



## Development

(1) Demolition of all existing buildings and structures on site including 3 No. existing dwelling houses at 57 Irish Street (fronting onto Irish Street), 9 Rogan's Lane fronting onto Rogan's Lane / Markethouse Lane and 10 Rogan's Lane (fronting onto Rogan's Lane / Markethouse Lane); (2) Construction of a total of 10 No. new apartment dwelling units consisting of 7 No. 2-bedroom units and 3 No. 1-bedroom units. The units are located in 2 No. three-storey blocks (Block A & Block B). Block A, fronting onto Irish Street, is a three-storey plus pitched roof structure consisting of 2 No. 2-bedroom duplex apartments and 2 No. 1-bedroom apartments. Block B, fronting onto Rogan's Lane (Markethouse Lane), is a three-storey plus pitched roof structure consisting of 3 No. 2-bedroom duplex apartments, 1 No. 1-bedroom duplex apartment and 2 No. 1-bedroom apartments and (3) All ancillary hard

and soft landscaping works, bicycle storage areas, refuse storage areas, site services and site development works.

<b>Location</b>	Irish Street / Rogan's Lane / Markethouse Lane, Ardee, Co. Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	22375
<b>Applicant(s)</b>	Cyril O'Brien
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Noelle McCreanor
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	6 <sup>th</sup> October, 2022
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located proximate to the junction of Markethouse Lane with Irish Street (the main thoroughfare extending north to south through Ardee town centre) and encompasses an amalgamation of lands that includes the existing dwelling houses at No. 57 Irish Street and Nos. 9 & 10 Markethouse (Rogan's) Lane. The surrounding area includes a variety of retail, commercial, and community uses typical of a town centre location (such as Ardee Library at Market Square opposite the development site), although Markethouse Lane is predominantly residential in character. While the broader pattern of development along Irish Street is dominated by a two-storey, terraced streetscape, which includes several buildings and / or features of built heritage interest that contribute to the wider character of the Ardee Architectural Conservation Area, Markethouse Lane generally comprises single storey terraced housing (such as Lamb's Terrace) with the notable exceptions of the two-storey outbuildings opposite the site, the existing two-storey dwelling on site, and the extension constructed to the rear of an adjacent property on Irish Street.
- 1.2. The site itself has a stated site area of 0.0708 hectares, is irregularly shaped and retains frontage onto Irish Street and Markethouse Lane, however, it does not include the corner plot at the nearby junction which is occupied by a semi-detached dwelling in the ownership of a third party. The site frontage onto Irish Street consists of a single-storey semi-detached cottage set between the three-storey 'Ulster Bank' building (a protected structure) to the north and the neighbouring cottage to the south. Along Markethouse Lane, the site is defined in part by a single storey dwelling and the gable end of an adjacent two-storey property with the remainder of the roadside boundary comprising a combination of rendered walling and a set of entrance gates.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the following:
- The demolition of all existing buildings and structures on site (floor area: 180m<sup>2</sup>) including 3 No. existing dwelling houses at No. 57 Irish Street (fronting onto Irish Street) and Nos. 9 & 10 Rogan's Lane (fronting onto Rogan's Lane / Markethouse Lane).

- The construction of 2 No. three-storey apartment blocks (total floor area: 871m<sup>2</sup>) comprising a total of 10 No. apartments consisting of 7 No. 2-bedroom units and 3 No. 1-bedroom units:
  - Apartment Block 'A' will front directly onto Irish Street and will provide for 2 No. 2-bedroom duplex apartments and 2 No. 1-bedroom apartments.
  - Apartment Block 'B' will front onto Rogan's Lane / Markethouse Lane and will provide for 3 No. 2-bedroom duplex apartments, 1 No. 1-bedroom duplex apartment and 2 No. 1-bedroom apartments.
- Associated site development works, including the provision of a communal courtyard / amenity area, bicycle storage areas, bin storage, all ancillary hard and soft landscaping works, and connection to mains services.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. On 30<sup>th</sup> June, 2022 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 22 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, drainage, infrastructural services, landscaping, construction management, Part V, and development contributions, however, the following conditions are of note:

Condition No. 2 – Requires the submission of an archaeological assessment, including the results of test trenching, for the written agreement of the Planning Authority prior to the commencement of development on site.

Condition No. 3 – Requires the preparation of a pre-construction survey of the site for bats and roosts with a derogation licence to be obtained as required.

Condition No. 5 – Refers to external finishes and requires the roof areas to be finished in Bangor Blue slates while the windows fronting onto

Irish Street should replicate the proportions, materials and design details of typical period sash windows within the Architectural Conservation Area (with the details of same to be agreed in writing prior to the commencement of development).

Condition No. 6 – Refers to the design and siting of mechanical plant and ventilation systems etc.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports:*

Details the site context, planning history, and the applicable policy considerations, before stating that the redevelopment of this brownfield site would promote the consolidation of the town centre thereby in line with the core strategy. The report subsequently analyses the proposal and states that it is an appropriate design response given the sensitive site location within the Ardee Architectural Conservation Area. The scheme is further considered to accord with the '*Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities*' while a relaxation in car parking is also warranted given the central site location, the availability of local services & amenities, and the desirability of avoiding gaps in the streetscape. No concerns are raised as regards the residential amenity of neighbouring properties. The report concludes by recommending a grant of permission, subject to conditions.

#### 3.2.2. *Other Technical Reports:*

*Infrastructure Directorate:* Notes that no car parking is proposed before stating that concerns arise in relation to the safety of road users in the vicinity of the site should no additional car parking be provided. It subsequently indicates that there is no objection to the proposed development, subject to conditions.

### 3.3. Prescribed Bodies

3.3.1. *Department of Housing, Local Government and Heritage:* Refers to the submitted archaeological assessment and concurs with its recommendations, however, it subsequently notes that any archaeological assessment should be carried out in two phases: Initial test trenching to be carried out by way of a request for further

information with additional test trenching undertaken as a condition of any grant of permission after the existing buildings have been removed / demolished.

The report proceeds to note the large scale of the proposed development and its location within the historic town of Ardee (Recorded Monument LH017-101: Historic town) as well as the close proximity of Recorded Monument LH017-101001 (the town defences), both of which are subject to statutory protection in the Record of Monuments and Places. Given the scale, extent and location of the proposed development, it is considered that the potential arises to impact on subsurface archaeological remains. Therefore, the report recommends that an Archaeological Impact Assessment, as outlined below, be prepared by way of further information to assess any impact on archaeological remains within the proposed development site:

1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No subsurface developmental work, including geotechnical test pits, should be undertaken until the archaeological assessment has been completed and commented on by this Department.
2. The archaeologist shall carry out relevant documentary research and inspect the development site. As part of the assessment, a program of test excavation shall be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts, 1930-2004), having consulted the site drawings and this Department. Any archaeological assessment should be carried out in two phases: Initial test trenching should be carried out as a request for further information to be followed by further test trenching carried out as a condition of permission after the existing buildings on site have been removed / demolished.
3. Having completed the work, the archaeologist shall submit a written report stating their recommendations to the Planning Authority and the Department. Where archaeological material / features are shown to be present, preservation in situ, preservation by record (excavation), or monitoring may be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

3.3.2. *Irish Water*: States that the applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry in order to determine the feasibility of connection to the public water / wastewater infrastructure and that the Confirmation of Feasibility must be submitted to the Planning Authority as the response to a further information request.

### 3.4. **Third Party Observations**

3.4.1. A total of 3 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The demolition of No. 57 Irish Street & Rogan's Lane could result in damage to adjoining property.
- The lack of car parking and the pressure on existing on-street car parking services with the added potential for increased traffic congestion / haphazard parking practices thereby negatively impacting on the town centre.
- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing / loss of light, noise, and visual disturbance.
- The excessive scale and height of the proposed development is out of character with the surrounding area.
- The Archaeological Assessment contains discrepancies / inconsistencies as regards the description of the proposed development.
- Concerns that the impacts on built heritage considerations, including a neighbouring protected structure, have not been properly assessed.
- The need to ensure adequate separation to allow for the future maintenance / repair of the gable elevation of the neighbouring protected structure.
- The failure to submit an Environmental Impact Statement.
- The potential impact of the proposed development on bat species.

## 4.0 Planning History

### 4.1. On Site:

- 4.1.1. PA Ref. No. 20565. Application by Michael McCreanor for permission for the demolition of a semi-detached single storey dwelling house on Irish Street and for the construction of 2 No. two-storey townhouses on the same plot, for the demolition of a two-storey, semi-detached dwelling house on Markethouse Lane and the construction of 3 No. two storey townhouses, all with roof mounted solar panels, for associated site works, for a set back building line on Markethouse Lane to accommodate road widening and public footpath. This application was declared withdrawn.
- 4.1.2. PA Ref. No. 181058. Application by Michael McCreanor for permission to demolish an existing dwelling house, erect 3 No. new dwelling houses with vehicle access to site via Irish Street, provision of 3 No. parking spaces and all associated site works. This application was withdrawn.
- 4.1.3. PA Ref. No. 00/1366 / ABP Ref. No. PL15.125227. Was granted on appeal on 7<sup>th</sup> December, 2001 permitting Bríd Murphy permission for the demolition of a single storey dwelling house and the construction of dormer style dwelling house at Lambs Terrace, Markethouse Lane, Ardee, Co. Louth.

### 4.2. On Adjacent Sites:

- 4.2.1. *(the corner plot at the junction of Irish Street / Markethouse Lane):*

PA Ref. No. 99785. Was granted on 1<sup>st</sup> January, 2000 permitting Henry Burke permission for an extension to a dwelling house at Irish Street, Ardee, Co. Louth.

- 4.2.2. *(to the immediate north):*

PA Ref. No. 22342. Was granted on 18<sup>th</sup> July, 2022 permitting Permanent TSB PLC permission for shopfront alterations to a Protected Structure consisting of: fitting of new branded signage (after removal of existing signage/or over existing signage) onto existing shopfront, replacement of existing ATM with new ATM (location retained). 2 No. internally located digital marketing LED screens, to be viewed externally through the existing glazing. Minor internal alterations to existing front



banking hall to consist of new internal SSBM/ATMs within a new room. All at Ulster Bank, Irish Street, Ardee, Co. Louth.

4.2.3. *(to the immediate south on the opposite side of Markethouse Lane):*

PA Ref. No. 22331. Application by MRM Structural Ltd. for permission for the demolition of 3 No. habitable dwellings / 2 No. with ground floor shop units and existing outbuildings, demolition of existing boundary walls to Market House Lane, alteration to existing road entrance to Market House Lane and the construction of 2 No. retail units and 28 No. housing units comprising a mix of apartments, terraced dwellings including: (i) Block A: 8 No. apartment units (House Type E,F,G,H,I), comprising of 2 No. one-bed apartments over 2 No. ground floor retail spaces, 4 No. two-bedroom duplex apartments and 2 No. three-bedroom duplex apartments with own door access; (ii) Block B: 10 No. terraced houses comprising 5 No. two-bedroom and 5 No. three-bedroom houses (House Type A, B); (iii) Block C: 4 No. terraced houses comprising 1 No. two-bedroom and 3 No. three-bedroom houses (House Type A, B); (iv) Block D: 3 No. terraced houses, comprising of 2 No. three-bedroom and 1 No. four-bedroom house (House Type D, J); (v) Block E: 3 No. terraced houses, comprising of 3 No. four-bedroom houses (House Type C). The proposed development will also include the provision of surface car parking (28 No. spaces including 2 No. accessible), bicycle parking (44 No. spaces), bin stores, private open space, public open space, foul and surface water drainage, street lighting, boundary treatments and all ancillary site development works necessary to facilitate the development, on a site located within an ACA. All at Market Street and Market House Lane, Ardee, Co. Louth. No decision to date.

PA Ref. No. 1053. Was granted on 27<sup>th</sup> July, 2020 permitting Destrina Ltd. permission for a) the demolition of existing habitable dwellings fronting onto Market Street, b) the erection of a retail outlet/foodstore of 1,497m<sup>2</sup> gross floor area (1,080m<sup>2</sup> net retail area), comprising of a two storey pitched roof structure to Market Street & single storey mono-pitched & flat roof structure to Markethouse Lane, c) proposed new road widening & 1.8m wide public footpath to Markethouse Lane, new vehicular entrance off Markethouse Lane, connection to existing services, associated car parking , enclosed yard, site signage & all other landscaping & site development works. All at Market Street & Markethouse Lane, Ardee, Co. Louth.

PA Ref. No. 061805 / ABP Ref. No. PL15.224580. Was granted on appeal on 19<sup>th</sup> March, 2008 permitting Destrina Limited permission for the demolition of habitable dwelling and the construction of 4 No. commercial retail units, 1 No. office unit and 29 No. residential units, underground carparking and auxiliary site works.

Development to comprise of Block A: 3 No. commercial retail units 488m<sup>2</sup>, 28m<sup>2</sup> and 28m<sup>2</sup> plus auxiliary storage, 1 No. office space 47.2m<sup>2</sup>, 4 No. two-bedroom maisonettes, 1 No. two-bedroom apartment and 2 No. one bedroom apartments as part of an Architectural Conservation Area, Block B: 1 No. commercial retail unit 61.6m<sup>2</sup>, 2 No. three-bedroom townhouses, 1 No. two-bedroom townhouse, 1 No. two-bedroom apartment, 1 No. one bedroom apartment, Block C: 3 No. three-bedroom townhouses and 3 No. two-bedroom townhouses, Block D: 5 No. two-bedroom townhouses, Block E: 4 No. two-bedroom ground floor duplex units and 2 No. two-bedroom second floor apartments, all at Market Street and Market House Lane, Ardee, Co. Louth.

PA Ref. No. 041684 / ABP Ref. No. PL15.214750. Was refused on appeal on 10<sup>th</sup> March, 2006 refusing Destrina Limited permission for the demolition of existing habitable dwelling and the construction of a retail, office and residential development comprising 8 No. three-bedroom dwellings, 15 No. two-bedroom dwellings, 1 No. one-bedroom duplex unit, 3 No. one-bedroom apartments, 7 No. two-bedroom apartments, 2 No. retail units with associated toilets, retail area with associated toilets and storage area, two-storey offices at first and second floor levels, underground car parking and associated site works as amended by the revised public notice received by the planning authority on 12<sup>th</sup> August, 2005 which made provision for the reduction of one residential unit, the reduction of retail floor area and the widening of road and footpath at Market Street, all at Market Street and Market House Lane, Ardee, Co. Louth.

- Having regard to-
  - a) the location of the site within an Architectural Conservation Area, as designated in the Ardee Local Area Plan 2003-2009, and the associated policies relating to the protection of existing amenities, character and heritage of the area,

- b) the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December, 2004, and
- c) the absence of a compelling case for the demolition of two buildings, which contribute to the intrinsic character of Market Street, and their replacement by a development of excessive scale and a design which fails to integrate with and complement the Architectural Conservation Area,

it is considered that the proposed development would adversely affect the character of the townscape in this Architectural Conservation Area and would, therefore, contravene policies set out in the current Development Plan and, by itself and the precedent it would set for similar such development, would be contrary to the proper planning and sustainable development of the area.

- Having regard to-
  - a) the scale, design and layout of the proposed development,
  - b) the close proximity of the two residential blocks to each other within the eastern component of the site, and
  - c) the close proximity of the residential block to the south to the property boundary to the south and south-west,

it is considered that the proposed development would be seriously substandard in terms of overlooking and privacy for future residents, would seriously injure the amenities of adjoining property to the south and south-west and would result in a form of development out of character at this location. It is considered, therefore, that the proposed development would be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. National:

#### 5.1.1. Project Ireland 2040: National Planning Framework, 2018:

The National Planning Framework (NPF) is a long-term strategic planning framework intended to shape the future growth and development of Ireland out to the year 2040, a key objective of which is the move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. It provides for a major new policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. In this regard, it seeks to achieve compact urban growth by setting a target for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

A number of key ‘National Policy Objectives’ are as follows:

- NPO 1(b): Eastern and Midland Region: 490,000 - 540,000 additional people, i.e. a population of around 2.85 million.
- NPO 3(a): Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- NPO 3(c): Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 16: Target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.
- NPO 17: Enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive use now and for future generations.
- NPO 18a: To support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 5.1.2. **Housing for All - A New Housing Plan for Ireland, 2021:**

This a multi-annual, multi-billion euro plan to 2030 which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability;
2. Pathway to eradicating homelessness, increasing social housing delivery and supporting inclusion;

3. Pathway to increasing new housing supply; and
4. Pathway to addressing vacancy and efficient use of existing stock.

#### 5.1.3. **Section 28 Ministerial Guidelines:**

The following Section 28 Ministerial Guidelines are of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020), as amended.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2011
- Design Manual for Urban Roads and Streets (December, 2013) (as updated) (including Interim Advice note Covid-19 May, 2020)
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).

## 5.2. **Regional**

### 5.2.1. *Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031:*

The following Regional Policy Objectives are of note:

- RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites

in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for new Apartment's Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'.

In line with Section 4.7: '*Self-Sustaining Growth Towns and Self-Sustaining Towns*' of the RSES, the Louth County Development Plan, 2021-2027 has designated Ardee as a Self-Sustaining Growth Town.

### 5.3. Development Plan

#### 5.3.1. Louth County Development Plan, 2021-2027:

##### Land Use Zoning:

The proposed development site is located in an area zoned as '*B1: Town or Village Centre*' with the stated land use zoning objective '*To support the development, improvement and expansion of town or village centre activities*'.

##### *Guidance:*

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, backlands, 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.

##### Other Relevant Sections / Policies:

##### *Volume 2:*

##### *Chapter 2: Core and Settlement Strategy:*

## Section 2.4: *Core Strategy Approach:*

### Section 2.4.4: *Louth's Growth Strategy:*

The focus of the growth strategy for County Louth is as outlined hereunder (incl.):

- 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.;
- Support the Self-Sustaining Growth Towns of Ardee and Dunleer, which are regionally important local drivers providing a moderate level of jobs and services for the resident population and surrounding catchments. Growth will be balanced and at sustainable levels including brownfield and infill development with a focus on the commensurate delivery of employment and services and improving the quality of life for all in these towns.

## Section 2.6: *Housing:*

### Section 2.6.4: *Compact Growth:*

An overriding objective of both the NPF and the RSES is the need to achieve ambitious targets for compact growth in urban areas. Louth is required to deliver at least 30% of all new homes within existing built up footprints (NPO 3c). Achieving this target can be realised through urban regeneration and infill/brownfield site development, which will contribute to sequential, sustainable and compact growth, revitalisation of existing settlements of all scales and transition to a low carbon, climate resilient society.

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.

This compact growth will be delivered in central locations of these settlements and along key transport corridors on lands zoned for town centre, residential, or mixed uses. Details of the potential capacity of infill and brownfield lands are set out in Table 2.17. Included within the figures of infill and brownfield development are the potential residential capacity of lands zoned for town centre and mixed use development. These are set out in Table 2.14.



*Table 2.14: Ardee: 40 No. potential units deliverable on lands zoned for Town Centre and Mixed Use development*

*Section 2.11.1: Overarching Strategic Policy Objectives for the County:*

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.

*Section 2.11.3: Self-Sustaining Growth Towns:*

CS 15: To prepare a new Local Area Plan for Ardee in line with the Core Strategy and in recognition of Ardee's role as a regionally important local driver and Self Sustaining Growth Town in the Settlement Strategy.

CS 17: To ensure proportionate, contained and compact growth within the Self Sustaining Towns identified in the Settlement Hierarchy, with focused investment in green industry, services, infrastructure and employment whilst balancing housing delivery.

*Section 2.15: Self-Sustaining Growth Towns:*

*Strategic Settlement Strategy Policy Objectives for Ardee:*

SS 35: To support the role of Ardee as a Self-Sustaining Growth Town, which shall be complementary to the Regional Growth Centres, and to facilitate balanced population and economic growth that will meet the needs of the residents of Ardee and its hinterland.

SS 37: To support the creation of a sustainable compact settlement in Ardee that provides opportunities for walking and cycling and to encourage a minimum density of 25 units/ha for new residential developments.

SS 39: To work closely with business groups and stakeholders to revitalise and reduce vacancy in the town centre area of Ardee and to support and facilitate the re-use of existing buildings within the town centre or edge of centre.

### *Chapter 3: Housing:*

#### *Section 3.7: Town Centre Living:*

*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.

#### *Section 3.11: Densities:*

*Table 3.2: Recommended Densities in Higher Tier Settlements: Self-Sustaining Growth Town: Ardee (Town Centre): 35 No. units per hectare (Minimum)*

*HOU 15:* To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.

#### *Section 3.12: Buildings of Height*

#### *Section 3.13: Principles for Quality Design and Layout*

#### *Section 3.14: Creating a Well Designed Place*

*HOU 18:* To develop sustainable and successful neighbourhoods through the consolidation and redevelopment of built-up areas and promote new compact mixed-use urban and rural villages served by public transport and green infrastructure.

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

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

*HOU 21:* To ensure that new residential developments are consistent, in so far as practicable, with the 'Guidelines on Sustainable Residential Development in Urban Areas' in creating attractive, sustainable, climate resilient and healthy communities.

*HOU 25:* All new residential and single house developments shall be designed and constructed in accordance with the Development Management Guidelines set out in Chapter 13 of this Plan.

*Section 3.16: Other Residential Developments in Urban Areas:*

*Section 3.16.1: Infill, Corner and Backland Sites:*

The development of underutilised infill, corner and backland sites in existing residential areas is generally encouraged. A balance is needed, between the protection of amenities, privacy, the established character of the area and new residential infill.

The use of contemporary and innovative design solutions will be considered for this type of development.

*HOU 32:* To encourage and promote the development of underutilised infill, corner and backland sites in existing urban areas subject to the character of the area and environment being protected.

*HOU 33:* To promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

*Chapter 9: Built Heritage and Culture:*

*Section 9.6: Architectural Heritage:*

*BHC 20:* To ensure that any development, modification, alteration, or extension affecting a protected structure and / or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure.

*BHC 21:* The form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected

structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected.

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

*Section 9.6.1: Architectural Conservation Areas (ACAs):*

*BHC 31:* To require that all development proposals within or affecting an Architectural Conservation Area preserve or enhance the character and appearance of that area, protect architectural features of special interest and ensure that the design respects the character of the historic architecture in terms of height, scale, layout, and materials. All development proposals shall have regard to the Architectural Conservation Area objectives in Appendix 11, Volume 3 and objectives contained in applicable Character Appraisals where available.

*BHC 32:* To retain any building within an Architectural Conservation Area which makes a positive contribution to the character or appearance of the area. Demolition of such structures, the removal of features and street furniture which contribute to the character of the area shall only be considered in exceptional circumstances. Applications for demolition shall be accompanied by a measured and photographic survey, condition report and architectural heritage assessment.

(The proposed development site is located in the Ardee Architectural Conservation Area).

*Chapter 13: Development Management Guidelines:*

*Section 13.8: Housing in Urban Areas:*

*Section 13.8.27: Apartments*

*Section 13.8.28: Design Standards for New Apartments*

*Section 13.8.32: Infill and Backland Development in Urban Areas*

Section 13.8.34: *Town Centre Living*

Section 13.19: *Heritage:*

Section 13.19.2: *Architectural Heritage*

Section 13.19.5: *Architectural Conservation Areas (ACA):*

*Volume 3:*

*Appendix 11: Louth Architectural Conservation Areas*

*Appendix 12: Ardee ACA Character Appraisal*

*Appendix 13: Guidelines for Works in Architectural Conservation Areas*

*Appendix 14: A Guide to ACAs in Louth*

*Appendix 15: Development Management Guidelines for ACAs*

#### **5.4. Natural Heritage Designations**

5.4.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Louth Hall and Ardee Woods Proposed Natural Heritage Area (Site Code: 001616), approximately 600m north of the site.
- The Ardee Cutaway Bog Proposed Natural Heritage Area (Site Code: 001454), approximately 1.5km west of the site.
- The Kildemock Marsh Proposed Natural Heritage Area (Site Code: 001806), approximately 2.9km southeast of the site.
- The Mentrím Lough Proposed Natural Heritage Area (Site Code: 001587), approximately 5.4km southwest of the site.

#### **5.5. EIA Screening**

5.5.1. Having regard to the minor nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising

from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The inclusion of incorrect information in the submitted plans and particulars serves to invalidate the planning application:
  - The response to Question No. 18 on the application form (Site History) refers to PA Ref. No. 20/566 which references an entirely different development & site address and thus is misleading / incorrect.
  - Inconsistencies in the description of the proposed development in the Archaeological Assessment undermine the likelihood of an accurate analysis of the impact of the proposal on built heritage considerations, including an adjacent protected structure.
  - Drg. No. PI-204: '*Existing No. 57 Irish Street Rear Elevation*' incorrectly details the height of the Ulster Bank building as 32.78m.
- The overall design, scale, height and density of the proposal is contrary to the protection of the character of the Architectural Conservation Area.
- Despite the site location with the Ardee Architectural Conservation Area and its proximity to a number of protected structures, there would appear to have been no input to the planning assessment by the Local Authority Conservation Officer.
- Section 7.3.1 of the Ardee Architectural Conservation Area Character Appraisal contained in Appendix 12 of the County Development Plan states the following with respect to roof pitches:

*'The alteration of the roof profile affects the character of the building and changes to the angle, ridge height, eaves level or span of roofs would not be deemed acceptable within the ACA.'*

Considering that the proposed development will increase the ridge height onto Irish Street from 31.15m to 37.9m (and the eaves level from 28.81m to 35.72m), it is unclear how this aspect of the works could be acceptable.

- The existing 'Ulster Bank' building on Irish Street is of considerable historical and built heritage value and makes an important contribution to the character of the Architectural Conservation Area. In this context, it is submitted that the proposed development will decimate (without any justification) the hierarchy and skyline of the ACA and the wider streetscape.
- Contrary to the requirements of the Ardee Architectural Conservation Area Character Appraisal, the submitted proposal does not respect the character / setting of nearby protected structures, the existing skyline, or the architectural fabric of the wider streetscape.
- Having regard to population growth in Ardee over recent years and its projected growth over the lifetime of the current Development Plan, it is questionable whether any infill / brownfield development would warrant a density as proposed. Ardee is unlikely to fall victim to such levels of urban sprawl that would require developments to increase their height, particularly in more sensitive areas such as Architectural Conservation Areas. While higher densities and increased building heights might be understandable in major economic centres such as Dundalk or Drogheda, there is no justification for such development in a rural town such as Ardee which is forecast for only modest growth.
- There would not appear to be sufficient space between the Ulster Bank building (a protected structure) and the proposed construction to allow for the carrying out of essential maintenance works (e.g. re-plastering) which owners are obligated to do under Part IV of the Planning and Development Act, 2000, as amended. Essential conservation work on the protected structure would require the erection of scaffolding around the entire building which would be hindered by the new development.
- There are concerns as regards the lack of car parking facilities for the proposed development. If all future occupants of the proposed apartments were to obtain on-street parking permits, it would likely have a significant

impact on the amenities of the area as well as those of neighbouring residents, businesses, and their customers. This would be contrary to Policy 7.3 of the Local Area Plan which seeks to '*ensure that adequate car parking facilities in accordance with the standards contained in Schedule 1 are provided in respect of all new developments*'.

- Given the already considerable demand for on-street parking and the frequency of haphazard / illegal parking practices locally (which have resulted in the obstruction of access to private property), there are concerns as regards the increased pressure likely to be placed on available parking in the area.
- It is unclear how the proposed development will accommodate deliveries, refuse collection, emergency services, and car parking for visitors etc.
- Having regard to the limitations of public transportation in Ardee and the absence of services such as 'all-day' parking, development which omits parking without the supporting infrastructure and transport links is premature.
- The design and layout of the proposed development, with particular reference to the inclusion of the north and east facing balconies / terraces at first and second floor levels, will have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking / loss of privacy, overshadowing, noise, and visual disturbance.
- The height and scale of the development is out of character with the surrounding area.
- There are concerns as to whether the building design complies with the necessary fire safety standards, with particular reference to the need for adequate means of escape / external fire escape routes from the upper floors.
- Ardee is recognised as the first 'Age-Friendly' town in Ireland and the Local Authority is committed to ensuring that new developments are capable of adaptation as people get older. In this regard, particular consideration is to be given to the essential requirements of '*Quality Housing for Sustainable Communities*' as published by the Department, however, it has not been demonstrated how the proposed development will address this core guidance



e.g. Given that the living spaces are all proposed at first floor and second floor levels, how is this an age-friendly approach to building design?

- Bats have been observed flying about the site at night. Therefore, the impact on bat species likely to be residing in the vacant structures proposed for demolition requires further investigation and the submission of an Ecological Impact Assessment (as a condition of any grant of permission).
- In summary, the proposed development:
  - does not protect the character of the Architectural Conservation Area;
  - is not in keeping with the character of the existing urban fabric;
  - does not respect the character of the existing streetscape;
  - would be detrimental to the visual and residential amenity of the area; and
  - does not accord with the policies and objectives of the Louth County Development Plan, 2021-2027.

## 6.2. Applicant Response

- The errors identified in the grounds of appeal are acknowledged, however, they are of a very minor nature and do not relate to the substance of the application.
  - The mistaken reference to PA Ref. No. 20/566 instead of PA Ref. No. 20/565 is a typographical error. The latter of these applications relates to a previous development proposal and is correctly detailed in the planning history of the site set out in Section 4.0 of the accompanying Design Statement (as may be verified by reference to the Planning Authority's own records).
  - It is accepted that the description of the proposed development contained in a subsection of the Archaeological Assessment is in error, however, the correct description of the development is given in both the public notices and the application form. A mis-reference in a subsection of an accompanying report is not considered material. That report

relates to archaeology and is primarily concerned with the assessment of any visible or potential subsurface remains on site. Any development, regardless of its description, will have the potential to impact on extant remains on site (the Archaeological Assessment recommends a programme of testing be undertaken following demolition works and the Board is referred to Condition No. 2 as imposed by the Planning Authority).

- With respect to the appellant's concerns that changes to the skyline adjacent to the Ulster Bank were not assessed in the Archaeological Report, it should be noted that said building is a protected structure (not an archaeological feature) and thus was assessed in the Architectural Heritage Impact Assessment as per good practice.
- The inadvertent error in the text on Drg No. PI-204 is of a minor nature. The ridge height of the adjacent Ulster Bank is drawn to the correct scale and the existing height relationship between it and the structure on site are clearly discernible. Furthermore, it should be noted that the text of the level marker at the ridge height of the Bank is correctly stated on other drawings showing the existing and proposed relationship between the site / development and adjacent buildings (please refer to Drg. Nos. PL-205 & PL-113).
- The application has been accompanied by an Architectural Heritage Impact Assessment which assesses the impact of the proposal on adjoining protected structures and the Ardee Architectural Conservation Area. This assessment concludes that the overall impact of the proposal on adjacent protected structures and the ACA is neutral, moderate and long-term.
- The Conservation Section of the Local Authority has not made any adverse comments as regards the proposed development.
- The issues of building height and the wider streetscape have been assessed in the report of the case planner which states that:

*'It is acknowledged that the proposed development will alter the setting of the protected structures to the north and be highly visible in the*

*context of Irish Street, Markethouse Lane and Market Square to the west . . .*

*The 3D visualisations submitted show that the design of both Block A and B are simplified and contemporary interpretations of the traditional architectural typology and traditional roof pitches and materials are proposed. The relationship between the scheme and the Ulster Bank is a considered response. The massing of the development is considerable in comparison to the cottage but it is complementary to that of the Bank . . .*

*Given the scale, characteristics and positions of the buildings to be demolished, they do not contribute significantly to the character of the ACA. The layout and architecture design details of the proposed development has regard to the site's sensitive and historic location. As such I have no concerns in relation to the layout, design and height of the scheme as proposed'.*

In relation to building height, the report also states:

*'The overall height of the development is considered to be compatible with existing development of the town centre and the architectural conservation area.*

Therefore, both the Architectural Heritage Impact Assessment and the Planning Authority acknowledge the changes consequent on the proposed development and concur that its design, height, massing and finish is a well-considered and appropriate response to the immediate setting and the ACA.

- There is no limitation on building heights within the ACA with all development proposals to be assessed on their merits. In this regard, the application site is located on the main town square (Market Square), an important marker point along the main thoroughfare of the town centre, and, therefore, it is contended that a three-storey building is an appropriate response given the site context (noting that 2 No. three-storey buildings already adjoin the site i.e. the Ulster Bank and the Corn Mill structures).

- The density of the proposed development is in direct response to its central location and the particulars of the site itself including its infill nature and extensive frontage onto Irish Street / Market Square and Rogan's (Markethouse) Lane. It will provide for much-needed residential units and will help to arrest the long-term depopulation of the town centre.
- A separation of 1.5m will be provided on site between the proposed development and the adjacent Ulster Bank. This will allow for the corner plaster quoins of the bank to remain visible within the streetscape; will be sufficient to accommodate any future maintenance requirements; and will allow for lighting of a ground floor window within the gable end of the bank building.
- With respect to the lack of car parking, it should be noted that this is an infill site within a town centre location which benefits from a wide range of social, recreational, educational, commercial and transport services.
- The '*Sustainable Urban Housing: Design Standards for New Apartments, 2020*' actively encourage the elimination of car parking in appropriate circumstances such as within '*Central and / or Accessible Urban Locations*'.
- The scheme has been designed to follow the surrounding pattern of development by having no off-street car parking spaces. It provides for much-needed infill development and stitches together the surrounding urban fabric by avoiding any substantial gap (as would be required for vehicular access to car parking) within the established streetscape of the ACA.
- Section 13.8.18 of the Louth County Development Plan, 2021-2027 states that '*a reduction in the car parking requirement will be facilitated where there would be a conflict between the conservation objectives of the Protected Structure or the Architectural Conservation Area and the car parking requirement, subject to the shortfall in parking being met by on-street car parking in the vicinity*'. In this regard, the subject site is immediately adjacent to a high quantum of public car parking and loading bays to be found at Irish Street, Market Square and Markethouse Lane.

- The Development Plan allows for a reduced car parking requirement having regard to the availability of public transport or where the central site location is such that residents / users would be likely to walk or cycle.
- Given the site location in Ardee town centre, the proximity & frequency of public transport, including local bus services, the bicycle parking provision proposed, and the need to take due cognisance of architectural heritage considerations, it is submitted that the proposed development satisfies the criteria set out in Section 13.8.18 of the Development Plan and is an appropriate location for the reduction / elimination of any car parking requirement.
- Contrary to the appellant's assertions, the submitted plans include elevational drawings showing how the proposed development will appear on being viewed from the north and east.
- The development has been designed so that the upper floor windows and external terraces are set back from the northern and eastern site boundaries to avoid undue overlooking of adjacent dwellings. All the proposed windows / terraces look either towards the public realm or into the development's own communal amenity area.
- The upper-level windows of Block 'A' are set back 28.8m from the (eastern) site boundary shared with the private open space of an adjoining house on Markethouse Lane. This ensures that the privacy and amenity of the neighbouring private amenity area is respected and maintained.
- The upper-level windows of Block 'B' are set back 9.6m from the (northern) site boundary shared with a commercial yard to the rear of the Ulster Bank. This block has been designed with a narrow footprint so as to keep the building as far back from the northern boundary as possible. Although the separation distance is less than the general suburban standard of 11m, the site is in a compact town centre while the adjoining lands to the north are in commercial use.
- The appellant's residence at No. 48 Irish Street does not adjoin the development site and is located further north beyond the Ulster Bank. Furthermore, from a review of PA Ref. No. 99/431, it is evident that all of the

windows serving habitable rooms (bedrooms and living areas) at No. 48 Irish Street face either north, east or west. None of its habitable rooms face south towards the application site with the only windows on the southern elevation serving ancillary toilet, corridor or utility areas which face directly into the side wall of the Ulster Bank premises. The two / three storey bank building inhibits any line of sight between the south-facing windows of No. 48 Irish Street and the development site.

- There is a separation distance of over 14m between the southern elevation of No. 48 Irish Street and the northern site boundary which increases to 23.7m when measured to the upper floor windows of Block 'B'. This separation along with the intermediate bank building prevents any adverse overlooking between No. 48 Irish Street and the proposed development.
- In reference to the potential for overshadowing, it should be noted that the external open space serving No. 48 Irish Street is located to the north of the dwelling house (as evident from PA Ref. No. 99/431) and, therefore, both the two-storey extension to the rear of that property as well as the Ulster Bank lie between the open space and the development site.
- The photograph submitted with the grounds of appeal appears to have been taken from a shared yard / roadway / parking area located beyond the open space serving the appellant's residence and at some distance from the application site.
- The daylight / sunlight analysis provided with the application demonstrates that the proposed development will not adversely impact on the 2 No. external spaces which directly adjoin the site, both of which are much closer than the shared yard / roadway / parking area to the rear of No. 48 Irish Street. Moreover, it has been established that the adjacent external spaces will remain compliant with BRE guidance.

In support of the foregoing, the Board is referred to Section 7.2.3 of the Daylight & Sunlight Assessment which states that:

*'The solar access modelling illustrated the hours of direct solar access to the private amenity spaces of the neighbouring properties. As demonstrated by the solar access modelling, the proposed scheme has a negligible impact on*

*the daylighting available to the yard of the adjacent house and the rear garden of market house cottage. These areas receive more than two hours of sun on the spring equinox and the daylighting values under the proposed scheme are not reduced less than 0.8 times its former value. Therefore, the proposal is in compliance with BRE guidance document (2011)'.*

- There is no requirement in the BRE guidance to analyse the level of daylight received by non-habitable rooms (in reference to those windows in the southern elevation of the appellant's dwelling house) or to consider the impact on a building at such a significant distance from the development site. It should also be noted that the windows within the southern elevation of No. 48 Irish Street face directly into the side wall of the Ulster Bank building. Nonetheless, all relevant windows have been assessed as per BRE guidance – with the only windows requiring analysis being those serving the adjacent property of No. 56 Irish Street. The rooms served by these windows will continue to meet the minimum requirements outlined in BS 8206-2:2008 / BRE Guidance and it follows that the development will not adversely affect another dwelling at a greater distance.
- The photomontage provided with the grounds of appeal that purports to show the impact of the proposed development is inaccurate and not representative of the actual proposal.
- The applicant is not in a position to generate visualisations from properties where they do not have permission to enter such spaces. Nevertheless, in order to address the unrealistic photomontage submitted by the appellant that photograph has been used to generate a view outlining the proposed development. The resulting overlay demonstrates that the proposed development will not impact to the degree suggested by the appellant and that only part of Block 'B' will be visible from the yard / roadway / parking area located further north. Thus, the scale of the proposal is appropriate to this town centre setting.
- Notwithstanding that matters such as fire safety are subject to other statutory controls, it can be confirmed that the proposed buildings have been designed

to comply with the relevant fire safety standards i.e. 'TGD B – Fire Safety' of the Building Regulations. More specifically:

- Each unit will be an individual fire compartment that will have 60 minutes fire separation to all walls and floors between units.
  - A single common protected fire escape / circulation stairway linking up to the entrances to the second-floor units fully complies with the Building Regulations. This is a standard arrangement in multi-level apartment buildings and there is no requirement in the Building Regulations for any additional stairway provision for such three-storey buildings.
  - The arrangement proposed is in full compliance with the Building / Fire Safety Regulations.
- The subject proposal comprises a small infill development of 10 No. apartments on a constrained town centre site within an ACA. All relevant design guidance (including '*Quality Housing for Sustainable Communities, 2009*') has been followed as far as practicable given the site constraints and the number of units involved.
  - The proposed development is socially and environmentally appropriate to the site.
    - The proposal provides for a mixture of unit sizes and typologies.
    - Provision has been made for a generously proportioned communal amenity space with integrated areas for recreation & relaxation accessible to all occupants.
    - The development includes for new street frontage / activation to the public realm.
    - It will assist in supporting the repopulation of the town centre thereby strengthening Ardee as an important social, environmental and economic hub in the county.
  - The proposal is architecturally appropriate to the area:



- The design, massing and elevational expression has been carefully considered and is conscious of the site location in the town centre and an Architectural Conservation Area as well as the proximity of protected structures.
  - The form of the development derives from a desire to reinforce the historic street edges.
  - The architectural language is a simplified contemporary and respectful take on the traditional vernacular townscape of Ardee.
  - The facade of Block 'A' onto Irish Street / Market Square follows much of the main proportions and detailing of the adjacent bank building (a protected structure). Block 'A' has also been designed with a painted render, hardwood timber windows, and a slate-finish pitched roof in keeping with other buildings in the townscape.
  - The facade of Block 'B' onto Rogan's Lane / Markethouse Lane takes cognisance of the well-established row of terraced housing to the east (Lamb's Terrace). The elevation is designed to express a rhythm of plots and is punctuated by vertically emphasised windows and door openings. The roof is also finished in slate in keeping with adjoining buildings.
- The proposed development is accessible and adaptable:
    - All building entrances, the communal amenity space, and the ancillary refuse & bicycle storage areas are fully accessible to all users.
    - The internal design of the blocks / units fully complies with the relevant guidance and the Building Regulations Technical Guidance Documents.
    - Neither planning policy nor the Building Regulations require all living areas to be at ground level. There are clearly stated provisions in the Building Regulations for houses and duplex / apartment buildings which have their accommodation arranged over different levels. Section 1.3.4.11(c) of TGD M clearly states that lifts are not required and the proposed arrangements with access via stairs within units and

to access the 2 No. second floor apartment units in each block are fully compliant as these blocks meet the criteria for common access stairs set out in TGD M i.e. *c) duplex buildings with two (or less) dwellings on any one storey other than the entrance storey and with no dwelling having an entrance level more than 6500mm above or below the main entrance level.*

- All stairways within the duplex units comply with the Building Regulations while the common stairs accessing the second-floor units are specially designed / dimensioned to be suitable for ambulant / disabled persons in accordance with Section 1.3.4.3 of TGD(M) of the Building Regulations to actively ensure they can be used by all ages and persons with reduced mobility / ability.
- Although the existing buildings are unoccupied, they are fully enclosed and weathertight with the result that they are not readily accessible to birds, bats or other fauna. Furthermore, there are no trees or other large vegetation on site. There is no known evidence or records of bats on site.
- Condition No. 3 as imposed by the Planning Authority requires that a pre-construction survey of the site for bats and roosts be undertaken.

### 6.3. Planning Authority Response

- The substantial matters raised in the grounds of appeal have already been considered in the report of the case planner.
- The proposed development has been assessed having regard to the relevant built heritage policies of the Louth County Development Plan, 2021-2027 and the '*Architectural Heritage, Guidelines for Planning Authorities, 2011*'. Consideration has been given *inter alia* to the height, scale & density of the proposal as well as its impact on the streetscape and its relationship with protected structures in the vicinity.
- The issue of car parking has been comprehensively addressed in the report of the case planner with due cognisance having been taken of the '*Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for*

*Planning Authorities (2020)*’, the relevant provisions of the Louth County Development Plan, 2021-2027 which permit a relaxation in car parking when there would a conflict between the conservation provisions and other objectives of the Plan, and the site location in an area where future residents may not be car-dependent.

- The relationship of the proposed development with adjoining properties was assessed by the Planning Authority. Having reviewed the Daylight & Sunlight Assessment and Shadow Analysis Report, in addition to the other particulars provided with the application, it is not envisaged that the proposal would significantly impinge on the amenities of adjacent properties by reason of overlooking or overshadowing.
- The accommodation proposed has been assessed having regard to the ‘*Sustainable Urban Housing: Design Standards for New Apartments, 2020*’ and the Planning Authority is satisfied that the proposal complies with the standards therein thus providing for a quality living environment for future residents.
- Given the restricted area of the site, the nature of the existing buildings thereon, the vegetation present, and the location of the property within the urban core, it was not considered likely to provide roosts or offer significant foraging opportunities for bats.

However, due to the protection afforded to bats, in the event of a grant of permission, the Board may wish to attach a condition requiring the applicant to undertake a bat survey, and to obtain a derogation licence should any bats be present, prior to the commencement of any development.

- It is considered that, subject to conditions, the proposed development would provide residential accommodation of an appropriate design quality in an urban location; would not seriously injure the residential or visual amenities of the area; would be acceptable in terms of urban design and the quantum of development proposed; and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### 6.4. **Observations**

None.

#### 6.5. **Further Responses**

None.

### 7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design & layout / impact on built heritage considerations
- Impact on residential amenity
- Car parking
- Other issues
- Appropriate assessment

These are assessed as follows:

#### 7.2. **The Principle of the Proposed Development:**

7.2.1. The proposed development site is located in an area zoned as *'B1: Town or Village Centre'* with the stated land use zoning objective *'To support the development, improvement and expansion of town or village centre activities'* wherein *'Residential'* development is *'Generally Permitted'* pursuant to Section 13.21.8 of the Louth County Development Plan, 2021-2027. More particularly, the explanatory guidance note provided in respect of this land use zoning states that its purpose is to protect and enhance the character and vibrancy of the town centre and to provide for and strengthen retailing, residential, commercial, cultural, entertainment and other appropriate uses. In the context of the subject proposal, it is of further note that the zoning aims to promote the consolidation of development on town centre lands and also encourages the appropriate reuse, adaptation and regeneration of buildings and underutilised sites for uses that may include residential development.

- 7.2.2. Cognisance should also be taken of the fact that the subject proposal involves the redevelopment of an under-utilised property situated within Ardee town centre and that a suitably designed redevelopment scheme would undoubtedly make a more positive contribution in land use planning terms to the vitality of the area and the rejuvenation of the wider site surrounds. In this regard, support is lent to the proposal by reference to the multiple policy provisions at both a national and local level which promote the re-use / redevelopment of under-utilised serviced sites and place a strong emphasis on encouraging infill opportunities and the better use of underutilised land.
- 7.2.3. The proposed development site could further be considered to comprise a potential infill site within the town centre where public services are available, including public transport links, and that the development of appropriately designed infill housing would typically be encouraged in such areas as per Ministerial guidance (including the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*', the '*Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*', and the '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*') provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider national strategic outcomes set out in the National Planning Framework 'Project Ireland: 2040', including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 35 which aims to '*increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*'.
- 7.2.4. Therefore, it is my opinion that the subject proposal, which provides for a high-density redevelopment of an underutilised town centre site, complies with the '*town centre*' land use zoning and further accords with the broader vision and policy provisions of the County Development Plan and national guidance as regards the redevelopment of such areas. The overall principle of the proposed development is thus acceptable, subject to the consideration of all other relevant planning issues,

including the impact, if any, of the proposal on the amenities of neighbouring properties.

### 7.3. Overall Design & Layout / Impact on Built Heritage Considerations:

#### 7.3.1. *The Density of the Proposed Development:*

A key objective of the National Planning Framework: 'Project Ireland 2040' is the achievement of more compact and sustainable urban growth. In this regard, greatly increased levels of residential development in urban centres and significant increases in building heights and the density of development are not only to be facilitated but actively sought out and brought forward by the planning process and particularly so at local authority and An Bord Pleanála levels. Moreover, future housing growth is to be encouraged to locate within existing built-up areas with a focus on reusing previously developed 'brownfield' land, building up infill sites, and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.

7.3.2. By way of context, I would advise the Board that Ardee has been designated as a 'Self-Sustaining Growth Town' in the Core Strategy of the Louth County Development Plan, 2021-2027 (pursuant to Section 4.7 of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031) in recognition of its role as a regionally important local driver that provides a moderate level of jobs and services for the resident population and surrounding catchments. Within these towns it is stated that growth will be balanced and at sustainable levels, including brownfield and infill development, with a focus on the commensurate delivery of employment and services and improving the quality of life for all.

7.3.3. The proposed development site is located at the juncture of Irish Street, the main thoroughfare extending north to south through the retail / commercial spine of Ardee town centre, and Markethouse Lane, in an area characterised by a variety of retail, commercial, and community uses where public services, including transport links, and other local amenities are readily available. In this respect, it is of relevance to note that Section 3.11: '*Densities*' of the Development Plan aims to promote higher density developments in centrally located areas, large urban centres, and along public transport corridors, with a view to supporting compact growth and the

consolidation of urban areas. Table 3.2: '*Recommended Densities in Higher Tier Settlements*' subsequently recommends a minimum density of 35 No. units per hectare within Ardee town centre.

- 7.3.4. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations. In this regard, it is clear that the subject lands can be categorised as a 'town centre' location which offers the greatest potential for the creation of sustainable patterns of development and, therefore, there is, in principle, no upper limit on the number of dwellings that may be provided within any town or city centre site, subject to certain safeguards.
- 7.3.5. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' further reiterate the need for increased housing supply and state that the scale and extent of apartment development should increase in relation to the proximity of core urban centres, while existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments. In this regard, the Guidelines state that central and accessible urban locations such as the subject site are generally suitable for higher density development that may wholly comprise apartments.
- 7.3.6. The proposed development provides for 10 No. apartments on a site area of 0.0708 hectares which equates to a density of c. 141 No. units per hectare. While this figure is considerably in excess of the 'minimum' density suggested by the Development Plan, it nevertheless accords with the broader policy approach that promotes increased densities and more compact urban growth, including Policy Objective HOU 15, as well as the recommendations of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'.
- 7.3.7. Therefore, having considered the available information, with particular reference to the site location within Ardee town centre and its proximity to local amenities, including public transport services, given the site context, I am satisfied that the density of development proposed accords with the broader provisions of the

Development Plan and national guidance, subject to appropriate design and adherence to relevant amenity standards.

7.3.8. *Building Height:*

The 'Urban Development and Building Heights, Guidelines for Planning Authorities, 2018' aim to put into practice key National Policy Objectives of the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building height and overall density of development are not only to be facilitated but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. In this regard, the Guidelines state that there is to be a presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility. More specifically, the Guidelines also state that within city and town centre areas it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective.

7.3.9. In a local context, the predominant pattern of development in the immediate vicinity of the application site is typically characterised by a traditional two-storey, terraced streetscape, although notable exceptions include the three-storey 'Ulster Bank' and the complex of mill buildings to the north and northeast of the site respectively (both protected structures) as well as the single-storey terraced housing (Lamb's Terrace) along Markethouse Lane to the east. The structures along Irish Street are relatively uniform in size, scale & architectural expression and encompass a mix of small shops and dwellings (some with arched and gated street access to the properties behind). The southern end of Irish Street is marked by the three-storey Ulster Bank building on its eastern side while a large two-storey building to the west serves to demarcate one corner of the former marketplace. This portion of Irish Street sets the character of the main thoroughfare through the town centre that will vary as it progresses south through the Architectural Conservation Area.

7.3.10. In terms of building height, the subject proposal involves the construction of 2 No. three-storey apartment blocks with a maximum ridge height of 11.78m over ground level onto Irish Street (Block 'A') and 11.22m onto Markethouse Lane (Block 'B'). The



design of Block 'A' follows the established building line and streetscape along Irish Street and takes its cue from the adjacent three-storey Ulster Bank in that its eaves line and fenestration echo the front façade of that building. However, the overall height of the block is lower than that of the bank building thereby acknowledging the significance of the latter within the streetscape. This is reinforced by the physical separation between the two structures which ensures that the proposed construction does not directly impinge on features such as the corner quoin stones of the protected structure.

- 7.3.11. The remainder of the construction (Block 'B') will be set back slightly from the road edge along Markethouse Lane so as to provide for a widened carriageway with a paved area & defensible space to the front of the block while also aligning it with the front building line of Lamb's Terrace further east. Although the introduction of a three-storey construction at this location will deviate from the prevailing pattern of development, it should be acknowledged that this is a town centre location where increased building heights and densities are to be expected. Further credence is lent to the proposal by reference to the broader plans (both permitted and proposed) for the development of those lands to the south of Markethouse Lane opposite the development site.
- 7.3.12. While I am cognisant of the sensitivities of the site context, including its location within the Ardee Architectural Conservation Area, the proximity of nearby protected structures (such as the adjacent Ulster Bank building), the need to preserve the residential amenity of neighbouring properties, as well as the potential impacts arising from the introduction of a three-storey construction into an area broadly characterised by two-storey development, in my opinion, the site location in Ardee Town Centre, the proximity and availability of local services and amenities, and the overall size and shape of this infill site, would all be conducive to supporting the principle of developing a building of increased height in line with current policy provisions. While any such proposals will inevitably result in change, it must be acknowledged that the urban environment is not a static phenomenon and that townscapes are constantly evolving.
- 7.3.13. On balance, I am amenable to the principle of the building heights as proposed. This is an underutilised town centre property, proximate to local services, including public transport, which affords the opportunity to provide an appropriately scaled

redevelopment of an infill site. Furthermore, the site itself is of such a size and configuration as to allow for a degree of flexibility in building design, including height, while taking account of the prevailing character of the surrounding area. Although the introduction of a building of the design and height proposed will undoubtedly have some visual impact, given the site context, it is my opinion that this is an appropriate location in principle for the three-storey construction proposed and that it will make a positive contribution to the revitalisation of the area and is acceptable from an urban design perspective. The proposal will further accord with the broader vision and policy provisions of the County Development Plan and national guidance as regards the redevelopment of such areas.

*7.3.14. Compliance with the Design Standards for New Apartments:*

It is necessary to consider the detailed design of the proposed apartment units having regard to the requirements of both local planning policy and *the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020 (as amended)'*. In this respect, it is of particular relevance to note that where specific planning policy requirements are stated in the Guidelines, these take precedence over any conflicting policies or objectives contained in the development plan. Therefore, in accordance with Section 3.0 of the Guidelines, I propose to assess the subject scheme as regards compliance with the relevant planning policy requirements set out in the Guidelines in relation to the following:

- Apartment mix within apartment schemes
- Apartment floor areas
- Dual aspect ratios
- Floor to ceiling height
- Apartments to stair / lift core ratios
- Storage spaces
- Amenity spaces
- Aggregate floor areas / dimensions for certain rooms

7.3.15. *Apartment Mix within Apartment Schemes:*

The proposed development provides for the construction of 10 No. apartments (comprising 7 No. two-bedroom & 3 No. one-bedroom) on a site area of 0.0708 hectares. In this regard, the submitted proposal achieves a suitable mix of unit sizes / types in accordance with Specific Planning Policy Requirement Nos. 1 & 2 of the Guidelines.

7.3.16. *Apartment Floor Areas:*

It is a specific planning policy requirement of the Guidelines that the minimum apartment floor areas previously specified in the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2007*' continue to apply as follows:

- |                                  |                          |
|----------------------------------|--------------------------|
| - 1 bedroom apartment            | Minimum 45m <sup>2</sup> |
| - 2 bedroom (3 person) apartment | Minimum 63m <sup>2</sup> |
| - 2 bedroom (4 person) apartment | Minimum 73m <sup>2</sup> |

7.3.17. In this respect I would advise the Board that each of the proposed apartments has a stated floor area which exceeds the minimum requirements of the Guidelines (for clarity purposes, the two-bedroom unit identified as Apt. No. 8 includes a single bedroom and thus can be considered to amount to a three-person apartment).

7.3.18. Furthermore, in the interest of safeguarding higher standards of accommodation by ensuring that apartment schemes do not provide for units being built down to a minimum standard (in reference to Section 3.8 of the Guidelines which states that the majority of all apartments in any proposed scheme of 10 or more apartments should exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types by a minimum of 10%), from a review of the submitted details, I am satisfied that the subject proposal accords with the applicable requirements.

7.3.19. *Dual Aspect Ratios:*

The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement 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% (where it is

necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate).

7.3.20. Given that all of the apartment units will be dual aspect (to varying extents), the proposal accords with Specific Planning Policy Requirement 4 of the Guidelines.

*7.3.21. Floor to Ceiling Height:*

The Guidelines state that floor-to-ceiling height affects the internal amenities of apartments (in terms of sunlight / daylight, storage space, and ventilation) and that this is of most significance at ground level where the potential for overshadowing is greatest, although it is also noted that ground level floor to ceiling height will also influence the future adaptability of individual apartments for potential alternative uses, depending on location. Whilst it is acknowledged that the Building Regulations suggest a minimum floor to ceiling height of 2.4m, the Guidelines also state that from a planning and amenity perspective, applicants and their designers may consider the potential for increasing the minimum apartment floor-to-ceiling height to 2.7m where height restrictions would not otherwise necessitate a reduction in the number of floors. In relation to ground floors, it is a specific planning policy requirement (SPPR5) that ground level apartment floor to ceiling heights be a minimum of 2.7m and increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use, although for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities are permitted to exercise discretion on a case-by-case basis, subject to overall design quality.

7.3.22. From a review of the submitted drawings, it can be ascertained that all of the proposed apartment units will be provided with a floor to ceiling height of at least 2.7m. Therefore, the proposed development accords with SPPR5.

*7.3.23. Apartments to Stair / Lift Core Ratios:*

Given the design & scale of the development proposed, the proposal satisfies the requirements of the Guidelines in this regard.

*7.3.24. Storage Spaces:*

The Guidelines state that apartment developments should include adequate provision for general storage and utility requirements in order to accommodate

household functions such as clothes washing and the storage of bulky personal or household items. I would refer the Board to the minimum requirements for storage areas set out in Appendix 1 of the Guidelines as follows:

- One-bedroom apartment: 3m<sup>2</sup>
- Two-bedroom (3 No. person) apartment: 5m<sup>2</sup>
- Two-bedroom (4 No. person) apartment: 6m<sup>2</sup>

7.3.25. Notably, this storage provision is to be in addition to kitchen presses and bedroom furniture (although it may be partly provided within these rooms provided it is in addition to the minimum aggregate living/dining/kitchen or bedroom floor areas). The Guidelines also state that no individual storage room within an apartment should exceed 3.5m<sup>2</sup>.

7.3.26. From a review of the available information, including the floor plans and the schedule of accommodation provided (please refer to Drg. No. PL-100), it would appear that storage within each of the proposed apartments will be provided through a combination of identifiable storage spaces and further ancillary areas within kitchens and bedrooms. In this respect, I am satisfied that the proposed development satisfies the minimum requirements of the Guidelines.

7.3.27. I am also cognisant that the proposed development site measures 0.0708 hectares and that Section 3.34 of the Guidelines states that for urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.

7.3.28. *Additional Storage:*

Section 3.32 of the Guidelines states that apartment schemes should provide for the storage of bulky items outside of individual units (i.e. at ground or basement level) given that secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful as it may be used for equipment such as bicycles, children's outdoor toys or buggies. However, whilst planning authorities are to be encouraged to seek the provision of such space in addition to the minimum apartment storage requirements, this would not appear to be mandatory.

7.3.29. Although the subject proposal does not include for any additional ground level storage areas allocated for the specific use of individual apartments, provision has been made for communal refuse / bin storage areas and shared bicycle parking.

7.3.30. *Amenity Spaces:*

*Private Amenity Space:*

It is a policy requirement of the Guidelines that adequate private amenity space be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. In this respect I would advise the Board that a one-bedroom apartment is required to be provided with a minimum amenity area of 5m<sup>2</sup> while two-bedroom (3 No. persons) & two-bedroom (4 No. persons) apartments are to be provided with 6m<sup>2</sup> and 7m<sup>2</sup> of private amenity space respectively.

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.

7.3.31. From a review of the submitted plans and particulars, it can be confirmed that the private open space provision for each of the apartments exceeds the minimum requirements of the Guidelines.

7.3.32. *Communal Amenity Space:*

The Guidelines state that the provision and proper future maintenance of well-designed communal amenity space is critical in meeting the amenity needs of residents, with a particular emphasis being placed on the importance of accessible, secure and usable outdoor space for families with young children and for less mobile older people, and in this respect the minimum requirements set out in Appendix 1 of the guidance are as follows:

- One-bedroom apartment: 5m<sup>2</sup>
- Two-bedroom (3 No. person) apartment: 6m<sup>2</sup>
- Two-bedroom (4 No. person) apartment: 7m<sup>2</sup>

7.3.33. Accordingly, the proposed development will necessitate the provision of 63m<sup>2</sup> of communal open space in order to satisfy the minimum requirements of the Guidelines based on 3 No. one-bedroom, 1 No. two-bedroom (3 persons) and 6 No. two-bedroom (4 person) units. In this regard, the subject proposal includes for c.

220m<sup>2</sup> of 'communal' open space in the form of a semi-private amenity area (which will only be accessible to residents) located to the rear of the scheme. Therefore, it is apparent that the 'communal' open space proposed amounts to more than three times the minimum quantitative requirement specified by the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'.

7.3.34. Within Section 13.8.15: '*Public Open Space*' of Chapter 13: '*Development Management Guidelines*' of the Louth County Development Plan, 2021-2027, it is stated that public open space should normally amount to 15% of the total site area (although in developments where the standard of the open space is of a high quality, a reduced rate of open space may be acceptable with any such instances to be assessed on a case-by-case basis). Given that the proposed development will provide c. 220m<sup>2</sup> of public open space, it is clear that the proposal exceeds the minimum requirements of the Development Plan.

7.3.35. *Aggregate Floor Areas / Dimensions for Certain Rooms:*

Having reviewed the submitted particulars, the proposed development satisfies the minimum floor areas and standards set out in Appendix 1 of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'.

7.3.36. *Design of the Individual Apartment Units:*

On the basis of the foregoing, it is my opinion that the broader design of the submitted proposal accords with the minimum requirements of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' and correspondingly provides for a satisfactory level of residential amenity for future occupants of the proposed units.

7.3.37. *Overall Design & Impact on Built Heritage Considerations:*

With respect to the broader design merits of the proposal, given the site context, with particular reference to its infill town centre location and the availability of local amenities / services, I would accept that the site is suitable in principle for the construction of a higher density format of development and an increased building height. However, specific concerns have been raised as regards the impact of the proposed development on the wider streetscape and, more particularly, the

architectural integrity of the Ardee Architectural Conservation Area as well as the setting and character of adjacent protected structures.

7.3.38. In the first instance, and for the purposes of clarity, I would concur with the findings of the Architectural Heritage Impact Assessment (and the determination by the Planning Authority) that the existing buildings on site are of no intrinsic heritage value and that their primary contribution from an architectural perspective is that they form part of the continuity of frontages onto streetscapes within the Ardee Architectural Conservation Area – particularly onto the important main thoroughfare of the town i.e. Irish Street. Accordingly, I am amenable to the demolition of the structures in question subject to the reinstatement of the streetscape frontages with suitably designed built forms.

7.3.39. The primary impact of the proposed development on the wider character of the ACA and surrounding protected structures will perhaps be most evident from the introduction of the new three-storey construction (Block 'A') facing onto Irish Street. In this regard, I would refer the Board to the Ardee ACA Character Appraisal included at Appendix 12 of the Development Plan, which provides a comprehensive overview of the defining characteristics of the ACA, wherein it is stated that the main street (which includes Irish Street) is lined with predominantly two-storey and occasional three-storey buildings, all arranged in orderly continuous rows of consistent building line and restrained expression, although the streetscape is also interspersed by several commercial buildings that are marked by more conscious design in their expression, scale, detailing and choice of materials e.g. larger nineteenth-century commercial bank buildings, such as the Ulster Bank building to the immediate north of the development site, break the prevailing eaves height on the main street or express a larger scale in the treatment of their elevations. These 'special' buildings are described as giving hierarchy to the long continuous runs of houses and shops thereby serving to enrich characteristic views as well as the general skyline of the ACA with this contrast in scale and architectural detail being an important feature of the ACA. Section 5.2.3 of the ACA Character Appraisal elaborates further by stating that the southern end of Irish Street is marked by the three-storey Ulster Bank building on its eastern side and a large two-storey building on its western side that defines one corner of the former marketplace. It is further



considered that this portion of Irish Street sets the character of the main thoroughfare which varies on progressing southwards through the ACA.

- 7.3.40. The front façade of Block 'A' has been designed to mimic the appearance of a pair of two-bay, three-storey townhouses facing onto Irish Street and is described in the Architectural Heritage Impact Assessment as comprising a simplified and contemporary interpretation of the traditionally proportioned 19<sup>th</sup> / early 20<sup>th</sup> Century building typology typical of the Irish townscape. The composition of the design has sought to echo the three-storey scale of the adjacent Ulster Bank building, however, its elevational treatment is more reserved with the use of raised plaster lintel details and ornamental banding at second floor level intended as a 'hat-tip' to the more decorative opes and detailing found on surrounding buildings, including the bank building (a protected structure). While the proposed building height will be higher than both the existing structure on site and the neighbouring dwelling house to the south, it will not project above the adjacent bank building and will reflect the eaves line and broader proportions of that property. Furthermore, the proposed development will replicate the existing stepped arrangement between the bank building and No. 57 Irish Street. While I would concede that the overall massing of the southern gable elevation of Block 'A' will be noticeably greater than that of the existing bank building when viewed on the approach to the site from the south, this will be mitigated in part by the staggered elevation, the use of plaster reveals, and the proposal to paint the rear section of this gable in an alternate grey colour.
- 7.3.41. In relation to Block 'B' along Markethouse Lane, the building design has adopted a more modern aesthetic given the less sensitive nature of its immediate surrounds. The overarching design approach for this element of the proposal was for the building to read as a series of five townhouses thereby establishing a regularity of rhythm intended to resonate with the cottages of Nos. 1-7 Lambs Terrace. The building line will be set back from the rear edge of the roadway while the three-storey height will be lower than that of Block 'A' with its front facade broken up by alternating painted render.
- 7.3.42. Notably, there will be no direct impact on the physical integrity of the Ulster Bank building given that the proposed construction will be set back from this protected structure with a separation of 1.5m provided within the development site. This setback will also preserve the plaster quoins to the corner of the protected structure

and should also be sufficient to accommodate any future maintenance / repair works to the gable end of the bank building should the need arise (subject to the consent of the relevant landowner). Similarly, having considered the design and layout of the proposal, I am satisfied that the proposed development will not impact on the rubble stone warehouse to the rear of the Ulster Bank or the former corn mill building beyond same which have also been designated as protected structures.

7.3.43. While I would acknowledge the appellant's concerns as regards the need to protect the intrinsic historical character of protected structures in the immediate site surrounds and the wider built heritage value of the Ardee Architectural Conservation Area, having reviewed the available information, including the Architectural Heritage Impact Assessment provided with the application, and following a site inspection, it is my opinion that the overall scale, design and layout of the proposed development has taken reasonable cognisance of the sensitivities of this town centre location and will not unduly detract from the character or built heritage interest of nearby protected structures nor will it not adversely affect the integrity or appreciation of the wider streetscape and ACA.

#### **7.4. Impact on Residential Amenity:**

##### *7.4.1. Overlooking:*

Given the site context, including its location within a built-up urban area, concerns have been raised that the proposed development may have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking with an associated loss of privacy. In this respect, I am inclined to suggest at the outset that some degree of overlooking would not be entirely unexpected given the site location in a town centre, however, consideration should nevertheless be given to the overall design, orientation and positioning of the proposed development and its relationship with nearby housing.

7.4.2. In relation to Block 'A' (which will front directly onto Irish Street to the west), given the absence of any fenestration within its southern elevation, the proposed use of obscure privacy glazing to the bathroom windows situated at ground and second floor level within the northern elevation, and the planned provision of screen walling to both ends of the east-facing external balconies / terraces over all three floors, I am satisfied that this element of the proposal will not give rise to any direct overlooking

of those properties to the immediate north and south. With respect to the potential for overlooking of those houses located further east along Markethouse Lane (including Markethouse Cottage) and their rear garden areas, it is my opinion that the separation distances of 28.855m from the rear window plane and 27.260m from the outer edge of the proposed balconies / terraces to the eastern site boundary, particularly when taken in conjunction with the provision of suitable walling etc. along the intervening boundary, will serve to obviate any undue overlooking of those properties.

7.4.3. With regard to Block 'B' (which will front onto Markethouse Lane to the south), the absence of any fenestration within its eastern and western gable elevations, in addition to the provision of screen walling to each end of its balconies / terraces, avoids any direct overlooking of the adjoining properties to the immediate east and west. However, the primary concern raised as regards overlooking relates to the potential for the north-facing orientation of the first and second floor balcony areas within Block 'B' to detract from the residential amenity of the appellant's property at No. 48 Irish Street. In response, the applicant has asserted that the proposal has been designed with a narrow footprint so that the upper floor windows and external terraces are set back from the northern site boundary so as to avoid any undue overlooking of adjacent dwellings. More specifically, the upper-level windows within the rear elevation of Block 'B' are set back 9.63m from the (northern) site boundary while the outer edges of the corresponding balcony areas are located c. 8.53m from the same boundary. While the applicant has acknowledged that this separation distance is less than the general suburban standard of 11m, it has also been emphasised that this is a compact town centre location and that the adjoining lands to the north comprise a commercial yard to the rear of the Ulster Bank building while the appellant's residence is situated beyond same. It is of further note that there is a separation distance of over 14m between the southern elevation of No. 48 Irish Street and the northern site boundary which increases to c. 22.5m when measured to the proposed balcony areas of Block 'B'.

7.4.4. In addition to the separation distances involved, the Board has been requested to take cognisance of the internal room layout / configuration of the appellant's property as previously approved under PA Ref. No. 99/431 from which it can be derived that all of the windows serving habitable rooms (bedrooms and living areas) at No. 48

Irish Street face either north, east or west. Moreover, none of the habitable rooms within that property are served by south-facing windows with any such fenestration instead serving ancillary W.C., utility and hallway areas and facing directly into the side wall of a two-storey return to the rear of the Ulster Bank building which in turn inhibits any line of sight between those windows and the development site. It is of further note that the private amenity space to the rear of the existing dwelling house at No. 48 Irish Street would appear to be limited to an area on the northern side of the extension permitted under PA Ref. No. 99/431 which does not extend beyond the eastern gable of that construction. In effect, the private open space serving the appellant's residence as shown on the drawings approved as part of PA Ref. No. 99/431 will be almost entirely screened from the proposed development by existing construction (i.e. the appellant's own dwelling house and the return to the rear of the bank building).

7.4.5. On balance, I am inclined to concur with the applicant that given the specifics of the site context, including its town centre location, the design of the proposal itself, the absence of any fenestration serving habitable rooms within the south-facing elevation of No. 48 Irish Street, the obstruction caused by intermediate structures such as the Ulster Bank building, and the separation distances between the proposed development and the appellant's residence, the submitted proposal will not result in any undue loss of privacy to nearby residences by reason of overlooking.

7.4.6. *Overshadowing: Daylight & Sunlight: Impact on Nearby Residential Properties:*

In assessing the potential impact of the proposed development from an overshadowing / loss of light perspective on the amenity of neighbouring residential property, I would draw the Board's attention to Section 2.2 of '*Site Layout Planning for Daylight and Sunlight*' which emphasises the importance of safeguarding the daylight to nearby buildings when designing new development. It proceeds to state that loss of light to existing windows need not be analysed if the distance of each part of the new development from the window in question is three or more times its height above the centre of the window (e.g. if the new development were 10m tall, and a typical ground floor window would be 1.5m above the ground, the effect on existing buildings more than  $3 \times (10 - 1.5) = 25.5\text{m}$  away need not be analysed). If the proposed development is taller or closer than this, a modified form of the

procedure adopted for new buildings can be used to determine whether an existing building still receives enough skylight.

- 7.4.7. A more detailed methodology involves determining the Vertical Sky Component (VSC) received at the windows of the neighbouring properties. Any reduction in the total amount of skylight can be calculated by finding the VSC at the centre of each main window (windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed). If the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. If the VSC with the development in place is both less than 27% and less than 0.8 times its former (existing) value, then occupants of the existing building will notice the reduction in the amount of skylight i.e. the diffuse level of daylighting in affected rooms may be adversely affected by the proposed development.
- 7.4.8. With respect to the potential for neighbouring residences to experience a loss of sunlight consequent on the proposed development, I would refer the Board to the guidance contained in Section 3.2 of '*Site Layout Planning for Daylight and Sunlight*' which states that in order to assess loss of sunlight to an existing building, all main living areas of dwellings should be checked if they have a window facing within 90° of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun. Normally loss of sunlight need not be analysed to kitchens and bedrooms. If any of the identified windows can receive more than 25% of Annual Probable Sunlight Hours (APSH), including at least 5% of APSH in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March, then the room in question should still receive enough sunlight.
- 7.4.9. In this regard, the '*Daylight & Sunlight Assessment and Shadow Analysis Report*' submitted in support of the subject proposal includes 3D-modelling (generated by a specialist software package) of the development site and its immediate surrounds both in terms of a baseline environment and with the proposed development in place with a view to assessing the potential impact on daylight & sunlight considerations. By way of a caveat, it is of relevance to note the assessment includes the admission that in the absence of design layouts or floor plans, or information pertaining to the internal 'as-built' layouts, assumptions have been made regarding the function of rooms served by windows within surrounding properties (noting that only habitable rooms need to be assessed for effects on sunlight and daylight).

7.4.10. Regrettably, the '*Daylight & Sunlight Assessment and Shadow Analysis Report*' does not include any shadow projection diagrams with the focus instead being placed on the levels of sunlight & daylight received by the relevant windows of adjacent residential properties located in closest proximity to the development and which face towards the site (as well as associated garden / amenity areas). Section 6.0 of the report states that sectional results demonstrate that Block 'B', measured in a vertical section perpendicular to the eastern façade of the adjacent dwelling at the corner of Irish Street / Markethouse Lane which faces towards the development site, from the centre of the lowest windows in that elevation, subtends an angle of more than 25° to the horizontal. Therefore, in order to further investigate the effect on diffuse daylighting within the habitable rooms of the adjacent dwelling, comparative Average Daylight Factor testing for the windows in question (which have been assumed to serve a kitchen and a living room at ground floor level and a bedroom at first floor within the eastern elevation of the dwelling house) has been undertaken for both the baseline environment and with the proposed development in place. The results of this ADF analysis are set out in Sections 6.3 and 7.0 of the report. By way of summation, it has been concluded that although the rooms in question will experience a reduction in the level of daylighting received within same, all of the habitable rooms will continue to satisfy the recommended minimum BRE criteria being either a minimum or in excess of 1% ADF for bedrooms or 2% ADF for living / kitchen / dining areas.

7.4.11. Having reviewed the foregoing analysis, I would have reservations as regards the methodology used in the assessment of the potential impact on the levels of sunlight & daylight received by certain rooms within the existing dwelling house at the corner of Irish Street / Markethouse Lane. In the first instance, I would advise the Board that the use of comparative ADFs in determining the magnitude of any loss of daylight to an existing building deviates from the recommended procedures set out in Section 2.2 of '*Site Layout Planning for Daylight and Sunlight*' (as outlined above). The use of the Average Daylight Factor (ADF) is more readily advocated as a check for the adequacy of daylight provision in new rooms / developments (as opposed to existing buildings) with '*BS: 8206-2 Code of Practice for Daylighting*' recommending an ADF of 5% for a well daylit space and 2% for a partly daylit space (below 2% a room would look dull and likely require electric lighting to be turned on) before also

recommending minimum ADF values of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms (in relation to rooms which serve more than one purpose, such as combined kitchen / living / dining areas, it is stated that the minimum average daylight factor should be that for the room type with the highest value e.g. in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%. A similar approach is advocated in '*BS EN 17037: 2018 Daylight in Buildings*' which has replaced BS: 8206-2 Code of Practice for Daylighting).

- 7.4.12. In my opinion, the proximity of Apartment Block 'B' to the existing dwelling house to the west would warrant the calculation of the Vertical Sky Component (VSC) (the ratio of the direct sky illuminance falling on the vertical wall at a reference point, usually the centre of the window, to the simultaneous horizontal illuminance under an unobstructed sky) as an indication of the light received from the sky at the windows in question in both the existing and proposed scenarios (the latter with the development in place). The magnitude of any reduction in the total amount of skylight could then be calculated and assessed accordingly. For clarity purposes, Para 2.2.7 of '*Site Layout Planning for Daylight and Sunlight*' states that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. If the VSC with the development in place is both less than 27% and less than 0.8 times its former (existing) value, then occupants of the existing building will notice the reduction in the amount of daylight. In the absence of any VSC calculations for both the existing and proposed scenarios, I would suggest that there are limitations to the submitted analysis as regards the assessment of any loss of daylight within adjacent dwellings consequent on the proposed development.
- 7.4.13. Similarly, the approach of the applicant in assessing any potential loss of sunlight to rooms within adjacent properties has sought to rely on a comparison of the ADFs in the existing and proposed scenarios as opposed to the methodology set out in Section 3.2: '*Existing Buildings*' i.e. an analysis of the Annual Probable Sunlight Hours received by the rooms in question.
- 7.4.14. Further concerns arise as regards the identification of the usage of those rooms / windows most likely to be impacted by the proposed development. For example, although the ground floor windows and doorway within the eastern elevation of the adjacent dwelling house are shown in Section 7 of the '*Daylight & Sunlight Assessment and Shadow Analysis Report*' as serving a kitchen, a bedroom / living

room, and an unidentified space (likely a W.C. or utility area), it is evident from the plans approved under PA Ref. No. 99785 (which permitted an extension to that property) that the rooms in question were to have comprised a living room (although the plans would suggest that this was to a combined kitchen / living area intended to serve a self-contained dwelling unit) and a bathroom. However, the situation is complicated further in that the positioning of the aforementioned ground floor fenestration & doorway as constructed differs from the approved drawings i.e. the existing extension does not correspond with the plans approved under PA Ref. No. 99785. At this point, I would reiterate the applicant's admission that in the absence of 'as-built' layouts, certain assumptions have been made as regards the use of rooms within the neighbouring property.

- 7.4.15. In relation to the assertion in the *'Daylight & Sunlight Assessment and Shadow Analysis Report'* that all of the habitable rooms assessed in the adjoining dwelling will meet their recommended minimum BRE values (being either a minimum or in excess of 1% ADF for bedrooms or 2% ADF for living / kitchen / dining areas) and thus the proposal will not have a significant effect on the levels of daylight received by those rooms, given the methodology employed, I would have reservations as regards the veracity of these conclusions. In my opinion, the construction of a three-storey block approximately 4m east of an adjoining two-storey dwelling house will inevitably result in that property experiencing a loss of light, with particular reference to a loss of sunlight during morning times.
- 7.4.16. With respect to the terraced dwelling house ('Markethouse Cottage') to the immediate east of the development site (and Proposed Block 'B'), given that all of the windows within that property broadly face either north or south away from the proposal, I am satisfied that any impact on the levels of daylight / sunlight received by those windows consequent on the proposed development will be comparatively minor and within acceptable limits.
- 7.4.17. In terms of the potential for overshadowing of the amenity spaces / garden areas serving those dwellings to the east and west, Section 7.2 of the *'Daylight & Sunlight Assessment and Shadow Analysis Report'* states that solar access modelling has established that both these areas will receive more than 2 hours of sun on the spring equinox (with the development in place) while the daylighting values will not be reduced to less than 0.8 times the former (pre-development) value. In this regard, I



would advise the Board that in order to appear adequately sunlit throughout the year, Para 3.3.17 of '*Site Layout Planning for Daylight and Sunlight*' recommends that at least half of a garden or amenity area should receive at least two hours of sunlight on 21<sup>st</sup> March. It further states that if as a result of new development an existing garden or amenity area does not meet the foregoing requirement, and the area that can receive two hours of sun on 21<sup>st</sup> March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. Following consideration of the submitted analysis, I am satisfied that in excess of 50% of both amenity areas will receive at least two hours of sunlight on 21<sup>st</sup> March with the development in place.

7.4.18. Having considered the available information, I would have some reservations as regards the potential impact of the proposed development (Block 'B') on the levels of daylight and sunlight received by the habitable accommodation served by those windows within the eastern elevation of the adjacent dwelling house to the west of the application site. However, any such loss of amenity must be balanced against the acknowledgement that a development of the scale and height proposed will inevitably result in some overshadowing of neighbouring property and that current planning policy promotes an increased density of development and greater building heights in town centre locations. Therefore, while any loss of residential amenity is regrettable, cognisance must be taken of the site context and the broader support lent towards the suitable redevelopment of an under-utilised and dilapidated property, such as the subject site, within Ardee town centre. Accordingly, given that the submitted 'Daylight & Sunlight Assessment and Shadow Analysis Report' has seemingly established that the Average Daylight Factor within each of the affected rooms within the adjacent property to the west will remain within the recommended limits (notwithstanding my concerns as regards the methodology used while noting that the assumptions as regards the internal layout have not been challenged by the occupants of the adjoining dwelling), the continued adequacy of the levels of daylight / sunlight received by the amenity areas of the neighbouring properties, and in light of the broader policy provisions supportive of the proposed redevelopment of this infill town centre site, on balance, I am amenable to the submitted proposal. However, should the Board disagree with the foregoing conclusion, it may wish to consider reducing the height and scale of Block 'B' by way of condition in the event of a grant of permission.

*7.4.19. Overbearing Appearance:*

In relation to the suggestion that the development will have an unacceptably overbearing or negative visual impact on neighbouring housing, while I would acknowledge that the proposal involves the construction of a three-storey building of an increased height and that this will undoubtedly change the outlook available from surrounding properties, in my opinion, the significance of any such impact must be considered in light of the site context, including its location in a town centre on lands which have been identified for development. In this respect, I am satisfied that the overall design, scale, height and siting of the proposed development, including the separation distances available, has taken sufficient cognisance of the infill nature of the site and its relationship with surrounding residences to the effect that the subject proposal will not unduly detract from the residential amenity of properties by reason of an excessively overbearing or visually intrusive appearance.

*7.4.20. Noise / General Disturbance:*

By way of further comment, and for the purposes of completeness, I am unconvinced that the normal household / domestic use of the proposed apartments and the associated open space will give rise to such levels of noise as to be detriment to the amenity of surrounding properties. Issues pertaining to excessive noise or anti-social behaviour would in all likelihood be matters for resolution by the apartment management company in the first instance.

*7.4.21. Construction Impacts:*

With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, while I would acknowledge that the subject site is proximate to existing housing and that construction works, including the movement of vehicles etc., could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition, including through the submission of a Construction and Environmental Management Plan for written agreement with the Local Authority prior to the commencement of development.

## 7.5. Car Parking:

- 7.5.1. Having regard to the site location within Ardee town centre (and its consequent identification as '*Area 1: Lands located within town and settlement centres*' as per Table 13.10: '*Parking Areas in the County*' of the County Development Plan), the applicable parking requirement can be calculated by reference to Table 13.11: '*Car Parking Standards*' as follows:
- 10 No. apartments @ 1 space per unit = 10 No. parking spaces
- 7.5.2. However, given the specifics of the development under consideration, I would draw the Board's attention to Section 13.8.32: '*Infill and Backland Development in Urban Areas*' of the Plan which allows for a degree of flexibility as regards compliance with its development management standards by stating that 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 is given further effect by reference to Section 13.16.12: '*Car Parking Standards*' which states that a reduction in the car parking requirement may be acceptable to the Planning Authority subject to certain criteria, including the availability of sufficient parking in the vicinity to cater for any shortfall, the presence of public transport links that would reduce the demand for car parking, and the central location of the development is such that residents / users of the development would be likely to walk or cycle. In addition to these more general provisions, Section 13.8.18: '*Car and Cycle Parking*' of the Plan is of specific relevance to the subject proposal given its location within the Ardee Architectural Conservation Area as it expressly states that a reduction in the parking requirement will be facilitated where there would be a conflict between the conservation objectives of the Architectural Conservation Area (or protected structure) and the car parking requirement, subject to the shortfall in parking being met by on-street parking in the vicinity.
- 7.5.3. The submitted proposal does not include for any on-site car parking and will be reliant on the use of public parking facilities in the vicinity. In this regard, the applicant has sought to emphasise the site location within Ardee town centre where local services & amenities are readily accessible (thereby encouraging a modal shift away from the private car), its proximity to a high quantum of public car parking spaces (predominantly on both sides of Irish Street with further parking to be found

at Markethouse Square to the west and Markethouse Lane to the east), and the availability of public transport with several bus routes passing proximate to the application site. It has also been asserted that support is lent to the proposal given the specific constraints of the site and the need to take due cognisance of its location within the Ardee Architectural Conservation Area. More particularly, the case has been put forward that in order to respect the special character of the ACA, the scheme has been designed to follow the surrounding pattern of development by having no off-street car parking spaces with the result that it stitches together the urban fabric by avoiding any substantial or undesirable gaps (such as would be required for vehicular access to any on-site car parking) within the streetscape.

- 7.5.4. In my opinion, given the restricted size, configuration and nature of the application site, difficulties were always likely to arise in achieving an acceptable balance between the efficient and effective redevelopment of these centrally positioned lands and any demand for the provision of off-street car parking whilst satisfying other planning requirements, including the need to respect the character of the Ardee Architectural Conservation Area. On the basis that it has already been established that the proposed development is acceptable in both principle and design (noting its positive contribution to the rejuvenation of the surrounding area through the redevelopment of an otherwise underutilised infill site), I would reiterate to the Board the provisions of Sections 13.8.18, 13.8.32 & 13.16.12 of the Development Plan which set out a series of factors to be taken into consideration in determining whether the application of a reduced parking standard would be appropriate in a particular instance e.g. the location of the development and its proximity to the town centre; the availability of parking in the vicinity to cater for any shortfall; the proximity of public transport; and the precise nature and characteristics of the proposed development, including the need to consider the conservation objectives of any Architectural Conservation Area. It is of further relevance to note that the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020'* also advocate for car parking provision to be reduced or avoided in accessible areas such as central business districts while 'car free' development may be permissible in highly accessible city centre locations provided this is fully communicated as part of subsequent apartment sales and marketing processes. For example, within central and/or accessible urban locations that are

well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Similarly, a reduced car parking standard must be considered by planning authorities in 'Intermediate Urban Locations' served by public transport or close to town centres / employment areas. In the context of the subject site, it is of particular relevance to note that Section 4.27 of the guidance states that car parking provision for urban infill schemes on sites of up to 0.25 hectares may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.

7.5.5. Having regard to the limited scale, design and nature of the proposed development; the central location on lands zoned as '*B1: Town or Village Centre*' where local services, including public transport links, and other amenities are readily accessible; the availability of public parking in the immediate vicinity to cater for any shortfall; the need to preserve the underlying character of the Ardee Architectural Conservation Area and the prevailing streetscape; and the broader benefits deriving from the rejuvenation of this infill site, I am satisfied that a relaxation in the parking standard would be appropriate in this instance in keeping with the provisions of the Development Plan and that the development as proposed is acceptable.

#### 7.6. **Other Issues:**

##### 7.6.1. *Discrepancies / Inconsistencies in the Submitted Plans and Particulars:*

Concerns have been raised as regards certain inconsistencies and typographical errors in the plans and particulars, including a mistaken reference to PA Ref. No. 20/566 (as opposed to PA Ref. No. 20/565) in response to Question No. 18 of the application form, a differing description of the development used in the supporting Archaeological Assessment, and the incorrect height stated for the Ulster Bank building on Drg. No. PI-204: '*Existing No. 57 Irish Street Rear Elevation*' (although this drawing and others accurately depict the relationship between the proposed development and neighbouring structures), however, it is my opinion that the errors identified are of a minor nature and do not have any material bearing on the adjudication of the appeal.

7.6.2. There is sufficient information on file to permit a balanced and reasoned assessment of the proposed development and procedural matters, such as a determination as to the adequacy of the plans and particulars provided, and the subsequent validation

(or not) of a planning application, are generally the responsibility of the Planning Authority which in this instance took the view that the submitted documentation satisfied the minimum regulatory requirements.

**7.6.3. *Fire Safety Concerns:***

In reference to the appellant's concerns as to whether the proposed development complies with the applicable fire safety standards, it is my opinion that such issues are essentially building control matters which are subject to other regulatory control / legislative provisions, including the Building Regulations, and thus are not pertinent to the consideration of the subject appeal.

**7.6.4. *Impact on the Development Potential of Adjacent Lands:***

Within the Design Statement submitted with the application, it has been acknowledged that the subject proposal should not inhibit the development potential of the corner site at the junction of Irish Street / Markethouse Lane. Indeed, I would suggest that any redevelopment of the adjacent corner property offers the opportunity to provide a focal point where a suitably designed construction could make a positive contribution to the wider streetscape of Ardee. In this regard, a conceptual sketch has been provided which purports to demonstrate how the design of Blocks 'A' & 'B' provides for the future redevelopment of the adjacent property. It details how a residential scheme might be achieved on that site – with the eastern end of the building aligned with Block 'B' along Markethouse Lane – and suggests that future redevelopment could incorporate a commercial unit on the ground floor with residential units overhead.

7.6.5. On balance, and noting that the proposed development will present blank gables onto the corner plot, I am satisfied that the submitted design has taken sufficient account of the need to consider the development potential of the adjacent site.

**7.6.6. *Access & Servicing Arrangements:***

Each of the proposed apartment units will be accessible from the public road while access to the rear of the property (including the communal refuse storage area) will be available via a gated entrance from Irish Street.

*7.6.7. Age-Friendly Design:*

While I would acknowledge the appellant's concerns that any new development should be capable of future adaptation to the needs of older people, the provision of living accommodation at first and second floor level is not in itself a barrier to such usage. In any event, the design of the proposed blocks / units will be required to fully comply with the Building Regulations.

*7.6.8. Potential Impact on Bat Species:*

With regard to the suggestion that the proposed development, with particular reference to the planned demolition / clearance works, should not be permitted to proceed in the absence of an ecological impact assessment given the potential for bat species to be present on site, the applicant has responded by stating that although the existing buildings on site are unoccupied, they are fully sealed and weathertight with the result that they are not readily accessible to bats, birds or other fauna. Furthermore, it has been submitted that there are no trees or other large vegetation on site.

7.6.9. While I would acknowledge the possibility that bats may have been observed flying over or in the vicinity of the development site, the applicant has nevertheless stated that there is no known evidence or records of bats on the property. Given the presence of vacant structures on site, I would not entirely discount the possibility of bats roosting in the property, however, I would equally submit that the mere sighting of bats in the wider area does not necessarily equate to the species using the application site for either roosting, commuting and / or foraging activities. Indeed, I note the absence of any foraging opportunities on site while vacant properties along the southern side of Markethouse Lane could equally provide for roosting bats.

7.6.10. On balance, having regard to the limited ecological value of the application site, the nature and scale of the works proposed, and the implementation of best practice construction management measures, I am satisfied that the subject proposal is permissible in this instance and that any concerns as regards the impact of the development on any bat species present on site can be satisfactorily addressed by way of condition through pre-construction survey work and associated mitigatory measures.

## **7.7. Appropriate Assessment:**

- 7.7.1. Having regard to the limited nature and scale of the development under consideration, the site location in a built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the site location on lands zoned as 'B1: Town or Village Centre' within Ardee Town Centre, the policies of the planning authority as set out in the Louth County Development Plan, 2021-2027 for the area generally, the infill nature of the site in an established urban area within walking distance of local services, including public transport links, the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020' (as amended), the scale, design and density of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be detrimental to the integrity, character and setting of protected structures in the vicinity, and would not adversely impact on the character of the Ardee Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanala for determination.

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

3. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any apartment.

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

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
  - a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
  - c) details of proposed street furniture, including bollards, lighting fixtures and seating; and
  - d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual and residential amenity.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
  - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- i. the nature and location of archaeological material on the site, and
- ii. the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of wildlife protection.

10. Proposals for an apartment name and numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

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

12. 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.

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

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

14. Construction and demolition waste shall be managed in accordance with a resource and waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects”, published by the Environmental Protection Agency in 2021. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the

provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

16. 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.

**Reason:** To ensure the satisfactory completion of the development.

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

the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

---

Robert Speer  
Planning Inspector

23<sup>rd</sup> March, 2023