of c. 7m.

7.5.12. There are no windows in no. 58 Scarlet Crescent that face directly onto the site, however, it is acknowledged that Block A1 would be highly visible from this dwelling and additional dwellings in the terrace to the north east of the site on Scarlet Place. It is my view that due to the limited separation distance in combination with the 4-storey (15m) height of Block A1 has the potential to have an overbearing impact on no. 58 Scarlet Crescent, in particular. However, it is my view that when balanced against the need for housing on zoned and serviced brownfield sites in the urban area the limited separation distance is considered acceptable, in this instance. It is also noted that the planning authority raised no concerns in this regard.

Lands to the North

7.5.13. The site is bound to the north by a commercial / retail premises and a vacant site, which in the ownership of the appellant. The 2-storey Blocks C1 and T1 are located a minimum of c. 14m from the sites northern boundary with the commercial premises. Having regard to the design and layout of the proposed blocks and the orientation of the existing commercial unit I am satisfied that the proposed scheme would not result in any undue overlooking or overshadowing of this site. The impact on the development potential of the appellants site is addressed below.

Conclusion

7.5.14. Overall, It is my opinion that the proposed separation distances between the blocks and the existing buildings achieves a balance of protecting the residential amenities of future and existing occupants from undue overlooking and overbearing impact and

achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of the communal spaces.

7.5.15. It is acknowledged that there is a potential for an overbearing impact on 2 no. existing dwellings in this regard, no. 7 Regent Place and no. 58 Scarlet Crescent, however, given the urban location, the nature of the scheme and the relatively limited number of units impact, I have no objection to the proposed layout. It is also noted that the planning authority raised no concerns in this regard.

Daylight, Sunlight and Overshadowing

7.5.16. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

7.5.17. Policy HOU 29 of the development plan seeks *to encourage building design and layout that maximises daylight and natural ventilation and incorporates energy efficiency and conservation measures that will improve the environmental performance of buildings in line with best practice*. Section 13.8.10 notes that both 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 and that discretion should be applied, having regard to local factors including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives

7.5.18. The applicant submitted a Daylight and Sunlight Assessment based on the standards in the following documents:

- Sustainable Urban Housing: Design Standards for New Apartments;

- 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’.

7.5.19. I have considered the report submitted by the applicant. I note the publication of the BRE Guide, which replaced the 2011 edition, in June 2022 (in the UK), however, I am satisfied that this updated guidance does not have a material bearing on the outcome of the assessment.

Internal Daylight and Sunlight

7.5.20. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylighted living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.

7.5.21. The layout of the proposed apartment units and the maisonettes include a combined kitchen/living/dining (KLD) room. As these rooms serve more than one function the 2% ADF value was applied to the KLD rooms. The assessment was carried out for all rooms within the apartment blocks (A1 and A2), this is illustrated and summarised in Section 5 of the applicants report. I am satisfied that this provides a reasonable representation of the rooms within the scheme and that the selected units represent the worst case scenario. The information provided in Table 5 of the applicants report indicates that the scheme has an 100% compliance with the recommended target of 2% for KLD rooms and 1% for bedrooms and in some instances significantly exceeds the recommended target. Therefore, I am satisfied that all of the rooms within the apartments would receive adequate daylight.

- 7.5.22. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Table 7 and Figure 14 of the applicants report demonstrates that all areas of public / communal open space associated with the development would achieve the BRE recommended target.
- 7.5.23. In conclusion, I am satisfied that the submitted documentation properly describes the performance of the proposed development in relation to the standards on daylight and sunlight set out in the guidance documents cited in the 2018 Building Height Guidelines, the 2022 Apartment Design Guidelines and the 2021 development plan. As such the proposed development would be in keeping with the provisions of those Guidelines on daylight and sunlight. The proposed apartments and open spaces would have sufficient daylight and sunlight to provide an acceptable standard of residential amenity for their occupants.

External Daylight, Sunlight and Overshadowing

- 7.5.24. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. Annual Probable Sunlight Hours assesses access to sunlight for rooms within 90 degrees of due south.
- 7.5.25. The applicants assessment analysed the impact of the proposed development on VSC and APSH for no. 39-44 Scarlet Crescent, no. 58 and 59 Scarlet Crescent and VSC for no 5-8 Regents Place and no. 4 Moonan's Cottage. The units selected for assessment are indicated in Figures 1-7 and the results of the assessment are outlined in Tables 3 and 4.
- 7.5.26. *Scarlet Crescent:* No. 39-44 Scarlet Crescent comprises a terrace of 6 no. 2-storey dwellings to the east of the appeal site. The analysis indicates that the proposed

development would have no material impact on the VSC or APSH for these existing dwellings and that values are in excess of BRE standards.

7.5.27. *Scarlet Crescent*: No. 58 and 59 are located in a terrace of 2- storey dwellings to the north east of the appeal site. The analysis indicates that the proposed development would have no material impact on the VSC or APSH for no. 59 and that values are in excess of BRE standards and a minor impact on VSC for no. 58. The VSC for the ground floor living room would be reduced from 33.16 to 22.14 (67%) and the VSC for the first floor bedroom would be reduced from 35.86 to 26. The analysis indicates that the proposed development would have no material impact on the APSH for these rooms and that values are in excess of BRE standards. The minor impact on VSC on no. 58 is noted. However, when balanced against the need for housing on zoned and serviced lands and the consolidation of the urban environment this level acceptable. It is noted that the planning authority raised no concerns regarding the impact on properties on Scarlet Crescent.

7.5.28. *Regents Place*: No 5-8 comprise 4 no. semi-detached dwellings to the south of the site. The analysis indicates that the proposed development would have no material impact on the VSC or APSH for no. 5, 6 or 8. With regard to no. 7 the VSC for the ground floor living room would be reduced from 37.73 to 26.92 (71%) and the VSC for the ground floor kitchen would be reduced from 34.60 to 22.46 (64%). Due to the orientation of these windows the impact on APSH was not assessed. The minor impact on VSC on no. 7 is noted. However, when balanced against the need for housing on zoned and serviced lands and the consolidation of the urban environment this level acceptable. It is noted that the planning authority raised no concerns regarding the impact on properties on Regents Place.

7.5.29. *Moonan's Cottages*: no. 4 is a single storey dwelling located immediately south of Block C1. The analysis indicates that the proposed development would have no material impact on the VSC for the bedroom windows and that values are in excess of BRE standards. There would be a minor impact on the VSC for the living room, with a reduction from 26.61 to 20.18 (76%). It is noted that this room does not currently achieve a VSC of 27%. There would be a moderate impact on VSC for the ground floor kitchen, with a reduction from 31.91 to 16.53 (51%). It is noted that this window is north facing and located c. 2m from the site boundary. Due to the orientation of

these windows the impact on APSH was not assessed. The impact on VSC on no. 4 is noted. However, it is also acknowledged that Block C1 is modest at 2-storey in height and when balanced against the need for housing on zoned and serviced lands and the consolidation of the urban environment this level acceptable, in this instance. It is noted that the planning authority raised no concerns regarding the impact on properties on no. 4 Moonans Cottage's.

- 7.5.30. In conclusion, while it is noted that the scheme does not achieve all recommended standards, consideration should be given to the fact that the comparison being made is between an existing, under-utilised brownfield site and the proposed development, which will inevitably have some form of an impact. It is considered that this development results in wider planning benefits, such as the delivery of housing, high quality public open space and would support the consolidation of the urban environment. Therefore, in my opinion the shortfalls outlined above are considered acceptable in this instance.

7.6. **Open Space**

- 7.6.1. Section 13.8.32 requires that backland developments do not impinge of private open space for any existing properties. The historic plot sizes / rear gardens associated with the dwellings on Hardman's Gardens have been amalgamated over time and that the subject site forms a single site. Therefore, I am satisfied that the proposed development would not impinge on private open space for any existing dwelling.
- 7.6.2. The proposed scheme comprises 35 no. 1-bed apartments and 7 no. 2-bed maisonettes. Having regard to the size, design and layout it is my opinion that the proposed maisonette units would fall under the standards set out in the Quality Housing for Sustainable Communities Guidelines (2007) while the 35 no apartments would fall under the standards set out in the Apartment Guidelines (2022).
- 7.6.3. The Apartment Guidelines set out a requirement of 5sqm of communal open space per 1-bed apartment. This standard is reflected in Section 13.8.27 of the development plan. Therefore, there is a requirement for 175sqm of communal open space to serve the apartments. There is no requirement for communal open space for houses.

- 7.6.4. Section 13.8.15 of the development plan also recommends that 15% of the total site area should be provided as public open space. The applicant has stated that due to the nature of the proposed scheme it is proposed to provide open space as a whole rather than differentiate between public and communal open space and to improve legibility and movement through the site and to enhance the overall functionality of the open spaces. In this regard it is proposed to provide c. 882sqm of open space, which equates to 15.4% of the total site area. The open space is provided in 2 no. interconnected areas. Open Space 1 comprises a 642sqm central area of public open space and Open Space 2 is a 240sqm area of open space located in the site's south eastern corner of the site.
- 7.6.5. Although not included in the quantum of open space it is noted that the scheme includes areas of hard and soft landscaping along the northern and north eastern boundary. Although not specified in the development plan it is my opinion that external landscaped areas which make a contribution to the public domain can be considered public open space. Having regard to the above, I am satisfied that the quantum of open space is in accordance with development plan standards. If the Board do not consider this area of open space along the northern and north eastern boundary to be included as open space it should be noted that Section 13.8.29 of the development plan notes that there may be cases where the requirements of these apartment standards cannot be met, subject to the design quality of the development, these standards may be relaxed in part. This will be assessed on a case-by-case basis. In addition, Section 13.8.32 states that whilst infill and backland development will normally be required to comply with Development Plan standards there may be circumstances where these standards can be relaxed, particularly if it will result in the development of vacant or under-utilised lands in central areas of towns and villages. This will be assessed on a case-by-case basis. Therefore, the quantum of public open space is not considered to be a material contravention of the plan.
- 7.6.6. Open Space 1 is divided into 2 no. elements. The northern portion of the open space comprises a grassed area enclosed by planters and includes seating. The southern portion of the open space is separated from the northern portion by a footpath. This area accommodates active uses including a children's playground. This area which is directly overlooked by the proposed residential units in Terrace T2 and the apartment

blocks (A1 and A2). Open Space 2 is a 240sqm area of open space located in the sites south eastern corner immediately adjacent to Apartment Block A2. This area generally comprises a walking route with fitness equipment and benches provided along the sites boundary. I am satisfied that the proposed open space provision would provide for both active and passive recreational uses and would provide a high quality amenity space for future residents and the wider environs.

7.6.7. As outlined above, the applicant has stated that it is not proposed to segregate public open space and communal open space and having regard to the nature and scale of the proposed development I have no objection to this approach. However, it is noted that Open Space 2 is gated at both its boundary with Open Space 1 and with Scarlet Crescent to the east. The drawings also indicate that a gate would be provided at the sites north eastern boundary with Scarlet Crescent. It is my opinion that these gates should be omitted to ensure 24 hour permeability through the site and access to the areas of public open space.

7.6.8. Table 13.4 of the development plan sets out a minimum private open space standard of 50sqm per 1-2 bed dwelling in the town centre and on infill / brownfield sites. The rear gardens for the maisonettes are a minimum of 63sqm. The Apartment Guidelines set out a requirement of 5sqm of private open space per 1-bed apartment. This standard is reflected in Table 13.5 of the development plan. It is noted that each apartment is provided with a balcony or terrace ranging in size from 5sqm to 18.6sqm. I am satisfied that each residential unit has been provided with adequate quantum of private open space to ensure a high level of amenity for future occupants.

7.6.9. Overall, I have no objection to the proposed quantity or quality of the proposed public, communal or private open space and consider that the proposed scheme would result in a high level of amenity for future residents and the wider environs and would be in accordance with the provisions of Section 13.8.32 of the development plan.

7.7. ***Car Parking***

7.7.1. Table 13.16.12 sets out car parking standards. It is my opinion that the subject site is located in Area 1 – lands located within town and settlement centres. There is no standard for an independent / assisted living units. However, the planning authority have accepted a standard of 1 no. space per 2 no. units, which I am satisfied is

reasonable having regard to the nature and scale of the use and its proximity to Drogheda town centre. This results in a requirement for 23 no. car parking spaces to serve the residential element. Again, Table 13.16.12 does not set out a standard for non-food retail. However, the planning authority have accepted a standard of 1 no. space per 30sqm for the pharmacy use, which I agree is reasonable. Therefore, 2 no. spaces are required to serve the pharmacy use.

7.7.2. Table 13.16.12 sets out a standards 1 no. space per 20sqm for a café use. Therefore, there is a requirement for 4 no. spaces. There is also a standard of 2 no. spaces per consulting room in group medical practices. The proposed medical centre includes 7 no. consulting rooms, therefore, there is a requirement for 14 no. car parking spaces.

7.7.3. Overall, there is a requirement for 43 no. car parking spaces to serve the proposed uses. It is proposed to provide 46 no. spaces, with 10 no. surface level spaces along the access road and 36 no. basement level spaces. I have no objection to the proposed level of car parking proposed and considered it appropriate having regard to the nature and scale of the use and the proximity of the site to Drogheda town centre. Therefore, I am satisfied that the proposed level of car parking is in accordance with the provisions of Section 13.21.32 of the development plan.

7.8. ***Planning Assessment Conclusion***

7.8.1. Having regard to the above, it is my opinion that proposed scheme is in accordance with the provisions of Section 13.8.32 of the development plan and does not represent disorderly, piecemeal or ad hoc infill / backland development. I am satisfied that the height, form and massing of the scheme are appropriate at this urban infill site and that the proposed scheme successfully integrates into the streetscape, would aid with placemaking and legibility and would make a positive contribution to the wider area. It is also my view that the development would support the consolidation of the urban environment and represents a reasonable response to its context.

7.9. ***Appropriate Assessment***

7.9.1. The applicants Screening Report for Appropriate Assessment was prepared by Altemare Marine and Environmental Consultancy. The report provides a description of the proposed development, identifies and provides a brief description of European

Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes that the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites. In addition, no in-combination effects are foreseen.

- 7.9.2. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Stage 1 AA Screening

- 7.9.3. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

Brief Description

- 7.9.4. A description of the project is provided in the in Section 4 of the Screening Report. The proposed development is also summarised in Section 2 of my report. In summary, the proposed development consists of the demolition of 5 no. existing 2-storey derelict dwellings, the clearance of all vegetation on site and the construction of a mixed use development comprising 42 no. independent / assisted living and medical support residential units in 2 no. terraces (T1 and T2) and 2 no. apartment blocks (A1 and A2) ranging in height from 2-5 storeys over basement level and a 2-storey commercial block accommodating a café / bakery (83.5sqm) and a pharmacy (72.2 sqm) at ground floor level and a medical centre (226.4sqm) at first floor level on a c. 0.63ha site on Hardman's Gardens in Drogheda. The surrounding area is urban in nature with a mix of residential, commercial and retail uses in the immediate vicinity of the site. The area serviced by public water supply and foul drainage networks. Foul effluent will drain to the existing public network on Handman's Gardens. The development site is located

in a heavily urbanised environment close to noise and artificial lighting. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site. There are no watercourses within the site and the site is not proximate to any watercourse.

Zone of Influence

7.9.5. The proposed development is not located within or immediately adjacent to any European Site. Concerns are raised by a third party that the Zone of Influence has not been reasoned or explained. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening ‘buffer’ lands, roads etc.); and
- Sensitivity and location of ecological features

7.9.6. Table 1 of the applicants report considers the following Natura Sites to be within the Zone of Influence of 6 no. designated sites. These are outlined below: -

<i>River Boyne and River Blackwater SAC (0002299) c. 520m from the subject site.</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected
<i>Qualifying Interests/Species</i>	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>) [91E0]

<i>of Conservation Interest</i>	Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]
Boyne Coast and Estuary SAC (0001957), c. 1.5km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	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 (Glauco-Puccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
Boyne Estuary SPA (0004024), c. 1.6km from the subject site.	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	Shelduck (Tadorna tadorna) [A048] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Black-tailed Godwit (Limosa limosa) [A156] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Little Tern (Sterna albifrons) [A195] Wetland and Waterbirds [A999]
River Boyne and River Blackwater SPA (0004232), c. 3.1km from the subject site.	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species</i>	Kingfisher (Alcedo atthis) [A229]

<i>of Conservation Interest</i>	
<i>River Nanny Estuary and Shore SPA (0004185), c. 7.3km from the subject site.</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	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]
<i>Clogher Head SAC (0001459), c. 10.8km from the subject site.</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected
<i>Qualifying Interests/Species of Conservation Interest</i>	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]

7.9.7. The proposed development has no potential source pathway receptor connections to any other European Sites.

Consideration of the Impacts

7.9.8. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

7.9.9. Surface water from the proposed development would discharge to the public network. The habitats and species of Natura 2000 sites are between 520m and 10.8km downstream of the site. There is no direct hydrological link to any designated site. However, the surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites the public storm network. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for

urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of the Natura 2000 sites from surface water run-off can be excluded given the distant and interrupted hydrological connection within the urban area, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites (dilution factor).

- 7.9.10. The scheme includes attenuation measures which would have a positive impact on storm water drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. They are not mitigation measures in the context of Appropriate Assessment. The proposal includes SUDS / attenuation measures which will restrict surface water run-off into the public sewer on Handman's Gardens. As such the proposal will not generate significant demands on the existing municipal sewers for surface water.
- 7.9.11. The foul discharge from the proposed development would drain to the Drogheda Wastewater Treatment Plant via the public sewer on Hardman's Garden's. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Boyne Estuary due to the wastewater pathway.
- 7.9.12. The subject site is identified for development through the land use policies of the Louth County Development Plan 2021-2027. This statutory plan was adopted in 2021 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 42 no. independent / assisted living and medical support residential units and c. 382.1 sqm of commercial uses comprising café / bakery (83.5sqm), a pharmacy (72.2 sqm) and a medical centre (226.4sqm), on serviced lands in an urban area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Drogheda

WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Uisce Eireann raised no concerns in relation to the proposed development.

- 7.9.13. All waste from the construction phase would be disposed of by a registered facility.
- 7.9.14. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.
- 7.9.15. Having regard to the above, I am satisfied that the potential for impacts on the designated sites can be excluded at the preliminary stage due to the separation distance between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link, the subject site provides no ex-situ habitat for any of the waterbird/seabird species and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

AA Screening Conclusion

- 7.9.16. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.
- 7.9.17. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a

significant effect on any European site, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.9.18. It is noted that the planners report also concluded that the proposed development by way of direct, indirect or secondary impacts, individual or in combination with other plans would not have a significant effect on any designated site.

8.0 Recommendation

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the zoning objective of the subject site, its location within an existing urban area and to the nature and scale of the proposed development it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 7th January 2022 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.

Reason: In the interest of clarity

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows: -

- a. A minimum 1.8 meter high screen shall be provided on the northern elevation of balconies serving units referenced as Unit Type X7 at first and second floor level in Block A1.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity and to secure the integrity of the proposed development

4. (a) Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates or security barrier at the entrance to the development or within the development in a manner which would prevent pedestrian access, unless otherwise agreed in writing with the planning authority.

(b) Prior to the occupation of any residential unit, the developer shall ensure that the public open spaces, as outlined in the site layout plan and landscape drawings shall be fully completed and open to the public.

Reason: In the interest of social inclusion and to secure the integrity of the proposed development including open spaces.

5. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority all works to be carried out on the public road.

Reason: to ensure a satisfactory standard of works and in the interest of traffic safety.

6. The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning

authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - b) All ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist.
 - c) where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters.
 - d) on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.
 - e) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. The boundary planting and areas of communal open space and public open space shall be landscaped in accordance with the landscape scheme submitted with this application unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season

thereafter. This work shall be completed before the nursing home is made available for occupation.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

9. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

10. Details of signage relating to the commercial uses shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

11. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

12. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric

vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles

13. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless agreed in writing with the planning authority.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

15. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

16. 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.

Reason: In the interests of visual and residential amenity.

17. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

18. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

23. Prior to commencement of development, the developer 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.

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.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Elaine Power
Planning Inspector

25th July 2023