



Inspector's Report

Development: Construction of 38 no. houses, extension to Gleann Petit Drive Roadway to give access and amend existing road, new access to the Grove and the Court and associated site works at Lakepoint, Dublin Road, Mullingar, Co. Westmeath.

Planning Application

Planning Authority: Westmeath County Council

Planning Authority Reg. Ref.: 16/6071

Applicant: Daracom Limited

Type of Application: Permission

Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): Daracom Limited

Type of Appeal: 1st Party

Observers: 1. Colm Walsh

Date of Site Inspection: 25th August 2016

Inspector: Fiona Fair

Appendices: Photographs, Site location Map
Excerpt from County Development Plan

1.0 SITE DESCRIPTION (see photographs and location map)

The appeal site (1.6425 ha) is located approx. 2Km to the east of the town of Mullingar in County Westmeath. It is adjacent to and accessible from the N4/M4 Dublin Road.

The appeal site is bounded to its north by Lakepoint residential estate. The Lakepoint residential estate is access off the Delvin Road located to the north of the appeal site. Houses in The Rise, The Grove and The Court adjoin the northern appeal site boundary, with rear boundary walls of properties in The Court and The Grove forming the northern site boundary.

Gleann Petit residential development and an area of public open space is located to the western boundary of the appeal site. It is notable that the Gleann Petit residential development is accessed off the R392 Dublin Road to the south west of the appeal site. There is no through vehicular road between Lakepoint and Pettswood residential estates. A pedestrian / cycle link (between the two estates) with collapsible bollards, is located at a turning circle on The Rise access road, located to the north west of the appeal site.

The lands to the east, zoned 'enterprise and employment' are currently undeveloped. The lands to the south, also zoned 'enterprise and employment', contain the Imperial Tobacco complex.

The site is currently closed off by hoarding and encompasses a sub base for a road layout and services.

2.0 PROPOSAL:

Permission is sought for the construction of a residential development consisting of:

- Amendment to existing planning permission Ref; 97/1169 & PL25.108055 approved (32 no. dwellings) on a 1.6425 Ha site located to the rear of house nos.26-29 The Court and to the rear of house nos.

7-10 The Grove and adjacent to house nos.23-24 Gleann Petit Drive, Lakepoint, Dublin Road, Mullingar.

- The development consists of 38 new houses, in four designs providing:
 - 12 no. two storey 3 bedroom semi detached,
 - 22 no. two storey four bed semi detached houses,
 - 2 no. two storey four bedroom plus study semi-detached and
 - 2 no. two storey four bedroom plus study detached houses
- An extension to Gleann Petit Drive roadway to give access and amend existing road, turning bays & footpaths,
- A new pedestrian access to The Grove & The Court,
- All landscaping including garden and boundary walls,
- All associated services

3.0 PLANNING AUTHORITY'S DECISION

Westmeath County Council **Refused** Planning Permission for the following reasons:

1. *The application site is in part zoned open space in the Mullingar Local Area Plan 2014-2020. The proposed development comprises the provision of a new access road on lands zoned Open Space which would **materially contravene** Objective O-LZ7 in the Mullingar Local Area Plan 2014-2020. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
2. *The provision of an access road on lands zoned for open space would reduce the quantum of public open space available to existing residents of the scheme, would provide an insufficient level of amenity to future residents, would contravene public open spaces standards prescribed in the Mullingar Local Area Plan 2014-2020 and would therefore be contrary to the proper planning and sustainable development of the area.*

4.0 TECHNICAL REPORTS

The reports are summarized as follows.

4.1 Planners Report:

The planners report reflects the decision to refuse planning permission.

4.2 Area Engineer Report:

Report recommends grant of permission subject to condition.

4.3 Irish Water

No objection

4.4 Housing Officer

No objection subject to compliance with respect to Part V of the Planning and Development Act 2000, as amended.

4.5 Objections/Submissions

Two number of third party submissions were received issues raised are set out in the Westmeath County Council planning report attached to the file and are summarised as follows:

- Estate Layout – The current proposal in conjunction with adjoining residential scheme permitted under 12/5115 has resulted in a patchwork style approach to expanding the estate with resultant changes to the numbering of houses.
- Access to the proposed 38 units from The Grove, Lakepoint as previously granted would negate this problem.
- Increase in traffic volumes arising. The existing access road was designed to accommodate traffic from 19 no. units as opposed to 38 units. Logistical and health and safety issue.
- There is no provision for off-road parking for visitors to the 38 units.
- Access to the units should be from The Grove Lakepoint

- The developer has a long history of failure to comply with existing permissions on site.
- No provision has been made to connect into the natural gas network, which is available in Lakepoint.
- There is only one telecoms provider serving residents in Gleann Petit
- All unfinished works in the estate should be remedied prior to permission being granted for any new development.
- Concern raised in relation to the proposed pedestrian access from Gleann Petit to Lakepoint provided for in the scheme
- The provision of an additional pedestrian access is not warranted given the existing pedestrian access at The Rise
- Proposed new pedestrian access is not overlooked, but bounded by the end walls of the end houses at The Grove and The Court and accordingly will encourage anti-social behaviour.
- If access is to be provided, it is requested that a vehicular access is created, at a closing point near or before The Close to prevent a 'rat run' from the Dublin Road to the Delvin Road.

Westmeath County Childcare Committee Submission:

Notes that a childcare facility is already operating at Lakepoint Mullingar. Also there are 4 services operating within the DED.

5.0 APPEAL GROUNDS

5.1 A First party appeal has been lodged by John Spain Associates on behalf of Daracom Ltd. The grounds of appeal are summarised as follows:

- The Westmeath County Council planning report recognises that the principle of a residential scheme on lands zoned for residential development is acceptable.
- The granting of 32 units under PL25.108055 has set a precedent for development at this location.

- Access roads are not excluded from open space zoned lands in the CDP or by the LAP
- There are many examples where existing access roads cross open space lands including those permitted at the entrance to the overall Lakepoint Development off the Delvin Road.
- The proposed access arrangement would result in a more direct access to local shops and services and would result in a lower volume of traffic in the Lakepoint estate, which would result in an improved and safer residential environment for the residents of Lakepoint development.
- Significant benefits outweigh any impact upon open space provision.
- Proposed access allows for greater permeability and is in accordance with 'Guidelines for Planning Authorities on sustainable Residential Development in Urban Areas, 2009' and the Design Manual for Urban Roads and Streets, 2013 (DMURS).
- The 15% open space standard in the LAP will still be met and exceeded within the Lakepoint / Gleann Petit residential developments illustrated on drawing no. P-S-2001 prepared by John Fleming Architects.
- There has been a decrease in the total no. of houses within the overall development by 72. However, whilst there has been a reduction in the total number of houses and residential density on the lands, the level of open space provision has not been decreased.
- The proposed access arrangement will not result in a through route to the existing Lakepoint development
- Proposed access and introduction of dual aspect residential units overlooking the open space will enhance passive surveillance
- The 2 m high wall to the west of no. 38 and 39 previously permitted under Reg. Ref. 97/1169 is proposed to be removed and this will increase security of the public open space making it easily accessible and overlooked.
- It is not accepted that the severing of the open space would render it unusable.

- Alternative Option proposed Drg. No. 151/603701 Rev D2 submitted with the appeal puts forward an alternative access arrangement through the open space.
- The applicant would accept a planning condition omitting the proposed access road with a revised version of the previously permitted vehicular access from 'The Grove' to the north to be submitted and agreed in writing with the p.a. should the Board consider the principle of traversing the open space is unacceptable.
- The 15 % open space standard in the LAP will be met and exceeded as 16.8% public open space will be provided across the overall development as indicated on Drg. No. P-S-2001
- Since the grant of planning permission Reg. ref. 97/1169 / PL25.108055 there have been various modifications planning permissions granted on lands surrounding the subject site which are part of the overall Lakepoint / Gleann Petit development.
- There has been a reduction in the number of units, whilst the level of open space has not been decreased.
- Applicant happy to accept a condition to redesign House types C and D should the Board consider same appropriate
- Development Contributions have already been paid on the previously permitted 32 no. of units on the appeal lands. Therefore any development contribution should relate to 6 no. units only.
- Appeal accompanied with:
 - Copy of notification of decision to refuse permission 16/6071
 - Alternative Access Arrangement Drawing
 - Public Open Space Provision Drawing

6.0 RESPONSES

No response received from the planning authority.

7.0 OBSERVATION

7.1 An observation has been received from Colm Walsh. The observation is summarised as follows:

- The Estate Layout
 - The proposal and subsequent numbering system will cause confusion for emergency services, delivery services and other visitors to the estate.
 - Access to the units from The Grove, Lakepoint, as permission was initially granted would allow for uninterrupted numbering sequence
 - The previously permitted access arrangement should remain as the primary access route.
- Increase in traffic volume
 - The main artery through Lakepoint, the previously agreed access route to serve the proposed units, has an average width of 7.5 m and is the most suitable to cater for pedestrian and vehicular access associated with the proposed units.
- Open space
 - In 2012 email communication to the Gleann Petit Residents Association the applicant refused to maintain the estate.
 - The residents of Gleann Petit have had no option but to maintain the open space themselves.
- Current status of Gleann Petit
 - Residents took occupation of dwellings in Gleann Petit over 10 years ago. To date the estate is still unfinished.
 - Lack of a wearing course on the roads in the estate.
 - Allowing an additional 38 units could indefinitely postpone the completion of the estate.
 - There is a history of past failure by the applicant to comply with planning permissions
- Parking
 - There is no provision for off-roadway parking for visitors

8.0 PLANNING HISTORY

There is an extensive planning history on the site and the immediate surrounding area. Applications for development at Petitswood (Lakepoint and Glenn Petit) date back to 1997.

Planning permission was granted for the development of the subject lands (as part of an overall Masterplan for all adjacent lands incl. Industry and business park, retail, commercial and residential development including site works) under planning Register Ref. 97/1169 / PL25.108055.

Under Reg. Ref. 97/1169 / PL25.108055, 32 no. dwellings were permitted on the lands subject of this appeal. The previously permitted scheme was accessed from the Lakepoint development to the north.

In February 2014 the life of Reg. Ref. 97/1169 / PL25.108055, a 10 year permission, was extended for a further three years until the 22nd March 2016.

There have been various modification of planning permission granted on surrounding sites within the overall Lakepoint Residential Development. These include the following planning application.

- Reg. Ref. 04/5490, Permission granted for construction a residential development comprising four three storey apartment blocks with 56 units and 9 no. Detached dwellings, this represents a revision to the layout permitted under planning ref. No. 97/1169.
- Reg. Ref. 06/5188, Permission granted for construction of 24 no. Apartments, revisions to carpark layout and revisions to private /public open space layout
- Reg. Ref. 07/5135, Permission granted for construction of 10 no. Apartments, carparking spaces, bin / recycling/storage area, bicycle

parking, new boundary walls, internal roads and footpaths, and for all ancillary site and landscaping works, demolition of existing single storey dwelling house on site (area 0.2205 h.) Fronting the Dublin road

- Reg. Ref. 07/5561, / PL25.227388 Permission Granted on appeal for constructing 12 no. Residential dwellings, surface car parking, bicycle parking, refuse storage, landscaped open space, internal roads, services above and below ground, new boundary walls and associated site and landscaping works, all on a site of 0.47 hectares located at lands adjoining and part of previously approved residential development (reg. Ref. No. 97/1169)
- Reg. Ref. 07/5043, Permission granted for a mixed used development containing 26 no. residential dwellings, a neighbour-hood shopping centre, a ground floor Convenience Shopping Supermarket, first floor medical offices, first floor open plan offices, a separate two storey restaurant, a three storey office block, 379 no. carparking spaces, 21 no. bicycle parking spaces, on a site (approximately 4,256hectares – 0.6hectares) located at lands adjoining and part of previously approved residential and ‘Lakepoint Retail and Business Park’ development (register reference 97/1167).
- Reg. Ref. 12/5115 Permission granted for development of 14 no houses, replacement of the existing partly constructed internal roads with a single road and turning area, for all roads, paths, verges, boundary walls including gabion retaining wall to western boundary, fences, driveways, gardens and services on and over land at Gleann Petit, Dublin Road, Mullingar, Co Westmeath
- Reg. Ref. 12/5116 Permission Granted for the development of 4 houses, the re-alignment of the existing estate road and junction with the Dublin Road (approved under grant Reg. Ref. 97/1169) including

moving an existing electricity pole; for a new entrance and road with turning area at Gleann Petit, Dublin Road, Mullingar, Co Westmeath

8.1 Pre – Planning: The Planners report indicates that a pre planning meeting was held. The application was one of three sites within Lakepoint discussed at the meeting. The report on file notes that the documentation submitted at pre planning indicated a single access to the application site from Lakepoint only.

9.0 NATIONAL & REGIONAL PLANNING POLICY

- Quality Housing for Sustainable Communities DoEHLG Best Practice Guidelines 2007
- Sustainable Residential Development Guidelines for Planning Authorities 2009
- Design Manual for Urban Roads and Streets (DMURS) 2013

9.1 LOCAL PLANNING POLICY

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 Land Use Zoning Map of the Mullingar LAP 2014 – 2020 (LAP) (Map Ref. MLAP 14) shows the appeal site as being subject to two zoning objectives. The vast majority of the site is zoned ‘Proposed Residential’, a portion of the western part of the appeal site is zoned ‘Open Space’.

Inspectors Note: The written statement of the Mullingar LAP does not differentiate between ‘existing residential’ and ‘proposed residential’ and one category only ‘residential’ is set out ‘**O-LZ1**’ - ‘*to provide for residential development, associated services and to protect and improve residential amenity*’.

The LAP written statement refers to 'Open Space / Amenity' '**O-LZ7**' it states: *"To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas, including public open spaces."*

The land use zoning objectives '**O-LZ1**' '*residential*' and '**O-LZ7**' '*open space*' are recurrent in Chapter 15 of the Westmeath County Development Plan 2014 – 2020.

Dwelling is 'not permitted' on lands zoned "OS" in both the Land Use Zoning Matrix of the CDP or the LAP.

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-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.

- Sections 2.13 and 2.14 of the Mullingar Local Area Plan sets out Residential layout and design policies and objectives.
- P-RLD9 To require permeable layouts within housing schemes and connectivity to adjoining areas and amenities.
- P-RLD3 To require that appropriate provision is made for amenity, public open space and social infrastructure as an integral part of new residential or extensions to existing developments.
- Section 2.16 sets public and private open space policies:
- P-POS1 To ensure that the provision of public and private open space for new residential development is of a high standard, overlooked and integral to the overall development. Narrow tracts of land or 'left over areas' will not be included within open space provision.

10.0 ASSESSMENT

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues of material contravention and appropriate assessment also need to be addressed. The issues can be dealt with under the following headings:

10.1 Principle of the Proposed Development

10.2 Layout and Design

10.3 Appropriate Assessment

10.1 Principle of the Proposed Development

The subject appeal seeks an amendment to previously permitted planning permission Reg. Ref. 97/1169 / PL25.108055 on foot of which permission was granted for the development of 32 no. dwellings accessed via The Grove, Lakepoint Park. The subject proposal proposes an increase of 6 no. residential units to 38 and to re-route the primary access via Gleann Petit residential estate.

The vast majority of the appeal site is zoned Residential 'O-LZ1' in the Mullingar Local Area Plan (MLAP) 2014 - 2020 i.e. *"to provide for residential development, associated services and to protect and improve residential amenity"*, a portion of the western part of the site is zoned Open Space / Amenity 'O-LZ7' i.e. *"To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas, including public open spaces."*

While all of the residential units proposed are located within the residential zoned land and therefore are 'acceptable in principle', a new access road to serve the proposed 38 houses from Gleann Petit Drive is proposed to cross the existing zoned public open space area.

The planning authority refused permission for two no. reasons set out above in detail in section 3.0 of this report. Refusal reason No. 1 sets out that the proposed development is contrary to the zoning and would materially contravene development objective O-LZ7 indicated in the MLAP 2014 – 2020 for the provision of a new access road on lands zoned open space. The second reason for refusal considers that the proposed development would reduce the quantum of public open space available to existing and future residents of the scheme and would contravene public open space standards set out in the MLAP. The issue of open space and layout will be dealt with in the succeeding section of this report.

Chapter 10 land use zoning objectives, as per the MLAP indicates that, *'dwelling' is 'not permitted' on lands zoned "Open Space / Amenity"*. While I note it is stated that *'only development that is incidental to, or contributes to the enjoyment of open space, amenity or recreational facilities will be permitted within this zone'*, access roads are not referred to in the land use zoning matrix.

The previously permitted access arrangement under An Bord Pleanála Reg. Ref. PL25.108055 was through the Lakepoint residential development accessed off the Delvin Road. From my site visit I agree with the first party

that the proposed direct access arrangement via Gleann Petit Drive would result in a lower volume of vehicular traffic meandering through the existing Lakepoint residential development. The access to the appeal site via Lakepoint and the Delvin Road is circuitous and protracted while the access via Gleann Petit off the Dublin Road is direct and shorter.

Regard is had that the access as proposed allows for greater permeability for residents and is in accordance with the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009' which states that 'connectivity and permeability' should influence the layout and design of streets in residential areas and that 'convenient access needs to be provided between and within areas, particularly to larger community and commercial facilities and to places of work. Routes within the area should be accessible for everyone and as direct as possible.'

I am of the opinion that sufficient justification has been put forward for the need for the new access arrangement. I agree with the first party that benefits outweigh the impacts upon open space provision. Cognisance being had to the cul de sac design of Lakepoint residential area I am of the opinion that the proposed access is more in accordance with DMURS (Design Manual for Urban Road and Streets, 2013) which recognises that when designing new street networks designs should implement solutions that support the development of sustainable communities and that such networks 'should be based on layouts where all streets lead to other streets, limiting the use of cul de sacs that provide no through access.' Pedestrian and cycle connectivity between the two residential area of Lakepoint and Gleann Petit is desirable.

While the access via Gleann Petit would be a more direct and less circuitous route to the proposed residential scheme, the layout would not result in a vehicular through route to houses in Lakepoint and thereby creation of a 'rat run'. Fire tender access, pedestrian and cycle access is proposed via 1m high demountable steel bollards located to the north of the scheme at the original permitted access arrangement via houses in The Court and The Grove. This

is a similar design to the existing non-vehicular link between Gleann Petit and 'The Rise', Lakepoint.

I am of the opinion that the proposed access arrangement is the most appropriate in the interests of accessibility and connectivity. On balance it is my opinion that the use of a small area of public open space to promote accessibility and connectivity is acceptable in principle. I am of the opinion that the subject proposal does not constitute a material contravention of the MLAP 2014 – 2020 given that the land use matrix does not include 'access' or 'road', it is technically a type of development which is NOT 'not permitted', 'open for consideration' or 'permitted'. The Plan does not set out the status of land uses 'not' prescribed in the LAP.

Cognisance being had to the rationale for the proposed development and to the current Government Policy to address the housing shortage in the Country. I recommend that the provisions of Section 37 (2) (b) can be relied upon by the Board to grant planning permission in the appeal case instance. In particular Section 37 (2) (b) (i) the proposed development is of strategic or national importance and also 37 (2) (b) (ii) in that objectives are not clearly stated, insofar as the proposed development is concerned.

10.2 Layout and Design

Public Open Space

The planning authority considered that the proposed access road by reason of its juxtaposition in relation to Gleann Petit Drive would sever the area of open space and effectively result in a redundant tract of open space which is not useable. I do not agree, from assessment of the plans submitted, it is clear that the remaining open space would be of a size and quality that would still be useable.

Regard is had that the first party have submitted a revised access arrangement, as an alternative option, to the Board. Drg. No. 151/603701 Rev

D2 prepared by ORS consulting engineers proposing a revised shorter access road which impacts less upon the open space area, being located closer to the turning circle at the end of the cul de sac on Gleann Petit Drive, however, it still transverses the zoned public open space area.

The revised road design put forward by the applicant, by way of submission to the Board, is less desirable, in my opinion, due to proximity of the access route to the front of existing dwellings in Gleann Petit Drive, no's 23 and 26. I acknowledge that the Board may disagree with this opinion, however, and in such an event I recommend that if the Board wish to consider the revised design put forward by the Applicant, it is advised that the Applicant be required to re-advertise the proposal as per Section 132(1) of the Planning and Development Acts 2000-2006. As it is my belief that given the proximity of the proposed relocated access route to the front of no.'s 23 – 26 Gleann Petit Drive revised public notices are required.

The second reason for refusal sets out that the proposed development would reduce the quantum of open space available to existing and proposed residents and would contravene public open space standards in the LAP which state that 'Open space in housing estate areas shall normally be based on a standard of 15% minimum of gross site area.'

The first party have responded in detail to this matter and it is submitted that 16.8% public open space is provided in the overall Gleann Petit / Lakepoint residential area. Drawing P-S-2001 prepared by John Fleming Architects sets out in detail the areas of open space serving the residential area.

Cognisance is had that the subject proposal is for modifications to the overall permitted scheme on foot of Reg. Ref. 97/1169 / PL25.108055, it proposes 6 additional units only, and to the submission by the first party, which has not been refuted by the second party, that there has been a reduction in the number of residential units, whilst the overall level of open space has not

been reduced. From a review of the modifications to surrounding planning permissions this is collaborated.

Overall I tend to agree with the first party that the principle of the proposed new access road on a small area of open space to aid the delivery of an improved and safer residential environment for all residents, existing and proposed, within the Lakepoint and Gleann Petit residential estates is on balance desirable and appropriate.

The planning authority assessment raises the issue of inadequate rear garden depth for some of the units (namely House Type B) also concern is raised with regard to design of House types C and D. It is stated that whilst attempts have been made at providing a dual aspect, it is considered that the resultant form is overly bulky, visually incongruent and would result in frosted glazing along the street elevation. I note the planners report also questions the achievement of 22m separation distance between opposing first floor windows in the case of houses 38 and no. 23 Gleann Petit.

Rear Garden Depth

Having assessed the plans submitted it is evident that the depth of rear gardens vary from 9.5m to in excess of 40m in some cases. While House 2 (House type D) has a rear garden depth of 9.5m less than the recommended 11m I note the garden area is generous and in excess of 90 sq. m. The private open space areas associated with each dwelling is extremely generous and in excess in all cases of recommended minimum areas.

Height & Design

With respect to the design of units proposed I am of the opinion it is fairly standard and similar in design to surrounding existing permitted development. I note the 3 storey design of house types A, C and D, with dormer roof space and dormer windows to the front roof scape. The height proposed is higher

than the height of existing dwelling in both Lakepoint and Gleann Petit with average existing heights of approx. 8.2 m and proposed dwelling height of some 9.29 m (House type A, C and D). Proposed house type B is 8m in height. The applicant submits that the proposed design and introduction of dual aspect units results in an improvement to the proposed development and would result in passive surveillance of both open space areas and streets in comparison to the previously permitted scheme along with providing a variety of house types. It is my opinion that the dual aspect units are to be welcomed and that the design proposed is acceptable in its surrounding context however I have concern with regard to the heights proposed in some cases 1.0 - 1.2 m above the height of existing houses. Therefore should the board agree with my recommendation to grant planning permission I recommend that a condition be attached which requires the applicant to submit revised plans and elevation drawings, for the agreement of the planning authority, reducing the height of the dwelling, to a maximum ridge height of 8.5m

It is noted that the applicant proposes to remove a 2m high wall to the west of no. 38 previously permitted on foot of Reg. Ref. 97/1169. This is considered acceptable in principle and desirable, however, details of the proposed boundary are unclear. It is acknowledged that the introduction of dual frontage corner units, House type D, would improve the overall attractiveness and passive surveillance of the open space area. I recommend that a condition be attached requiring the western boundary to be revised to provide for a 1.1m high rendered and capped block wall to facilitate the dual aspect units, details to be agreed in writing with the planning authority prior to the commencement of development.

Opposing Windows

I have considered the matter of opposing first floor windows in the case of houses 38 and no. 23 Gleann Petit. I am of the opinion that given the proposed house no. 38 is located to the north east of existing house no. 23 Gleann Petit Drive and backs onto the east side of no. 23, issues of directly opposing rear first floor windows does not strictly apply. However I am of the

opinion that the layout proposed is unacceptable. The location of House 38 to the front of an existing dwelling No. 23 Gleann Petit is haphazard and undesirable and would impact negatively upon the character of existing dwelling. I recommend that house No. 38 be omitted and the area be integrated into the public open space area. Dwelling 37 to be redesigned to have regard to dual aspect and overlooking of open space area.

The issue of urban legibility and in particular for emergency services has been raised as a concern. I recommend that it can be satisfactorily resolved by way of condition and recommend should the Board agree that a condition be attached to any decision to grant planning permission which provides that 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.

Security and anti – social behaviour

The concern by observers of overlooking and passive surveillance of the pedestrian, cycle and emergency service link between the two estates linking the development to The Grove and The Court Lakepoint is unfounded. House Type B no.'s 1 and 2 are orientated towards this short link route and will give rise to passive surveillance. The proposal to replace the 2 m high boundary wall to the east of the central open space area and by the incorporation of the access roadway will improve passive surveillance and activity in the area.

Car Parking

Car parking for 2 cars is proposed within the curtilage of each dwelling this is considered acceptable to serve the requirements of the proposed development.

Overall I am of the opinion that the layout and design of the proposed development is acceptable subject to condition. I note the mix of dwelling sizes and types accords with the Development Plan standards and the design

and layout complements the existing pattern and character of the overall Lakepoint and Gleann Petit developments.

10.3 Appropriate Assessment (AA)

I note that the subject appeal site is not within any designated site. The site comprises an infill, zoned serviced site located within the urban area of Mullingar town limits. The proposed development is for amendments to an existing permission on the overall lands.

The matter of AA was assessed, by the planning authority. It is their judgement that the proposed development would not give rise to significant adverse direct, indirect or secondary impacts on the integrity of any nearby Natura 2000 sites having regard to their conservation objectives.

Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

11.0 RECOMMENDATION

I recommend that planning permission should be granted, subject to conditions, as set out below.

12.0 REASONS AND CONSIDERATIONS

Having regard to the zoning, planning history and pattern of development established in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development, would not seriously

injure the amenities of the area, would not adversely affect the character of the area, would be acceptable in terms of access and traffic safety and would not, therefore, be contrary to the proper planning and sustainable development of the area

13.0 CONDITIONS

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

Reason: In the interest of clarity.

2. That this permission authorises 37 residential units, only.

Reason: In the interests of clarity.

3. Prior to commencement of any development on site the applicant shall submit details of the following for the written agreement of the planning authority:

a) A revised height of House Type 'A', 'D' and 'C' to 8.5m maximum, should this require design amendments details of same shall be agree in writing with the planning authority.

b) House No. 38 shall be omitted and the area shall be incorporated into the public open space area associated with the overall development.

c) House No.'s 36 and 37 shall be redesigned to have regard to omission of House No. 38. The redesigned shall have regard to dual aspect and overlooking of open space, details of all amendments shall be agreed in writing with the planning authority, prior to the commencement of development.

d) The boundary wall to the west of House No. 1 and House No. 37 shall be a maximum 1.1m high rendered and capped block wall to facilitate the dual aspect units.

e) The rear boundary of every house shall consist of a 1.8m high rendered block wall and shall not consist of a concrete post and panel type.

f) Precise details of dividing boundary walls / post and panel type fences.

Reason: In the interest of visual and residential amenity and to ensure adequate boundary treatments are provided.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the existing development at Gleann Petit.

Reason: In the interest of visual amenity

5. All bathroom/ en suite windows shall be fitted and permanently maintained with obscure glass.

Reason: In the interests of residential amenity

6. No residential unit shall be occupied until all the services have been connected thereto and are operational.

Reason: In the interest of the proper planning and development of the area

7. 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.

8. a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health

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

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

10. The development hereby permitted shall be carried out and completed at least to the construction standards set out in "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, 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

12. 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

13. That all public services to the proposed development, including electrical, telephone cables and associated equipment be located underground throughout the entire site.

Reason: In the interest of amenity

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

15. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

16. 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála 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 of the area.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and

the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. 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.

Fiona Fair
Planning Inspector
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