



An
Bord
Pleanála

Inspector's Report PL17.247656

Development	Demolition of 2 no. derelict detached houses and outbuildings and the construction of 20 houses and associated works.
Location	Castle Street, Killelland, Ashbourne, County Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	AA/151162.
Applicant	Redbrook Developments Limited.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party V. Grant
Appellants	John and Elaine McCarthy.
Observers	None.
Date of Site Inspection	15 th February, 2017.
Inspector	Paul Caprani.

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1.0 Introduction

- 1.1. PL17.247656 relates to a third party appeal against the decision of Meath County Council to grant planning permission for the demolition of two detached dwellinghouses and outbuildings and the construction of 20 dwellings on a site in Castle Street, Ashbourne, County Meath. The grounds of appeal argue that the Board recently refused a similar application for residential development on the subject site and it is contended that the issues cited in the Board's reason for refusal have not been appropriately addressed in the current application. It is also argued that the proposal will adversely impact on the appellant's amenity.

2.0 Site Location and Description

- 2.1. The appeal site is located to the south of Castle Street to the west of Main Street/Dublin Road, Ashbourne. Castle Street is a predominantly suburban street which runs westwards from the Main Street and terminates at a roundabout to the west of the subject site. Crestwood, a large suburban residential development is located on lands to the south of the site. Lands on the northern side of Castle Street directly opposite the site comprise of public open space to the north of which, retail and commercial land uses are located.
- 2.2. The subject site is rectangular in shape and occupies a stated area of 0.7 hectares. The site is relatively flat and the front part of the site is overgrown. There is an old single storey stone cottage on site with a slate roof. This building is currently derelict. Some old derelict sheds are located adjacent to the building. There is also a derelict redbrick bungalow on site and mature boundary/hedgerow runs in a northside direction traversing the site and separating the two former dwellings on site. There are a number of mature and semi-mature trees along the boundaries of the site. The northern boundary of the site which fronts onto Castle Street are particularly overgrown. The rear gardens of the houses on Crestwood Road Estate are located along the southern boundary of the site. The western boundary of the site accommodates a large detached dwelling (which incorporates a daytime childcare facility) on a large plot of land which runs along the entire length of the western

boundary. The appellants in the current appeal reside in the dwellinghouse adjacent to the eastern boundary of the site "Summer Haven". At its closest point the western elevation of this dwelling is c.1 metre from the eastern boundary of the site. There are a number of detached dwellings interspersed with vacant plots further east of the subject site.

3.0 Proposed Development

3.1. Planning permission is sought for the construction of 20 detached and semi-detached dwellings on the subject site. The development described below relates to the most up-to-date revised drawings received by the planning authority on September 29th 2016. A single 6 metre wide internal access road set out in an inverted T shape is to serve the dwellings on the site.

- Dwellings Nos. 1 – 5 face eastwards and back onto the western boundary of the site. These dwellings comprise a mixture of detached and semi-detached dwellings.
- Dwellings 6 – 15 back onto the rear of the site and face northwards onto the internal access road.
- Dwelling No. 16 is located in the south-eastern corner of the site and faces westwards onto the access road.
- Dwellings Nos. 17 – 20 are located in the north-eastern corner of the site and face northwards on a shared surface which provides access to two off-street car parking spaces for each of the dwellinghouses.

3.2. In total it is proposed to provide four detached dwellings and 16 semi-detached dwellings. 606 square metres of public open space is located on the eastern side of the main access road. This area of open space is to be linked by a pedestrian crossing to the Broadmeadow Town Park to the immediate north.

3.3. The current layout as described above corresponds to the drawings submitted by way of additional information on 29th September, 2016. In terms of the schedule of accommodation the following house types are to be provided:

- House Type A comprises of two storey detached dwellings accommodating 4 to 5 bedrooms, four of this house types are proposed in the overall layout.

- House Type B comprises of 4 to 5 semi-detached dwellings, 3 units of this house type are proposed.
- House Type C comprises of 3 to 4 bedroom semi-detached units, these are the most prevalent house type within the scheme and include all the dwellings along the rear boundary. 11 house type C units are proposed.
- House Type D1 comprises of a three-bed detached dormer bungalow, two units are proposed in the south-western and south-eastern corner of the site.

3.4. All of the units rise to a ridge height of between 9 and 10 metres in height with the exception of House Type D1 which rises to a ridge height of 6.8 metres in height. All the units incorporate a similar redbrick finish on the ground and first storey with a plaster render finish on the dormer element at attic level.

4.0 Planning Authority Decision

4.1. The planning application was lodged on 29th October, 2015. The planning application form indicates that the proposed housing development is to connect to the existing public water supply, public foul sewage infrastructure and public surface water drain.

4.2. The planning application lodged was accompanied by the following documentation:

- The Planning Report sets out the principle of development and states in respect of the social housing provision that the applicant is willing to negotiate and enter into an agreement with the Planning Authority should the development progress.
- A Design Statement was also submitted. It sets out the rationale for the overall design and the development site standards. The report concludes that where applicable the proposed development complies with and in some cases exceeds the standards set out in the Development Plan.
- The review goes on to assess the proposed development in qualitative terms and reviews the proposal in the context of the criteria set out in the Urban Design Manual – A Best Practice Guide. The report concludes that the design meets the criteria set out in this Guidance document. The design report does on to assess the proposed development in terms of the building line, building height and sense of place. An amenity analysis is also carried out which includes an shadow analysis of the impact of the development.

- A separate services report details the foul water management, storm water management and water demand management.
- The final report submitted with the application is a Transportation Report. It concludes that Castle Street can be defined as a district distributor road whereby frontage access currently exists and such further accesses are permissible. It also concludes that the parking is compliant with the requirements of the Development Plan and the access is in accordance with the requirements of DMURS and the NRA Road Geometry Guidelines.

4.3. **Planning Authority Reports**

- A report from Meath County Council Road Design Office expressed a number of concerns in relation to layout and the proposed accesses onto Castle Street. Additional information was requested.
- A report from the Public Lighting Department states that details submitted as part of the application fail to indicate sufficient details in respect of public lighting. A number of conditions are requested in this regard.
- A Water Services Planning Report states that the development as proposed does not meet the requirements of Meath County Council in respect of the orderly collection, treatment and disposal of surface water. The Water Services Section recommends that further information be sought from the applicant.

4.4. **Prescribed Bodies**

- A report from Inland Fisheries makes a number of observations in respect of the Construction Management Plan so as to ensure that the local aquatic ecology in Broadmeadow River is protected.
- A report from Irish Water recommends that further information is requested in relation to water supply and wastewater drainage.

4.5. **Third Party Observations**

- Two third party observations were submitted in respect of the proposed development from the occupiers of the adjoining sites to the east and west of the subject site. Both observations expressed concerns that the proposed

development would impact on the existing residential amenity enjoyed by the occupants of these houses.

4.6. **Additional Information Request**

4.6.1. The Planner's Report dated 21st December, 2015 outlines the proposed development and the planning history associated with the proposed development. It also details national and local planning policy as it relates to the proposal before detailing the submissions on file. The planning assessment assesses the proposed development in terms of:

- Appropriate Assessment.
- Planning Policy.
- Design and Amenity.
- Access and Parking.
- Compliance with Part V.
- Water Services.

4.6.2. It concludes that the layout for the northern section of the site is not acceptable in terms of residential amenity and access and a significant redesign is required. The Planning Authority therefore requested information in relation to the following issues:

- Details alterations are required to design in order to address deficiencies in layout.
- Further details are required in relation to cycle and pedestrian access along Castle Street.
- Further details including revised designs are required in relation to the water supply network and the proposed method of wastewater collection and surface water.
- Meath County Council also indicated that the applicant may be required to publish new notices if the Planning Authority requires it to do so.

4.7. **Additional Information Submission**

4.7.1. Further information was received by Meath County Council on 29th September, 2016. It is briefly summarised below:

- A services report was submitted by KR and Associates Limited.
- Details of the proposed foul water management arrangements are set out including details of estimated flow rates. The proposed development is to link in to the 500mm diameter foul sewer on the road in Castle Street via a 225mm diameter sewer from the estate.
- Details of storm water management are also set out. Rainwater from existing roofs, roads and footpaths will discharge off-site via a percolation/attenuation area located under the green space. The flow rate will be limited to 2 m/s/ha by use of a hydrobrake located in the final manhole.
- Details of water demand management are also set out. Total water usage is estimated at 14,685 litres per day (165 litres x 89 per day). Water storage is to comply with the requirements of the Local Authority.
- A separate submission was received from Sheridan Woods Architects and Urban Planners and this submission specifically deals with design issues.
- The development has been redesigned to address the Planning Authority's concerns (the revised design has already been described in Section 3 above). It is argued that the proposed design has resulted in:
 - Enhanced access to the town park/proposed linear park to the north.
 - The overall layout is simplified comprising of just two entrances to the site.
 - Semi-detached dwellings are located to the rear of the site which is consistent with the Crestwood development to the south.
 - The other modifications are also set out in the response.
 - The open space has been relocated to a more central position within the site. The extent of open space provision comprises of 9% of the overall site. However, the applicant is willing to accept a condition in lieu of open space provision to contribute to the proposed enhancement of the town park.
- The development has also been modified in order to address the Council's concerns in respect of footpaths, cycle paths and pedestrian access to the site.
- Details of the proposed boundaries to be incorporated between the houses and around the site are also indicated on the site layout plan.

- Finally, in respect of contributions reference is made to the Meath County Development Plan Contribution Scheme which states that derelict sites/sites in need of regeneration with derelict site notices will attract a 50% reduction in development contributions. Attached is a derelict site notice which was served on 22nd April, 2009. When calculating the contribution, it is requested that the site in question being designated as a derelict site is taken into consideration.

4.8. **Further Assessment by Planning Authority**

- Two third party submissions were received by the residents of the contiguous sites to the east and west of the subject site. The contents of these submissions have been read and noted.
- A water services planning report states that the further information goes some way in addressing the issues identified. Should planning permission be granted for the proposal a number of conditions are set out to be attached.
- A report from the Roads Design Office states that the revised layout is satisfactory subject to two conditions.
- The final planner's report generally considers the proposed revision to be acceptable and it is therefore recommended that planning permission be granted for the proposal.

4.9. **Decision**

In its decision dated 4th November, 2016 Meath County Council issued notification to grant planning permission subject to 30 conditions.

5.0 **Planning History**

- 5.1. One relevant appeal file is attached PL17.243970. Under this application planning permission was sought for the construction of 21 houses on the subject site. Meath County Council issued notification to refuse planning permission for two reasons relating to substandard layout and haphazard parking and substandard provision of public open space and that the overall design incorporates dwellinghouses which are

significantly forward of the building line. Meath County Council's decision was the subject of the first party appeal (PL17. 243970).

- 5.2. In accordance with the recommendation of the inspector, the Board upheld the decision of Meath County Council and refused planning permission for two reasons relating to the insufficient quantum of public open space to meet the recreational requirements of future occupants and the second reason which related to layout where the Board considered that the development would seriously injure the amenity of future occupants particularly in relation to three houses incorporated into the scheme (House Nos. 6, 17 and 18) specifically in relation to inadequate separation distances between opposing windows. The Board's decision was dated 10th February, 2015.

6.0 Grounds of Appeal

- 6.1. The current application was the subject of a single third party appeal submitted on behalf of the residents of "Summer Haven" the house to the immediate east of the subject site. The grounds of appeal are outlined below.
- It is argued that the proposed development is largely similar to the previous application which was refused planning permission by An Bord Pleanála under PL17.243970. It suggests therefore that the above reasons for refusal could equally apply to the current proposal. Rather than re-evaluate the entire proposed scheme, the applicant has merely made some small amendments to the layout in the current application.
 - The grounds of appeal also suggested that the site layout plan is inadequate. Specific reference is made to Section 23(1)(c) where it is suggested that the site layout plan and other plans should show levels of contours where applicable.
 - Reference is also made to Section 23(1)(f) which requires plans and drawings to indicate distances of any such structures from the boundaries of the site.
 - The applicant has also proposed works on lands which is not in their ownership. Reference is made to the proposed pedestrian crossing over Castle Street which is located outside the red line site area. It would be fundamentally remiss to grant planning permission for a proposed development which is dependent on

off-site works to help mitigate against a serious deficiency in public open space provision.

- Reference is made to Condition No. 3 of the grant of planning permission which requires alterations to the submitted plans, namely the setback of House Nos. 17 to 20 to provide sufficient turning space for the parking area. It is suggested that the incorporation of such a parking area is essentially unworkable. It is also contended that the layout revision to be agreed with the Planning Authority is of a material nature and would materially alter the development. The proposed turning bay to the front of House Nos. 17 to 20 will push the building line further back therefore weakening the street enclosure, move the dwellings closer to the appellants' dwelling with adverse implications of privacy. It will also reduce rear garden space available to the dwellings in question.
- There remains inadequate private open space. In fact there is less open space than that associated with the previous scheme.
- Concerns were expressed in the previous inspector's report that Castle Street is a heavily trafficked street therefore reliance on the public open space to the north is not appropriate, particularly for small children.
- There is a distinct lack of clarity in respect of the pedestrian crossing and it is further suggested that the pedestrian crossing is unlikely to be effective.
- It is argued that there is a poor quality site layout in that the front elevations of House Nos. 12 – 15 would face the rear gardens of House Nos. 17 – 20. This is not appropriate in urban design terms. House Nos. 5 and 16 would have poor outlooks to the front and back. The elevation of House Nos. 5 and 16 (dwellings in the south-eastern and south-western corners of the site) are very close to the common boundaries. The grounds of appeal note that the revised layout was not assessed under the 12 criteria set out in the Urban Design Manual. The grounds of appeal go on to suggest that the revised layout would not meet many of the qualitative criteria set down in the Urban Design Manual particularly in relation to efficiency, distinctiveness, layout, public realm, privacy and amenity and parking.

6.2. The grounds of appeal go on to specifically highlight concerns in respect of the appellants' dwelling to the immediate east. These are set out below:

- The rear elevation of dwelling No. 16 at its closest point, is approximately 10 metres from the rear elevation of the appellants' dwelling. No. 16 is even in closer proximity to the appellants' patio which is used on a regular basis.
- House No. 16 would be overbearing and intrusive when using the rear patio and could also give rise to overshadowing of the appellants' garden.
- As a result of Condition No. 3, House No. 17 will be re-sited further south and closer to the appellants' dwelling. Therefore, the upper floor windows will greatly impinge on the privacy of the appellants.
- Furthermore, the rear window of the appellants' dwelling will directly overlook the side and rear garden of the proposed dwelling no. 16. The front dormer window in the appellants' dwelling would also provide views directly into the upper floor bedroom windows of the proposed dwelling no. 17.
- It is also noted that approximately half of the houses in the proposed development would not overlook the public open space. Furthermore, the houses along the southern portion of the site have no footpath connection to the open space.
- House Nos. 5 and 16 have an unorthodox layout and demonstrate the cramped nature and overdevelopment of the site.
- It is submitted that the two vehicular entrances/exits proposed would adversely impact on the operating efficiency of Castle Street and this would be further exacerbated by the proposed pedestrian crossing. Castle Street is a very busy distributor route.
- Finally, it is noted that the development has not provided any visitor parking. This will lead to parking on kerbs etc.

6.3. In conclusion and without prejudice to the issues raised in the appeal, the appellants would like to suggest that if An Bord Pleanála is minded to grant permission, that House Nos. 5, 16 and 17 be omitted from the scheme and public open space be provided in their place.

7.0 Appeal Responses

7.1. Planning Authority's Response to the Grounds of Appeal

The response sets out the issues raised in the third party appeal and states that the Planning Authority determined that the application lodged was valid in the context of the Planning and Development Regulations 2001 to 2013. The proposed development was considered by the Planning Authority to be consistent with the policies and objectives outlined in the Meath County Development Plan and the Ashbourne Local Area Plan. The Planning Authority would refer An Bord Pleanála to the planner's reports dated 26th October, 2016 and 18th December, 2015. The Board is requested therefore to uphold the decision of the Planning Authority and grant planning permission with conditions intact.

7.2. Submission on Behalf of the Applicant

- 7.3. The first section of the grounds of appeal sets out the site location and description, site context, planning history, statutory planning context and details of the proposed development including the revisions submitted on foot of the additional information request.
- 7.4. The second section of the submission specifically addresses the issues raised in the grounds of appeal. In response to the site layout plan detail, it is stated that the application documentation including all required information on ground levels, building height, separation distances to adjoining buildings and contiguous elevations were included in the documentation. For clarity, a layout plan indicating separation distances is attached as Appendix C to the response to the grounds of appeal.
- 7.5. With regard to works on lands beyond the control of the applicant, specific reference is made to the proposed pedestrian crossing. The response states that the applicant is not required to carry out works beyond the boundary of the site. The applicant in this instance will make a contribution towards the provision of a pedestrian crossing (as per Condition No. 29). A contribution towards the provision of the pedestrian crossing is an appropriate mechanism to facilitate the implementation of the works.

- 7.6. The grounds of appeal suggest that the further information response did not address the issues raised in the request for further information. The applicant states that consultations were held with the Planning Authority on two occasions with regard to the further information request. While the modifications may appear to be minor there is significant detail included that ensures that the layout addresses all aspects that were of concern to the Planning Authority.
- 7.7. With regard to the inclusion of Condition No. 3, which requires a revision in the site layout to allow for a turning head to the front of dwellings nos. 17 – 20, it is argued that this condition requires minor modifications. If it is necessary to setback the buildings it is submitted that this does not significantly alter the relationship between the proposed dwellings and the existing dwellings and will not detract from the amenity of the appellants' property.
- 7.8. With regard to An Bord Pleanála's previous reason for refusal, the applicant attached drawings which illustrates the various layouts which are considered during the evolution of the design concept. While the extent of open space provided is only 8.64% of the overall site, the applicant is willing to accept a condition in lieu of open space provision to contribute towards the enhancement of the town park. It is submitted that in the context of the proximity of the proposed development to the park it is reasonable and appropriate that the development should benefit from its location adjoining the existing public open space. It is stated that this proposal is in accordance with the provisions of the Meath County Development Plan and the Guidelines for Planning Authorities on Sustainable Residential Development. It is submitted that since the previous application was determined by An Bord Pleanála, Meath County Council has secure funding for the implementation of the enhancement work of the Ashbourne linear park. As such linear park can now provide much improved public open space facilities. The dormer bungalows Nos. 5 and 16 have been designed to respond to their particular site context. The perpendicular arrangement of the dwellings is designed to enhance the residential amenity. No. 16 is a dormer bungalow and is setback from the boundary with 'Summer Haven' (appellants' house) by 8 metres. The first floor windows will not detract from the privacy of the proposed dwelling and will represent improvements in privacy and security than that currently provided by the low boundary wall.

- 7.9. While dwellings nos. 12 – 15 will face the rear garden walls of dwellings facing Castle Street (Nos. 17 – 20) the rear garden walls of the dwelling are designed so as to provide an attractive brick finish with dense planting. The separation distance between the rear garden walls and Nos. 12 – 15 is some 28 metres.
- 7.10. With regard to the gable window at No. 17 it is suggested that any views between the appellants' house and the gable window of No. 17 are oblique views. However, if the Board are concerned the applicants would accept a condition to omit this first floor gable window. It is also stated that there are appropriate separation distances of the rear of the dwellings 1 – 4 and the adjoining dwelling to the west.
- 7.11. With regard to more general comments on the design criteria for the revised site layout, it is stated that the dwellings have been designed with care to present well-proportioned facades and the use of good quality and robust materials. The dwellings all benefit from views towards the internal open space and towards the linear park to the north.
- 7.12. With regard to the impact in terms of residential amenity on the appellants' dwelling, it is rejected that the proposed development will give rise to excessive and adverse noise disturbance. The proposed dwelling will impact only marginally in terms of overshadowing of the rear garden and this will only be for a short space of time. This impact is deemed to be acceptable. The relationship between House No. 17 and Summerhaven is also deemed to be acceptable on grounds of amenity. It is stated that the proposal fully complies with the policies in the Meath Development Plan in relation to estate design and privacy.
- 7.13. With regard to traffic and parking the grounds of appeal express concerns with the provision of two vehicular entrances/exits onto Castle Street. Given the existing land uses along Castle Street and its role as a district distributor road, it is considered that two access points is acceptable. Increased pedestrian activity and the development of buildings along this street together with a raised pedestrian crossing will promote and encourage traffic calming along the street. The proposal therefore will have a positive impact on the public domain.
- 7.14. With regard to car parking standards the proposed development fully complies with the requirements of the Development Plan.

- 7.15. The grounds of appeal submit that if the Board are to grant planning permission at the very minimum dwellings 5, 6 and 17 should be omitted. In response the applicant respectfully suggests that no such condition should be included omitting the houses in question. The response argues that it has been demonstrated that these dwellings did not detract from the residential amenity of adjoining developments.
- 7.16. Finally, the grounds of appeal attach a derelict site notice which was served on 22nd April, 2009 and correspondence dated 14th November, 2016 which calculates the amended contributions in respect of a derelict site and replacement houses. It is requested that a reduction in contribution be considered if the Board are amenable to permitting the proposed development.

8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Meath County Development Plan 2013 – 2019. The subject site is governed by the zoning objective A1 – ‘to protect and enhance the amenity of developed residential communities’. The appeal site has been identified for release during the lifetime of the current plan.
- 8.2. Section 11.2 of the Development Plan sets out the Development Management Guidelines Standards for Residential Development. In terms of residential densities, it states that Meath County Council recognise the benefits of increasing the density of residential development at appropriate locations in accordance with various strategies set out in the National Guidelines. In respect of large growth towns moderate sustainable growth towns (including Ashbourne) which are located on well-established and existing or proposed public transport routes are nodes with additional capacity residential densities in excess of 35 net residential units per hectare should be utilised particularly in town centre locations.
- 8.3. Pedestrian and vehicular movements within housing areas should be convenient, safe and pleasant. Estate design should be guided by the principle of lifetime use. In the layout of roads, footpaths and open space emphasis should be placed on facilitating children to move freely and safely around their neighbourhood.
- 8.4. Every effort should be made to eliminate through traffic.

- 8.5. In housing developments containing 15 or more units, mix of house types of sizes should be provided. Public open space within residential development should be designed so as to complement the residential layout and be informally supervised by residents. Group parking is considered to be a viable option subject to a high degree of passive surveillance. Minimum house sizes are set out in Table 11.1 of the Plan. Three bedroomed houses should be a minimum of 60 square metres whereas four or more bedroomed houses should be minimum 75 square metres. A minimum of 22 metres should be provided as separation between directly opposing windows. A minimum distance of 3.2 metres should be provided between dwellings for the full length of the flanks of the dwellings. Public open space should be provided at a minimum rate of 15% of the total site area. Where residential developments are close to existing facilities or natural amenities or where the opinion of Meath County Council that it would be in the interest of the proper planning and sustainable development of the area, Meath County Council may require a financial contribution towards the provision of public open space or recreational facilities in the wider area in lieu of public open space within the development.
- 8.6. The Board will note that according to the applicant's response to the grounds of appeal Meath County Council has secured funding for the provision of Ashbourne linear park to the immediate north of the subject site (Part 8 Application P.A. 16009).

9.0 **Planning Assessment**

- 9.1. I have read the entire contents of the file, have had particular regard to the issues raised in the grounds of appeal, and the planning history associated with the site and I have also visited the site and its surroundings. I consider the critical issues in determining the application and appeal before the Board are as follows:
- The Principle of Housing Development on Site.
 - The Validity of the Application.
 - The Implementation of Condition No. 3.
 - Public Open Space Provision.
 - Comments in Respect of Overall Design of the Proposal.
 - Traffic and Parking.

- House Nos. 5 and 16.
- Impact on Appellants' Dwelling.
- Financial Contribution Reduction.

9.2. **The Principle of Housing Development on Site**

The subject site is zoned for residential development and therefore the principle of the proposed development of the land for housing purposes is acceptable. It is also apparent from the provisions of the Development Plan that the lands in question are to be released for housing development under the current Development Plan. They are therefore prioritised in terms of housing provision within the Ashbourne area. The Board will also be aware that the recently launched document Rebuilding Ireland – Action Plan for Housing and Homelessness includes Pillar No. 3 which seeks to build more homes, the key objective of which is to increase the output of private housing to meet demand at affordable prices. In terms of qualitative standards, the standards incorporated into the overall design are assessed in more detail below but in general it is reasonable to conclude that the proposed development complies, for the most part, with the quantitative standards set out in the Development Plan in respect of density, separation distances, private open space, house sizes, etc. There is a shortfall in terms of the standards for private open space provision but this is assessed separately in more detail below.

Having regard to the zoning objective and the national need to increase the output of private housing together with the general compliance with standards set out in the Development Plan, I consider that the principle of housing on the subject site is acceptable. The remainder of this assessment will evaluate the proposed housing development in more detail.

9.3. **The Validity of the Application**

The grounds of appeal argue that the application is invalid as it fails to comply with a number of requirements set out under Article 23 of the Planning and Development Regulations, 2001, as amended.

Specifically, it is argued that the site layout plan fails to show the level of contours and that there are no drawings on file indicating the distances between the boundary

of the site and adjoining structures. I refer the Board to the original drawings submitted with the application. These include a detailed contour survey carried out by Murphy Surveys Limited (Drawing No. 07456C1). Spot levels are also indicated on the sectional drawings submitted with the application (see Drawing PA-2007).

In relation to separation distances between buildings, I refer the Board to the site plan (Drawing No. PA-2000) this plan clearly indicates the separation distances between the proposed dwellinghouses and the existing dwellinghouses either side of the subject site. The applicants have also submitted a similar site layout plan in the response to the grounds of appeal.

I am satisfied therefore that the proposed development accords with the provisions of Article 23 of the Regulations with regard to the submission of drawings depicting contour levels and separation distances between proposed and existing structures on site.

The grounds of appeal also argue that the grant of planning permission issued by Meath County Council requires works to be carried out outside the application site and therefore beyond the control of the applicant. This concern specifically relates to the provision of a pedestrian crossing across Castle Street in order to link the development with the Broadmeadow Park to the north of the site. It is clear from Condition No. 29 that the Planning Authority are requesting the applicant to make a special financial contribution under the provisions of Section 48(2)(c). It is therefore Meath County Council that would be carrying out the work in respect of the pedestrian crossing on Castle Street and not the applicant.

9.4. **Condition No. 3**

Condition No. 3 requires that *“Prior to the commencement of development a revised site layout shall be submitted to the Planning Authority for written approval. This layout shall show House Nos. 17 – 20 set-back sufficiently to provide sufficient turning space for the parking area. The layout should also show simulated turning movements for vehicles entering and exiting this area without encroaching on the footpath or cycleway. As a result the houses and parking may have to be moved 1 to 2 metres south.*

Reason: In the interest of traffic safety.”

Under the current arrangements as per the additional information submitted, it is proposed to incorporate a shared surface to serve eight car parking spaces. The depth of the shared surface is estimated to be approximately 5.5 metres. This makes it difficult for cars to manoeuvre out of the parking spaces and onto the shared surface without encroaching on the adjoining footpath and cyclepath. The manoeuvring of cars to the front of House Nos. 17 – 20 would in my view benefit from an increase in depth of the shared surface by 1 – 2 metres as required by Condition No. 3. This in turn would necessitate the relocation of the dwellinghouses 1 to 2 metres southwards. The existing rear gardens of house nos. 17 – 20 are between 11 and 12 metres in depth. Having regard to the fact that the rear gardens back onto the internal access road and the separation distances between house nos. 12 – 15 and 17 – 20 are in the order of 28 metres, it would be possible in my view to reduce the depth of the rear gardens of 17 to 20 in order to accommodate a larger shared surface for the car parking area to the front of these houses without resulting substandard separation distances between the dwellings concerned. I therefore recommend that Condition No. 3 be attached to any grant of planning permission issued by the Board.

If the Board consider the reduction in rear garden lengths to be unacceptable, I would recommend that the shared surface be retained as indicated on Site Drawing P.A.2001Y submitted to Meath County Council on 29th September, 2016.

9.5. **Public Open Space Provision**

The grounds of appeal suggest that the public open space provision is part of the scheme is deficient on the grounds that it does not meet the requirement set out in the Development Plan which requires 15% of the overall site be given over for public open space purposes. The public open space in this instance amounts to 606 square metres (excluding areas of incidental open space). This amounts to approximately 8.64% of the overall site area provided. In order to achieve the required standards of 15% I estimate that at least 1,050 square metres would need to be provided on site. The County Development Plan states (page 226) *“that public open space should be provided for in residential development at a minimum rate of 15% of the total site area. **Where residential developments are close to existing facilities or natural amenities or where in the opinion of Meath County Council that it would be in the interest of the proper planning and sustainable development of the area,***

Meath County Council may require a financial contribution towards the provision of public open space or recreational facilities in the wider area in lieu of public open space within the development. (my emphasis) Having regard to the presence of the Broadmeadow Town Park and the fact that monies has been secured under a Part 8 scheme for further investment in the said Park, the Board may consider it appropriate to permit a financial contribution in lieu of the public open space provision. The Broadmeadow linear park will represent a high quality public open space on the doorstep of the proposed development including usable recreational open space together with landscaped walkways and a variety of play areas.

Notwithstanding the arguments set out above I note, that in the case of the previous application (Reg. Ref. 17.243970) that the inspector's report notes the presence of a public park on lands to the immediate north of the site but the report further states that *"the site is separated from the public park to the north by a busy road, on which there are no pedestrian crossings. Castle Street is heavily trafficked and lacks pedestrian crossing. The public park is, therefore severed to an extent from the appeal site – at least where small children are concerned. The proposed layout would not offer an acceptable level of amenity for future residents with small children wishing to avail of open space within the development under the supervision of the houses within the scheme"*. It appears that the Board accepted the inspector's conclusions as inadequate public open space provision from the basis of the first reason for refusal issued under the previous application.

The same arguments could be applied in the case of the current application. The Board will note that a pedestrian crossing is provided under the current application and will provide a direct link with the Broadmeadow Town Park. Furthermore, as already stated the Park has secured additional funding for its development under a Part VIII process. Having regard to the need to provide new housing at appropriate densities to ensure greater efficiencies of and use of resources in infrastructure and also to meet demand at affordable prices the Board may consider the provision of public open space in this instance to be acceptable.

If the Board considers that there is no material change in the circumstances and therefore remains of the opinion that public open space is insufficient, I would recommend that rather than refuse planning permission for the proposed

development, the Board would consider omitting house nos. 17 – 20 in order to provide requisite open space. The Board will also note that the omission of these houses would eliminate the problem with parking to the front of these dwellings and may also allay the appellants' concerns in terms of the proximity of the development to the eastern boundary of the site.

On balance however I consider that the Board should seek to maximise densities on the subject site and having regard to the proximity of the town linear park and the provision of a pedestrian crossing linking the subject site with this park. Therefore, I would consider the shortfall in public open space in this instance to be acceptable.

9.6. Design Approach

The grounds of appeal argue that the overall design is inappropriate. Specifically, reference is made to the fact that house nos. 12 – 15 look directly onto the rear garden boundary wall of house nos. 17 – 20. I do not consider that such a configuration represents reasonable grounds for refusal in this instance. The applicant points out in his response to the grounds of appeal that there is a generous separation distance between the front elevation of house nos. 12 – 15 and the rear boundary wall of house nos. 17 – 20. The rear boundaries in question comprise of a selected/reconstituted stone or precast concrete with brickwork capping.

Furthermore, the walls will incorporate linear planting along the roadside and this should also improve and soften the visual impact. Again if the Board have any major concerns in this regard it could consider omitting house nos. 17 – 20.

9.7. Traffic and Parking

I am generally satisfied that the proposed development complies with Development Plan standards in terms of private open space provision, car parking provision, rear garden lengths and separation distances between dwellings. It also appears from the internal access road in terms of width and turning radii together with the incorporation of shared surfaces comply with the design criteria and the general design objectives set out in DMURS.

9.8. **House Nos. 5 and 16**

With regard to house nos. 5 and 16 in the south-west and south-east corner of the site respectively, the grounds of appeal suggest that these houses should be omitted as they sit uncomfortably within the layout and the lands should be given over to public open space. I would reject this contention on the grounds that public open space at these locations would be unsuitable. They are not centrally located nor are they passively overlooked. The dwellings in question incorporate adequate private open space around the dwelling and particularly to the side of the dwelling. The incorporation of appropriate boundary fencing will ensure that levels of privacy are maintained. The houses also provide an appropriate terminating vista at each end of the internal access road. The incorporation of a dwellinghouse at each end of the access road is more appropriate in design terms than blank wall. Finally, the incorporation of dormer bungalows within the scheme adds to the variety of housing mix which should also be viewed in a positive light.

The specific relationship between house nos. 16 and appellants' dwelling "Summer Haven" is assessed in more detail below.

The separation distance between both dwellings at the closest point is just over 8 metres. However, the site layout plan indicates both dwellings are obliquely positioned in relation to each other and this significantly reduces the potential for overlooking. At ground floor level, the rooms to the rear of house at no.16 which incorporate windows directly overlooking the garden at Summer Haven include a utility room, two en-suite toilets. Family/dining room at the southern end of the dwelling does not incorporate any windows on the rear elevation. In terms of the first floor, it is proposed to incorporate a landing area and two bedrooms. The two bedrooms are single aspect and incorporate windows on the western elevation overlooking the proposed development. No windows are incorporated on the eastern elevation which would overlook the appellants' property. Having regard to the layout and configuration of house no. 16, I am fully satisfied that the proposal will not result in any significant overlooking of the adjoining garden at Summerhaven.

In terms of Unit No. 17 to the north likewise there are no windows proposed on the eastern elevation of the dwelling which would result in any direct overlooking of the appellants' house.

9.9. **Impact on Appellants' Dwelling**

In terms of overshadowing I consider that the proposed development would have a negligible impact on the appellants' amenity. The proposed dormer bungalow rises to a height of 6½ metres and therefore will not give rise to any excessive overshadowing of the appellants' garden. House no. 17 may give rise to some level of overshadowing in the appellants' front garden particularly in the evening time as it is located to the immediate west. The Board will note that the subject site is zoned for development and therefore any development which incorporates appropriately higher densities is likely to give rise to some level of overshadowing of adjoining lands. The Board will also note that there are two large mature birch trees along the common boundary between the appellants' dwelling and the site adjacent to the appellants' front garden. This likewise currently gives rise to some levels of overshadowing of the appellants' front garden.

9.10. **Financial Contribution Condition**

By way of conclusion the applicant's response to the grounds of appeal suggest that the Board should have regard to the fact that in accordance with the financial contribution scheme, it is contended that derelict sites/sites in need of regeneration can attract a 50% reduction in financial contribution levies. It is requested that a reduction in the contribution be appended, if the Board are amenable to permitting the proposed development. I consider that any such request should have been the subject of a first party appeal against the financial contribution and I would consider it inappropriate that the Board would amend the financial contribution levy by way of a request incorporated into the applicant's response to the grounds of appeal. I therefore recommend that this request be dismissed.

10.0 **Appropriate Assessment**

10.1. Having regard to the nature and scale of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site (Rogerstown Estuary SPA and SAC which is located c. 14km away), 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 or projects on a European site’.

11.0 Conclusions and Recommendations

Arising from my assessment above, I consider that the Board should uphold the decision of Meath County Council and grant planning permission for the proposed development. If the Board have any concerns particularly in respect of private open space provision, the provision of a turning area to serve the car parking spaces of dwellinghouses nos. 17 – 20 or the fact that house nos. 12 – 15 face onto the rear garden boundaries of house nos. 17 – 20, the Board could consider omitting house nos. 17 – 20 rather than refusing the development outright. However, having regard to the need to increase housing densities on brownfield serviced sites in close proximity to town centres together with the need to increase the output of private housing to meet demand at affordable prices, I recommend that these houses be retained. My assessment above has argued and in my view, demonstrated the inclusion of these houses in any grant of planning permission will not unduly affect residential amenity and that any shortfall in public open space provision associated with the site would in my view, be compensated for the close proximity of Broadmeadow Town Park to the north. Furthermore the fact that a new pedestrian crossing is proposed to link the subject scheme with the linear public park on the north side of Castle Street will create appropriate links between the site and the town park. I therefore recommend that Meath County Council's decision to grant planning permission be upheld in this instance based on the reasons and considerations set out below.

12.0 Decision

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

13.0 Reasons and Considerations

Having regard to the residential zoning objective for the site, 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 or of property in the vicinity, would be acceptable in terms of form and layout, would not be prejudicial to public health and would 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.

14.0 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 drawings received by the planning authority on 29th day of September, 2016, 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. The areas of public open space on the lodged plans shall be reserved for such use and shall be levelled, contoured, 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 available for occupation.

Reason: To ensure the satisfactory development of public open space and the continued use for this purpose.

3. Details of the materials, colours and textures of all external finishes to the proposed houses shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Roofs shall be blue/black or slate grey in colour only including ridge tiles.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

6. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpath, kerbs, traffic calming measures and footpath dishing shall comply with detailed standards of the planning authority for such works.

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

7. The parking spaces to the front of house nos. 17 – 20 shall be reconfigured in accordance with the requirements of the planning authority to provide additional turning space for the parking area. Details of the reconfiguration including a layout showing simulated turning movements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of traffic safety.

8. 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.

9. Parking for the proposed development shall be provided in accordance with a detailed parking layout which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. All car parking spaces shall minimum dimensions of 2.5 by 5 metres.

Reason: In the interest of orderly development.

10. Prior to the commencement of development proposals for an estate/street name, and house numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

11. During the construction phase, the developer shall provide details to the planning authority for written agreement of the proposed on-site parking and site compound arrangements. No overspill car parking shall be permitted onto the adjoining local road network or onto Castle Street.

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

12. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive between 0900 to 1300 hours on Saturday and not at all on Sundays or Public Holidays.

Reason: In the interests of residential amenity

13. 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.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which will be submitted to, and agreed in writing with the planning authority prior to the commencement of development. This plan shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects" published by the Department of Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases and details of the methods and

locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the region in which the site is situated.

Reason: In the interest of sustainable waste management.

15. 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.

16. No muck, dirt, debris or other materials shall be deposited on the public road or verge by machinery or vehicles travelling to and from the site during the construction phase. The applicant shall arrange for vehicles leaving the site to be kept clean.

Reason: In the interest of orderly development.

17. The developer shall pay to the planning authority a financial contribution of €6,850 euro) in respect of surface water drainage infrastructure 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.

18. The developer shall pay to the planning authority a financial contribution of (€73,350 euro) in respect of the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure 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.

19. The developer shall pay to the planning authority a financial contribution of €54,800 (fifty four thousand eight hundred euro) in respect of the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities and landscaping works) 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.

20. The developer shall pay to the planning authority a financial contribution of €24,500 (twenty four thousand five hundred euro) in respect of a pedestrian crossing and access to the Broadmeadow Park opposite the site 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. 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.

22. The developer shall pay a sum of €200 per residential unit as a contribution towards expenditure to be incurred by the planning authority in the monitoring of the construction phases of the development. Payment shall be made prior to the commencement of development.

Reason: It is reasonable that the developer should contribute towards the planning authority's monitoring costs.

Paul Caprani,
Senior Planning Inspector.

21st February, 2017,