



An
Bord
Pleanála

Inspector's Report ABP-317755-23

Development	Demolition of a building, construction of 7 apartments and associated site works. Significant further information received on 26/06/2023.
Location	64 & 66 Point Road, Dundalk, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	22866
Applicant	Clovelly Developments Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	David Bastible
Observer(s)	None
Date of Site Inspection	05 January 2024
Inspector	Sinéad O'Connor

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1.0 Site Location and Description

- 1.1. The site of 0.119 ha is located on the southern side of Point Road, in the northeast of Dundalk. Existing development in the immediate vicinity of the site is predominantly residential, comprising 1- and 2- storey detached, semi-detached and terraced houses. There is no consistent building line at this part of Point Road. The dwellings to the east and west are set back from the road frontage and the front façade of No. 60 holds the same building line as the rear of No. 64. There is a lane to the immediate east of the site that leads to 2 no. single storey dwellings.
- 1.2. The site is rectangular in shape and accommodates a 2-storey mixed use commercial and residential building (No. 64), a 1-storey residential unit (No. 66), private open space and ancillary outhouses to the rear. The buildings are not in use and are in poor condition externally. The rear gardens serving No. 64 and 66 are overgrown and, at the time of my site visit, there was evidence of antisocial behaviour at the site. Ground and first floor windows on the gable of No. 60 overlook directly into the subject site, and there is a pedestrian gate from the subject site to the rear of No. 60.

2.0 Proposed Development

- 2.1. The proposed development, submitted to the P.A. on 26 June 2023 in response to a request for Further Information, comprises the demolition of the existing structures and the construction of 6 no. residential units. The part 2- and 3- storey building fronting Point Road accommodates 4 no. residential units. 2 no. single storey semi-detached dwellings are proposed at the south of the site. 140 sq.m. of public open space is provided centrally, along with 5 no. car parking spaces, bin and bike storage.
- 2.2. I note that the submitted documents refer to each of the proposed units as apartments. Having reviewed the submitted documentation, I consider that the proposed development, submitted 26 June 2023, comprises 4 no. houses and 2 no. apartments.

- 2.3. The scheme initially submitted to the P.A. on 04 November 2022 comprised 5 no. apartments in a 3-storey building, 2 no. single storey dwellings, 87 sq.m. of public open space, and 6 no. car parking spaces.
- 2.4. In considering the application, the P.A. sought 14 items of Further Information (FI) in respect of the following: building height, potential for overlooking, boundary treatments, relocation of the side gate to No. 60, bike storage, EV charging, Part V provision, Building Life Cycle Report, compliance with Apartment Guidelines, Daylight and Sunlight, Construction and Demolition Waste Management Plan, landscaping, and revised notices. The F.I. response amended the proposed development from 7 no. units to 6 no. units and reconfigured the layout of the site to provide a privacy buffer at the Point Road frontage, increase public open space from 87 sq.m. to 140 sq.m., decrease car parking from 6 to 5 no. spaces, and to provide bike and bin storage. The P.A. found the FI largely acceptable. The general layout was not considered acceptable, and this matter was addressed by condition (No.3).

3.0 Planning Authority Decision

3.1. Decision

On the 14 July 2023 Louth County Council issued a notification of their decision to grant planning permission for the proposed development subject to 25 no. conditions. Condition no. 3 is notable in requesting the Applicant to revert to the general site layout originally submitted on 04 November 2022.

On 19 December 2022 the P.A. requested 14 items of Further Information in respect of the subject development. The Applicant submitted the response to FI on 16 June 2023 however, this submission was declared incomplete. The full FI response was submitted 26 June 2023.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Reports dated 19 December 2022 and 22 July 2023 form the basis of the P.A. decision. I consider that the following matters raised are of relevance.

- The general layout of the scheme submitted 04 November 2022 in respect of configuration, parking, and bin storage is preferable to that submitted 26 June 2023.
- Proposed car parking is acceptable due to the proximity to the town centre and walking/cycling opportunities.
- The site is within Flood Zone B and subject to coastal flooding. The provisions of the submitted engineering report are accepted.
- No issues raised in respect of water, foul or surface water provisions.

3.2.2. Other Technical Reports

Place Making & Physical Infrastructure: Reports dated 08 December 2022 and 06 July 2023. No objection subject to conditions.

The P.A. report dated 19 December 2022 refers to a referral report prepared by the LCC Infrastructure Section dated 08 December 2022. A copy of this report is not available however, the P.A. notes that there is no objection to the proposal in respect of surface water.

3.3. Prescribed Bodies

Uisce Eireann: Report dated 10 December 2022. No objection subject to conditions.

3.4. Third Party Observations

4 no. observations were made in respect of the application lodged 04 November 2022 and the FI response lodged 26 June 2023. The issues raised that are additional to the grounds of appeal set out below can be summarised together as follows:

- No permission given to relocate the pedestrian side gate at No. 60 Point Road.
- Deficient access lane width.
- Intensification of movement at the access onto Point Road would create a traffic hazard.

- During the proposed demolition works, care should be taken in respect of the existing gas supply, garden railings and ventilation grills at No. 60 Point Road. The proposed works should not impact on utilities.
- Deficiencies in public notice.
- Overshadowing of the property to the south.
- The submitted documentation is misleading as the proposed units to the south of the site are houses, rather than apartments as stated.
- Overdevelopment of the site.
- The site is characterised as a small infill site, which is incorrect on the basis that the site is largely developed, and the existing buildings are not derelict.
- Overlooking of adjoining properties.
- Proposed works would destabilise existing trees, creating a hazard.
- Potential to increase anti-social behaviour in the locality.
- Insufficient provision of green space.
- Impeded access for emergency vehicles.
- Discrepancies between the stated unit areas and the areas shown in the submitted drawings.

4.0 Planning History

The planning history of the site can be summarised as follows:

- P.A. Ref. 06520301: On 09 August 2007 outline permission was granted to Michael & Martina Dillon for the demolition of the existing structures and the construction of a mixed-use development comprising a petrol filling station fronting Point Road with 4 no. apartments above, and 2 no. apartments to south of the site. Condition 2 of this outline permission removed the petrol filling station and car wash from the development.
- P.A. Ref. 17607: On 05 February 2018 planning permission was granted to Michael & Martina Dillon subject to conditions for the demolition of the 2 no. on-site structures and the construction of a 3-storey mixed use building with a ground floor

retail unit and 3 no. apartments above, and 2 no. single storey semi-detached houses.

- P.A. Ref. 19478: On 01 August 2019 retention planning permission was refused to Daniele Amato for signage and the part change of use for hot food take away at No. 64 Point Road.

There are no recent or relevant planning applications in the immediate vicinity of the site.

5.0 Policy Context

5.1. Development Plan

The Louth County Development Plan 2021-2027 is the relevant Statutory Plan. Policies and objectives of relevance to the proposal include the following:

- The site is zoned A1 Existing Residential – To protect and enhance the amenity and character of existing residential communities. ‘Residential’ is listed as a Generally Permitted Use in A1 zones.
- Map No. 1.2 ‘Dundalk Zoning and Flood Zones’ shows the northern boundary of the site in Flood Zone B. Table 10.1 specifies that Dundalk & Blackrock are an Area for Further Assessment (AFA) and form part of the Neagh Bann Flood Risk Management Plan (FRAM). Policy IU 27 requires the submission of a site specific flood risk assessment with applications for vulnerable development in flood risk areas.
- Table 2.4 ‘Settlement Hierarchy for County Louth’ lists Dundalk as a Level 1 - Regional Growth Centre alongside Drogheda. Table 2.15 ‘Core Strategy Table’ allocates 2,447 no. units to Dundalk during the Development Plan period 2021-2027.
- Policy CS 7 seeks the preparation of a Local Area Plan for Dundalk and several other urban centres. At the time of writing this report, the Dundalk Local Area Plan 2024-2030 was at pre-draft stage.
- Table 3.2 ‘Recommended Densities in Higher Tier Settlements’ recommends minimum densities of 50 units per hectare in Dundalk town centre and 35 units per hectare in edge of settlement locations.

- Section 3.16.1 and Policy HOU 32 encourage the development of underutilised infill, corner and backland sites. Policy HOU 33 promotes contemporary and innovative design solutions, which respect existing character and architectural heritage.
- Table 8.15 'Views and Prospects, Dundalk' lists view VP36 on Point Road. This view faces north and would not be impacted by development at the site.
- Section 13.8.15 'Public Open Space' states that public open space shall generally be provided at a rate of 15% of the total site area. Reduced rates are facilitated where high quality open space is provided. Schemes of up to 5 no. units have no requirement to provide public open space where private open space provision exceeds the minimum standards.
- Table 13.4 'Private Open Space' is applicable to houses and apartments. In brownfield/infill sites, minimum private open space requirements are 50 sq.m. for 1- and 2-bedroom dwellings.
- Table 13.5 'Standards for Apartments' states that 1-bedroom units should be at least 45 sq.m., have 3 sq.m of storage and 5 sq.m. of private open space. 2-bedroom (4-person) units should be at least 73 sq.m., have 6 sq.m. of storage and 7 sq.m. of private open space.
- Table 13.16.12 'Car Parking Standards' specifies car parking requirements based on location. In Area 1 (town centre) and Area 2 (adjacent to high frequency public transport or serving a local catchment), 1 no. car parking space is required per house or apartment. In Area 3 (all other areas), 2 no. car parking spaces are required per unit. Reduced car parking provision will be facilitated with reference to existing parking in the area, high frequency transport links, location, or parking provided for previous uses.
- Table 13.12: 'Cycle Parking Standards' requires a minimum of 1 no. long term bike space per bedroom and 1 no. visitor space per 2 no. units for apartment developments. 1 no. space per units and 1 no. visitor space per 5 no. units is required for houses.

Relevant Policies and Objectives include the following:

- Policy 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.
- Policy 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.

5.2. Section 28 Guidelines

5.2.1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage (2024) post-dates the adoption of the Development Plan. Relevant provisions of the Compact Settlements Guidelines include the following:

- Table 3.4 specifies that residential densities in the range of 50-150 dph (net) shall generally be applied in centres and urban neighbourhoods of Regional Growth Centres. This density range is further refined with reference to site accessibility, local character, amenities and the natural environment.
- Section 5.3 facilitates innovation and a flexible approach to the application of design standards, particularly in respect of separation distances, open space provision, and car and bike parking.
- SPPR 1 – Separation Distances: A separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Reduced separation distances can be provided where there are no opposing windows and where privacy measures are designed in.
- SPPR 2 – Minimum Private Open Space Standards for Houses: 1-bed houses require 20 sq.m. of private open space, and 2-bed houses require 30 sq.m. of private open space. Reductions are facilitated where a proportionate quantity of high quality semi-private open space is provided. Under Table 5.1, 1-bed houses require 20 sq.m. private open space and 10 sq.m. semi-private open space, and 2-bed houses require 30 sq.m. of private open space and 15 sq.m. of semi-private open space.

Infill schemes on sites up to 0.25 ha may provide less private open space subject to the proximity and design quality of public open space.

- Policy and Objective 5.1 - Public Open Space: A Development Plan shall require public open space at a rate no less than 10% of the net site area. This minimum requirement should be justified with reference to existing public open space and nature conservation and environmental considerations.
- SPPR 3 - Car Parking: substantially reduced car parking is facilitated in accessible locations. A maximum car parking rate of 1.5 spaces per dwelling is applicable. In Intermediate or peripheral locations, that maximum car parking rate is 2 no. spaces per dwelling.
- SPPR 4 - Cycle Parking and Storage: Where residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Storage areas should be either within the building footprint or adjoining the building and should be designed so that cyclists feel safe.

5.2.2. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023) post-dates the Development Plan. Relevant provisions include the following:

- An apartment is defined as *“a self-contained residential unit in a multi-unit building with grouped or common access”*.
- Section 4.17 states that a minimum of 1 no. bicycle storage space per bedroom shall be applied. Visitor bicycle parking should generally be provided at a rate of 1 space per 2 residential units.
- Under Section 4.24, car parking for development in Peripheral and/or Less Accessible Urban Locations should generally be provided at a rate of 1 no. car parking space per unit and 1 no. visitor space per 3 or 4 units. Lower rates of car parking provision could be applied in Intermediate Urban Locations and Central and/or Accessible Urban Locations. In central or accessible urban areas, car parking should be reduced or eliminated.

- Appendix 1: 1-bedroom units shall have a minimum of 5 sq.m. of private open space. 2-bedroom 4-person units shall have a minimum of 7 sq.m. of private open space.
- The guidelines facilitate flexibility in dual aspect ratios, floor to ceiling heights, lift and stair cores, internal storage, private and communal amenity space, and car parking for infill schemes on sites up to 0.25ha.

5.3. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. The subject site is circa 150 metres to the south of the Dundalk Bay Special Area of Conservation (SAC)(site code 000455), the Dundalk Bay Special Protection Area (SPA)(site code 004026) and the Dundalk Bay proposed Natural Heritage Area (pNHA) (site code 000455). The site is circa 3.7 kilometres to the southwest of the Trumpet Hill (louth) pNHA (site code 001468) and circa 5.4 kilometres to the southwest of Carlingford Mountain SAC and pNHA (site code 000453). The Drumcah, Toprass and Cortial Loughs pNHA (site code 001462) is circa 6.8 kilometres to the west of the site.

5.4. EIA Screening

See completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA or EIA determination, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

1 no. Appeal has been received from the adjoining resident to the west. Issues raised that are outside the remit of this assessment have not been summarised.

- Anomalies in the submitted documentation including failure to indicate that No. 66 Point Road is to be demolished; failure of the Applicant to illustrate sufficient legal interest to undertake works at the lane, public footpath on Point Road, and hedge at No. 68 Point Road; failure to show the side windows of No. 60 Point Road in the submitted elevations; inaccuracies in displaying overall building height; and misleading contextual elevations.
- The site boundary should not include the public footpath at No. 64 and 66 Point Road or the access lane to the east.
- Point Road is a busy pedestrian thoroughfare used by school children and those visiting local amenities. Residents have varying physical disabilities and require unobstructed footpaths.
- The development would obstruct sightlines from the access lane onto Point Road, causing traffic hazard.
- Insufficient detail regarding the location of construction hoarding, and its potential impact on the footpath and sightlines to/from Point Road.
- Failure to integrate with the streetscape, causing permanent negative impacts.
- Owing to its 3-storey height, the development would negatively impact on the visual amenity of the area, which comprises 1- and 2- storey dwellings.
- The existing building line between No. 50 and 66 Point Road would be disrupted.
- Proposed car parking is not sufficiently stated. The 5 no. spaces proposed is insufficient to meet the best practice standards of 1 no. space per unit and 1 no. visitor space per 3 to 4 units.
- Insufficient detail provided in respect of construction phase car parking and loading areas for the delivery of construction materials.
- Access to No. 60 via the existing side gate appears dependent on car parking space No. 5 being empty. The path leading to the side gate is insufficiently wide.
- Asbestos at the site should be disposed of in accordance with relevant Regulations.

- The proposed Fuel Zone at the site adjoins the Appellant's gas boiler, which may cause a fire hazard.
- The proposed wheel wash should not be located on the public footpath as it would impede pedestrian movement.
- Construction activities at the site could exacerbate existing structural issues at No. 60.
- Queries raised in respect of the impartiality of Louth County Council.
- Inaccuracies on the P.A. website in respect of the decision date and the subsequent time limit for making an appeal to An Bord Pleanála.
- An additional week should be added to allow persons to appeal.

I note that an appeal was lodged by Padraic and Sandra Callan, which was subsequently invalidated.

6.2. First Part Response to Appeal

A response was received from the First Party dated 06 September 2023. This response comprises a written statement and Drawing No.101 Rev 2 'Existing & Proposed Site Plans'. I consider that the main issues raised are as follows:

- The Appellant's submission is frivolous and vexatious.
- The matters raised in the appeal are similar to those already submitted to, and addressed by the P.A.
- No concerns raised in respect of the P.A.s assessment of the development.
- The Appeal was lodged to delay the project and is a misuse of the planning system.
- The P.A. decision was correct and justified with reference to relevant guidelines and development standards.
- The appeal submitted is invalid as the appellant failed to clearly state their name and address.

- Matters relating to the ownership of the access lane were addressed through the submission of a letter from Barry Cunningham & Henderson Solicitors at Further Information.
- The side gate to the Appellant's property has no legal standing. The proposed development accommodates clear routes to this existing gate.
- The accidental omission of the Appellants windows from some of the submitted drawings did not disadvantage the public in their assessment of the proposed development. The existing windows were correctly shown in other drawings submitted. The windows will overlook the proposed communal spaces and provide passive surveillance.
- The building heights shown in the submitted documentation are accurate.
- The submitted 3D images are not misleading and were submitted to illustrate the visual impact of the development on the streetscape.
- The Appellant's concerns in respect of the Construction and Demolition Waste Management Plan (CDWMP) arise from a misreading of this document. The CDWMP states that construction vehicles will not park on the footpath or interfere with the flow of traffic. Hoarding would be the subject of a separate consenting process, which ensures negative impacts on road and footpath users would not arise.
- Required works in the public realm to connect to infrastructural services will be the subject of a Road Opening Licence. The footpath to the front of the subject site is wide and future hoarding or barriers would not impinge upon road or footpath users.
- The CDWMP lists all potential waste arising from demolition works and does not confirm the presence of asbestos at the site.
- The CDWMP specifies safety precautions in respect of the fuel storage area. The Appellant's concerns are unfounded, and no remediation is necessary.
- The Applicant agrees with the Appellants concerns regarding the location of the wheel wash and would accept a condition to address this matter.
- No pile driving is proposed at the site. Trench filled foundations are proposed.

- The Appellant has submitted no evidence to support their claims that the development will obstruct visibility splays.
- The P.A. and the Placemaking & Physical Development Section did not raise concerns regarding splays or sightlines from the access lane. Drawing No.101 Rev 2 submitted with this response shows 45 metre visibility splays from a 2.4 metre set back off Point Road.
- If the Board has concerns regarding sightlines from the access lane, the amenity areas to the front of Units 2 and 3 could be provided within the site, as is shown in submitted Drawing No.101 Rev 2. This matter could be addressed by condition.
- Built form on Point Road is diverse and there is no consistent building line. The aesthetic of the site is currently defined by the 2no. vacant buildings. The development will front onto Point Road, in deference to the current pattern of development.
- The design was altered at F.I. and the proposed 2-storey wings will be physically and visually subservient to the Appellant's dwelling.
- The provision of low to medium density development at the site would be unsustainable and inconsistent with development expectations and requirements.
- The height of the proposed development is justified with reference local, regional and national planning policy, and is comparable to existing buildings in the vicinity.
- The site is well located with reference to existing services and amenities and will consolidate urban form in this area.
- Reduced car parking at the site aligns with national, regional and local planning policy owing to the sites location proximate to services, amenities, the town centre and existing bus routes. The P.A. considered car parking provision appropriate.
- Concerns regarding the P.A.'s impartiality and assessment are unfounded.
- Confusion regarding the deadline for submitting an Appeal to An Bord Pleanála is not a valid reason to refuse planning permission.

6.3. Planning Authority Response

A response has been received from the Planning Authority dated 31 August 2023. I consider that the main issues raising in this response are as follows:

- The issues raised by the Appellant have already been considered in the Planner's Reports.
- Liaising with an applicant's agent during a planning application is within the normal remit of the planning authority, particularly where F.I. has been requested. The P.A. provides pre-planning advice to the general public under Section 247 of the Planning and Development Act 2000, as amended.
- This application has been dealt with in an impartial, open, and transparent manner.
- The Board is requested to uphold the planning authority's decision.

I note that the P.A. submitted a response to the appeal submitted by Padraic and Sandra Callan, which was subsequently invalidated.

7.0 Assessment

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

- Residential Amenity
- Visual Amenity
- Car and Bike Parking
- Road Safety

7.1. Residential Amenity

- 7.1.1. The proposed development comprises 2 no. houses and 2 no. apartments in the 2- and 3- storey building fronting Point Road, and 2 no. semi-detached single storey houses to the rear of the site. Communal facilities are provided centrally in the site

and are accessed via a laneway at the eastern boundary. The submitted documentation describes units 1, 3, 5 and 6 as apartments. With reference to the definition of an apartment in the Apartment Guidelines, which refers to multi-unit buildings and common access, I do not consider that these units are apartments. Having regard to building form and access arrangements at Units 1, 3, 5 and 6, I have assessed these dwellings as houses.

7.1.2. I note that the First Party's response to the appeal includes an alternative site layout, which alters the proposed private amenity areas on Point Road to facilitate increased sightlines. It is my understanding that this alternative was submitted for illustrative purposes and does not replace the site layout submitted to the P.A. on 26 June 2023.

7.1.3. In Drawing No. 401 'Front Block General Arrangement Drawings' proposed Unit 1 has 11.1 sq.m. of private open space, which is divided between a terrace to the front and a terrace to the rear of the unit. Unit 3 has 17.8 sq.m. of private open space, which is also divided between 2 no terraces. Table 13.4 of the Development Plan requires a minimum of 50 sq.m. of private open space to serve these 2-bedroom houses. SPPR 2 of the Compact Settlements Guidelines (2024) sets lower development standards and requires a minimum of 30 sq.m. of private amenity space for 2-bed houses. Up to 50% of this private open space requirement may be provided in the form of semi-private open space. I note that the private open spaces serving Units 1 and 3 fall substantially below the minimum requirements of SPPR 2. I have considered potential amendments to the scheme including the provision of semi-private open space on part of the proposed public open space however, the private amenity area serving Unit 1 falls below 15 sq.m minimum requirement under Table 5.1 of the Guidelines and the side windows at No. 60 may unduly overlook on semi-private spaces at this location. I consider that the amendments required to address shortfalls in private open space at Units 1 and 3 would substantially alter the development proposed. Drawing from the above, I consider that proposed Units 1 and 3 fail to provide sufficient private amenity space with reference to the minimum standards in the Development Plan and the Guidelines and would not be of adequate residential amenity value for future residents.

7.1.4. The private open spaces serving Units 5 and 6, at 42 sq.m. and 39 sq.m. respectively, fall below the 50 sq.m. requirement under Table 13.4 of the

Development Plan but exceed the 20 sq.m. minimum standard for 1-bedroom houses in SPPR 2 of the Compact Settlements Guidelines. I note that Section 1.1 of the Guidelines requires the Board to apply any SPPRs in their assessments. In this way, SPPR 2 is the relevant development standard in this instance. The proposed rear gardens of Units 5 and 6 meet and exceed the minimum standards of SPPR 2. These gardens are south facing and would be of high amenity value for future residents, in my opinion.

- 7.1.5. From the drawings submitted, I consider that apartment Units 2 and 4 align with the provisions of the Apartment Guidelines. The internal arrangements of Units 1, 3, 5 and 6 meet the requirements of the Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007). In this way, I consider that the internal layout of the proposed units would be of sufficient amenity value to future residents.
- 7.1.6. Having reviewed the submitted documents and undertaken a site visit, I consider that the development footprint at the site is appropriate in this instance. I note that the proposed 1st and 2nd floor windows do not directly oppose any upper floor habitable windows, and I consider the proposed residential density of 50.4 units per hectare appropriate at this location.
- 7.1.7. The proposed development accommodates 140 sq.m. of public open space, which constitutes circa 12% of the total site area. This open space area does not meet the 15% open space requirements under Section 13.8.15 of the Plan however, I consider that the Plan facilitates flexibility in the application of this standard. Policy and Objective 5.1 of the Sustainable and Compact Settlements Guidelines (2024) requires a minimum of 10% public open space, which is achieved at the site. I note that the site is well located with reference to existing sports facilities, playing pitches and the Navy Bank Walk, which are of high amenity value. Owing to the site's location and its small size, and with reference to the Development Plan and the Guidelines, I consider that there is flexibility in the provision of open space to make efficient use of the site. Notwithstanding the above, I consider the proposed public open space sufficient in its design and extent to meet the needs of future residents.
- 7.1.8. The Appellant raises concerns regarding access to their side gate, which connects the rear of their property (No. 60) to the rear garden of No. 64. At the time of the site

visit, the subject site was heavily overgrown and access to the pedestrian gate was restricted. Drawing No. 101 Rev. 1 'Existing and Proposed Site Plans' shows that the existing gate will be retained at its current location and would be accessed through the site and via a 1.2-metre-wide path to the side of Unit 5. I consider that the proposed site layout facilitates safe access to the existing pedestrian gate. The proposed path is a comparable width to the gate and, therefore, would not restrict movements to and from the rear of No. 60. The path is sufficiently wide to transport bikes or bins and, therefore, would not have a significant negative impact on the residential amenity of No. 60.

7.1.9. I do not consider the pathway to the west of Unit 5 is sufficiently surveilled and it is my opinion that this area may attract antisocial behaviour. This matter could be addressed by providing a window on the side gable of Unit 5 and by relocating this unit's side gate. Alternatively, this issue could be mitigated by relocating the side gate to No. 60 however, this should be done in agreement with the landowner. If the board is minded to grant planning permission for the proposed development, I recommend that a condition is attached to facilitate either increased passive overlooking of this path or the relocation of the existing pedestrian gate, if such was agreed.

7.1.10. Drawing from the above, I consider that the proposed development does not provide sufficient levels of private open space to serve Units 1 and 3. Proposed private amenity areas serving these units fall substantially below the minimum standards of the Development Plan and SPPR 2 of the Compact Settlements Guidelines (2024) and would not be of sufficient amenity value to future residents. I have assessed potential amendments to the scheme to address this shortfall however, these would substantially alter the development sought. On this basis, I recommend that planning permission is refused.

7.2. Visual Amenity

7.2.1. Residential development surrounding the subject site is varied and utilises a range of designs and materials. Nearby dwellings are predominantly 1- and 2- storeys and overall building heights vary due to the different style and ages of the properties. There is no established building line at this part of Point Road. The existing buildings

immediately front the footpath, No. 60 to the west is circa 15 metres from the footpath and No. 68 to the east is circa 50 metres from the footpath. At the time of the site visit, No. 64 and 66 at the site were visually unkempt and had a negative impact on the streetscape.

- 7.2.2. The Appellant raises concerns regarding the design of the proposed development and its failure to integrate into the streetscape. In this regard, I note that the proposed building fronting Point Road will be highly visible due to its position within the site however, I do not consider that the building would have a negative impact on the visual amenity of the area. The proposed building fronting Point Road is 2- and 3- storeys in height and has been designed to look like a terrace of 3 no. houses. The plot widths of the proposed units are narrow and visually echo the width of No. 60 to the west. I consider that the pitched roof and vertical windows provide character to the structure and are similar to those at No. 68 to the east. Drawing from the above, I do not consider the design of the front building inappropriate or visually obtrusive at this location.
- 7.2.3. Proposed Units 1 and 3 are lower than the adjoining dwellings and, therefore, closely align with prevailing 2-storey building heights. I consider that the 3-storey central element is appropriate at this location owing to the urban character of the area, and its proximity to the town centre and employment land uses. It is my opinion that the 3-storey section adds visual interest to the scheme and breaks up the monotony of 1- and 2 storey dwellings, adding character and distinctiveness to the site. In this way, I consider that this area is sufficiently robust to accommodate a 3-storey building without detrimental impacts on the streetscape.
- 7.2.4. Drawing from the above, it is my opinion that the proposed development would have an overall positive impact on the streetscape and visual amenity of this area.

7.3. Car and Bike Parking

- 7.3.1. The proposed development is served by 5 no. in-curtilage surface level car parking spaces, inclusive of 1 no. accessible space. Table 13.16.12 of the Development Plan requires 1 no. car parking space per unit in areas close to services or public transportation, which would bring a requirement for 6 no. spaces at the site. Both the Development Plan and the Compact Settlements Guidelines support reduced levels

of car parking in central and accessible locations. In this regard, I note that the subject site is not located in Dundalk town centre and is not served by a high frequency bus service. The site is located within 500 metres of the business parks on Coes Road and within 1 kilometre of the businesses on the N52. In this way, it is my opinion that the site is ideally located to facilitate walking and cycling to these employment areas and the services therein. I note that the P.A. considered the reduced car parking provision appropriate with reference to the site's location, and I agree with this finding.

7.3.2. In total, 14 no. bike spaces are proposed at the site. Bike parking to serve Units 2, 3 and 4 is provided in a communal bike store with 8 no. spaces, located adjacent to the public open space. Units 1, 5 and 6 each have 2 no. spaces in their private amenity areas. I consider that the provision of bike storage to serve the apartments and houses exceed the minimum standards under Table 13.12 of the Development Plan and Section 4.17 of the Apartment Guidelines, as relevant. I consider that the proposed bike storage shown in Drawing No. 103 'Bin & Bike Storage Details' largely meets the minimum standards of the Cycle Design Manual (2023). It is not apparent from the drawing submitted that sufficient access width is provided to allow access to all the proposed stands. I note that 2 no. of the sheffield stands would be accessible when the sliding door is open, but the other 2 no. stands would not be. No provisions are made for the storage of larger or accessible bikes. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition is attached to address these matters.

7.3.3. In respect of car parking for construction workers, Section 8.0 of the Construction & Demolition Waste Management Plan (CDWMP) submitted 26 June 2023 specifies that staff and visitor parking will be provided on-site. In respect of loading deliveries, the CDWMP states that the site construction compound will accommodate all logistical deliveries, and a turning area for trucks will be provided. In this way, I consider that the full implementation of the CDWMP will prevent ad hoc parking in the vicinity during the construction phase of development. If the Board is minded to grant planning permission for the proposed development, I recommend that a condition be attached to require the implementation of the CDWMP.

- 7.3.4. Drawing from the above, I consider that car and bike parking provision at the site is sufficient with reference to the site's location proximate to employment areas and services and will support a modal shift to sustainable transport modes.

7.4. Access & Road Safety

- 7.4.1. There are footpaths only on the southern side of Point Road at this location, and the footpath in front of the subject site is circa 4 metres wide. Vehicular access to the subject site is via a private lane from Point Road, which also serves 2 no. dwellings to the south. The width of the lane varies along its length and Drawing No. 101 Rev 1 'Existing & Proposed Site Plans' states that the lane is 5.5 metres wide where it joins Point Road.
- 7.4.2. The Appellant raised concerns regarding reduced visibility from the lane for vehicular traffic during the construction and operational phases, and the potential for obstructions on the footpath arising from the development.
- 7.4.3. In their report dated 19 December 2022, the P.A. considered the potential traffic impacts of the development. The P.A. concluded that the laneway had sufficient capacity to accommodate vehicular movements arising from the scheme and that the development would not result in a traffic hazard. I agree with the P.A. in this regard, as the proposed development would give rise to low levels of vehicular traffic owing to the reduced car parking provision. I consider that the overall design aligns with the provisions of the Design Manual for Urban Roads and Streets (DMURS) and that the 'Home Zone Area' proposed is sufficiently wide to allow vehicles to pass within the site, if required.
- 7.4.4. Drawing No. 101 Rev 2 'Existing & Proposed Site Plans', submitted by the Applicant in response to the appeal, shows that a 45-metre visibility splay is achieved in both directions when a 2.4 metre setback from Point Road is provided. As per Section 4.4.5 'Visibility Splays' of the DMURS, a 2.4 metre setback is applicable for Stop junctions in urban areas, such as the subject site. With reference to Table 4.2 of DMURS, I consider that the 45 metre sightlines provided are appropriate given the 50 km/hr speed limit on this part of Point Road. In this way, I do not consider that vehicular traffic from the development would give rise to a traffic hazard.

- 7.4.5. In respect of potential obstructions on the footpath, I note that the Place Making & Physical Infrastructure Section recommended the inclusion of a condition requiring the applicant to apply for a Licence under Section 254 of the Local Government (Planning and Development) Act for site hoarding and footpath diversion, if required. In their response to the Appeal, the Applicant confirmed that they would apply for a road opening licence in respect of any works to the public footpath or road and would accord with any conditions attached to that licence. I note that the public footpath at this part of Point Road is particularly wide and, therefore, it is my opinion that site hoarding could be provided at the site without disrupting pedestrians on this route. Section 8.0 of the CDWMP states that logistical deliveries will be accommodated in the site construction compound, which would prevent unloading of deliveries onto the footpath. I consider that the implementation of the CDWMP would prevent undue obstruction on the footpath during the construction phase of the development and would prevent significant impacts on pedestrians in this location.
- 7.4.6. In summary, I do not consider that the proposed development would give rise to a traffic hazard owing to the sightlines provided onto Point Road, the capacity of the access lane and turning areas in the site, and the site management practices outlined in the CDWMP.
- 7.4.7. The issue of ownership of the access lane was raised by the Appellant. I note the contents of the legal letter submitted to the P.A. 26 June 2023 in response to the queries on this matter. Notwithstanding the above, I wish to highlight that under Section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission under this section to carry out any development.

8.0 Appropriate Assessment Screening

- 8.1.1. The nearest designated sites to the subject site are the Dundalk Bay SAC (site code 000455), and Dundalk Bay SPA (site code 004026) which are approximately 150 metres to the north of the site. Carlingford Mountain SAC (site code 000453) is circa 5.4 Km to the northeast of the subject site and is separated from the site by urban development, rural areas, and Dundalk Bay.

8.1.2. Owing to the small size of the proposed development, the distance of the site from the Carlingford Mountain SAC, and lack of direct hydrological or over-land connections, I consider that this site can be screened out from further assessment. The objectives for the Dundalk Bay SAC and SPA are set out below.

Natura 2000	Site Code	Qualifying Interests	Conservation Objectives
Dundalk Bay SAC	000455	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	To maintain or restore the favourable conservation status of habitats and species of community interest in Dundalk Bay SAC.
Dundalk Bay SPA	004026	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p>	To maintain the favourable conservation condition of species and habitats in Dundalk Bay SPA.

		Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Herring Gull (<i>Larus argentatus</i>) [A184] Wetland and Waterbirds [A999]	
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8.1.3. During the site inspection I did not see any evidence of waterbodies/course at the subject site and the EPA mapping does not show any waterbodies within or immediately adjoining the site. The subject site is separated from Dundalk Bay SAC and SPA by existing recreational development, and there are no direct hydrological connections between these sites and the subject site. I note that the site is served by mains surface and foul water infrastructure. In this way, there are no direct source receptor pathways between the subject site and any designated areas.

- 8.1.4. The subject site does not form part of any designated site and does not contain any QI habitats or habitat for QI species. In this way, direct habitat loss or ex-situ disturbance of QIs (habitats and species) would not occur at the site. I consider that the site is sufficiently removed from Dundalk Bay SAC and SPA to prevent disturbance impacts during the construction phase. Given the existing pattern of development in the locality, I consider that likely significant effects on QIs (habitats and species) will not occur during the construction phase.
- 8.1.5. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SAC or SPA or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 8.1.6. This determination is based on the following: the lack of hydrological connections to the designated sites, the fully serviced nature of the site and the urban character of the surrounding area.
- 8.1.7. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

9.0 Recommendation

- 9.1. I recommend that planning permission be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. The proposed development, by reason of its inadequate quantitative provision of private open space would conflict with the provisions of the Louth County Development Plan 2021-2027 and the Sustainable and Compact Settlements: Guidelines for Planning Authorities (2024). Proposed Units 1 and 3 are “houses”, with reference to the definition of apartments in the Sustainable Urban Housing: Design Standards for New

Apartments (2023), and are, therefore, subject to the SPPR 2 of the Compact Settlement Guidelines. The proposed private amenity areas serving Units 1 and 3 are substantially below the 30 sq.m. minimum private open space standard for 2-bed houses specified in SPPR 2 and, therefore, would not be of sufficient residential amenity value to future residents. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.



Sinéad O'Connor
Planning Inspector

23 January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317755-23			
Proposed Development Summary	Demolition of a building, construction of 7 apartments and associated site works. Significant further information received on 26/06/2023.			
Development Address	64 & 66 Point Road, Dundalk, Co. Louth			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	10. Infrastructure Projects (b) (i) Construction of more than 500 dwelling units.		Proceed to Q.4

		(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Sinead O'Garra

Date: 18 January 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317755-23	
Proposed Development Summary	Demolition of a building, construction of 7 apartments and associated site works. Significant further information received on 26/06/2023.	
Development Address	64 & 66 Point Road, Dundalk, Co. Louth	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	<p>The subject development comprises residential development in an area characterised by residential development. In this way, the proposed development is not exceptional in the context of the existing environment.</p> <p>During the construction phase the proposed development will create demolition waste. Given the moderate size of the existing structures I do not consider that the demolition waste arising would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the operational phase due to the residential nature of the proposal.</p>	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing	<p>The proposed development has a higher residential density than the surrounding residential areas but the scheme would not be of an exceptional size.</p> <p>Owing to the serviced urban nature of the site and residential character of the scheme I do not think that there is potential for significant cumulative impacts.</p>	No

and/or permitted projects?		
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	The subject site is not located within or immediately adjoining any protected area. The closest Designated Site is the Dundalk Bay SAC and SPA, which is circa 150 metres to the north. There are no waterbodies at the site and there are no hydrological links between the subject site and any designated site. Therefore, there is no potential for significant ecological impacts as a result of the proposed development. The site is located within a serviced urban area. I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.	No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required. X	There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out.	There is a real likelihood of significant effects on the environment. EIAR required.

Inspector. Sinead O'Gara

Date: 18 January 2024