



An
Bord
Pleanála

Inspector's Report

ABP-313969-22

Development	Construction of a two storey building comprising 6 residential units. Repair of stone boundary wall to adjacent property which is a protected structure and associated site works.
Location	Benmore, 47 George's Street, Drogheda, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2260
Applicant(s)	RBD Jupiter Limited
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Declan and Caroline O'Brien Owners of 32-37 Georgian Close (Mary Eaton, Gerard and Mary Martin, Seamus Connolly and Tracy Finglas, Dermot Sheridan, Tom and Anne Cooney and Enda and Erica Rice)

Observer(s)

None

Date of Site Inspection

19th October 2023

Inspector

Emma Nevin

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. Development Plan.....	9
5.3. Section 28 Ministerial Guidelines	12
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	19
6.4. Observations	20
6.5. Further Responses.....	21
7.0 Assessment.....	21
8.0 Recommendation.....	27
9.0 Reasons and Considerations.....	27
10.0 Conditions	27
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The site is located to the rear garden of 'Benmore' No. 47 Georges Street, with a stated area of 0.113 ha. and is to the north of Drogheda town centre. There is an existing access to the side of No. 47, fronting the road, which currently provides access to the rear of the site.
- 1.2. The site is located between 'Carnderg' House (a protected structure), in private ownership and the 'Gary Kelly' Cancer Support Centre and backs onto an area of linear green space beyond which is a row of semi-detached dwellings associated with the residential development 'Georgian Close'. There is a stone wall to the rear boundary of the site. The site fronts the rear of an existing two storey building on site (i.e. No. 47), in residential use, which is accessed via Georges Street.
- 1.3. The existing building on site, No. 47 was constructed c. 1860 and, there has been various additions to the building over the years. The building on site is currently in residential use (i.e. 5 apartments) and the extension related to planning Ref: 20/259, has been constructed. The building was occupied at the time of site inspection.
- 1.4. The immediate area contains a mix of uses and properties, predominately residential in one to two-storey with a variety of forms including detached and semi-detached.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a two storey building to the rear portion of the site. The proposed building will comprise of six residential units, in a mix of unit types, comprising 4 no. one bedroom and 2 no. two bedroom apartments.
- 2.2. The proposed apartment building will be sited to the western end of the rear garden and will be some 1.8 – 2 metres from the west (rear) site boundary. To the northern site boundary, a separation distance of 1 – 2.2 metres (approx.) is proposed, with a separation distance is some 1 – 1.2 metres (approx.) proposed to the southern site boundary. A separation distance of 22 metres is proposed to the rear of the existing building on site, to the west.

- 2.3. The proposed apartment building be of flat green roof design to an overall height of 7.1 metres.
- 2.4. The proposed apartment units will have floor areas of 54.7sq.m. – 79 sq. m. respectively and will have an east/west aspect.
- 2.5. The apartment building will have a contemporary design with light brick work to the external elevations, like the existing building on site.
- 2.6. Open space to serve the apartments is in the form of rear gardens at ground floor level and balconies at first floor level, with a central area of communal open space.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission, following significant further information request, on 13th June 2022, subject to 23 conditions, which included the following:
 - Condition 4 (a) requires that provision be made for bulky storage for each of the first floor apartments, and (b) requires the provision of bicycle storage, part (c) of this condition requires a buffer zone of not less than 1.5 metres in width be provided to the front elevation of the private amenity space provision pertaining to apartments F and G.
 - Condition 5 requires that the open space areas to the north and south elevations of the apartment building shall be incorporated into the private amenity space associated with the adjoining ground floor apartments and access secured as illustrated by drawing PL-01. site shall be laid out in accordance with the recommendations of the Archaeological Test Trenching Report and revised site layout submitted on 13/12/21.
 - Condition 6 relates to clarifications in terms of the Daylight Access Assessment prepared by PAC Studio.
 - Condition 14 relates to Part V agreements.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 9th June 2022 and 21st March 2022 have been provided.
- 3.2.2. This planning application was assessed under the Louth County Development Plan, 2021 – 2027.
- 3.2.3. The original planning report considered it necessary to seek further information on the following items:
- To submit a comprehensive Project Management Plan specific to this proposal to demonstrate that the proposal will not unduly impact on the adjoining properties by reason of noise/disturbance, dust, vibration/structural damage.
 - To submit a full assessment of the long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, including the building investment fund calculations and demonstrating what measures have been specifically considered by the proposer to effectively manage management costs to future occupants.
 - To engage with Irish water through the submission of a pre connection inquiry in order to demonstrate the feasibility of such connection to the public water/ wastewater infrastructure. The confirmation of feasibility shall be submitted to the planning authority as part of the response to this further information request.
 - To submit revised newspaper and site notices as appropriate.
- 3.2.4. The second planning report considered the further information response as follows:
- The Construction Management Plan submitted was considered to be comprehensive and would ensure that the proposed development would not have an duty negative impact on adjoining residence.
 - The submitted building life cycle report was considered acceptable. It was considered reasonable to attach a condition pertaining to the establishment of properly constituted owners management company and details of same shall be submitted to and agreed with the planning authority prior to the occupation of the first residential unit.

- Details of a pre connection inquiry with Irish water were submitted, this was noted. In response Irish water has submitted a report on file stating no objection to the subject standard conditions this is acceptable.
- It was considered that the further information did not result in a significant alteration to the original proposal, and as such, revised newspaper and site notices were not required in this instance.

3.2.5. The planners report concluded that the development is in accordance with the Louth County Development Plan 2021 – 2027, subject to 23 no. conditions.

3.2.6. Other Technical Reports

The planning report indicates that the Infrastructure Department were consulted, with a report received stating no objection to the proposed development, subject to conditions.

3.3. Prescribed Bodies

3.3.1. The Planning Authority report indicated that the following prescribed bodies were consulted.

- Department of Arts, Heritage, and Local Government: No response received.
- Irish Water: Report received recommendation further information in relation to new water and sewer connections to the proposed development.

3.4. Third Party Observations

3.4.1. Three third party submissions were received, the issues raised within which can be summarised as follows:

- The proposal is an opportunistic overdevelopment of the site.
- Trees is irresponsible and will have a negative impact on the ecology in the area.
- The proposal will block sunlight to dwelling house on the adjoining site to the north. Loss of evening sunlight.

- Negative impact from the construction of the proposed development on adjoining property.
- The proposal will have a negative impact on the main issues of existing residents.

3.4.2. Following the submission of further information, no additional third party observations were received.

4.0 Planning History

4.1.1. 20259 – Planning permission was granted by Louth County Council on 8th July 2019 for a development consisting of the removal of existing garage roof and modification to create new external courtyard, bicycle storage, bin store and dedicated pedestrian access including the demolition of ancillary building to the rear of the existing dwelling. The internal modification of existing dwelling and construction of two storey rear extension to existing dwelling to provide 5 no. apartments consisting of 4 no. one-bed and 1 no. two-bed apartments. External alterations and all associated site services, drainage, lighting, and landscaping to be carried out in conjunction with works.

4.1.2. 19538 – Planning permission was refused by Louth County Council on 8th July 2019 for a development consisting of the demolition of the existing garage and ancillary buildings adjacent to the existing dwelling, including the removal of existing trees to the rear of the site. The internal modification and two storey rear extension to existing dwelling to provide 5 no. apartments consisting of 4 no. one-bed and 1 no. two-bed apartments. External alterations to existing façade. The construction of 3 no. two storey, two bedroom dwellings to the rear of the site and modification of existing vehicular entrance off George's Street, vehicle turning bay and 3 no. dedicated parking spaces with introduction of new pedestrian access to rear and all associated site services, drainage, lighting and landscaping works.

The reason for refusal related to the proposed entrance to the development along the R172, and as result of the proposed inadequate sightlines that the proposal would result in an unacceptable risk to road users and would create a traffic hazard.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Louth County Development Plan 2021 – 2027, came into effect on 11th November 2021, as amended by Variation 1 on the 18th July 2022.
- 5.1.2. Under the Louth County Development Plan 2021 – 2027, as amended by variation 1, the site is zoned “Objective A1 (Existing Residential), with a stated objective “*to protect and enhance the amenity and character of existing residential communities*”.
- 5.1.3. Under this zoning objective “*Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale and use of the building or development being appropriate for its location*”.
- 5.1.4. Section 1.2.1 of the Plan relates to residential developments in Drogheda and notes that the success of Drogheda as a self-sustaining Regional Growth Centre (RGC) will be dependent on the delivery of a minimum 30% compact growth, through regeneration and redevelopment a vacant, infield and/ or brownfield sites in the town centre, which will contribute to place making.
- 5.1.5. Section 2.4.4 Louth’s Growth Strategy states the “*Contribution of urban regeneration lands and development of infill sites to the revitalisation of settlements and sustainable compact urban growth (in Louth a minimum 30% of new homes to be in the built up footprint of the urban area) facilitated by investment in services, transport, infrastructure etc.*”.
- 5.1.6. Section 2.6.6 Compact Growth states, “*An overriding objective of both the NPF and the RSES is the need to achieve ambitious targets for compact growth in urban areas*”, and “*In satisfying this target for compact growth, an analysis of appropriate brownfield and infill sites with potential capacity to deliver new homes was completed for Dundalk, Drogheda, Ardee and Dunleer and the remaining Level 3 settlements*”.

- 5.1.7. Section 2.14.5 Residential Development states, *“The town centre area will be the focus for infill and brownfield development with a number of significant development opportunities available”*.
- 5.1.8. Section 3.6 Sustainable Neighbourhoods and Communities states that the Plan will *“will promote healthy living by encouraging compact growth and the development of infill and brownfield sites in preference to edge of centre greenfield locations and promote quality residential developments with a suitable mix of housing in proximity to local services and community and recreational facilities”*.
- 5.1.9. 13.8.17 Private Open Space, specifically Table 13.4: Private Open Space Requirements for infill developments.
- 5.1.10. Section 13.8.27 Apartments which states *“Apartments shall generally be located in central urban areas within a reasonable walking distance (up to 15 minutes) of town centres, public transport, or employment areas. Outside of the central areas of towns, apartments are more likely to form part of a larger residential scheme than be a standalone development. However, there may be opportunities to provide smaller apartment schemes on infill or brownfield lands in these locations”*.
- 5.1.11. Section 13.8.28 Design Standards for New Apartments which states, *“The Design Standards for New Apartments (2018) set out the design criteria for apartment developments. All applications for apartments are required to demonstrate compliance with these Guidelines and the Specific Planning Policy Requirements”*.
- 5.1.12. Section 13.8.29 Design Schedule which states *“Any application for an apartment development or a mixed-use development including apartments shall include a schedule...”*.
- 5.1.13. Section 13.8.30 General which states *“In order to reduce the maintenance requirements of apartment developments, careful consideration should be made to the design and finishes of the building(s). To prevent demands for the installation of numerous satellite dishes, provision should be made for locating communal or individual dishes on less visible parts of the building such as roof level”*.
- 5.1.14. Section 13.8.32 relates to Infill and Backland Development in Urban Areas includes the specific considerations pertaining to this type of development. However, this section also 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 underutilised lands in central areas of towns and villages. This will be assessed on a case-by-case basis”.

- 5.1.15. The following policy objective is of relevance: MOV 7, “*To support a modal shift away from the private car to more sustainable forms of transport, such as public transport, cycling and walking and the attainment of any national targets relating to modal change published during the life of this Plan”.*

5.2. National Planning Framework (NPF)

- 5.2.1. The NPF provides an overarching policy and planning framework for the social, economic and culture development of the country. An important element of the growth strategy, intrinsic to the NPF, is securing compact and sustainable growth as it offers the best prospects for unlocking regional potential. The preferred approach for compact development is one which focuses on reusing previously developed ‘brownfield’ lands and development of infill sites and buildings. To this end the NPF requires at least 30% delivery of all new homes in settlements (outside of the 5 cities) to be within the existing built up footprint (NPO 3(c)).
- 5.2.2. **Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)**
- 5.2.3. The RSES sets out the strategic framework for the economic and spatial development of the Eastern and Midland Region up to 2031. The primary objective of the RSES is to support more sustainable settlement patterns that focus on compact growth, makes the most efficient use of land and infrastructure, and takes an integrated approach to development that provides employment opportunities and improvements to services alongside population and residential growth.
- 5.2.4. Reflecting the NPF, the RSES emphasises sustainable development patterns, and seeks to focus growth in regional growth centres, such as Drogheda and Dundalk and within the footprint of existing urban areas.

5.3. **Section 28 Ministerial Guidelines**

5.3.1. Having considered the nature of the proposal and the documentation on file, I am of the opinion that the directly relevant S28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas;
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities;
- Design Manual for Urban Roads and Streets; and
- Urban Development and Building Heights Guidelines.

5.4. **Natural Heritage Designations**

5.4.1. The subject site is not located within a designated European Site. However, the closest such sites are:

- The River Boyne and River Blackwater SAC (Site Code 002299), which is approx. 0.41km south of the site.
- The Boyne Estuary SPA/SAC (Site Code 004080), which is approx. 2.11km east of the site.
- The River Boyne and River Blackwater SPA (Site Code 004232), which is approx. 2.7 south of the site.

5.5. **EIA Screening**

5.5.1. I refer the Board to Appendix 1 – Form 1 EIA Pre-Screening and Form 2 EIA Preliminary Examination of this report.

5.5.2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Separate third party appeals have been received from Declan and Caroline O'Brien and Owners of 32-37 Georgian Close (namely Mary Eaton, Gerard and Mary Martin, Seamus Connolly and Tracy Finglas, Dermot Sheridan, Tom and Anne Cooney and Enda and Erica Rice). The grounds of appeal contained within each appeal is summarised below.

6.1.1. Appeal by Declan and Caroline O'Brien : -

- Traffic and Parking –
 - (i) No on-site parking is proposed for the development and no visitor parking and in particular mobility impaired visitors. There is no bus stop in the vicinity of the site to provide a possible alternative. The lack of parking would result in traffic congestion and hazards on the very busy regional road and would result in kerbside parking on Georges Street. There is no parking for service vehicles, delivery vehicles or maintenance service providers. The set down area outside the 'Garry Kelly Cancer Support Centre', will inevitably be used for unauthorised purposes. There is also a total failure to provide for disabled parking by owner/visitors which cannot be permitted at this would have a long-term disenfranchisement impact. The 2018 Guidelines do not support a nil parking provision on this restricted backland site and the proposed development should be refused for this reason.
 - (ii) Georges Street/North Road is a very heavily trafficked road and is a single carriageway. Outside the site the road divides, which causes significant congestion at this location. This makes it imperative that illegal traffic stops are not encouraged at the site frontage by backland development with no off-street parking or delivery area.
- Sunlight/daylight – the proposed development due south of the appellants property will cause serious loss of daylight and sunlight to the appellants property at both ground and first floor level. The development will cause

significant overshadowing and loss of sunlight and daylight thereby resulting in significant damage to the residential amenities of 'Carnderg' and material contravention of the zoning of the area.

- Residential and Visual Amenity –
 - (i) The dominant scale of the proposed two-storey blank gable effectively along the party boundary with 'Carnderg' will have a dominant visual impact on the Protected Structure. The plans submitted show that 'Carnderg House' has a blank west elevation to the sunroom thus minimising the negative impact of the proposed development, however the appeal includes photographs of the elevation indicating multiple windows facing towards the site.
 - (ii) There will be a balcony area at first floor rear elevation immediately adjacent to the party boundary which will cause a loss of amenity from overlooking, perception of overlooking and noise.
 - (iii) The removal of trees will also detract from the residential amenities of the area.
- Overdevelopment/backland development – the plans indicate the excessive scale and massing on this restricted plot, resulting in a visually obtrusive and overbearing development, which dominates the existing environment. The traffic and parking problems also attest to its excessive scale. The development would be contrary to the proper planning and sustainable development of the area and would not be supportive of national, regional, or local policies.
- Setting of the Protected Structure – the appellants' house 'Carnderg' is a Protected Structure and is particularly deserving of reasonable protection from excessive development. This is not to require sterilization of adjacent lands but rather to ensure that any proposed development is particularly sensitive to the Protected Structure and its setting.

6.1.2. Appeal by Owners of 32-37 Georgian Close (namely Mary Eaton, Gerard and Mary Martin, Seamus Connolly and Tracy Finglas, Dermot Sheridan, Tom and Anne Cooney and Enda and Erica Rice): -

- There is a large area of zoned land at the top of North Road however Louth County Council have repeatedly failed to secure funding for the northern cross route, which would open up this land. Drogheda has a plentiful supply of brownfield sites suitable for practical and sensitive development, there is no need to overdevelop back gardens to the detriment of existing estates.
- The development is in the back garden of what was private house in a residential area. The original development of five apartments in the main house with amenity space seemed appropriate. Cramming a further 6 units at the back of the site represents gross overdevelopment.
- Permission was granted to build six apartments with verandas overlooking the children's play area in front of the appellants homes. This area is used by the younger children of the estate and their parents as there is not much traffic on the road and the green area and play area is overlooked by trusted long term residents of the state. A second green area is used by the older children to play football, but it fronts a busier road. The appellants are unsure as to why anyone would want to develop this type of housing overlooking a young children's play area this is a matter of protecting our children.
- The development includes the removal of several mature trees and associated hedgerow. These have been there for over 80 years, and the appellants totally object to the removal of these trees and hedgerow as many bird's nest there every year, which is part of the local ecosystem.
- No car parking spaces have been provided with the development and as such the estate will be used by residents of this development for parking. The adjoining estate as a cul-de-sac, and the road is quite narrow, additional cars parked here will cause a dangerous situation for emergency vehicles and will be a security risk.
- Georges Street have traditionally had many larger homes operating B&Bs along its length. Most of these have been taken over by the HSE as temporary accommodation, which has brought social problems to the road and adjoining areas. The appellants fear that this lack of joined up thinking by the HSE and Louth County Council will lead to a proliferation of temporary

accommodation and modern-day bedsit accommodation like this development resulting in a socially deprived flatland area in the town.

6.2. Applicant Response

6.2.1. A first party response to the appeals was received dated 29th July 2022, prepared on behalf of the applicant by Kevin Hughes, Hughes Planning and Development Consultants c/o RBD Jupiter Limited.

6.2.2. The submission responds to the issues raised within the third party appeals as follows: -

- Impact on residential and visual amenity – The proposed development is considered to be compliant with the various quantitative and qualitative standards of the planning authority which encourage the provision of suitably designed infill residential development subject to the protection of adjacent residential amenity.
 - (i) In terms of overlooking, the proposal has been carefully designed to provide an appropriate residential density on the subject site whilst having due regard to the need to protect adjacent properties from overlooking and associated dis-amenity. The southern façade, mirrored on the northern façade, features perforated brickwork to allow light to enter the units, but will prevent overlooking to adjacent properties. As such, it is considered that the proposed development accords with the provisions of the development plan and back best practice for mitigating/ avoiding undue overlooking only of neighbouring properties due to the adequate separation distances between the dwellings and the mature planting both existing and proposed around the site boundary.
 - (ii) In terms of overshadowing due to its orientation, massing, location, and the topography of the site as demonstrated on the architectural drawings and the general sighting of the development within the context of the immediate residential area, it is not considered to result in further loss of daylight or sunlight to neighbouring dwellings. Furthermore, due to both the siting of the proposed units and the

separation distance between it and the neighbouring residential dwellings to the north, south and west that the development will not contribute to significant overshadowing.

(iii) In terms of visual impact, the proposed residential development, which is contemporary in form and design, will have a high standard of finishing materials, seeking to enhance the visual image of the area through modest built form and thoughtful contemporary design. Due to the infill nature of the site the topography of the site, its location within the site and the design approach adapted to the development, would not be detrimental to the visual aesthetics surrounding the site. It is also noted that there are no objectives to protect and/or preserve views surrounding the application site. It is also considered that the proposed development will improve the local public realm by allowing for the creation of an attractive, high quality residential unit built upon underutilised land, thus allowing for the improvement of this distinct local place.

- Impact on trees and habitat – A comprehensive tree and hedgerow study was prepared by Gannon and Associates. The report identified trees on site and provided a detailed assessment, impact assessment and recommendations for the management and protection of the existing trees. The appeal argued that the removal of several trees would be detrimental to the birds nesting on the site, however the report concluded that the proposed works on site will require the removal of 2 trees in total to facilitate the construction with a further one tree on the boundary of the site is recommended for removal on public safety grounds. A further 2 trees are recommended for removal on lands adjoining on account of their unbalanced canopy.
- Daylight and sunlight issues – The proposed development, due to its orientation, massing, location, and topography of the existing site on Georges Street, as demonstrated on the architectural drawings and the general siting of the development within the context of the immediate residential area, is not considered to result in further loss of sunlight or daylight to neighbouring dwellings. It is submitted that due to the east west orientation of the application site, with Georges Street to the front, and Georgian Close to the

rear, means that there are no immediate adjacent buildings to the east or west and due to the sun orientation, the site to the south will not be affected by overshadowing by the development. In relation to 'Carnderg' to the north it is submitted that the proposed development would have minimal impact in relation to overshadowing and loss of daylight/sunlight. The existing mature trees on site are to be removed as part of the granted permission, and in their current stage are acting as a barrier to daylight and sunlight, which result in significant overshadowing on 'Carnderg'. It is contended that the removal of the trees and the construction of a flat roofed two storey development will result in an improvement over the existing levels of overshadowing and daylight and sunlight. A shadow survey has been submitted.

- Traffic and parking impacts – An Bord Pleanála is requested to note the comments from the planners' report which states that the local authority "considers that car parking is not required on site given the location within 200m of the town centre (4 min walk), the urban transport district corridor on Georges Street and the close proximity of Drogheda Bus Station for ease of public transport accessibility". The development is also consistent with the previous permission granted on the site under Reg. Ref. 20/259.
- Overdevelopment and backland development – It is contended that the infill development to the rear of the site fully meets the ambitions of the strategies and policy objectives of the Louth County Development Plan, which also supports increased densities for infill, brownfield and regeneration sites within regional growth centers. The proposed development also constitutes an appropriate quantum of development due to its proximity to Drogheda town centre and the density is suitable for this location. The amenity levels provided are well in excess of the minimum requirements from the development plan and it is submitted that it constitutes a high quality development. The proposed layout provides 100 square metres private amenity space, which significantly exceeds the minimum standards. The entire scheme also provides a total of 265 square metres communal open space. Recommended plot ratio for Town Centre location as per table 13.3 of the Louth County Development Plan, 2021-2027, is 2 while the plot ratio for the proposed

development (including all 11 apartments) provides a plot ratio of 0.86, this is below the recommended plot density.

- Setting of Protected Structure – The contents of the planners' report is noted, in particular the reference to the two storey flat green roof design, elevation design to prevent overlooking, separation distances and existing/repaired boundary treatment, existing mature trees in the immediate vicinity, the proposed layout which is open and provides for retention of some mature trees.
- The development provides for an appropriately scaled infill development resulting in the more appropriate use of a currently underutilised site and aids in the compact growth of Drogheda.

6.3. Planning Authority Response

6.3.1. A response was received from the planning authority dated 22nd July 2022. The submission responds to the third party appeal as follows:

- (i) The Apartment Guidelines state that in building refurbishment schemes or urban infill schemes on sites up to 0.25 hectares provision of car parking may be relaxed in part or in whole on a case by case basis subject to the overall design quality and location. The proposed development is an urban infill scheme in close proximity to Drogheda town centre and other public transport links.
- (ii) The policy objective of the Louth County Development Plan is to support a modal shift away from private cars to more sustainable forms of transport, such as public transport, cycling and walking. Having regard to the site location the local authority is satisfied that the proposal accords with this policy. Furthermore, given the town centre location and accessibility of public transport, future occupants would not be reliant on cars as a mode of transport. As such, the planning authority is satisfied that the proposal will not create traffic congestion or hazard at this location and this type of

sustainable non car dependent development is more than suitable for this location.

- (iii) The location and aspect of the appellants dwelling house (Protected Structure) has been fully taken into account during the assessment of the application. Following site visit the planning authority is satisfied that the development will not have a negative or injurious impact on the amenity of the adjoining properties, given its two-story flat green roof design elevation designed to prevent overlooking, separation distances and existing/ repaired boundary treatments, existing mature trees in the immediate vicinity on the proposed layout of this of the development the planning authority is satisfied that the proposal will not cause serious loss of daylight and sunlight to the appellants property and therefore will not endure residential amenity.
- (iv) The applicant was required to submit a comprehensive project management plan specific to this proposal which demonstrates that the construction of the proposed development will not unduly impact on the adjoining properties by the reason of noise/ disturbance, dust, vibration/ structural damage.
- (v) The planning authority is satisfied that the proposed development does not represent overdevelopment of the site and is in accordance with the sustainable urban housing design standards for new apartments, Guidelines for Planning Authorities, December 2020, in regard to public and private open space with its substantial courtyard area to the front areas of private amenity space along its side and rear boundaries.

6.3.2. The planning authority conclude that An Bord Pleanála are requested to uphold the decision of the planning authority subject to conditions 1 to 23.

6.4. **Observations**

None received.

6.5. Further Responses

None received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal, I consider the main issues which arise in relation to this appeal are as follows:

- I. Traffic and Parking
- II. Impact on residential and visual amenity
- III. Overdevelopment and Backland Development
- IV. Setting of adjoining Protected Structure
- V. Impact on trees and habitat
- VI. Appropriate Assessment, and
- VII. Other Matters.

7.2. Traffic and Parking

- 7.2.1. Both appeals highlight concerns with respect of the lack of parking associated with the development and the resultant negative impact this will have on the adjoining sites by reasons of unauthorised parking, traffic hazard, etc.
- 7.2.2. No on-site parking is proposed as part of the proposed development, which comprises 6 no. residential units.
- 7.2.3. I refer to the Apartment Guidelines, which states that in building refurbishment schemes or urban infill schemes on sites up to 0.25 hectares provision of car parking may be relaxed in part or in whole on a case-by-case basis subject to the overall design quality and location.
- 7.2.4. I also note the policy objectives of the County Development Plan which support a reduction in car parking in certain locations specifically where residents of the development would be likely to walk and the objective to support a modal shift away from cars to more sustainable forms of transport.

- 7.2.5. The subject site is located within 200metres of the town centre, and is in close proximity of Drogheda Bus Station and the train station, which provides public transport accessibility. As public transport links are within walking distance of the proposed development, it is assumed that this would reduce the demand for carparking. The lack of parking also supports the Councils objective to support a shift towards more sustainable forms of transport.
- 7.2.6. The proposed development will also provide on-site bicycle parking to serve the proposed development, with the existing vehicular access utilised for pedestrian access.
- 7.2.7. Concerns have been raised in relation to traffic hazards and unauthorised parking, etc. on adjoining roads, and adjoining residential estates as a result of the proposed development, however, any issues associated with unauthorised parking are a matter for the local authority and An Gardai Siochana and are beyond the remit of this report.
- 7.2.8. In this regard, I am satisfied that the lack of parking provision in this instance would be acceptable.

7.3. Impact on residential and visual amenity

- 7.3.1. The appellants express several concerns regarding overlooking, overshadowing resulting in loss of amenity, and that the proposal will have a dominant visual impact on adjoining sites.
- 7.3.2. In response to the appeals, the applicant states that protection of the residential amenity of the existing and surrounding dwellings is an important consideration for the development.
- 7.3.3. In terms of overlooking, I note the design of the proposed development in particular the proposed northern and southern elevations, which comprise of perforated brickwork, will allow light to enter the proposed units, however, this design prevents overlooking to the adjacent properties, in particular to the north with 'Carnderg House'. To the southern elevation the proposed apartments, particularly the balconies at first floor level are orientated towards to the central open space with the adjoining units at a distance of some 22 metres. As such, I consider that overlooking issues to the north or south do not arise.

- 7.3.4. To the west, the site overlooks the front garden and parking area associated with the residential dwellings of 32-37 Georgian Close, and a strip of linear open space, which the appellant states is used as a children's play area. Having regard to the separation distance of the proposed development to the front of the adjoining residential dwellings, overlooking of these dwellings is not an issue. The concerns raised in respect of the area of open space and the use of this by children, I consider that the provision of balconies and windows at first floor level to the proposed west elevation of the building would ensure the passive surveillance of this open space, and in my opinion and as a result would not impact the amenity or use of this space associated with Georgian Close.
- 7.3.5. In terms of overshadowing, the applicant has stated that the impact of overshadowing was considered as part of the proposed development. A shadow survey was undertaken by PAC Studio Architects and Environments, which indicated a study of the existing and proposed site conditions for June and March, respectively. Having carried out a site visit, reviewed the shadow survey and noting the scale, height, and location of the proposed development, I do not consider that the proposed development would contribute to significant overshadowing of the adjoining property to the north of the site. Notwithstanding this, I have given consideration to the issue, in the context of Section 3.3.7 of the BRE guidance. It recommends that at least 50% of a rear garden should receive at least 2 hours of sunlight on the key assessment date of 21st March and, in view of the proposed development relative to the adjoining sites, I am satisfied that compliance with this recommendation will be maintained.
- 7.3.6. With respect to visual impact, the applicant states that the protection of visual amenity of the area and the outlook for existing residents is an important consideration regarding infill development. The proposed development will be located to the rear of the site, the proposed building maintains the building line of the adjoining dwelling to the north and aligns with the adjoining building to the south. The proposed building will have an overall height of 7.1 metres with a flat roof profile and a contemporary design, with high quality materials and finishes.
- 7.3.7. While the proposed apartment building will be visible from the adjoining sites, I do not consider that the development would result in a visually overbearing form of development and would be an attractive infill development to the rear of this site.

7.3.8. I note the concerns expressed regarding the use of larger homes, former B&Bs, now in use as temporary accommodation, the resultant social problems, and the potential proliferation of temporary accommodation in the area. However, I am satisfied that the proposed development will improve the public realm by allowing the creation of an attractive high-quality residential scheme built upon an underutilised backland site, thus improving the amenity of the adjoining area.

7.4. Overdevelopment and Backland Development

7.4.1. Both appeals express concerns in respect to overdevelopment of the site, however having regard to scale of the development as proposed and the quantum of both private and communal open space proposed to serve the proposed scheme, I am satisfied that the development as proposed constitutes an appropriate quantum of development, does not constitute overdevelopment of this site and as such is consistent with the Development Plan in respect of increased densities for infill, brownfield and regeneration sites within Regional Growth Centres.

7.4.2. The development as proposed is also in accordance with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020.

7.5. Setting of adjoining Protected Structure

7.5.1. The adjoining dwelling to the north i.e. the appellants' house 'Carnderg' is a Protected Structure and it is contended that this dwelling is particularly deserving of reasonable protection from excessive development.

7.5.2. I note the protected status of the adjoining dwelling to the north of the site, however, I concur with the planner's assessment, which states that the proposed development will not have a negative or injurious impact on, in particular 'Carnderg House' due to the scale, height, design and position of the proposed development relative to the protected structure.

7.5.3. I also note that the proposed development is set back from the shared site boundary with 'Carnderg House' and as such will not impact on the existing site boundary between the two properties. It is proposed to repair and retain this existing boundary wall as part of the proposed works. I consider that these works are acceptable and any works to the shared boundary, shall be agreed between the landowners.

7.5.4. Therefore, I am satisfied that the proposed development would not impact negatively on the setting of the adjoining protected structure.

7.6. Impact on trees and habitat

7.6.1. Concerns have been expressed in relation to the impact on trees and habitat and the removal of trees and hedgerows.

7.6.2. I note the Tree and Hedgerow Survey prepared by Gannon and Associates submitted as part of the planning application, which details the existing trees on site and provides an expert assessment and recommendation for the management and protection of the trees on site.

7.6.3. The report states that the proposed works will require the removal of 2 trees to facilitate construction, to the eastern and northern portion of the site. It was stated that these trees are an “*unsuitable non-native tree that are too large for the current site*”.

7.6.4. The recommendation to remove a further tree on the boundary for safety reasons and a further two trees are recommended for removal, in lands adjoining, on account of their unbalanced canopy, should also be noted. It should also be noted that two existing trees in the centre of the site will be retained and protected during construction.

7.6.5. I also note the requirement of a condition to be attached in respect of the landscaping, in particular the protection of trees adjoining the site to the north during site construction, including their root systems, in the event that the Board considers that the proposed development should be granted, a condition should be included in this regard.

7.6.6. Having regard to the Tree and Hedgerow Survey prepared by Gannon and Associates, and the extent of tree removal proposed to facilitate the proposed development, I do not consider that the removal of the trees, some of which are required in safety grounds, would impact negatively on the existing habitat. I also note the scheme will be grassed and planted with two existing trees retained. As such, I am satisfied that the removal of trees and other associated hedgerows would not impact negatively on adjoining amenity or habitats.

7.7. Appropriate Assessment

7.7.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the 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 a European site.

7.8. Other Matters

7.8.1. Appellants have referred to an area of zoned land at North Road, and the failures of the Council to open up the lands for development, however this does not form part of the instant application and is not a matter which can be taken into consideration by the Board in its assessment of the application.

7.8.2. I note the requirement of a condition in relation to bulky storage, bicycle storage and a buffer/privacy zone to the front of apartments F and G (Condition No. 4). Having regard to the layout of the proposed apartments, and to ensure the residential amenity of future occupants, in the event that the Board considers that the proposed development should be granted, a condition should be included in this regard.

7.8.3. I refer to Condition No. 5, which relates to the open space areas to the north and south elevations and a requirement for these areas to be incorporated into the private amenity space associated with the adjoining ground floor apartments. However, I note that these open space areas are already associated with the two ground floor apartments, and can be accessed with the rear gardens of proposed apartments F and H. As such, in the event that the Board considers that the proposed development should be granted, I do not consider that the inclusion of this condition is warranted.

7.8.4. In relation to daylight and sunlight, I note that the planners report states that the *“floor plan associated with the Summary of Daylight Factors submitted details that the living rooms to all apartments achieve an ADF of between 2.07% and 2.47%. However, it is not clear if this references just the living area or is the average ADF for the overall living/dining/kitchen area”*. Clarification is sought on this matter by way of compliance condition, Condition No. 6, to ensure that the development is compliant with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020. However, having regard to the internal layout and configuration of the proposed units, comprising an open plan

living/kitchen/dining area, therefore in the event that the Board considers that the proposed development should be granted, I do not consider that the inclusion of this condition is warranted.

8.0 Recommendation

8.1. I recommend that planning permission be granted, subject to conditions as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the 'residential' zoning which applies to the site under the Louth County Development Plan 2021 - 2027, under which residential development is stated to be generally acceptable in principle, subject to the conditions set out below the proposed development would be an appropriate form of development, would not seriously injure the character and visual amenities of the area, would not seriously injure the amenities of the adjoining Protected Structure or other the residential property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by additional information submitted on 17th May 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Prior to the commencement of development revised plans shall be submitted, for the written agreement of the Planning Authority, which reflect the following:</p> <p>(a) All apartments shall be provided with dedicated storage space in accordance with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020.</p> <p>(b) Secure, enclosed, and convenient provision for bicycle storage for each apartment shall be provided.</p> <p>(c) A buffer zone/privacy strip provided to the front (east elevation) of the private amenity space provision pertaining to apartments F and G.</p> <p>Reason: To ensure the quality of future residential amenity.</p>
3.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
5.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone, and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>

6.	<p>Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of amenity and public safety.</p>
7.	<p>A hard and soft landscaping strategy and boundary treatment plan shall be submitted to and agreed in writing with the planning authority, prior to commencement of the development. The development shall thereafter be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interests of visual amenity.</p>
8.	<p>Boundary treatments for private open spaces shall be agreed with the Planning Authority.</p> <p>Reason: In the interest of residential amenity.</p>
9.	<p>Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: In order to safeguard the residential amenities of property in the vicinity.
11.	The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of this development. Reason: In the interest of public health and orderly development.
12.	Water supply and drainage arrangements, including the proposed sedum roof, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development. Reason: In the interest of proper site drainage.
13.	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.
14.	During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control. Reason: In order to safeguard the residential amenities of property in the vicinity.
15.	(a) The landscaping scheme prepared by Gannon and Associates as submitted to the planning authority, shall be carried out within the first

	<p>planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>(b) All trees on site, indicated to be retained, including their root system shall be protected during construction.</p> <p>Reason: In the interest of residential and visual amenity.</p>
16.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
17.	<p>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.</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>
18.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of sustainable waste management.</p>
19.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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.

Emma Nevin
Planning Inspector

21st November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	313969		
Proposed Development Summary	Construction of a two storey building comprising 6 residential units. Repair of stone boundary wall to adjacent property which is a protected structure and associated site works.		
Development Address	47 Georges Street, Drogheda, Co. Louth		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	X	Urban Development	EIA Mandatory EIAR required
No			
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Urban Development	

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-313969-22	
Proposed Development Summary	Construction of a two storey building comprising 6 residential units. Repair of stone boundary wall to adjacent property which is a protected structure and associated site works.	
Development Address	Benmore, 47 George's Street, Drogheda, Co. Louth	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	Proposal for 6 no apartment units on residential zoned land located in an urban area. However, the proposal is not considered exceptional in the context of the existing urban environment. No, the proposal will be connected to the existing water supply and will be connected to the existing public sewer. Surface water will also be connected to the public sewer.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	Site measuring 0.113 ha. with a proposed floor area of 292 sq. m. (total for 6 no. apartment units). It is noted that the existing building on site totals 292 sq. m. and comprises 5 no apartments. However, this is not considered exceptional in the context of the existing urban environment. There are no other developments under construction in the proximity of the site.	No
Location of the Development		No

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No, there are no natural heritage designations in the vicinity of the site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____
 (only where Schedule 7A information or EIAR required)