



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318889-24

<b>Development</b>	Development consists of (a) demolition of existing car workshop and outbuilding stores, (b) construction of 10 no. residential units within 1 no. three-storey block (consisting of 5 no. one bed apartments, 5 no. two bed duplex dwellings), (c) new bicycle parking, bin store, boundary treatments, hard & soft landscaping, (d) all associated site development and infrastructure works.		
<b>Location</b>	Gravel Walk, Drogheda, Co. Louth, A92 KX72.		
<b>Planning Authority Ref.</b>	2360028.		
<b>Applicant(s)</b>	Kieran Carr.		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Grant permission with conditions.
<b>Type of Appeal</b>	Third Party	<b>Appellant</b>	James Lambe
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	11 <sup>th</sup> April 2024	<b>Inspector</b>	Des Johnson

#### Context

##### 1. Site Location/ and Description.

1.1 Gravel Walk is located to the west side of George's Street, approximately 200m north of the town centre of Drogheda. The site

is to the south side of Gravel Walk, and is currently occupied by a maintenance garage, a row of single storey garages, and sundry cars and car parts. There is palisade fencing along the site boundary with Gravel Walk. There are double yellow lines along much of the length of Gravel Walk.

1.2 To the north side of Gravel Walk is Roseville Lodge B&B (on the corner with George's Street) with single storey units and car parking to the rear, and Willow Lodge, a dormer style detached building further west along Gravel Walk. Georgian Close residential development is to the north-west, Trinity Gardens residential development to the south west, and the lengthy rear gardens attached to two-storey terraced dwellings fronting George's Street to the south.

1.3 There is a small turning area at the western end of Gravel Walk, and this adjoins an open space area, with pedestrian link, serving Georgian Close. No 31. Georgian Close is a two-storey semi-detached dwelling siding on to this strip of open space and the turning area. There is a single storey unit to the rear of No. 31, Georgian Close.

## **2. Description of development.**

2.1 The proposed development comprises (1) demolition of existing car workshop and outbuilding stores; (2) construction of 10 no. residential units within 1 no. three storey block (consisting of 5 no. one bed apartments, 5 no. two bed duplex dwellings); (3) new bicycle parking, bin store, boundary treatments, hard & soft landscaping; (4) all associated site development and infrastructure works.

2.2 The site area is stated to be 0.067ha (stated to be 0.070ha on the application form). The gross floor area of existing development on the site is stated to be 317.30 sqm, and the gross floor area proposed is 993.30 sqm.

2.3 It is proposed to connect to public services.

2.4 An Archaeological & Cultural Heritage Assessment was submitted with the application. This states that there are no Recorded Monuments or Protected structures existing on the site. The site is within 90m of a Zone of Archaeological Potential, and within 500m radius of at least 16 Recorded Monuments. A rope factory and rope walk previously existed at this location. The rope walk was outside the site boundary, but part of the rope factory was located within the western part of the development at the location of the present garage. The site has potential to contain previously unrecorded sub-surface features or deposits of an archaeological nature. It is recommended that archaeological trench testing be carried out in advance of any site works, and elevational drawings, together with a photographic and written record be undertaken of the existing garage.

2.5 An application for a Part V Exemption Certificate has been submitted.

2.6 The application was subject to a request for Further Information (received on 29.09.2023), and clarification of Further Information (received 27.11.2023).

### **3. Planning History.**

3.1 Permission granted with conditions for erection of boundary wall and gate at Gravel Walk.

3.2 Register Reference: 20/259 – Permission granted at 47, George's Street for development consisting of (i) the removal of existing garage roof and modification to create new external courtyard, bicycle storage, bin store and dedicated pedestrian access; (ii) demolition of ancillary building to the rear of the existing dwelling; (iii) internal modification of existing dwelling and construction of new two storey rear extension to existing dwelling to provide 5 no. apartments, consisting of 4 no. one-bed and 1 no. two-bed apartments; (iv) external alterations to existing façade of dwelling to provide replacement windows, fascia soffits and rainwater goods; (v) all associated services, drainage, lighting and landscaping to be carried out in conjunction with works. No site carparking was proposed.

#### **4. Planning Policy**

4.1 Louth County Development Plan 2021-2027 came into effect on 11<sup>th</sup> November 2021. The site is zoned A1 'Existing Residential' with the objective to protect and enhance the amenity and character of existing residential communities.

4.2 Policy Objective HOU 8 – to promote the sustainable development of vacant residential and regeneration sites in all development centres in the County, as appropriate, in accordance with the Urban Regeneration and Housing Act 2015 (as amended).

Policy Objective 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.

Policy Objective 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.

Policy Objective HOU 16 – to support increased building heights at appropriate locations ... in Drogheda.

4.3 Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022). These guidelines were issued under Section 28 of the Act. They contain Specific Planning Policy Requirements (SPPRs) which take precedence over any conflicting policies and objectives of the Development Plan.

The Guidelines state that 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 particularly suited to apartments.

SPPR 1 - Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed

development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

**SPPR 3 - Minimum Apartment Floor Areas:**

- Studio apartment (1 person) 37 sq.m
- 1-bedroom apartment (2 persons) 45 sq.m
- 2-bedroom apartment (4 persons) 73 sq.m
- 3-bedroom apartment (5 persons) 90 sq.m

SPPR 4 - In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, a minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.

In the case of Central and/or Accessible Urban Locations, in larger scale and higher density developments, comprising wholly of apartments in more central 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.

For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

Appendix A of the Guidelines sets out Required Minimum Floor Areas & Standards.

## **5. Natural Heritage Designations**

5.1 River Boyne & River Blackwater SAC – c.300m to South West. The qualifying interests for the SAC are listed as:

- Alkaline fens

- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion  
Alnion incanae, Salicion albae)
- *Lampetra fluviatilis* (River Lamprey)
- *Salmo salar* (Salmon)
- *Lutra lutra* (Otter)

The conservation objectives for the fens and the otter are to maintain the favourable conservation condition. The conservation objectives for the alluvial forests, river lamprey and salmon are to restore the favourable condition.

River Boyne & River Blackwater SPA – c 2.7km to South. The qualifying interest for the SPA is the Kingfisher. The conservation objective is to maintain the favourable conservation condition of the bird species.

Boyne Estuary SPA – 2.1km to East. The qualifying interests are wetlands and waterbirds, and the conservation objectives are to maintain the favourable conservation condition of wetlands and waterbirds.

Boyne Coast & Estuary SAC – c. 3.5km to East. The qualifying interests are

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Annual vegetation of drift lines [1210]
- *Salicornia* and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Embryonic shifting dunes [2110]
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]
- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

The conservation objectives are to maintain the favourable conservation condition of Estuaries and Mudflats and Sandflats, and to restore the favourable conservation condition of *Salicornia* and other annuals, Embryonic Sand Dunes, Shifting dunes, and Fixed Coastal Dunes.

River Nanny Estuary & Coast SPA – c. 7.5km to South East.

Clogherhead SAC – c. 12km to North.

## Development, Decision and Grounds of Appeal

### 6. PA Decision.

6.1 By Order 902/2023, dated 14<sup>th</sup> December 2023, the Planning Authority decided to grant permission subject to 22 conditions.

6.2 In addition to standard type conditions, I note the following:

2. financial contribution of E116.460
3. Section 47 agreement restricting the first occupation to persons who are eligible for the occupation of social or affordable housing, including cost rental housing
4. Cash deposit of E33,000 to ensure satisfactory completion
5. Owner's Management Company
9. Site development and building works hours
12. Vibration requirements
16. Construction and demolition waste
18. Resource and Waste Management Plan
19. Construction Environmental Management Plan
21. Mitigation measures in bat survey to be implemented
22. Recommendations in Architectural Heritage Impact Assessment to be implemented.

6.3 The Planner's Report dated 19<sup>th</sup> April 2023 states that the site is zoned A1 'Existing Residential' with the objective to protect and enhance the amenity and character of existing residential communities. Residential development is generally permitted under this zoning objective. Five submissions were received and all issues raised were considered. The proposed development is compliant with the requirements of the SPPRs set out in *Sustainable Urban Housing – Design Standard for New Apartments, 2022*. No more than 50% of the units are 1 bed, floor areas exceed standards, all apartments are dual aspect, private amenity space provided is acceptable, storage space is in compliance with the guidelines, and proposals for bin storage and bicycle parking and storage are acceptable. Given the restricted nature of the site, communal open space cannot be provided within the site boundary, but given the central location this is not a concern. Car

parking is not required given the location within 200m of the town centre, and ease of access to public transport. The proposed development will not have any significant impact in daylight/sunlight on any properties in the vicinity during the 8am to 4pm period. It appears that the proposal will lead to a significant loss of light and shadowing during the evening period during the summer months. The site is not in a known flood zone. Further Information is recommended.

6.4 The Planner's Report, dated 20<sup>th</sup> October 2023, references the submission of Further Information relating to the following:

- Daylight, Sunlight and Overshadowing Assessment
- Revised 3D illustrations/photomontages
- Public Lighting Design Report & Layout
- Architectural Heritage Impact Assessment
- Swept Path Analysis
- Confirmation of Feasibility from Irish Water
- Bat Survey Analysis.

There is broad satisfaction with the Daylight/Sunlight Analysis, but it is not clear if boundary walls are included. Construction traffic will impact on the amenities of adjacent residents by reason of noise, traffic, and other associated activities. This may be addressed by way of condition. Irish Water have advised that a water connection is feasible subject to upgrade works due to be completed by Q4 of 2023. Waste water connection is feasible without infrastructural upgrade. One submission was received commenting on the Further Information. Clarification of Further Information is recommended.

6.5 The Planner's Report, dated 14<sup>th</sup> December 2023, following clarification of Further Information, expresses satisfaction, by reason of the analysis and modelling carried out, that the proposed development exceeds BRE's recommendation for neighbouring buildings in most instances in terms of access to daylight and sunlight. Submissions made show that the proposed development will have a negligible adverse impact on surrounding buildings with respect to daylight and that the development itself is expected to experience good levels of internal daylight with all rooms exceeding the minimum recommendation of the



BRE Guide. Public lighting proposals will provide for adequate illumination at the western end of Gravel Walk where it connects to Georgian Close, and the proposed development will be adequately illuminated. The proposed lighting will not impact negatively on any bat habitat or activities. The proposal will ensure that sections of the stone wall survive to mark the location of the Rope Walk and its industrial heritage. Any stonework, including granite quoins removed from the walls during demolition, is to be re-used, and this is welcome. The Traffic Consultants report indicates that the proposed development can be accessed by emergency vehicles. A Fire Cert application will be required. Permission is recommended with conditions.

6.6 The Place Making & Physical Development Section report raises no objections subject to recommended conditions.

## **7. Third Party Appeal.**

7.1 The grounds of appeal may be summarised as follows:

- There are concerns relating to the building height, and related overshadowing and overlooking. The Daylight/Sunlight Report does not give a detailed explanation or calculations to support the conclusions reached. Terms such as “should” and “expected” need explanation. Reference to ‘creches’ proposed open space make no sense.
- Cars park on Gravel Walk, in the vicinity of the junction with George’s Street. Overall measurements for the turning circle have not been given. None of the submitted information meets the provisions for vehicle access and hardstanding. Within the proposed layout, the *Traffic Impact Report* falsely provides turning facilities for emergency vehicles, such as fire tender. There is no on-site provision made for large service vehicles such as bin lorries and maintenance vehicles. Parking will be required outside the application site. There is already traffic congestion on George’s Street. The local area does not have the social and physical infrastructure to accommodate the increased level of activities.
- The current Development Plan for the area requires 1.3 parking spaces per apartment, giving a total of 13 spaces for the proposed development. The area already suffers from overspill parking and traffic congestion. Photographs illustrating on-street parking on Gravel Walk are submitted.

- Drawings submitted inaccurately demonstrate the overall height and size of existing stone walls. It is unclear what proposed works to existing property would result in the existing boundary wall getting demolished/removed without consent. It is a general rule that boundary walls between properties are jointly owned. The boundary wall lies within the appellants property, and the appellant gives no consent to demolish any part of the wall, or to enter his property. Proposed works cannot be conducted without affecting the existing boundary wall.

## **8. PA Response**

8.1 All of the points raised have been comprehensively addressed in the planning reports on file.

### **8A 1<sup>st</sup> Party Response**

8A.1 This may be summarised as follows:

- Building Performance Consulting Engineers were engaged at Further Information stage to carry out Daylight, Sunlight and Overshadowing assessment with regard to the BRE Guidelines, and an additional report was prepared at the Clarification of Further Information stage. The reports state that the proposed development would have a negligible adverse impact on surrounding buildings with regard to (i) access to skylight, (ii) access to sunlight, and (iii) sunlight to gardens/open spaces. All rooms tested in the proposed development exceed the minimum recommendations for internal daylight provision as set out in the guidance. Proposed amenity spaces exceed the recommended standard for sunlight. Neighbouring buildings should enjoy a similar level of daylight/skylight after the proposed development is built.
- Transport Insights were engaged at Further Information stage including a software generated swept path analysis, which demonstrates that a fire tender can access and manoeuvre the lane. Cars shown in submitted photographs are parked illegally. Short sections Gravel Walk do not have double yellow lines but parking should still enable access to emergency vehicles. The carriageway width of Gravel Walk ranges from 6.5m to 5.5m

before reducing slightly in front of the site boundary, where the minimum width will be 4.0m post development. A Fire Certificate will be necessary.

- Existing properties on Gravel Walk are presently served by existing waste collection services operating on George's Street. This is outside peak hours. For the proposed development, the waste collection truck could reverse up to 20m along Gravel Walk with refuse operators walking the remaining c. 30m to the proposed bin store. There would be negligible impact on Gravel Walk and George's Street.
- It is National policy to encourage the development of brownfield sites in well-connected locations, which would encourage sustainable travel patterns. This is a highly accessible area in close proximity to the town centre. There is an accessible route to the town centre, and a number of local and regional bus services can be accessed on George's Street. The CDP provides for a reduction in car parking provision where public transport links are available, and in central locations where residents would be likely to walk or cycle.
- Gravel Walk is lightly trafficked and is not a through route. Legal parking on Gravel Walk does not impede vehicular access.
- Surviving walls have been recorded by photographic, 3D digital and measured survey. The west wall and portions of the north wall will be preserved in situ as part of the site boundary. A portion of the wall of the Rope Walk will continue to function as a boundary wall. It is recommended that any stonework, including granite quoins, removed during demolition be reused in the development. A revised layout drawing of the bulky and bike store is submitted (C538-FI-06), proposing to keep c. 50% of the existing stone walls and legacy of the remaining walls through external paving and internal floor finishes within the stairwell. The remainder of the original stone will be re-used as part of the front elevational treatment.
- The surviving structure on the site is not listed on the National Inventory for Architectural Heritage, or as a Protected Structure in the CDP. It is not representative of the original structure or process and has been heavily modified and adapted for use as a commercial premises, with a reduction in height, enlargement of the north opening, and the addition of modern

concrete elements. These have significantly altered and affected the physical appearance, and its industrial and historical origins/legacy.

## **Environmental Screening**

### **9. EIA Screening**

9.1 Having regard to the nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

### **10. AA Screening**

10.1 Having regard to the nature and scale of development, central location, connection to existing services and the separation distance and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **2.0 Assessment**

2.1 The proposal is for development comprising the following: (i) demolition of existing car workshop and outbuilding stores; (ii) construction of 10 no. residential units within 1 no. three-storey block (consisting 5 no. one bed apartments, and 5 no two bed duplex dwellings); (iii) new bicycle parking, bin store, boundary treatments, hard and soft landscaping; (iv) all associated site development and infrastructure works.

2.2 The site area is stated to be 0.067ha, the gross floor area of the existing development is stated to be 317.30 sqm, and the gross floor area proposed is 993.30 sqm. It is proposed to connect to public services.

2.3 The Planning Authority decided to grant permission subject to 22 conditions. There is one Third Party appeal.

2.4 I consider that the key issues arising in this case fall under the following headings:

- *Principle of Development*
- *Impact on amenities of property in the vicinity*
- *Traffic impact/service and emergency vehicles*
- *Car parking*
- *Boundary walls*
- *Other Issues*
- *Environmental assessments.*

### **Principle of development**

2.5 This is a brownfield site fronting on to Gravel Walk, close to the town centre of Drogheda, and close to public transport routes. There are garage type buildings, including a car maintenance garage, on the site. These are not listed for protection and are proposed for demolition. There is no convincing evidence that these buildings are of architectural importance and I see no planning reason to refuse their demolition. (The issue of boundary walls is considered later in this assessment).

2.6 The site is zoned A1 'Existing Residential', with the objective to protect and enhance the amenity and character of existing residential communities. Residential is a generally permitted use under this zoning objective. County Development Plan objectives seek to promote sustainable development of vacant and regeneration sites, and to promote development that facilitates a higher, sustainable density that supports compact growth, and the consolidation of urban areas. It is proposed to connect the proposed development to public services, with water and wastewater connections available. In the circumstances outlined, I submit that the proposed development is acceptable in principle.

### **Impact on amenities of property in the vicinity.**

2.7 Third Party concerns are raised relating to the proposed building height, and the impact on property in the vicinity by reason of loss of daylight and sunlight. The proposed apartments scale 11.86m high. Given the urban location in close proximity to the town centre, I consider this to be reasonable in principle. The Planning Authority requested Further Information requiring a Daylight and Sunlight Analysis, applying BRE Standards. In response, the applicants submitted a *Daylight, Sunlight and Overshadowing Assessment* prepared by BPC Engineers. The Analysis and Assessment was carried out in line with BRE's *Site Layout Planning for daylight and sunlight, a Guide to good practice*. The submission details the methodology followed. The report concludes as follows:

- The proposed development exceeds BRE recommendations for neighbouring buildings in most instances in terms of access to daylight/sunlight. There would be negligible adverse impact on surrounding buildings with respect to daylight.
- All windows have a reduction of less than 20% or resultant VSC value (vertical sky component) of 27% or more with the proposed development included. Windows that do not achieve this have a resultant VSC value of between 15-27%, and due to their window size, adequate daylight is provided.
- Open spaces areas associated with the apartment block are expected to experience good levels of sunlight and should appear adequately sunlit throughout the year.

The submission includes (in Appendix B) Shadow Images. An additional report by BPC Engineers was submitted following the request for Clarification of Further Information. This report ensured the inclusion of boundary walls. The report concluded that the proposed development will have a negligible adverse impact on surrounding buildings with respect to (i) access to skylight; (ii) access to sunlight; (iii) sunlight to gardens/open spaces.

The appellants contend that the Daylight/Sunlight report does not give a detailed explanation or calculations to support the conclusions reached. Reference to 'creches' open space make no sense. The 1<sup>st</sup> Party state that reference to 'creche' is a typo, and should read "the communal open space and amenity space associated with the neighbouring buildings". The methodology followed in preparing the

submitted Sunlight and Daylight Report is in line with BRE's *Site Layout Planning for daylight and Sunlight, a Guide for good practice (PJ Littlefair) 2022, and the EN 17037*. I submit that this is the correct methodology to be applied to a Sunlight and Daylight Analysis. On this issue, I conclude that, based on the information submitted during the course of the application and the appeal process, the proposed development will not have any significant adverse impact on surrounding property in respect of daylight, sunlight or overshadowing.

The proposed apartment block is 18.18m separated from the south west corner of 31, Georgian Close (with an existing single storey structure to the rear of 31, Georgian Close between), 14.12m separated from the corner of the nearest dwelling on Trinity Gardens, and 10.359m separated from Willow Lodge to the north, on the opposite side of Gravel Walk. The proposed apartment block has 4 bedroom windows facing north at 1<sup>st</sup> floor level, together with a recessed terrace, and 4 kitchen/dining room and 1 bedroom window facing north at 2<sup>nd</sup> floor level. There is also a central recessed terrace facing north at this level. Other windows at these levels light stairwells and landings. On the south elevation, there are 4 bedroom windows, and 5 bathroom/WC windows at 1<sup>st</sup> floor level, and 1 bedroom and 4 kitchen/living room windows at 2<sup>nd</sup> floor level. There are also two recessed terraces, and 4 small store/pantry windows at this level. On balance, having regard to the central location of the site, the separation distances to surrounding properties, and the nature of the living spaces being served by the proposed windows, I conclude that the proposed development will not give rise to unacceptable overlooking of existing properties.

### **Traffic Impact/Service and Emergency Vehicles**

2.8 The appellants contend that the submitted *Traffic Impact Report* incorrectly provides turning facilities for emergency vehicles, such as fire tender. There is no on-site provision for large service vehicles, such as bin lorries and maintenance vehicles. The 1<sup>st</sup> Party states that, at Further Information stage, Transport Insights were engaged and produced a software generated swept path analysis demonstrating that a fire tender can access and manoeuvre the lane. Short stretches of parking on Gravel Walk would still enable access to emergency vehicles. A Fire Certificate (separate to a planning permission) will be necessary,

and this will involve consultation with the Fire Service, giving the Service an opportunity to request any adjustments.

2.9 On the issue of access for a fire tender, I submit that it will be necessary for the proposed development to obtain a Fire Certificate. There are conflicting views by the Parties to the appeal as to the appropriate type of fire tender to be used, and the dimensions of same, and to the adequacy of the turning circle for emergency vehicles. I submit that these are matters to be resolved before the issuing of any Fire Certificate.

2.10 Gravel Walk ranges in width from 6.5m to 5.5m before reducing to 4m minimum in front of the site boundary post development. The 1<sup>st</sup> Party contend that existing properties on Gravel Walk are served as part of the existing waste collection services which operate on George's Street, which operate outside peak periods. It is proposed to use existing waste collection services. This may involve reversing the refuse vehicle up to 20m along Gravel Walk, with waste operators walking c. 30m to the proposed bin store to access the bins. On this issue, I contend that waste collection from the proposed development is feasible from Gravel Walk.

### **Car Parking**

2.11 No car parking is proposed on the site of the proposed development. The Sustainable Housing Guidelines state that, in the case of Central and/or Accessible Urban Locations, developments comprising wholly apartments in more central 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. Given the location of the site close to the town centre, and with easy access to local and regional public transport routes, I submit that the absence of car parking provision in this case is acceptable in this case.

### **Boundary Walls**

2.12 The appellant contends that submitted drawings inaccurately demonstrate the overall height and size of existing stone walls, and it is unclear what parts of the existing boundary wall would get demolished. The boundary wall lies within the appellants property, and no consent will be given to demolish this wall. Proposed



works cannot be conducted without affecting the existing boundary wall. The 1<sup>st</sup> Party contend that surviving walls have been recorded by photographic, 3D digital and measured survey. Portion of the wall of the Rope Walk will continue to function as a boundary wall, and stonework, including granite quoins, removed during development, will be reused in the development. I note that no structures on the site are listed as Protected Structures or on the NIAH and, in these circumstances, I consider that the approach being proposed by the 1<sup>st</sup> Party in relation to wall retention, recording and re-use of stonework is acceptable. I note that there are differing claims regarding ownership of the walls and, in this regard, I draw the Board's attention to Section 34(13) of the Planning and Development Act 2000, as amended, which states that " a person shall not be entitled solely by reason of a permission under this section to carry out any development".

### **Other Issues**

- 2.13 A Bat survey was carried out on 24<sup>th</sup> January, 2023 and submitted to the Planning Authority. January is noted as not an appropriate period to carry out a bat survey. This survey concluded that there was no evidence of bats in or around any building on the site. The main garage is not highly suited to bat roosting. Other storage sheds offered no evidence of bat usage. The development will have no direct impact on the conservation status of any bat species. There may be some loss of feeding due to vegetation loss.
- 2.14 A submission by the Department of Housing, Local Government & Heritage, dated 10<sup>th</sup> October 2023, notes that the development has the potential to disturb the roosting habitat of a significant population of bat species listed under Annex IV of the Eu Birds Directive. The potential impact would be caused by the demolition of existing buildings. Conditions are recommended in the event of permission being granted. The Planning Authority has attached conditions to the permission relating to the protection of bats.

### **Environmental Assessments**

- 2.15 Having regard to the nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

2.16 Having regard to the nature and scale of development, central location, connection to existing services and the separation distance and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site. This conclusion is consistent with the conclusion of the Habitats Screening Report, dated January 2023, submitted to the Planning Authority.

## **Recommendation**

I recommend that planning permission be granted.

## **Reasons & Considerations**

Having regard to the nature and scale of development, the site location close to the town centre and with access to public transport routes, the existing pattern of development in the area, the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022), and the provisions of the Louth County Development Plan 2021-2027, it is considered that, subject to compliance with the following conditions, the proposed development would provide for an acceptable form and scale of development on this central brownfield site, would not be injurious to the amenities of residential property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 1<sup>st</sup> day of March, 2023, as amended by the further plans and particulars submitted on the 27<sup>th</sup> day of September 2023 and 27<sup>th</sup> November 2023, 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 written agreed particulars.

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

2. In accordance with Louth County Council's Development Contribution Scheme 2023, made under the provisions of section 48 of the Planning and Development Act 2000, as amended, the developer shall pay a contribution to the Planning Authority in respect of public infrastructure and facilities that is provided or is intended to be provided by or on behalf of the authority which will benefit development in the area of the Planning Authority. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

3. All the permitted house units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/ or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the Planning Authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each unit.

**Reason:** In order to restrict new housing development to use by persons of a particular class or description to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

4. Prior to commencement of any development on site the developer shall lodge with the Council a cash deposit of €33,000 i.e. 10 units x €3,300/unit, (or as may be adjusted on the 1st January each year, based on the changes to the Wholesale Price Index for building construction, published by the Central Statics Office) as security to ensure the satisfactory completion of the development or to enable the Council to undertake the necessary completion or reinstatement of the site, (including all necessary demolition and removal) if deemed necessary. The deposit, or part thereof, will be refundable to the developer following the taking in charge of the development or, where no part of the development is proposed to be taken in charge, the completion of the development up to taking in charge standards as approved by Louth County Council.

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

5. Prior to the commencement of development, the developer shall submit to and obtain the written agreement from the Planning Authority for the following:
  - Details for a properly constituted Owners' Management Company, with membership compulsory for all purchasers
  - Measures for the regular cleaning of the public road adjoining and adjacent to the site
  - Proposals for the control monitoring and measurement of transmitted ground vibration resulting from any piling on the site
  - Landscaping Scheme for the development and a timescale for implementation
  - A programme for pre-development Archaeological investigation, including test trenching, by a qualified Archaeologist
  - Construction Waste and Demolition Management Plan
  - Resource and Waste Management Plan, including measures for the reduction of construction resources and wastes, and monitoring of reductions

- Construction Environmental Management Plan, including details of intended construction practice, noise and dust management, traffic management, surface, and groundwater protection measures
- The reuse of stonework, including granite quoins, recovered from walls to be demolished during the course of development
- Details of all external finishes to proposed buildings and public realm finishes

**Reason:** In the interests of orderly development, residential amenity, sustainable waste management, and the proper planning and sustainable development of the area.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 hours Mondays to Saturdays inclusive, 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:** To safeguard the amenities of residential property in the vicinity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and 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 amenities.

8. The developer shall enter into water and wastewater connection agreements with Uisce Éireann prior to commencement of development and all development shall be carried out in compliance with Irish Water Standards codes and practices.

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

9. Prior to occupation of any unit within the development, the street lighting serving the said unit(s) shall be operational.

**Reason:** In the interest of orderly development.

10. (a). All mitigation measures as stated in the submitted bat survey report shall be fully implemented.

(b) Nest cavities for swifts shall be integrated into the fabric of the building (e.g. into the gable end of the apartment building) or nest boxes fitted to the outside of the wall.

**Reason:** In the interest of the protection of bat and bird species listed under Annex IV of the EU Birds Directive (Council Directive 79/409/EEC).

11. All recommendations set out in the submitted Architectural Heritage Impact Assessment shall be fully implemented.

**Reason:** In the interest of orderly development and protection of industrial heritage

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Des Johnson

Planning Inspector

30<sup>th</sup> April 2024.

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.