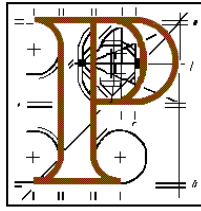


An Bord Pleanála



Inspector's Report

PL25M.245270

DEVELOPMENT:-

Modifications to previously granted development (Reg. Ref. 10/5107) to consist of Removal of Units 12-54 and increase the number of units from 56 to 70 and the relocation of the crèche within the overall development at Ardmore Hills, Marlinstown, Mullingar, County Westmeath.

PLANNING APPLICATION

Planning Authority: Westmeath County Council
Planning Authority Reg. No: 14/6134
Applicant: Frank Bell and Son
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellants: Ardmore Hills Residents Association
Type of Appeal: 3rd Party -v- Grant
Observers: (i) Fidelma Sheridan, (ii) D & J Traynor, (iii) Westmeath Childcare Committee Limited

DATE OF SITE INSPECTION: 7th October, 2015.

Inspector: Paul Caprani

1.0 INTRODUCTION

PL25M.245270 concerns a third party appeal against the decision of Westmeath County Council to issue notification to grant planning permission consisting of the removal of 43 residential units and the provision of 70 new units together with the relocation of a crèche facility within the site at Marlinstown in the eastern environs of Mullingar. The grounds of appeal express concern that the road layout is unsuitable to cater for increased traffic associated with the development and that the proposal in terms of density and form is not reflective of the existing form and density of housing in the area and is premature pending the completion of community and commercial facilities to cater for the development. Two observations were also submitted supporting the grounds of appeal.

2.0 SITE LOCATION AND DESCRIPTION.

The appeal site is located in Marlinstown in the eastern environs of Mullingar Town, approximately 2½ kilometres east of Mullingar Town Centre. The site is irregularly shaped and has a stated area of 5.1 hectares (12.6 acres). The Ardmore Hill residential estate is located on lands to the immediate west of the site and access to the site is to be taken off the existing residential development which fronts onto the Ardmore Road to the north-west. Lands to the east and south-east of the site are currently in agricultural use. A number of fields separate the south-eastern boundary of the site from the N52 National Secondary Route which runs southwards from Mullingar towards Tullamore. The R249 is located approximately 200 metres to the north of the site. Marlinstown Lawns a low density suburban residential development is located to the north of the site. The Ardmore Hills residential development to the immediate north-west of the site comprises of approximately 45 dwellinghouses with one access onto the Ardmore Road which runs roughly in an east/west direction linking the N4 with Mullingar Town Centre.

The site itself is currently a greenfield site however hardcore has been laid down to form the spine of access roads which intended to serve a previous housing development earmarked for the site. (See Planning History below).

An area of undeveloped land is located between the existing Ardmore Hills development and the subject site.

3.0 PROPOSED DEVELOPMENT

Background

Under Reg. Ref. 10/5107 Westmeath County Council on the 6th May, 2011 granted planning permission for the development of 56 dwellinghouses on the subject site (10 three bedroom detached dwellings, 37 four bedroom detached dwellings and 9 five bedroom detached dwellings) and all associated site works. Planning permission was granted subject to 23 conditions.

The current application seeks alterations including an increase in the number of houses to be provided at the subject site. The proposed development went through a number of iterations as part of the Planning Authority's decision. The final layout, as granted planning permission by Westmeath County Council, is described below.

Planning permission is sought for the construction of 72 houses and a crèche on the site in question. The dwellinghouses are ostensibly to be set around the existing road layout which has been partially constructed on site. A spine road is to run along the western boundary of the site linking the existing local roads which end in cul-de-sacs to the north and the south of the existing residential development at Ardmore Hills. Off this spine road it is proposed to provide five short cul-de-sac roads ending at the eastern boundary of the site. Each of these cul-de-sacs will accommodate between 12 and 14 dwellings each facing onto the public roadway. The dwellings back onto each other and incorporate a separation distance of c.22 metres between rear elevations. Two off-street car parking spaces are provided to the front of the dwellinghouses. All dwellinghouses are located on the eastern side of the main spine road serving the cul-de-sacs with the exception of a crèche facility and four detached dwellings which front onto the western side of the road.

In terms of open space four areas of open space are provided. Area 1 which is located outside the confines of the application area adjacent to the north-western boundary of the site accommodates an area of 836 square metres. Area 2 which is also located outside the site forms a large central area between the existing and proposed residential schemes. This area lies adjacent to the western boundary of the site and occupies an area of 6,895 square metres.

Area 3 and Area 4 are located in the southern portion of the site and are separated from a local cul-de-sac road which serves 14 dwellinghouses which back onto the southern boundary of the site. Area 3 and 4 occupy an area of c.5,500 square metres. Three surface water attenuation tanks are to be located within the area of open space. One in open space area number 1 and two in the larger open space area number 2. A number of on-street car parking bays are to be provided along the public road serving the scheme.

The crèche facility is located immediately north of Play Area 2. The crèche comprises of a two-storey building with a gross floor area of just over 207 square metres. 16 car parking spaces are to be provided adjacent to the crèche facility.

The proposed dwellinghouses comprise a mixture of detached and semi-detached three and four bedroom units. All dwellings proposed are two storeys in height.

In terms of services it is proposed to connect to the existing and public water supply and public wastewater sewage infrastructure serving Mullingar.

4.0 PLANNING AUTHORITY'S DECISION

4.1 Initial Application Lodged

The initial application lodged with the Planning Authority sought the removal of 43 of the 56 units granted under Reg. Ref. 10/5107 and the construction of a total of 70 units comprising of:

- 12 detached four bedroomed units,
- 32 semi-detached three bedroomed units, and
- 26 semi-detached four bedroom units.

A covering letter submitted with the application together with drawings and the planning application form states that the proposed application is in response to the change in economic circumstances in order to provide a wider mix of more affordable unit types. The layout of houses have been altered to maximise the orientation for habitable rooms.

The Area Engineer reports states that further information is required particularly in relation to surface water attenuation calculations.

A report from the Assistant Chief Fire Officer states that there is no objection to the proposal subject to conditions. It is noted that the revised crèche facility will also require a Fire Cert.

The initial planning report expressed a number of concerns with regard to the accuracy of the drawings submitted and requested additional information on a wide range of issues. These issues are summarised below:

- Show details of the planning application relating to the area within the red line only.
- Details clarifying ownership of the lands in question.
- Details of the amount of public open space provided and how it complies with the requirements of the Development Plan.
- Details in relation to compliance with the suggested layout contained in the Ardmore/Marlinstown Framework Plan.
- The applicant is requested to reconsider the layout of the proposed development in the context of DMURS.
- Provide further details in relation to hedgerows, watercourses and other natural heritage features within the site.
- The applicant is requested to redesign aspects of the layout in order to improve passive surveillance within the overall design particularly in respect of houses addressing areas of public open space.
- Justify the size and scale of the crèche proposed.
- Further details in respect of attenuation tanks in the context of surface water and stormwater drainage.
- Further details in respect of public light.

4.2 Further Information Submitted dated 1st December, 2014.

- Revised drawings were submitted highlighting the area of the site relating to the development only.
- Revised maps indicating the full extent of lands under the applicant's ownership were submitted.
- Revised details of the access road serving the development and particularly serving houses nos. 16 – 29 were submitted.
- Full details of open space provision within the scheme have been provided. It states that the open space provision should be assessed in the context of the extant residential development adjacent. The open space provision for the entire site comprises of 15% of the total site area. This is in accordance with the Development Plan. If the existing public open space areas associated with that part of the residential development already provided (Areas A, B and C adjacent to the Ardmore Road) are taken into account, the overall open space provision on the site amounts to 18%.
- Roadway connections to lands outside the site have been revised in order to comply with the requirements of the Ardmore/Marlinstown Framework Plan.
- The roadway width has been reduced in order to comply with the requirements of DMURS.
- Full details in relation to natural heritage have been provided in a separate report prepared by Delaney Landscaping Limited.
- The reasons justifying the mix of units proposed in the current application is set out.
- Dwellinghouses have been repositioned to address public open space and changes have also been made to the design and exterior of some of the dwellings.

- The crèche is deemed to be of sufficient size to cater for the proposed development.
- Further details in relation to surface water attenuation and full details in relation to public lighting to serve the development have also been submitted.

4.3 Clarification of Further Information Request dated 12th January, 2015.

A subsequent planner's report was prepared on the 9th January, 2015. It noted that some of the issues had been satisfactorily addressed however further clarification of some issues are required. Clarification of the following information was therefore sought.

- Further details are required in relation to the link roads through the site in order to comply with the Ardmore/Marlinstown Framework Plan.
- All internal access roads fall short of the site boundary thus creating ransom strips. Roadways should be developed to the boundary.
- The redesign of the main access road is required in order to reduce speeding.
- Additional roadside parking should be included in the design in the interest of traffic calming.
- Further details are required in relation to the tree survey submitted by Delaney Landscape as part of the additional information submission.
- Further details in relation to individual design elements and passive surveillance of the estate are required.
- Further details in respect of boundary treatments around the crèche are also required.

4.4 Further Information submitted dated 9th March, 2015.

- Further details of the roads to connect with lands to the south-west of the site have been submitted.
- All ransom strips at the site boundary have been removed.
- A revised main road layout has been submitted together with revised roadside parking.
- A more detailed tree survey report was submitted by Delaney Landscaping.
- Detailed revised designs have been incorporated into the design layout, addressing the Planning Authority's concerns on individual sites and this has improved passive surveillance.
- Further information of boundary treatments around the crèche have also been submitted.

4.5 Planning Authority's Request for Further Clarification of Information dated 7th April, 2015.

- The applicant is requested to show a link road (as per the Framework Plan) linking the subject site with lands to the north-east. A detailed design for this link road should be submitted.
- Provide evidence of the landowner's consent to carry out remedial works to trees on lands outside the applicant's ownership.

4.6 Further Information Submitted dated 22nd April, 2015.

A response from the applicant comprising of a letter of consent from the adjoining landowner permitting the trimming of overhanging branches of trees outside the applicant's lands were submitted.

Further drawings in respect of house type 1A were also submitted.

A detailed revised layout plan was also submitted

4.7 Planning Authority's Request for Clarification of Further Information dated 19th May, 2015.

The Planning Authority requested clarification of further information regarding the road layout and off-street visitor parking to serve the development.

4.8 Further Information Submitted dated 12th June, 2015.

Further details of visitor parking arrangements and road layouts were submitted as per Drawing 14-053-09 P3 on the 12th June, 2015.

4.9 Planning Authority's Assessment

The planner's report noted that all the issues in respect of additional information and clarification of additional information have been satisfactorily addressed. Reference is made in the planner's report to the upgrade of pedestrian and cycle links on the Ardmore Park. In fact lack of suitable infrastructure was cited as a reason in the Board's refusal of PL25M.243830 (see file attached) which related to a site approximately 1.2 kilometres to the west of the current appeal site. This issue could be addressed by a financial contribution condition to upgrade the pedestrian and cycling infrastructure along the Ardmore Road.

Notwithstanding this issue it is considered that the proposed development is appropriate in terms of density and mix of housing. The planner's report therefore recommends that planning permission be granted for the proposed development.

In its decision dated 9th July, 2012 Westmeath County Council granted planning permission for the proposed development subject to 22 conditions. Condition No. 9 required the applicant to pay a supplementary contribution in respect of specific exceptional costs namely the provision of a footpath and cycle routes along the Ardmore Road including the crossing of the railway line and the Royal Canal in the vicinity of Saunder's Bridge.

5.0 PLANNING HISTORY

Details of the planning history as they relate to the site and the area surrounding the site are contained in the local authority planning report

dated 3rd October, 2014. A total of 24 applications are listed in the planner's report. These applications relate to applications on lands associated with the subject site and the adjacent residential development on lands to the west at Ardmore Hills. The main applications are briefly referred to below.

Reg. Ref. 99/1473 – Planning permission was granted for 32 houses and outline planning permission to construct roads and services and a neighbourhood facility which includes a crèche and community facility.

Under Reg. Ref. 01/620 planning permission was refused for the construction of 67 houses and associated site works and two apartments and for approval to construct a neighbouring facility which includes a crèche, doctor's surgery and retail facility. The refusal was the subject of a first party appeal and the decision was upheld by the Board (details are not contained on file).

Under Reg. Ref. 03/5191 planning permission was refused for the retention and completion of roads and services on Phase 2 of site development works at Ardmore Hill and to construct 135 dwellings together with three apartment blocks, shop units, crèche and doctor's surgery and to install a wastewater treatment plant and associated site services.

Under Reg. Ref. 03/5560 planning permission was refused for the retention, altering and completion of roads and services together with permission to construct 31 dwellinghouses and commercial units with apartments overhead.

Under Reg. Ref. 04/5230 planning permission was granted for the retention of finished roads and services, site development works and to construct 12 detached dwellings.

Under Reg. Ref. 09/5078 planning permission was refused for two dwellinghouses at Site Nos. 37 and 38.

Under Reg. Ref. 10/5032 planning permission was granted for the construction of 2 four bedroom detached dwellings with connection to existing ancillary services and all associated site works including boundary walls etc. and for slight alterations to existing road network. The decision of Westmeath County Council to grant planning permission was the subject of a third party appeal and An Bord Pleanála modified the permission. Details of this file are not attached.

Under Reg. Ref. 10/5107 planning permission was granted to construct three bedroom detached dwellings, 37 four bedroomed detached dwellings and 9 five bedroom detached dwellings and all associated site works. Partial details of this decision are contained in a pouch at the rear of the file. As already mentioned in my report the current application seeks modifications and alterations to this decision.

One file is attached – PL25M 243830. Permission was sought for the construction of 27 dwellings on lands further west on the north side of the Ardmore Road approximately 1.1 km to the west of the site. Westmeath Co. Council granted planning permission for the proposed development and this was the subject of a 3rd party appeal. On the recommendation of the Inspector, the Board overturned the decision of the Planning Authority and refused planning permission for the development on grounds relating to traffic hazard and piecemeal development. The decision was dated January 2015.

6.0 GROUNDS OF APPEAL

The decision of Westmeath County Council to issue notification to grant planning permission for the proposed development was appealed on behalf of the residents of Ardmore Hill by Sean Lucy and Associates, Town Planning Consultants. The grounds of appeal are outlined below.

The grounds of appeal stress that the appellants have no objection to the completion of the housing estate but any completion must be subject to appropriate densities, design and layout. It is stated that the current application before the Board does not reflect the design ethos of the existing units. The Ardmore Road is incapable of handling the extra traffic that would be created, it being substandard in width and alignment.

Concerns are expressed that the Ardmore Road which links the development to Mullingar Town is not suitable to cater for the additional traffic generated by the proposed development. The road is devoid of markings and has a significant pinch point with a weight restriction at Saunder's Bridge (c. 1.2 km to the south-west leading to the town centre). There are no continuous pedestrian linkages between the town and the appeal site.

Reference is made to the attached file PL25M.243830 which relates to a development approximately 1.2 kilometres to the west of the site where the Board refused planning permission on the grounds that the proposed development would endanger public safety by reason of a traffic hazard because the site is accessed via the Ardmore Road and Saunder's Bridge which are substandard in terms of width and alignment.

It is argued that nothing has changed in respect of the quality and safety of the Ardmore Road since the Board made its above decision in January, 2015.

The internal road layout is deemed to be unsuitable by virtue of its alignment to cater for the increased volume of traffic which will arise as a result of Condition No. 4 attached to Westmeath County Council's decision. The internal road layout both existing and proposed is not conducive for carrying traffic associated with future adjoining residential estates on adjoining lands to the east and south-west of the site. It is noted that there are no form of speed controls within the estate and this could impact on the safety of children and other vulnerable road users who use the estate on a daily basis. In the absence of any overall Masterplan detailing the number of trips likely and the potential trip assignment, it is impossible to calculate how many vehicles may travel through the Ardmore Hills estate on a daily basis. The existing estate was designed as a low density alternative to one-off rural housing. It is also worth noting that the width of the proposed new layout within the estate is reduced to 5 metres. Such widths would not be suitable for an onward connection to neighbouring estates.

The grounds of appeal go on to argue that the density and form of the proposed development is not reflective of the existing character of the established portion of Ardmore Hills. It is stated that the Ardmore Hills estate is an outer suburban area of Mullingar and that the existing estate should be completed in accordance with its original design ethos; namely a site by site build, providing an alternative to one-off rural housing. Any future proposals should take due account of the existing character and established amenity which is characteristic of the area. Future proposals for the appeal site should comprise a mix of detached and larger semi-detached houses. It is argued that the proposed development should be refused on the basis that it materially contravenes Policy P-H1 of the Mullingar Town Development Plan 2014 – 2020.

A separate issue raised in the grounds of appeal is that the proposed development is premature pending concrete proposals and timescales regarding the development and completion of community and commercial facilities to cater for the significant increase in residential development in the area. Provision is made in the Marlinstown/Ardmore Road LAP for a commercial area, a school and a community open space, all of which are proximate to the appeal site. It is argued that infrastructural facilities are completely substandard to facilitate the safe pedestrian movement along the Ardmore Road. All existing retail facilities are located a significant distance from the appeal site with no continuous pedestrian facilities. To date no application has been made for the provision of commercial facilities and this is unlikely to happen until such time as the population reaches a critical mass to support these facilities. It is noted that the decision to grant planning permission has extended the lifetime of the permission to a 7 year period on the grounds that infrastructure works required under Condition No. 2 may not be completed within the lifetime of a 5 year permission. This indicates that no completion date is envisaged. The proposal therefore must be considered premature.

The implementation of the Marlinstown/Ardmore Road Local Area Plan should take place in a sequential manner. There are many undeveloped locations closer to the town centre where land has been zoned for residential development. The appeal site is located in the outer ring of undeveloped residentially zoned site and it is neither reasonable nor correct to provide inappropriate densities at this outer suburban site. It is recommended that the Board refuse planning permission on the basis that it is premature and inappropriate pending the development of undeveloped lands closer to the town centres in line with the principles of sequential development.

It is argued that the proposed development should be completed in accordance with the character and setting of the existing built form within the estate in terms of its structure, pattern, scale and design. Reference is made to Policy PH1 in the Development Plan where it is the policy of the Council to facilitate residential development in Mullingar and to ensure that the development reflects the character and setting of the existing built form in terms of structure, pattern, scale, design and materials with adequate provision of open space which also protects the amenities of existing dwellings.

Finally it is argued that the proposed crèche should be omitted from any future schemes due to the increase in vehicular traffic which it would

create within the estate. Having regard to the close proximity of the designated commercial area within the Marlinstown/Ardmore Road LAP it would make sense to locate dedicated crèche facilities within this commercial area. Given the proximity of this commercial zone and having regard to the fact that there are numerous crèche facilities available on the Ardmore Road, there is no need at this time to provide crèche facilities where no market need can be identified.

7.0 APPEAL RESPONSES

7.1 Applicant's Response to the Grounds of Appeal

A response was received on behalf of the applicant by McCarthy Keville O'Sullivan, Planning and Environmental Consultants. The response is summarised below.

The proposal outlines details of the development description and the application process. With regard to the principle of development and policy context, it is stated that the lands in question are zoned residential under the Ardmore/Marlinstown Local Area Plan 2009 – 2023 and have been zoned residential under successive Mullingar Town Plans. It is noted that there is a currently extant planning permission for 56 dwellings and the applicant may lodge an application to extend this permission as partially constructed road layouts together with other services have been provided on site. The Board should consider the subject site as a brownfield site, in accordance with the definition set out on the Guidelines, on sustainable residential developments in urban areas. The proposal in this instance provides a density of 14 dwellings per hectare which is considered appropriate for this location having regard to the established character and pattern of development within Ardmore Hills.

The existing entrance into Ardmore Hills is approximately 350 metres from the old Dublin Road (R392). With the exception of approximately 93 metres, there is a continuous footpath between the entrance to the estate and the Dublin Road. Saunders Bridge which is located to the west is approximately 1.3 kilometres from the existing entrance to Ardmore Hills. The existing public road to the east of the development towards the Dublin Road is deemed to be of sufficient width and alignment to accommodate increased traffic movements resulting from the proposed development.

Condition no. 2 of the notification to grant planning permission stipulates that no more than 43 dwellings and a crèche may be commenced prior to the completion of a footpath and cycleway along the Ardmore Road including Saunders Bridge. It is stated that the attachment of this condition is considered sensible. Condition no. 9 imposes a special development contribution for the upgrading of Saunders Bridge which will benefit the proposed development. It is also stated that there are a number of distinct positive characteristics of the proposed development including:

- The proximity to the eastern end of the Ardmore Road.
- An existing residential access point onto the Ardmore Road.
- Conditions nos. 2 and 9 which require infrastructure works to be carried out on the Ardmore Road.
- The planning history of the site which establishes the principle of residential development on the road.
- The condition with an alignment of the Ardmore Road and existing speed controls on the road.
- The Board should recognise the fact that the majority of traffic generated as a result of the proposed development will access Mullingar via the old Dublin Road junction to the east and north where sufficient pedestrian and cycle links exist.

It is stated that the imposition of condition no. 4 of the Planning Authority's grant of permission merely seeks to ensure future connectivity to lands to the east in accordance with the proper planning and sustainable development of the area.

It is further stated that in the event of a planning application been lodged on adjacent lands to the east, it is likely that a separate primary vehicular entrance will be provided either onto the N52 or the indicative distributor road as shown on the current Mullingar zoning map. It is misleading to imply that all future traffic will be channelled through the existing entrance onto the Ardmore Road.

It is further considered that the proposed development is suitably designed to address all road design and safety concerns raised by the Planning Authority.

With regards to issue with design, the Board are referred to the covering letter submitted with the planning application which sets out the design rationale for the proposed development. The proposal equates to a density of 14 dwellings per hectare both the Mullingar Local Area Plan and the Sustainable Residential Density Guidelines for Urban Areas recommends residential densities of between 35 and 50 dwellings per hectare. Applying such a density in the case of the current application would result in approximately 179 dwellings. This is deemed to be inappropriate having regard to the existing character of the area. It is noted that the existing development at Ardmore Hills represents a density of approximately 12 dwellings per hectare while the proposal represents a higher density than the established development, such an increase in density is deemed to be acceptable and forms an acceptable transition.

With regard to the form and layout it is stated that the permitted estate layout has provided linkages to surrounding lands and is reflective of the indicative layout provided in the Ardmore/Marlonstown LAP. It is considered that the proposed development fully accords with the provisions of the Mullingar Town Development Plan and in particular policy P-H1 regarding the facilitation of residential development which reflects the character and setting of the existing built form while at the same time protecting the amenity of existing dwellings.

With regard to the issue of community/commercial facilities, it is stated that the extant permission (Reg. Ref. No. 10/5107) includes the provision of a crèche. This crèche facility is considered to be a community facility which would benefit the proposed development and the wider local community. With regard to the prematurity of the development in the absence of community facilities, the Board is requested to note that the grant of planning permission is extended for a period of 7 years and the conditions also contains a number of conditions which allows the Planning Authority control over future phasing. This can ensure that future residential development can occur in tandem with future community/commercial facilities. It is also noted that a new school is to be developed on the nearby site and that the site is within walking distance of shopping facilities. It is further stated that until such community facilities are provided, desire lines from the site to Mullingar town centre are more likely to be along the Old Dublin Road (R392) where adequate cycling and pedestrian facilities are provided.

With regard to sequential development, the Board is requested to have regard to the fact that an extant permission for residential development

exists on site and that previous residential developments were permitted on site prior to this extant permission. The Board are also requested to acknowledge that the site is currently a brownfield as opposed to a greenfield site. In this regard it is considered that the proposal fully accords with policy PSR1 of the Mullingar Development Plan which seeks to support the principle of sequential development including underutilised and brownfield sites.

With regard to the issue of the crèche, reference is made to the Childcare Guidelines of 2001 which advises that developments in excess of 70 residential units should provide a crèche facility. The proposed development is in keeping with such recommendations. However the applicant has no desire to include a crèche as part of the proposed development and would welcome its removal from the overall scheme. The Board is therefore requested to examine the need for a crèche within the proposed development having regard to the age profile of existing residents and the scale of the development proposed. Where the Board is of the opinion that a crèche facility is absolutely necessary, it is considered that this should be provided as part of a latter phase of the development. The preference is for the omission of a crèche as part of the overall scheme.

7.2 Planning Authority's Response to Grounds of Appeal

The Board are requested to consider the reports of the Executive Planner contained on file. Specifically with regard to road infrastructure serving the lands - particularly the Ardmore Road, the submission states that matters have changed since the Board's determination and appeal under PL25M.243830. It states as part of the provision of a school on the Ardmore Road further west of the site, Westmeath County Council has committed to provide upgrades to the roadway to provide a roadway compliant with DMURS standards including footpath and cycleway facilities. It is considered that there is a reasonable possibility that these upgrade works will be undertaken. The Planning Authority does not consider that any further development of the subject site over what is already has permission (ref. 10/5107) should be undertaken until these infrastructure works are implemented. For this reason condition no. 2 is attached.

8.0 OBSERVATIONS

Two observations have been submitted, the contents of these observations are set out below.

Observation from Fidelma Sheridan

This observation makes the following points

- There is only one exit/entrance into the estate and the volumes of traffic on the Ardmore Road are already high. Traffic volumes on the Ardmore Road are expected to increase significantly with the proposed building of a primary school. The exit from Ardmore Hills onto Ardmore Road incorporates a steep incline which is particularly dangerous during frosty and snowy weather.
- There is insufficient provision of footpaths and cycle paths along the Ardmore Road and it is premature to approve the construction of 43 additional houses prior to completion of any further footpaths and cycle paths.
- The roundabout junction on the (Dublin Road R392) is particularly dangerous with no footpaths and there had been many accidents at this junction over the years.
- The Council appear to be contradicting their own Guidelines with regard to the use of hammer head-road designs. Hammer head roads have inherent safety problems when it comes to access for bin lorries and fire brigades etc.
- The roads within Ardmore Hills have been used as play areas for children due to the lack of provision of suitable alternative play areas. The curvature of the roads give poor visibility to traffic and are unsuitable for increased traffic levels.
- The development proposed does not reflect the design ethos of existing units.
- Reference is made to the precedent of a refusal of planning permission for the development of 27 dwellinghouses on the Ardmore Road for similar reasons to those outlined above.
- Reference is made to the number of handwritten amendments on the proposed conditions attached to the Planning Authority's decision (copy attached) which would lead to questions with regard

to the sufficiency and quality of the consideration given to the decision.

8.2 Observation from Dorothy and John Traynor

- Concerns are expressed that the proposed development will lead to increased traffic congestion on the Ardmore Road.
- Reference is also made to the lack of pedestrian footpath and cyclepaths and the local public transport in the area. This would give rise to road safety issues. The proposal is contrary to the Council's policy statement to ensure that the safety of road users including motorcyclists and pedestrians will be the primary consideration in the assessment of planning applications.
- Concerns are expressed that increased traffic within the estate could give rise to road safety conditions particularly for children at play. It is requested that the existing cul-de-sac should remain in place in order to reduce the road safety risk to numerous children residing at the end of the estate.
- It is noted that the open space requirement in area 1 has been reduced notwithstanding the fact that the number of dwellings are to be increased. It is considered that the open space is not adequately overlooked.

8.3 Other Submissions

Westmeath County Childcare committee were invited to comment on the proposed application on foot of a section 131 notice. The following were the observations of the Westmeath County Childcare committee.

- The proposed crèche is located within 1 kilometre of three existing childcare services – one full day, one sessional and one part time.
- Currently these services are feeder pre-schools for the Curraghmore national school/Marlinstown region.
- Two services offer after school facilities for the children of Curraghmore.

- In relation to capacity, one service is at full capacity and the other service has only a very small number of places available and one service did not comment.
- Quality childcare design is essential to ensure best practice and compliance with pre-school regulations. The childcare facility would like to see the plan for the proposed childcare facility to remain.
- The childcare facility has received expressions of interest from a childcare provider in relation to this proposed service.

8.4 Further Submissions

The submission of the Westmeath County Childcare facility was circulated to the various parties for comment. These comments are briefly set out below.

The applicant requested that the Board keep in mind its comments made in respect of the crèche facility in the response to the grounds of appeal.

A further submission from the appellants states that there are at least 7 childcare facilities in the vicinity of the proposal. The crèche is not deemed necessary because of the age profile of the existing estate and potential problems associated with traffic and parking. The existing estate has an age profile which has outgrown the need for a crèche and the amount of dwellings proposed would not justify a crèche facility. The crèche facility would service patrons outside the estate which in turn would exacerbate traffic issues. Therefore any crèche facility is best located in the proposed commercial area or adjacent to the school.

8.5 Further Requests for Information from the Board

The Board asked the applicant, as per Article 18(1)(d)(i) of the Regulations, to re-advertise the proposed development explicitly stating that the number of dwelling houses to be provided was 72 and not 70 as indicated in the original notices. The applicant submitted revised notices on November 7th 2015. No further submissions were received on foot of this re-advertisement.

Westmeath Co Council were also requested to clarify whether or not a Supplementary Financial Contribution Scheme under the provisions of S. 49 was adopted for works along the Ardmore Road. In a letter dated

14th of October 2015 the Council stated that no such supplementary contribution scheme was adopted.

9.0 DEVELOPMENT PLAN PROVISION

The Westmeath County Development Plan 2014-2020 and the Mullingar Local Area Plan 2014-2020 are the statutory plans for the site in question. The site is zoned for residential purposes in both statutory plans.

Section 2.7 of the Mullingar Local Area Plan sets out housing policies and objectives. The relevant policies and objectives are set out below.

P-H1 - to facilitate residential development in Mullingar in line with its designation as a linked gateway town as described in the RPGs and the County Development Plan to ensure that this development reflects the character, setting and existing built form in terms of structure, pattern, scale, design and materials with adequate provision of open space and which also protects the amenities of existing dwellings.

P-H2 - To implement the provisions of the Robinstown Ardmore/Marlinstown and Mullingar South Framework Plans.

P-H3 - To provide sufficient land on a sequential basis to meet the anticipated demand and to facilitate and implement housing strategy and policies.

P-H7 - To ensure the provision of a suitable range of house types and sizes to facilitate the demographic profile of the town.

P-H9 - To require diversity in the form size and type of dwellings within residential schemes.

PS-R1 To support the principle of sequential development in assessing all new residential development proposals, whereby areas closer to the centre of the town, including underutilised and brownfield sites will be chosen for development in the first instance and to promote the sustainable pattern of development.

Policy P-SR6 seeks to ensure that new greenfield residential estate development should be in accordance with the spatial framework established in the relevant framework plan for the subject area subject

to infrastructural services being met. In terms of residential density, the plan seeks to develop outer suburban/greenfield sites at a density of 30-35 units per hectare.

Residential layout and design is set out in section 2.13 of the Mullingar Local Area Plan.

The Ardmore Marlonstown Local Area Plan 2009-2023

Section 6 of this plan sets out the framework for the master plan area, as well as policies and objectives and development controls. Section 6.7 of the plan refers to area 4 – the ‘Petitswood Infill’. This area according to the plan, is located south of the Dublin Road and north-east of the Ardmore Road. The area comprises of just less than 10 hectares. The area is surrounded by established low to medium density housing to the east along the Ardmore Road and medium density housing to the north-west. It is considered that the most appropriate means of developing this area is by providing housing at a maximum density of 35 dwellings per hectare in keeping with the character of the area.

Housing types should comprise a mix of typologies and dwelling size in order to accommodate a broad range of household compositions. Any new development will have to provide connections to adjacent and existing developed areas.

The policies in relation to this area are as follows:

- The area shall accommodate residential development at a medium density similar to surrounding development.
- Any new development shall provide connections to adjacent existing and new developed areas.
- Development shall front onto a north-south Avenue from the Dublin Road to the Ardmore Road.
- Housing types shall comprise a mix of typologies and dwelling sizes to accommodate a broad range of household compositions.

In terms of building controls a building density of 25-35 units per hectare would be permitted and the building height shall be restricted to a maximum of two storeys.

10.0 PLANNING ASSESSMENT

I have read the entire contents of the planning file, visited the site in question, have had particular regard to the grounds of appeal and the planning history associated with the site. I consider the most pertinent issues in determining the application and appeal before the Board are as follows:

- principle of development
- prematurity of development pending road improvements
- sequential development issues
- traffic safety considerations
- the provision of community facilities
- the proposed crèche
- supplementary development contributions

10.1 Principle of Development on Site

I would agree with the applicant's argument set out in his response to the grounds of appeal that the principle of residential development on the site in question has clearly been established. First and foremost the site is zoned for residential development in both the current Mullingar Local Area Plan and in the Marlinstown/Ardmore Local Framework Plan. In fact the latter plan provides quite a prescriptive and detailed design framework for the lands in question indicating both land uses and indicative road networks to serve the area. It is also apparent from the planning history associated with the site that it has long been a land use objective for the Planning Authority to develop the lands in question for residential development. According to the applicant's response to the grounds of appeal, planning permission for a residential development was first secured on the subject site as far back as 1999. Perhaps more importantly the site currently has an extant permission for 56 dwellings and this permission does not expire until May 2016. It is also apparent from the information contained on file that the site is currently serviced in terms of foul sewage and water supply.

Finally I note that the grounds of appeal do not challenge the principle of residential development on the subject site but merely argue that the development in this instance is premature and is non sequential in terms of developing from Mullingar town centre outwards. These issues will both be dealt with subsequently in the assessment below.

10.2 Prematurity of Development pending Road Improvements

This is perhaps the most critical consideration in determining the current application and appeal before the Board. The grounds of appeal argue that the proposed development is premature primarily on the grounds that there is insufficient pedestrian and cycle infrastructure along the Ardmore Road to cater for the proposed development and furthermore a pinch point exists at Saunders Bridge, the road bridge over the canal and railway line approximately 1.2 kilometres to the east of the site. The Board's decision under planning appeal ref. PL25M.243830 is a material consideration in determining the current application. This planning appeal related to a more modest development of 27 houses on lands closer to the town centre on the northern side of Ardmore Road approximately 250 metres east of Saunders Bridge.

Westmeath County Council issued notification to grant planning permission and the Inspector's Report notes that the local Area Engineer had no objection to the proposed development. The Local Authority's decision incorporated numerous development contributions towards the provision of a pedestrian bridge over the Royal Canal and Railway Bridge in the notification to grant planning permission. The Planning Authority's response to the grounds of this appeal notes that the developer had also been required by way of condition to pay towards the cost of upgrading public footpaths along the Ardmore Road. However the Planner's Report goes on to note that there was an unclear timeframe/plan for such works to be carried out and that there are no formulated plans to realign and improve the Ardmore Road to facilitate increases in traffic. This issue formed the basis of one of the reasons for the Board's reason for refusal. The first reason for refusal issued by the Board cited that the proposed development would endanger public safety by reason of a traffic hazard because the site is accessed via the Ardmore Road and Saunders Bridge which are substandard in terms of width and alignment. The location of the site on the outskirts of the town in conjunction with the lack of continuous safe pedestrian and cycle-path connectivity to both the town centre and the lands to the east would endanger public safety by reason of a traffic hazard. This decision was dated January 2015.

I consider that similar arguments could be equally applicable to the proposed development in question as substantial improvements had not been carried out on the Ardmore Road.

However there are in my opinion a number of mitigating factors in the case of the current application which could convince the Board that a grant of planning permission in this instance may be appropriate.

Firstly it should be noted that there is an extant permission on site for 56 houses and this development could be commenced immediately in the absence of any infrastructural improvements on the Ardmore Road or Saunders Bridge. I further note that the extant permission (reg. ref. 10/5107 and expires in May 2016) also incorporates a number of financial contribution conditions. However none of the specific conditions relate to monies towards the upgrading and improvement of the Ardmore Road or Saunders Bridge. Therefore the existing permission on site could be acted upon in the absence of any specific financial contributions towards the upgrade of the Ardmore Road. This, I would submit, would not be in the interest of the proper phased integrated development for the wider area and therefore would not be in accordance with the proper planning and sustainable development of the area.

Secondly I would refer the Board to condition no. 2 of the Planning Authority's grant of planning permission which limits the amount of dwellings together with the crèche to be constructed prior to the completion of the footpath and cyclepath along the Ardmore Road including Saunders Bridge. Therefore if the Board were minded to grant planning permission in this instance, it could be confident that the level of development permitted in the absence of improvements to the Ardmore Road would be less than that associated with the extant permission for 56 houses and a crèche.

Thirdly as the Planning Authority points out in its response to the grounds of appeal, subsequent to the Board determining the appeal under PL25M.243830 and as part of the provision for a school on the Ardmore Road, Westmeath County Council has committed to provide upgrades to the roadway and to provide a roadway compliant with DMURS standard including footpath and cycleway facilities. The Planning Authority go on to state that "*it is considered that there is a reasonable possibility of these upgrade works being undertaken*". Notwithstanding the non-committal nature of the last sentence contained

in the Planning Authority's response to the grounds of appeal, it appears that there is an increasing likelihood that Westmeath County Council is committed to provide upgrades along the roadway in question. It is apparent that an addition to the commitments to improve the roadway to facilitate the school on the Ardmore Road, the applicant has been levied with a financial contribution to specifically provide for footpath and cycle routes along the Ardmore Road including the crossing of the railway line and Royal Canal in the vicinity of Saunders Bridge. This amounts to a substantial sum of €153,821.

Finally in relation to this issue, I note that the site in the case of 25M. 243830 was located in close proximity to Saunders Bridge and it was more likely that vehicular and cycle traffic in accessing Mullingar town centre was more likely to travel westwards over the bridge towards Millmount Shopping Centre and northwards along Millmount Road to Mullingar town centre. The applicant points out, reasonably in my opinion, that traffic from the subject site is more likely to access Mullingar town centre via the Old Dublin Road (R392) via the roundabout to the north-east of the site.

I would reiterate that in my opinion, the prematurity of the development pending road improvements along the Ardmore Road is perhaps the most critical issue for the Board to determine in the context of the current application and appeal. However I consider that there are a suite of circumstances in the case of the current application which are outlined above which may persuade the Board that a grant of planning permission is appropriate in this instance.

I also consider that the proposed development can be considered more appropriate in terms of density, design and layout than the existing permission on site which may also prompt the Board to consider a grant of planning permission in this instance. The issue of design and layout is dealt with in more detail under a separate heading below.

10.3 Sequential Development

The grounds of appeal argue that planning permission should be refused for the proposed development on the grounds that the proposed development does not represent a sequential approach in terms of concentric development outwards from the town centre. It is apparent that the proposed development has not been developed in sequence in terms of the Ardmore/Marlinstown Framework Plan. I can find no specific statement in the Framework Plan which requires sequential

development as that set out in Policy P-H3 of the Mullingar Development Plan. Notwithstanding this, I would consider it appropriate that any development within the wider Mullingar area would take place in a sequential manner. However I would reiterate that there is an extant permission on site which could be developed in the immediate short term and that the extant development may not be the most appropriate for the site in terms of design and layout. I further note that there are particular circumstances relating to the site which may warrant the Board to consider developing lands in this more peripheral area.

Firstly infrastructure and services already exist on the site in question. The site has been serviced in terms of foul sewage drainage and road layouts and foundations including kerbing have already been substantially developed on the site in question. Having regard to the presence of this infrastructure it could be reasonably argued in my opinion that the lands in question could be developed out of sequence. Furthermore and equally importantly in my opinion, the lands as they currently exist will represent an eyesore and are a serious source of disamenity for the existing residents at Ardmore Hill. The lands in question are overgrown partially constructed and fenced off for health and safety reasons. The development of the lands in question would in my view represent a planning gain in terms of a visual and residential amenity for existing residents in the vicinity.

Lastly I consider that the proposed development would also represent a planning gain in terms of open space provision for the residents of Ardmore Hills. The existing open space for Ardmore Hills comprises of three small areas of incidental open space which are of little use in terms of providing functional “kickabout” recreational areas. It appears that requisite open space provision was to be provided as part of a more comprehensive development on the entire lands. The development of the lands in question will provide more generous and usable public open space which can be enjoyed by the residents of the entire development. This would also represent a significant planning gain for the existing residents in my opinion.

Therefore, as in the case of the issue of prematurity of the development I consider that there are a number of particular circumstances relating to the subject site which would provide a strong case for allowing the development on the lands in question to go ahead notwithstanding the fact that Policy P-H4 not strictly adhered to in this instance.

10.4 Density Layout and Form of the Proposed Development

The grounds of appeal argue that the density and form of the proposed development is not reflective of the established layout and character of the existing portion of Ardmore Hills. The existing Ardmore Hills development relates to an ostensibly low density development comprising of large detached dwellings on individual sites. The density of the existing layout equates to approximately 11-12 units per hectare. The proposal which is the subject of the current appeal equates to approximately 13-14 units per hectare which is not significantly different than that which already exists on site. Furthermore national Guidelines, the Mullingar Local Area Plan and the Marlinstown Framework Plan, all suggest that in the case of outer suburban areas densities of between 25 and 50 dwellings per hectare (depending on the particular guidelines). It could reasonably be argued therefore that the proposed development constitutes an inefficient use of zoned serviced lands in that it does not achieve the density thresholds set out in the various guidelines. However I consider that a balance should be struck between developing the lands in question in order to reflect the character, setting and existing built form of the area as set out in Policy P-H1 of the Mullingar LAP and also to achieve higher density standards as set out in current national and local policy in relation to residential densities. I consider the provision of housing at a density of 14 units per hectare adequately strikes the above balance.

The grounds of appeal also argue that the proposal represents a radical departure of the existing form, size and types of dwellings within the existing scheme. The proposed development introduces an element of semi-detached dwellings in the form of three and four bedroomed units. This in my view, is appropriate as it creates a wider diversity of dwelling sizes and types within the scheme in order to appropriately reflect the diverging market demands in relation to residential units. Furthermore I consider the incorporation of a wider diversity of units fully conforms to policy PH9 of the Development Plan which seeks to “require diversity in the form size and types of dwellings within residential schemes.”

In terms of layout I consider that the Planning Authority through the request for further information and the subsequent request for clarification of further information have addressed any perceived deficiencies in terms of the overall design and layout with regard to open space provision linkages to adjoining lands as required under the Framework Plan and incorporating appropriate road design measures in accordance with DMURS guidance and ensuring that appropriate

passive surveillance is provided for all public areas of open space. I am therefore satisfied that the proposed development is appropriate in terms of density, design and layout.

10.5 Traffic Safety Considerations

Concerns are expressed in the grounds of appeal that the existing road network at Ardmore Hills is unsuitable to cater for additional traffic associated with the proposed development and, perhaps more importantly, the road network serving the existing residential development is not suitable to cater for traffic generated by further residential development on zoned lands to the east and south-east of the subject site. It is clear from both the Mullingar Local Area Plan and the Marlinstown/Ardmore Local Framework Plan that significant tracts of land have been zoned for residential development in the vicinity of the proposed development. It is also apparent from Map 6 of the Framework Plan which indicates the future road infrastructure requirements, that it is not intended to channel all traffic associated with the developed lands through the existing residential estate. It is clear that new access points are proposed onto the Ardmore Road, onto the Dublin Road (R392) and onto the N52 to the east of the site. It is also apparent from the road hierarchy set out in map 6 that none of the existing roads associated with the Ardmore Hills residential development are intended to serve as level 1 roads and therefore are not intended to take significant volumes of traffic.

There will undoubtedly be a substantial increase in traffic volumes on the existing roads in Ardmore Hills estate. In my view such an increase is acceptable. The increase in traffic will be only marginally above those associated with the extant permission for 56 houses and a crèche on the lands in question. The increase in the number of houses from 56 to 72 will not result in any significant levels of traffic over and above that associated with the existing permission on the site. Westmeath County Council in assessing the application placed significant emphasis on the requirement to comply with the standards set out in DMURS. Road widths have been reduced on the new layout accordingly and this will assist as a significant traffic calming measure. I therefore do not consider that increases in traffic through existing roads within the Ardmore Hills estate resulting from the proposed development constitutes reasonable grounds for refusal having regard to (a) the zoning of the lands in question and (b) the road hierarchy set out in the framework plan and (c) the fact that planning permission exists for an existing residential development and crèche on the subject lands.

An observation submitted also expressed concerns in relation to the access onto the Ardmore Road and that the current access constitutes a traffic hazard particularly in icy weather. I have inspected the site in question and I consider that the existing access is appropriate in terms of sight lines and design. I have not inspected the site during a period of inclement weather. I am nonetheless of the opinion that the proposed access complies with relevant standards and I note that this access was the subject of a previous planning application and was deemed to be acceptable by Westmeath County Council.

An observation submitted also expressed concerns that the increased traffic associated with the development could adversely impact on children's safety as children regularly play on the existing roads on the Ardmore Hill estate. I would consider it inappropriate that children would play on roads designed to carry vehicular traffic. I note that the proposed development incorporates substantial areas of public usable open space which currently is not available at the existing development. The provision of large usable areas of open space which has been designed and located to cater for the entire development should entice children to play away from the roadway and within the designated recreational areas i.e. on the open spaces.

10.6 Community/Commercial Facilities

The grounds of appeal argue that the proposed development is premature pending concrete proposals and timescales regarding the completion of community and commercial facilities to cater for the significant increase in a higher density residential development. These commercial facilities are proposed under the Ardmore Road/Marlinstown Local Area Plan.

An area of land on the northern side of the Ardmore Road to the west of the subject site is designated for mixed commercial uses. Lands directly opposite on the south side of the Ardmore Road are designated for institutional and educational uses. Again I would request the Board to note that condition no. 2 of Westmeath County Council's notification to grant planning permission requires the development to be built in phases with no more than 43 houses and a crèche been built in the first phase. The proposal will also incorporate a crèche in the first phase and the applicant's response to the grounds of appeal indicates that a new primary school is to be constructed in the vicinity of the site. With regard to commercial uses, these uses will be developed when in

accordance with market demands it is unlikely that retail and other commercial facilities will be established prior to housing been developed on appropriately zoned land.

10.7 The Creche Facility

Finally the grounds of appeal request that the proposed crèche be omitted from the scheme due to the increase in vehicular movements it would create within the estate. The submission on behalf of the applicant in response to the grounds of appeal stated that the applicant would be happy to omit the crèche facility should the Board deem it appropriate. The proposed development will result in a total of c.117 dwellings being developed at this location (45 existing dwellings and 72 proposed dwellings) even if the first phase of the development i.e. 43 houses were commenced this would result in the provision of 88 houses. The departmental Childcare Facility Guidelines issued in June 2001 will require a childcare facility to be provided for every 75 dwellings. In accordance with the above Guidelines therefore a childcare/crèche facility should be provided on site. While the appellants argue that the age profile in the existing estate does necessitate a crèche facility, it is apparent that there are large number of young families in the existing estate, and this is expressed in the traffic safety concerns set out in the appeal. Furthermore the development of 72 houses in isolation would justify a crèche having regard to the fact it falls only marginally short of the standards set out in the Guidelines.

The Ardmore/Marlinstown Framework Plan in Section 6.25 states that consideration of childcare facility provision should be raised as early as possible in the pre-planning discussions for larger housing developments. It states that a standard of one childcare facility providing a minimum of 20 childcare spaces for approximately 75 dwellings should be applied to residential developments. The provision of a childcare facility on the site in question is therefore fully in accordance with National Guidelines and in accordance with the local Area Framework Plan.

Finally in relation to this issue I refer the Board to the submission from the Westmeath Childcare Committee (WCC) which states that notwithstanding the fact there are three childcare services within 1 kilometre of the site, it notes that only a very limited number of spaces are currently available. I do acknowledge that this is disputed by the applicant where it is suggested that there are no less than 7 such facilities in the immediate area. The committee states that it would like

to see that the proposed childcare facility would remain and that the committee has received an expression of interest from a childcare provider in relation to this proposed service.

Having regard to the Guidelines and the number of houses to be provided in the context of the overall development, I would recommend that the Board retain the crèche facility in this instance.

10.8 Special Contribution Condition

I refer the Board to condition no. 9 which requires the developer to pay the sum of €153, 821 to the Planning Authority as a special contribution pursuant to section 49 of the Planning and Development Act 2000 in respect of specific exceptional costs incurred by Westmeath County Council which benefit the proposed development namely the provision of a footpath and cycleway routes along the Ardmore Road including the crossing of a railway line and the Royal Canal in the vicinity of Saunders Bridge. The reason for this condition states that it is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Westmeath County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area. I have consulted the adopted development contribution scheme for Westmeath County Council and I can find no reference to the adoption of a Supplementary Contribution Scheme under the provisions of section 49 in the Contribution Scheme. I have also contacted Westmeath County Council regarding same and it appears that no such Supplementary Contribution Scheme was adopted by the Council. It is assumed therefore that Westmeath County Council seek to levy the financial contribution under the provisions of Section 48(2)(c) of the Planning and Development Act as a special contribution for works to be undertaken which specifically facilitate the proposed development and not under the provisions of S.49. The Development Management Guidelines for Planning Authorities issued by the Department in June 2007, states that special contribution requirements in respect of particular developments may be imposed under the said Section of the Planning Act where specific exceptional cost not covered by the Scheme are incurred by the Local Authority in the provision of public infrastructure and facilities which benefit the proposed development. In implementing the terms of section 48(2)(c). It is therefore *“essential that the basis for the calculation of the contribution should be explained in the planning decision. This means it would be necessary to identify the nature/scope of works the expenditure involved and the basis for the calculations*

including how it is apportioned to the particular development'. In this regard I refer the Board to the memorandum on file from Mr. Declan Leonard, the Mullingar Municipal District Manager dated 9th July 2015. I consider that details as to how the special contribution was calculated and apportioned to the development in question have been adequately set out in this memorandum and therefore in my view a special contribution is both appropriate and proportionate having regard to the road infrastructure deficiencies along the Ardmore Road. Therefore if the Board are minded to grant planning permission in this instance I consider that this special contribution be retained in any grant of permission.

Appropriate Assessment

The nearest designated Natura 2000 sites are the Lough Owel SPA (side code) 004047 and candidate SAC (side code 000688) which is located approximately 5.5 kilometres to the north-west of the site at Lough Ennel SPA (side code 004044) and candidate SAC (side code 00685) which is located approximately 4 kilometres to the south-west of the site. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the proximity of the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on the European's sites concerned.

11.0 CONCLUSIONS AND RECOMMENDATIONS

Arising from my assessment above therefore and notwithstanding the decision of the Board in relation to PL25M. 243830, I consider that there are circumstances which would permit the Board to consider a grant of planning permission in this instance notwithstanding the need for an upgrade along the Ardmore Road. I therefore recommend that planning permission be granted for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

DECISION

Grant planning permission in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the policies and provisions contained in the Mullingar Local Area Plan 2014 – 2020 and the policies and provisions contained in the Ardmore/Marlinstown Local Area Plan 2009-2023 together with the residential zoning objective relating to the site and the extant permission for a housing development under reg. ref. 10/5107 granted by Westmeath County Council on 6th May 2011, it is considered that the proposed development subject to conditions set out below would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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 as amended by the further plans and particulars submitted to the Planning Authority on 1st day of December 2014, 9th day of March 2015, 22nd day of April 2015 and 12th day of June 2015, and the further information submitted to An Bord Pleanála on the 5th day of November 2015 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No more than 43 dwellings and the crèche facility shall be constructed prior to the completion of a footpath and cycleway along the Ardmore Road up to and including Saunders Bridge to the satisfaction of the Planning Authority.

Reason: In the interest of road safety.

3. Prior to the commencement of development a phasing programme shall be submitted to and agreed with the Planning Authority. No elements of the development shall be constructed independently except under the agreed phasing proposal. The development shall thereafter be completed in accordance with the agreed phasing details.

Reason: In the interest of orderly development.

4. The internal road network serving the proposed development including turning bays junctions and parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and traffic and pedestrian safety.

5. No development shall be occupied until the roads and services to the dwelling including public lighting have been provided and are fully operational.

Reason: In the interest of residential amenity.

6. All first floor side elevation windows to the dwellings shall incorporate obscure glazing, except where these windows face onto a roadway or public open space. The south-west facing windows to units 29, 44 and 60 and the first floor north facing windows of units 30 and 45 shall be obscurely glazed. The obscure glazing shall not apply to any bedrooms at first floor level but only bathrooms and windows serving non habitable rooms. Details shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

7. Details of the materials, colours and textures of all external finishes to the proposed dwellings and crèche facility shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to and agreed in writing with, the Planning Authority prior to the commencement of development. This scheme shall include the following:

- (a) a plan of not less than 1 in 500 showing.
 - (i) existing trees, hedgerows and shrubs specifying which are proposed for retention as features of the site landscaping.
 - (ii) the measures put in place for the protection of these landscape features during the construction phase.
 - (iii) the species variety number and size and locations of all proposed trees and shrubs which shall comprise predominantly of native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (iv) details of screen planning.
 - (v) details of roadside/street planting.
 - (vi) hard landscaping works, specifying surface materials, furniture, play equipment and finishing levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for the implementation including details of the phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential and visual amenity.

- 9. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

12. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

13. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

15. The crèche facilities shall operate in accordance with “Childcare Facilities: Guidelines for Planning Authorities” issued by the Department of the Environment and Local Government in June 2001. The number of children to be accommodated within the crèche shall not exceed 20 at any time on any day.

Reason: To ensure that childcare facilities are provided in association with residential units in the interest of residential amenities.

16. No signage, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 or any statutory provisions amending or replacing them, shall be displayed or erected on the crèche facility unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

17. The proposed childcare facility shall not operate outside the period of 0800 hours to 1900 hours Monday to Friday inclusive unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of visual amenity.

18. The external play area associated with the crèche shall be securely fenced with all door/gates adequately secured. Details of the outdoor play area and materials shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of public safety.

19. The permission shall expire seven years from the date of this order.

Reason: Infrastructural works required under condition no. 2 may not be completed within the lifetime of the five year permission.

20. The developer shall pay to the planning authority a financial contribution of €98,698 (ninety eight thousand, six hundred and ninety eight euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the

Planning and Development Act 2000. 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. The application of any indexation required by this condition 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.

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.

21. The developer shall pay the sum of €153,821 (one hundred and fifty three thousand, eight hundred and twenty one euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of the provision of a footpath and cyclepath routes along the Ardmore Road. (Specify the particular works of public infrastructure and facilities to which the specific exceptional costs relate.) This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

22. The developer shall pay to the planning authority a financial contribution of €97,920 (ninety seven thousand, nine hundred and twenty euro) in respect of the Clonmore Road link and Robinstown link road, Mullingar in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

**Paul Caprani,
Senior Planning Inspector.**

8th December, 2015.

sg/ym