



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314021-22

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<b>Development</b>	Change of Use of vacant ground floor retail space to 7 apartments.
<b>Location</b>	South Quay, James Street, Drogheda Co Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	21885
<b>Applicant(s)</b>	Rokeby Properties Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John Callan.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	24 <sup>th</sup> October 2022.
<b>Inspector</b>	Lucy Roche

## 1.0 Site Location and Description

- 1.1. The appeal site is in Drogheda Town Centre, c50m east of Saint Mary's Bridge and positioned between South Key (Marsh Road / R150) to the north and James Street (R132) to the south. The site forms part of South Quay, a mixed-use (retail/commercial, office and residential) development that is four stories over upper and lower basement levels onto James St. and five stories over basement onto South Key. Vehicular access to upper and lower basement levels is from South Quay / Marsh Street.
- 1.2. The site comprises 426sqm (0.0426ha), of vacant retail space that fronts onto James Street at ground floor level and South Key at first floor level. The floor area concerned bounds Retail Unit 3 to the west, north and south. Retail Unit 3 fronts onto James Street and is currently occupied as a tanning salon. The properties north elevation overlooks the river Boyne.
- 1.3. The site is located within a well serviced and accessible urban area. Drogheda Train Station (MacBride Station) is situated less than 1km to the east of the site while the town main bus station is located c300m to the west. St Mary's Bridge to the west provides vehicular and pedestrian access to Shop Street, while a pedestrian bridge, c60m to the northeast provides access to North Quay/The Mall. The Scotch Hall Shopping Centre is located to the east of the site.

## 2.0 Proposed Development

- 2.1. Permission has been sought for the change of use of existing vacant ground floor retail space to 7no. one bedroom apartment units. The proposed works include the demolition of 2no. internal stair cores and internal partitions.
- 2.2. Significant further information was received on 19/05/2022. The revised plans and particulars submitted at this time include:
  - Proposals for private open space in the form of balconies to units 2,3 and 4 and terraces to units 5, 6 and 7
  - Proposals for the provision of a landscaped semi-public communal area (165sqm) of open space to the east of the building.

- Proposals for bulky storage, bicycle storage and bin storage at basement / lower ground floor levels.

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

<b>Table 2.1: Site Statistics and Development Details:</b>		
<b>Site Area</b>	0.0426ha (426sqm)	
<b>No. Of Residential Units</b>	7	
<b>Gross Floor Area</b>	426sqm, including c57sqm previously occupied by stair cores 1 and 2	
<b>Housing Mix</b>	7no 1- bedroom apartments (refer to table 2.2 for further details)	
<b>Parking</b>	Car Parking	21 spaces (existing). Three spaces to be allocation to the proposed units.
	Cycle Parking	10 secure bicycle lockers at Lower ground floor level. 1/apartment + 3 visitor spaces.
<b>Open Space</b>	165sqm in the form of a semi-public communal area to the east of the building.	
<b>Access</b>	Existing access and egress to basement car park from South Quay (Marsh St.)	
<b>Surface Water</b>	Connection to public mains	
<b>Water supply</b>	Connection to public mains	
<b>Foul Drainage</b>	Connection to public mains	

2.26. Table 2.2 below provides details of the proposed apartment units.

<b>Table 2.2: Apartment Details</b>					
<b>Apt No:</b>	<b>Floor Area (sqm)</b>	<b>Dual Aspect</b>	<b>Orientation</b>	<b>Private Open Space (sqm)</b>	<b>Internal Storage (sqm)</b>
1	45.36	No	South	0	0
2	51.23	No	North	8	0
3	46.56	No	North	5	0
4	51.71	No	North	8	3
5	50.78	Yes	North and East	13	2
6	50.46	No	East	11	2
7	59.14	Yes	South and East	9	4

2.27. The following documents are included with the application (at further information stage):

- A Daylight and Sunlight Report
- Quality Housing Assessment
- A Flood Risk Assessment

### 3.0 Planning Authority Decision

#### 3.1. Decision

Louth County Council did by order dated 10<sup>th</sup> June 2022 decide to grant permission for the proposed development subject to 11 no. conditions. The following of which are of note:

Condition 2: Requires for bulky storage areas and bicycle storage for each apartment be provided prior to occupation.

Condition 3: (a) requires seven car parking spaces to be allocated to the proposed apartment units, (b) requires balconies serving units 4-7 to be a minimum depth of 1.5m, (c) requires that all boundary treatment to private and defensible spaces be robust and aesthetically pleasing and (d) requires the submission of a landscaping plans for the semi-private open space area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The initial report of the Senior Executive Planner (Sept. 2021) has regard to the locational context and planning history of the site, the third- party submission and departmental reports received. The report also details relevant planning policy at both national and local level. It is noted that the Drogheda Borough Development Plan 2015-2021 was the operative plan for the area at the time.
- Part 2 of the report considers EIA and AA and determines that the works proposed do not require the submission of an EIAR or AA.
- Part 3 of the report comprises the SEP's assessment of the proposed development. The SEP is satisfied that the proposal would accord with the 'Town Centre' zoning and would not conflict with the retail policy of the DBDP 2015. In relation to compliance with the Apartment Guidelines, concerns are raised regarding housing mix, aggregate floor areas, single aspect apartments and the lack of a daylight / sunlight analysis, the lack of private amenity, privacy of ground floor apartments, external storage, bin storage, parking facilities and security.
- The report concludes with a request for further information on the following items:
  - Compliance with Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities
  - Access (pedestrian) to apartments.
  - Provision of private and communal open space

- Provision of bulky storage areas
  - Daylight / sun light for new apartments
  - Bicycle and refuse storage
  - Parking provision
  - Privacy for units fronting onto James Street
  - Impacts during construction.
  - Flood Risk
  - Part V
- The second report of the Senior Executive Planner (June 2022) considers the further information received on the 19<sup>th</sup> of May 2022 and the report from the Infrastructure Section of LCC, received 30<sup>th</sup> May 2022.
  - The SEP considers the Housing Quality Assessment submitted and notes the lack of internal storage space for Units 1 to 3 and the lack of private amenity space for Unit 1. However, having regard to the nature of the proposed development as a conversion scheme and proposals for external storage and communal open space, the SEP is satisfied that the proposed development would provide accommodation of appropriate design quality in this urban location.
  - The report concludes with a recommendation to grant permission subject to 11no conditions as per the Council's decision.

### 3.2.2. Other Technical Reports

Environment: Report dated 1<sup>st</sup> September 2021. No objections subject to condition.

Infrastructure:

- Report dated 1<sup>st</sup> September 2021 requests the submission of a Flood Risk Assessment.
- Report dated 30<sup>th</sup> May 2022 notes that the applicant has provided a flood risk assessment which clarifies that the site

as Flood Zone C. Climate change effects do not form part of the assessment and there are no changes to existing threshold levels and no flood resilient measures are proposed. The proposal is acceptable subject to recommended conditions.

### 3.3. Prescribed Bodies

Dept: of Housing, Local Government and Heritage: Letter dated 23<sup>rd</sup> August 2021

- The proposed site is within the zone of constraint for Recorded Monument LH024-041 which is subject to statutory protection.
- The proposed development is situated in an area where significant archaeological findings were uncovered during previous construction works. Given the location of the proposed development works it is possible that architectural features / material could be impacted / damaged.
- It is the Department recommendation that an Architectural Impact Assessment be prepared to assess the potential impact on architectural remains in the area.

**Note:** With regard to the above it is noted that the development proposed relates to the change of use of retail space within an existing mixed-use building. No new significant ground works are proposed and as such the proposed development is unlikely to impact on architectural heritage. I do not consider that the submission of an AIS is required in this instance.

### 3.4. Third Party Observations

The Planning Authority received one third-party submission from Mr. John Callan co-owner of one of the apartments in the South Quay development and the appellant in this case. The issues raised in the submission are similar to those set out in the grounds of appeal and are summarised in Section 6.1 of the report.

## 4.0 Planning History

LCC Ref:04510196 Permission granted (2004) for a mixed-use development comprising; 6 Retail Units, 1 Restaurant Unit, serviced office accommodation, 5 No 3-Bed Apartments, 5 No 2-Bed Apartments and 3 No 1-Bed Apartments and associated services.

LCC Ref: 05510300 Permission granted (2006) for revisions to LCC Ref: 04510196 consisting of internal reconfiguration whereby 2 no. 1 bed apartments are combined to form 1 no. 2 bedroom apartment.

**Note:** *Based on the floor plans submitted (Drawing No:0125) the works granted under this permission were not implemented.*

LCC Ref:18/129 Permission granted (2018) for subdivision and partial change of use of the existing permitted retail unit at ground floor level (c.222sq.m.) to accommodate retail and restaurant / takeaway.

### Section 5 Declaration

LCC Ref: 2020/31 The change of use of office accommodation at first floor level to 9 residential units was determined by LCC to be exempted development.

LCC Ref: 2021/01 The change of use of upper ground floor from office use to 7no. 1 bedroom apartments was determined not to be exempted development as having regard to Article 10(6)(d)(v) of the planning and development regulations, 2001 (as amended) the development would consist of or comprise the carrying out of works which exceed the provision of more than 9 apartments in this structure and as the apartment floor areas and storage spaces do not comply with the minimum standard set out in the Apartment guidelines.



**Note:** *The current application seeks planning permission for the works deemed not to be exempted development under LCC Ref: 2021/01*

## 5.0 Policy Context

### 5.1. National Policy and Guidance

Regard is had to:

- Project Ireland 2040 - National Planning Framework (2018)
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (updated 2022).

### 5.2. Local Policy

- 5.2.1. The application was initially assessed by Louth County Council in accordance with the policies and objectives of the Drogheda Borough Council Development Plan 2011- 2017 and the Louth County Development Plan 2015-2021. The Louth County Development Plan 2021-2127 was adopted by Louth County Council on the 30th of September 2021 and came into effect on the 11th of November 2021. The second report of the Senior Executive Planner (June 2022) had regard to the policy objectives contained within the LCDP 2021-2127.
- 5.2.2. The Louth County Development Plan 2021-2127 incorporates the functional area of the entire County including the areas formerly within Drogheda Borough Council, Dundalk Town Council and Ardee Town Council. In terms of the status of the Plan, Section 1.1 outlines that:

*“When adopted, the County Development Plan will replace the Drogheda and Dundalk Development Plans, and Urban Area Plans / Local Area Plans will be prepared for these towns during the lifetime of this Plan”,*

- 5.2.3. I have assessed the proposal in accordance with the policies and objectives of the operative Development Plan namely the Louth County Development Plan 2021-2027.

### **5.3. Louth County Development Plan 2021- 2027**

#### Zoning

- 5.3.1. The site is zoned B1 ‘Town and Village Centre’ with the objective *“To support the development, improvement and expansion of town or village centre activities”*. Residential is listed as a land use that is “generally permitted” within this zoning.
- 5.3.2. The Development Plan sets out the following guidance for development on B1 zoned lands: *The purpose of this zoning is to protect and enhance the character and vibrancy of existing town and village centres and to provide for and strengthen retailing, residential, commercial, cultural, entertainment and other appropriate uses. It will promote the consolidation of development on town and village centre lands, allowing for a broad range of compatible and complementary uses, which will be encouraged to locate in this area in order to create an attractive environment to reside, shop, work, visit and in which to invest. The appropriate reuse, adaptation and regeneration of buildings, backland, vacant, derelict, and underutilised lands for uses suitable to the location will be encouraged. Such uses may include residential development. The full use of upper floors in retail and commercial premises in the town centre for residential use is considered permissible. Primacy of the Retail Core area will be retained and prioritised for any new retail development to enhance its vitality and viability. Retail proposals shall have regard to relevant policies and objectives in the Retail Strategy (Appendix 4, Volume 3) and Chapter 5 of this Plan and the Retail Planning Guidelines 2012. Town centre development proposals will be required to be of a high architectural quality, which contributes to a distinct sense of place and public realm, promotes sustainable modes of travel and be appropriate to*

*its location. New commercial and retail uses will be accommodated in village centres. The size and scale of any such development shall be reflective of the role and function of the village in the settlement hierarchy.*

### Chapter 2 – Settlement Hierarchy / Core Strategy

- 5.3.3. Table 2.4 of the County Development Plan sets out the settlement hierarchy for County Louth. Drogheda is designated as Regional Growth Centres. The Plan set out the following guidance for these centres:

*“Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area”.*

- 5.3.4. The following policy objectives are of Note:

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

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

### Chapter 3 Housing

- 5.3.5. Section 3.7 relates to “*Town Centre Living*” and refers to a multi-dimensional approach to re-energising and returning vibrancy to town centre in light of the changing retail environment. Residential development may be considered at ground floor level in certain circumstances, or locations where there has been a sustained level of vacancy over a prolonged period. This will normally be on lands outside the Core Retail Area of town centres. The provision of such accommodation will only be facilitated in circumstances where it is demonstrated that the development would

complement the role of the town centre as a 'destination' for commercial, social, or cultural activities.

5.3.6. The following policy objectives are of Note:

HOU 11: 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.

#### Chapter 5 – Economy and Employment

EE 65 To encourage and support the re-use and revitalisation of vacant (and derelict) units and properties within town and village centres and assess change of use applications based on merit and overall contribution to the vitality of the town centre and the day and/or nighttime economy.

EE 69: To generally discourage permission for change of use from retail or service (including banks and similar institutions with over-the-counter services) to non-retail or non-service uses at ground floor level in areas where there is an existing strong retail provision.

EE 77: To promote the provision and modernisation of residential accommodation over commercial premises in towns and villages in order to improve the vibrancy of their centres.

#### Chapter 13 – Development Management

5.3.7. Chapter 13 of the County Development Plan sets out Development Management Guidelines. The following are of relevance:

- Section 13.7 requires the preparation of a (construction) management plan for major development projects.

- Section 13.8.10 relates to Daylight and Sunlight. The following guidance is set out in this regard: *“Care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided. The Building Research Establishment (BRE) guidelines ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and BS 8206-2008 –‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ - provide useful guidance on avoiding unacceptable loss of light and ensuring developments provide minimum standards of daylight for new units.*
- Section 13.8.28 relates to Design Standards for Apartments. This outlines that all applications for apartments are required to demonstrate compliance with the Design Standards for New Apartments and the SPPR’s set out therein.
- Section 13.8.34 relates to *“Town Centre Living”*. This outlines that whilst proposals for the redevelopment of the buildings will normally be required to meet the Development Plan Standards set out in this Plan and the Design Standards for New Apartments, it is recognised that in some cases it may be difficult to retrofit older buildings to bring them up to current residential standards. Taking this into account, and subject to the design quality of the development, there may be circumstances where the design standards can be relaxed in part. This will be assessed on a case-by-case basis.
- Table 13.11 sets out Car Parking Standards. This sets out a requirement of 1 space per apartment in Areas 1 and 2. Section 13.16.12 of the Plan outlines that a reduction in the car-parking requirement may be acceptable in certain circumstances.
- Table 13.12 sets out Cycle Parking Standards. For apartment the requirement is 1 space per bedroom (long term) and 1 space per 2 units (visitor/short stay).
- Appendix 9 identifies Zones of Archaeological Potential for the County. MAP 9.1 identifies the zone of archaeological potential for Drogheda. The appeal site is located within this zone.

## 5.4. Natural Heritage Designations

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

Designated Site	Site code	Distance
<b>River Boyne and River Blackwater SAC</b>	<b>002299</b>	<b>c23m to the north</b>
River Boyne and River Blackwater SPA	004232	c2.6km to the east
Dowth Wetland pNHA	001861	c4.8km to the west
Boyne Estuary SPA	004080	c1.6km to the east
Boyne Coast and Estuary pNHA and SAC	001957	C2.6km to the east
Boyne River Islands pNHA	001862	c2.8km to the west
King William's Glen NHA	001804	c4.8km to the west
River Nanny Estuary and Shore SPA	004158	c7km to the southeast
Laytown Dunes /Nanny Estuary pNHA	00554	c6km to the southeast

## 5.5. EIA Screening

Having regard to the nature and scale of the development proposed which comprises change of use of vacant retail floor area to residential within an existing mixed-use development, the lack of ground works proposed and the serviced nature of the site, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a third-party appeal lodged by John Callan, co-owner of an apartment in South Quay, against the decision of the planning authority to grant permission for the change of use of existing vacant ground floor retail space to 7no. one bedroom apartment units etc at South Quay, James Street, Drogheda Co Louth. The issues raised in the grounds of appeal can be summarised as follows:

- The appellant is concerned that the proposed development, in its current form will result in poor quality residential units and will negatively impact the residential amenity of both current and future occupants.
- In terms of access to natural light, the appellant notes that five of the seven apartments are single aspect and that three of these units are north facing and considers that this will result in a poor-quality living space.
- The provision of threshold and outdoor amenity space for most of the ground floor units is welcomed; however, private balconies should also be provided at first floor level.
- The existing waste storage area operates at full capacity and does not have sufficient space to accommodate the extra waste generated by 16 new residential units.
- The applicant appears to have sought an exemption under SI No.30 of 2018 for the change of use of the vacant office at first floor level. Mainly of these units do not meet the requirements set out in the Design Standards for New Apartments in terms of private open space, aggregate living space bedroom areas and storage provision etc.
- By allowing a single development of residential units to be split into 'section 34 application' and 'SI No. 30 exempted units', provides the applicant with the means to circumvent both the housing mix requirements set out in SPPR1 of the apartment guidelines and Part V Social Housing.
- The works to the first floor should not be considered exempted development and a separate planning application should be required with respect to this work.
- Health and Safety Issues:
  - There is only one stair core serving the existing residential units on levels two and three. The proposal has the potential to cause major nuisance in terms of noise and dust as well as safety hazards for residents during construction.

- The applicant has not submitted a construction and demolition waste management plan to demonstrate that they have considered the hazards and risks posed to residents.
- The proposed development will result in an unsafe living condition to residents. The proposal will increase the number of residents using the single stairway in the event of fire. No allowance has been made for smoke shafts. Smoke venting is required.
- Building defects and leaks have been a constant feature in the building since completion. There is no property management company in place. If granted in its current form the proposed application will make an existing bad situation worse.
- There is a lack of clarity in the document lodged:
  - Finishes of balcony not indicated. The proposed elevations do not indicate if windows are openable.
  - Drawing No.0320 refers to a '*previously approved planning submission*' no planning application is reference.
  - Some of the drawings submitted do not detail the 'as built' condition of the apartment building.
  - No MEP basis of design report has been submitted. It is not clear how the applicant intends to service the new residential units. Additional riser space and plant equipment will be required.
  - HQD do not appear to have been uploaded to LCC's planning portal.

## **6.2. Applicant Response:**

6.2.1. The Applicants response to the issues outlined in the grounds of appeal is set out in correspondence received on the 2<sup>nd</sup> of August 2022 and can be summarised as follows:

- The proposed scheme is restricted in terms of a floor plate and to provide more dual-aspect apartments would reduce the number of units and make the scheme unviable.



- The proposal for apartments at first floor level has been granted via previously approved exemption and are not part of this application.
- In terms of waste storage and increased frequency of collection times can be arranged with panda waste collection to sufficiently alleviate any pressure on bin store capacity if required there is also scope for providing additional bins in the area if required.
- In relation to health and safety:
  - It is noted that the proposed development as granted by Louth County Council, provides only one door opening be formed in the existing residential stair core and one number to the lift core. Any proposed openings will be subject to a full engineering design to ensure the integrity of the core is maintained.
  - The conditions of permission (as granted by LCC) require that a Construction and Demolition Waste Management Plan and Waste Management Plan are to be submitted prior to the commencement of development.
  - The scheme was designed to ensure a compliant Fire application and certification was achieved when the proposed scheme obtained a valid decision to grant planning permission.
- Comments relating to the existing building management are issues between the management company and residents and do not form part of this application.
- Incomplete Documentation:
  - Balconies to be dark grey metal flashing at base with glazed handrail upstand.
  - The reference on Drawing 0.30 refers to the exemption for the 9 units at first floor level.
  - The planning application does propose any amendments to the third-floor layout.
  - Existing service riser to rooftop which was previously used for retail at ground floor will be used for the proposed retail units.
  - A Housing Quality Assessment Document has been submitted with the application.

- The applicant's submission is accompanied by a letter from the managing director of Rokeby Properties the contents of which can be summarised as follows:
  - Rokeby Properties Ltd is the management company for the development.
  - There are no building defects and no complaints have been received from other apartment owners.
  - It is intended to complete the necessary lift repair works as part of the subject planning application.

### **6.3. Planning Authority Response**

The Planning Authority's response to the issues outlined in the grounds of appeal is set out in correspondence received on the 26<sup>th</sup> of July 2022 and can be summarised as follows:

- Two apartments have a dual aspect, five have a single aspect three of which are facing north. The PA had due regard to the requirements of SPPR 4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) which stipulates a minimum of 33% of dual aspect units in central and accessible urban locations. The guidelines also stipulate that north facing single aspect apartments may be considered where they overlook a significant amenity, such as the Boyne in this instance. As such the development does meet the requirements of SPPR 4
- As per the Daylight and Sunlight Report, all spaces are predicted to be well in excess of BRE standards and as such the Planning Authority is satisfied that the accommodation will provide a quality living environment in this regard.
- Waste storage for the apartments is considered to be appropriate scale and location. It will be a matter for the management company to ensure that such facilities are serviced appropriately.
- The nine apartment units at first floor level do not form part of this planning application.

- In relation to health and safety, the planning authority is satisfied that the issues raised by the appellant were addressed by way of further information request. The development is to be completed in its entirety and only on its completion will the construction of the connection to the core staircase be carried out, The Planning Authority considers the sequence of the development as proposed and limitations on construction times will safeguard the amenities of existing residents. The onus will be on the applicant to comply with all other relevant health and safety legislation.
- In relation to ongoing maintenance, the issues detailed by the appellant are matters for the property management company. It is a requirement under the multi-unit development Act 2011 (MUD Act) that such companies are set up to manage apartment developments.
- The PA is satisfied that there is sufficient detail submitted with the planning application to allow the authority to make an informed decision.
- The PA would respectfully ask the board to uphold this decision to grant permission for this development subject to conditions 1 to 11.

#### **6.4. Observations**

- None

### **7.0 Assessment**

#### **7.1. Introduction**

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

- Background and Procedural Issues:
- Principle of Development and its impact on the Vitality and Vibrancy of Town Centre

- Residential Amenity - Daylight / Sunlight
- Residential Amenity – Compliance with Apartment Guidelines
- Health and Safety and Other Matters
- Appropriate Assessment.

I am satisfied that all other issues were adequately addressed by the Planning Authority and that no other substantive issues arise.

7.1.2. I note the matters raised by the third-party appellant pertaining to the lack of clarity in respect to the documentation submitted; however, following consideration of the application and appeal documentation, I am satisfied that the information / documentation available on file is sufficient for the purposes of assessing the development proposed. Accordingly, the issues for consideration are addressed below.

## **7.2. Background and Procedural Issues:**

7.2.1. This proposal relates to South Quay, a mixed-use development between James Street and South Quay (Marsh Road) in Drogheda's Town Centre. The scheme when first granted (LCC Ref: 04510196) comprised the redevelopment of Sites 2, 3, 4 and 5 South Quay to provide 6 retail units, 1 restaurant unit, serviced office accommodation at first floor level and 13no. apartments (5 three bed apartments, 5 two bed apartments and 3 one bed apartments). In 2020 the applicants, Rokeby Properties Limited, sought a Section 5 Declaration (LCC Ref:2020/31), on the change of use of the first-floor office accommodation, permitted under LCC Ref: 04510196, to nine one-bedroom apartments, such works were deemed by Louth County Council (LCC) to be exempted development. A second Section 5 Declaration (LCC Ref: 2021/01) was sought on the change of use of upper ground floor space to seven one-bedroom apartments; however, it was determined by LCC that such works would require planning permission. These works are now the subject of this application.

7.2.2. It is the contention of the third-party appellant, as set out in the grounds of appeal, that the change of use of the first-floor office space to residential, should not have been deemed to be exempted development as the scheme does not meet with the requirements of the Apartment Guidelines and because the ‘splitting’ of the development allows the applicant to circumvent both the housing mix requirements set out in SPPR1 of the apartment guidelines and Part V Social Housing. In response to this issue, I note that a decision on a planning application is based on an assessment of the development specific to that planning application, which in this case is the change of use of the vacant ground floor retail space to residential. This application does not include, nor does it rely on, the change of use of the first-floor office accommodation to nine one-bedroom apartments, therefore I consider that such works fall outside the scope of this appeal.

### **7.3. Principle of Development and its impact on the Vitality and Vibrancy of Town Centre**

- 7.3.1. The appeal site is zoned Town and Village Centre (B1) under the Louth County Development Plan 2021-2027. Residential is listed as a land use that is “generally permitted” within this zoning.
- 7.3.2. The guidance for the B1 zoning states that the purpose of this zoning is to protect and enhance the character and vibrancy of existing town and village centres and to provide for and strengthen retailing, residential, commercial, cultural, entertainment and other appropriate uses. The appropriate reuse, adaptation, and regeneration of buildings for uses suitable to the location will be encouraged, such uses may include residential development.
- 7.3.3. While the change of use from retail or service to non-retail / non-services uses at ground floor level is generally discouraged (I refer the Board to Objective EE65), the plan states under Section 3.7 “Town Centre Living” that residential development may be considered at ground floor level in certain circumstances, or locations where there has been a sustained level of vacancy over a prolonged period. This will normally be on lands outside the Core Retail Area of town centres.

- 7.3.4. In respect of the proposed development, the site is not located within the core retail area, and I note that only two of the seven residential units proposed (Units 1 and 7) front onto the public road at ground floor level. Furthermore, only one of those units (Unit 7) will result in the direct loss of retail frontage, as the floor area dedicated to Unit 1 currently comprises ancillary accommodation (circulation space, stair core and lift shaft). Unit 7, as proposed, fronts onto James Street, which forms part of the R132, one of the major access routes into and thorough Drogheda. The retail space to be occupied by Unit 7 is currently vacant and while the length of vacancy is unknown, the loss of this retail frontage at this location would not, I consider, have a significant negative impact on the vitality or vibrancy of the town centre.
- 7.3.5. In conclusion, I consider the principle of the proposed change of use to be acceptable at this location. Furthermore, I am satisfied that the loss of retail frontage at this location would not have significant negative impact on the vitality or vibrancy of the town centre and would not conflict with the retail policies or objectives of the LCDP 2021-2029.

#### **7.4. Residential Amenity– Daylight and Sunlight**

- 7.4.1. The third-party appellant is concerned that the proposed development, in its current form, would result in a poor-quality living environment for future residents. Access to light is raised as one of the main issues of concern.
- 7.4.2. A Daylight and Sunlight Report, prepared by IN2 Engineering Design Partnership was submitted in support of the application at further information stage. The purpose of this report was to demonstrate that the proposed apartment units would achieve adequate light. Section 2.0 of the report introduces the various Guidelines and Standards consulted when compiling the report and sets out the methodology used. The report relies on the standards set out in:
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020) (the “**2020 Apartment Guidelines**”)

- The Building Research Establishment's (**BRE 209**) Site Layout Planning for Daylight and Sunlight: A guide to *Good Practice*' (2<sup>nd</sup> edition) (the "BRE Guide").
- British Standard **BS8206** "Lighting for Buildings – Part 2: Code of Practice for Daylighting" ("2008 British Standard")
- British Standard BS EN 17037:2018 – Daylight in Buildings (the "2018 British EN Standard")
- Irish Standard IS EN 17037:2018 (the "2018 Irish EN Standard").

7.4.3. The report refers to the 2020 Apartment Guidelines, which were in effect at the time the application and appeal were lodged. The 2020 Guidelines have regard to the standards set out in BRE209 (published in 2011) and to BS8206 and it is these standards that form the basis of the applicant's daylight / sunlight assessment. While I note that the updated Apartment Guidelines (2022) refer to the New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), I am satisfied that this updated guidance does not have a material bearing on the outcome of the assessment. Furthermore, I note that the 2022 Guidelines state that planning authorities should '*have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018 etc*' and does not preclude reference to earlier documents. Therefore, I am satisfied that BRE209 and BS8206 are acceptable reference documents in terms of ensuring minimum standards of daylight provision.

7.4.4. The Building Research Establishments (BRE209) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' provides a number of tests relevant to residential amenity (e.g., ADF, VSC, Sunlight to existing amenity space, Sunlight to adjoining property and APSH, etc.) to measure daylight, sunlight and overshadowing impact. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The BRE guidelines also state in paragraph 1.6 that:

*“Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.”*

- 7.4.5. In terms of the nature of the proposed development and the concerns raised in the grounds of appeal, I consider Average Daylight Factors (ADF's) to be the appropriate test in this instance. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 209 Guidance with reference to BS8206 – Part 2, sets minimum values for ADF that should be achieved. These are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidelines notes that non-daylight internal kitchens should be avoided where possible, especially if the kitchen is used as a dining area too. If the layout means that a small, internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining (LKDs) layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.
- 7.4.6. The proposed scheme comprises seven 1-bed apartments with combined living, kitchen and dining areas (LKDs) and therefore consideration should be given to achieving the higher ADF target of 2%.
- 7.4.7. An Internal Daylight Analysis was undertaken for all units proposed. The analysis found that all spaces within the proposed development are predicted to be well in excess of BRE Best Practice Guidelines in terms of natural light, with ADF's ranging between 2.7% and 10.6%. These daylight levels are achieved due to the height and extent of glazing proposed. On the basis of the above, I am satisfied that the proposed apartment units would achieve sufficient levels of daylight to provide an adequate level of amenity for future residents.

## **7.5. Residential Amenity – Compliance with Apartment Guidelines**

- 7.5.1. Having regard to the nature of the proposed development, which comprises the change of use of vacant retail space to residential (apartments) and the various issues raised in the grounds of appeal, I consider it appropriate to assess the design



details of the proposed apartment units having regard to the requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2022. It is of relevance to note that the Guidelines allow for a relaxation in standards for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, on a case-by- case basis and subject to the achievement of overall high design quality in other aspect. As the proposed scheme relates to the change of use of part of existing mixed-use building on a site area of less than 0.25ha, I am satisfied that such relaxations may be permissible in this instance.

7.5.2. With regard to the above I proposed to assess the subject scheme under the following headings:

- Apartment mix
- Floor Areas
- Dual Aspect Ratios
- Floor to ceiling height
- Apartments to stair / lift core ratios
- Storage
- Amenity Spaces
- Security considerations
- Communal Facilities

#### Apartment Mix

7.5.3. In terms of apartment mix, Specific Planning Policy Requirement 2 (SPPR2) is relevant to this assessment. SPPR 2 states, in respect of refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha, that there shall be no restriction on dwelling mix in scheme of up to 9 residential units (provided that no more than 50% of the development comprises studio-type units). For larger schemes of between 10 and 49 residential units, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49<sup>th</sup>.

7.5.4. This proposal is for the change of use of existing retail floor space to 7no. one-bedroom apartments within South Quay, a mixed-use development permitted under LCC Ref:04510196. In terms of apartment mix and compliance with SPPR2, I consider it appropriate to consider the proposal in terms of the overall South Quay development rather than as a standalone development of 7 apartments. In this regard, having reviewed the planning history associated with this site and the floor plans submitted with the application, I calculate that the proposal, if permitted, would result in a total of 29 residential units within the overall South Quay Development, comprising 19 units with one-bedroom and 10 units with two or more bedrooms. As per the requirements of SPPR 2, a scheme of 29 units must have a minimum of 10units with two or more-bedrooms. The proposal is therefore compliant with SPPR2.

#### Floor Areas

7.5.5. SPPR 3 requires a minimum floor area of 45sqm for one-bedroom apartments. The Housing Quality Assessment (HQA) submitted at further information stage indicates that all apartment floor areas meet the requirements of SPPR 3, with 6 of the 7 units (86%) exceeding the minimum floor area standard. Furthermore, having reviewed the submitted drawings, I am satisfied that the overall design of the proposed apartment units generally accords with the required minimum floor areas and standards as appended to the Guidelines.

#### Dual Aspect Ratio

7.5.6. The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement (SPPR4) that in more central and accessible urban locations the minimum number of dual aspect apartments to be provided in any single apartment scheme will be 33%. In this instance only 2 of the 7 apartment units, or 28%, are dual aspect. However, it is noted that SPPR4 does allow for a relaxation on this standard, for developments of the nature / scale proposed, subject to the achievement of overall high design quality in other aspects.

7.5.7. On this issue, I refer the Board to the Daylight and Sunlight Report submitted to the Planning Authority at further information stage and considered in Section 7.4 of this report. The results of the Internal Daylight Analysis undertaken predict that all spaces within the proposed development will achieve average daylight factors (ADF's) in excess of BRE Best Practice Guidelines and on this basis, I am satisfied that each of the proposed apartments units will benefit from sufficient levels of daylight. In addition, I note that the three north facing, single aspect apartments will directly overlook the river Boyne, a significant amenity feature that will contribute to the amenity value of the property. In light of the foregoing, I am satisfied that a relaxation in the standard for dual aspect ratio is acceptable in this instance.

#### Floor to Ceiling Height

7.5.8. SPPR5 requires that ground level apartment, floor to ceiling heights be a minimum of 2.7m. The proposed apartments have a floor to ceiling height of 3m, the proposal therefore satisfies the requirements of SPPR5.

#### Apartment to stair /Lift Core Ratios

7.5.9. Specific planning policy requirement (SPPR6) requires a maximum of 12 apartments per floor per core may be provided in apartment schemes. The proposal satisfies the requirements of the Guidelines in this regard. The health and safety concerns raised by the third-party appellant in relation to the stair core shall be considered later in this report.

#### Storage

7.5.10. *Internal Storage:* The Guidelines set a minimum storage space requirement of 3sqm for one-bedroom apartments and state that as a rule, no individual storage room within an apartment should exceed 3.5 square metres. The quantum of storage provided within each apartment is detailed in Table 2.2 above.

7.5.11. In the internal layout of five of the proposed seven units is sub-standard in respect of storage provision, with Unit No's 1, 2 and 3 not afforded any internal storage space

within the apartment. To address this issue the applicants are proposing to provide dedicated storage for Unit No's 1, 2 and 3 at basement level along with additional bulky storage space for Unit No's 4-7 at lower ground floor level. In principle, I consider this a suitable compensatory solution; however, I note that the basement storage areas provided for Unit No's 1, 2 and 3 appear fall below the minimum standard of 3sqm. This issue may be addressed by way of condition. My main issue of concern on this matter relates to Unit 1. Unit 1 does not have direct access to the basement level (via the interna stair / lift core) and as such occupants would have to exit the property onto James Street, traverse the site and re-enter the basement via South Quay in order to access the proposed storage facility. This arrangement would I consider have a negative impact on the amenities of Unit 1.

7.5.12. The 4sqm storage area within Unit 7, while in excess of the recommended 3.5m, is I consider acceptable in this instance.

#### Amenity Space

7.5.13. *Private Amenity Space:* It is a policy requirement of the Guidelines that a minimum of 5sqm of private amenity space for 1-bedroom units be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. Consideration must also be given to certain qualitative criteria including the privacy and security of the space in question in addition to the need to optimise solar orientation and to minimise the potential for overshadowing and overlooking.

The proposed scheme was amended at further information stage to include for the provision of private amenity space in the form of balconies for Units 2-4 and patio / terrace areas for units 5-7. The proposed balconies are shown to meet or exceed the minimum 5sqm standard; however, they would appear to be less than the required minimum depth of 1.5sqm. I am satisfied that this issue may be addressed by way of condition. I note however that no private amenity space has been provided for Unit 1, further impacting the level of residential amenity afforded to this unit.

*Communal Amenity Space:* The Guidelines require a minimum of 5sqm of communal open space per 1-bedroom unit. The proposed scheme (as amended) includes

proposals to upgrade an area open space to the east of the building in order to meet the requirements for communal open space. The area concerned can be accessed directly from units 5-7 and from both James Street to the south and South Quay to the north. The proposed works will incorporate existing planters and lighting post and include for the provision of additional planting and seating. With a stated area of 165sqm, the space is I consider sufficient to cater for both existing and proposed residential units. Detailed proposals for the design and layout of this area should I consider, be submitted for agreement prior to the commencement of development.

### Security Considerations

- 7.5.14. As per the guidelines, apartment design should provide occupants and their visitors with a sense of safety and security, by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Entrance points should be clearly indicated, well-lit and overlooked and particular attention should be given to the security of ground floor apartments. Where ground floor apartments are to be located adjoining the back of a public footpath or some other public area, the Guidelines state that consideration should be given to the provision of a 'privacy strip' of approximately 1.5m in depth.
- 7.5.15. In accordance with the details submitted at further information stage, all entrance locations to apartments will be clearly lit and well defined externally. The applicants propose to provide a 900mm wide privacy strip, comprising a low-level wall with planters, to the front of Unit 1. This falls short of the recommended depth of 1500mm. As Units 1 directly adjoins the public footpath privacy is likely to be an issue for residents particularly that this unit is also single aspect.
- 7.5.16. A similar boundary treatment is proposed between the private and semi-private open space to the east of units 5-7. Sufficient space is available to the front of Units No's 5-7 for a privacy strip of 1.5m, and I recommend that this be included a condition in the event of a grant of permission.

### Communal Facilities

7.5.17. *Refuse Storage:* Section 4.8 of the guidelines relates to the provision of adequate refuse storage within apartment schemes. Refuse facilities shall be accessible to each apartment stair/lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required. Adequate provision for the temporary storage of segregated materials should be available within apartments prior to deposition in communal waste storage. The applicants are proposing to increase the capacity of refuse storage facilities within the existing bin storage area to the east of the development (at basement level). In accordance with the details provided the existing storage area is over sized and has the capacity for additional 3no large refuse bins (1100ltr). The applicants have also indicated that it would be possible to increase the frequency of collection times to alleviate any pressure on bin store capacity, if required. This would be a matter for the management company. I am satisfied, based on the information available, that subject to appropriate management in terms of the separation, storage, and collection of wastes, that adequate bin storage / refuse facilities can be provided to serve both the existing and proposed development.

7.5.18. *Bicycle Parking and Storage:* The guidelines require that cycling as a transport mode is fully integrated into the design and operation of all new apartment development schemes with the provision of high-quality cycle parking and storage facilities for both residents and visitors. The proposed scheme (as amended) allows for the provision of 10 secure bicycle locker spaces at lower ground floor level. It is proposed that one locker space be allocated to each new apartment (7no) with the remaining 3 spaces made available for visitors. Such proposals are considered adequate.

7.5.19. *Car Parking:* 21no par parking spaces are available within the South Quay development, at basement and lower ground floor levels. In accordance with the details provided, parking is currently underutilised. The applicants are proposing to designate 3no spaces (no's 19-21) to the proposed scheme. The car parking standards set out in Section 13.16.12 of the LCDP 2021-2027 require 1 space per apartment in town centres (Area 1); however, a reduction in this standard is acceptable in certain circumstances. In this instance, having regard to the nature and scale of the development proposed and its central location, the availability of public

transport and bicycle storage, a relaxation in parking standard, is I consider acceptable in this instance.

#### 7.5.20. Overall Design of the Proposed Apartment Scheme.

7.5.21. Having examined the details of the scheme and the submitted drawings with regard to the requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2022, I am satisfied that the proposed scheme would provide for a satisfactory level of residential amenity for the future occupants of Units 2-7. I do however have concerns regarding the level of residential amenity afforded to proposed Unit 1.

7.5.22. Unit 1 comprises a single aspect, ground floor apartment that fronts directly onto James Street. It has a GFA of 45.36m (0.36m above the minimum standard for a 1-bedroom unit) and does not meet the recommended standards for new apartments in terms of internal storage, private amenity space or privacy provision. Furthermore, does not have the benefit of internal access to the basement / lower ground floor level and the associated services and facilities contained therein (storage, refuse storage, parking etc).

7.5.23. Notwithstanding the above, I note that the floor area dedicated to Unit 1 is currently occupied by 'ancillary accommodation' (i.e., stair core / lift shaft and circulation space), the retention of which would not be of benefit to either existing or future occupants of the scheme. In addition, I consider that it would be difficult to integrate the floor space concerned as part of other proposed apartment units. On this basis and having regard to the nature of the proposed development as a refurbishment scheme and the relaxation in standards permissible under the Apartment Guidelines, I do not recommend that permission be refused on the basis of the lack of residential amenity for Unit 1, nor do I recommend that Unit 1 be omitted from the scheme.

## **7.6. Health and Safety and Other Matters**

7.6.1. The proposed development would, in conjunction with the works deemed exempted development under LCC Ref:2020/31, result 23no apartment units, over four floors,

being served by a single stair core / lift shaft. This would accord with the SPPR6 of the 2022 Apartment Guidelines. To facilitate access for the new apartments to the stair core / lift shaft, one new door opening to the existing stair core and one new door opening to the lift core is being proposed at the upper ground floor level. The third-party appellant has raised health and safety concerns pertaining to the impact of these works on existing residents (noise and dust) and on the structure of the stair core itself. Concerns have also been raised in relation to fire safety and the increase in the number of residents using a single stair core in the event of fire.

7.6.2. In accordance with the details provided by the applicants at further information stage, the apartment development is to be completed prior to the commencement of works on the openings to the stair / lift core. On this matter I agree with the opinion of the Planning Authority in that the sequence of the development as proposed should help to reduce the impact of the proposal in the amenities of existing residents in terms of noise and dust. The applicants have further clarified in their response to the grounds of appeal that the proposed openings are to be subject to a full engineering design, to ensure that the integrity of the core is maintained. Conditions 8 and 9 of the Planning Authorities decision require the submission, prior to the commencement of development, of a Construction and Demolition Waste Management Plan and a Construction Management Plan (respectively). I recommend that the Board attach similar conditions in the event of a grant of permission.

7.6.3. On the issue of fire safety and the concerns of the third-party appellant in relation to the increase in the number of residents using a single stair core. I note that occupants of only three of the proposed seven apartment units would be reliant on the stair core for escape in the event of fire, as apartment units 1, 5,6 and 7 have the benefit of direct access to either James Street or to the amenity space to the east of the building. In any event I note that the proposed scheme will be subject to compliance with other codes, including Fire and Building Regulations and that the granting of a planning permission does not free a developer from his or her responsibilities under these codes. On this matter I refer the Board to Section 34(13) of the Planning & Development Act, 2000 (as amended) which states a person shall not be entitled solely by reason of a permission under this section to carry out any development.



- 7.6.4. The concerns raised by the third-party appellant in relation to ongoing maintenance issues within the development is I consider a civil matter between the residents and the management company.

## **7.7. Appropriate Assessment**

- 7.7.1. The appeal site is not located on a designated European site; however, I note that it is located within proximity (c23m) to the River Boyne and River Blackwater SAC (Site Code 002299). Having regard to the nature and scale of the proposed development which comprises the change of use of existing retail floor space to residential, the limited works to the exterior of the building comprising only minor landscaping works and elevational treatment and having regard to the availability of services, I am satisfied that 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 and projects on a European site

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted subject to condition as outlined below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 and the Louth County Development Plan 2021-2027, the town centre location of the site and the existing pattern of development in the area, and having regard to the planning history of the site and nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not detract from the vitality or vibrancy of the town centre or seriously injure the residential amenities of existing property in the area and would provide an acceptable level of residential accommodation for further occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 19<sup>th</sup> of May 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination</p> <p><b>Reason:</b> In the interests of clarity</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"><li>(a) Each apartment shall be provided with a minimum 3sqm of internal storage space which may be provided in the form of secure, allocated storage at ground or basement level.</li><li>(b) All Balconies shall have a minimum depth of 1.5m</li><li>(c) Privacy strips of 1.5m in depth, shall be provided on the boundary between the areas of private amenity space serving units 4-7 and adjoining public / communal areas.</li></ul> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity</p>
3	<p>(a) Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority a detailed and comprehensive hard and soft landscaping plan and</p>

	<p>planting schedule for the proposed area of semi-private communal open space. Planting shall comprise native and pollinator friendly species.</p> <p>(b) The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.</p> <p><b>Reason:</b> In the interests of residential and visual amenity</p>
4	<p>(a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services</p> <p>(b) Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
5	<p>All service cables associated with the proposed development (such as electrical, telecommunications, and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of Broadband infrastructure within the proposed development. Satellite dishes and other telecommunications and television equipment shall not be erected on the elevations of this development otherwise granted planning permission.</p> <p><b>Reason:</b> In the interests of visual and residential amenity</p>

6	<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.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the [residential] amenities of property in the vicinity.</p>
7	<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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment</p>
8	<p>Prior to commencement of development, the developer shall submit a Project Construction and Demolition Waste Management Plan to be agreed in writing with the Planning Authority. This plan shall include inter alia, information recommended in section 3 of the ‘ Best practice Guidelines on the Preparation of Waste Management Plans for construction and Demolition Projects’ published by the DOEHLG.</p> <p><b>Reason:</b> In the interests of reduction and best practice management of construction and demolition waste from the proposed development</p>
9	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed</p>

	<p>in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> <li>a) The location of the site and materials compound including areas identified for the storage of construction refuse.</li> <li>b) details of routing for construction traffic and parking during the construction phase</li> <li>c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.</li> <li>d) details of proposed mitigation measures for noise, dust and vibration and monitoring of such levels during construction.</li> </ul> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
10.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures of communal areas shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity</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.*

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Lucy Roche  
 Planning Inspector

29<sup>th</sup> June 2023