



An
Bord
Pleanála

Inspector's Report PL17.248105.

Development	Demolition of house, garage and the construction of 9 houses together with ancillary works.
Location	Milltown Road, Ashbourne County Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	AA/160568.
Applicant	Enerder.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First Party -v- Conditions
Appellant	Enerder.
Observers	The Hawthorns Residents Committee.
Date of Site Inspection	28 th April, 2017.
Inspector	Paul Caprani.

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1.0 Introduction

PL17.248105 relates to a first party appeal against a number of conditions attached by Meath County Council in its notification to grant planning permission for the demolition of an existing house and garage and the construction of 9 houses on the subject site together with the relocation of the entrance and the construction of boundary walls. An observation was also submitted objecting to the proposed development. Specifically, the grounds of appeal relate to Condition No. 2 which concerns the duration of permission, Condition No. 3 which reduced the number of dwellings by 3 and Condition No. 4 which requires a future application to be made to the Planning Authority on foot of Condition No. 3. The observation submitted by the Hawthorns Residents Association, while welcoming the development of the site in general, expresses concerns in relation to the relocation of the entrance and the adequacy of services such as water supply and electricity to serve the development.

2.0 Site Location and Description

- 2.1. The appeal site is located on the northern side of Milltown Road which runs south-eastwards from Main Street, Ashbourne. The subject site is located approximately 450 metres further west. The site and its surroundings comprise of suburban residential development. The subject site is bounded to the west by a detached residential dwelling. Pinewood Court a small cul-de-sac comprising of 7 detached residential dwellings is located further west and to the north-west of the subject site. The site is bounded to the north and east by the more recently constructed Hawthorns development which comprises of an estate of two-storey detached dwellings. The main access road serving the Hawthorns development runs along the eastern boundary of the site. Milltown Road runs along the southern boundary of the site opposite which are a series of two-storey detached residential dwellings facing northwards onto the Milltown Road.
- 2.2. The subject site comprises of an area of 0.88 hectares (4,880 square metres) and accommodates a vacant two-storey dwelling (dating probably from the early 1970's) and shed to the rear. Mature conifer planting runs around the entire boundary of the site.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of 9 detached dwellinghouses set out around an internal access road on the subject site. Two dwellinghouses are to be located on the eastern side of the access road in the southern portion of the site adjacent to the Milltown Road and these dwellings are to face westwards. The main area of landscaped open space is located to the north of these dwellings. Four dwellinghouses are located on the western side of the site facing eastwards on the access road. Three dwellinghouses are located in the northern portion of the site and face southwards onto a hammerhead junction at the end of the access road.
- 3.2. Three houses types are proposed. All of the house types are relatively similar in that they comprise of three-storey detached five bedroom dwellings all rising to a ridge height of 9.22 metres. House Type A (House Nos. 2, 3 and 6) are slightly smaller with a gross floor area of 182 square metres whereas House Type B and B1 are slightly larger at 184.5 square metres. The buildings incorporate brick finishes in the front elevations with plaster render finishes on the rear and side elevations. House Nos. 1, 7, 8 and 9 incorporate brick finishes on the side elevations facing onto public areas.
- 3.3. Drawings submitted indicate that the existing boundary walls to be retained and made good where necessary and a significant amount of landscaping, particularly along the eastern elevation is to be retained as part of the proposed development. A new 2-metre-high painted and render boundary together with capping and brick piers at the entrance is to be located along the boundary to the entrance to the site adjacent to Milltown Road. A new public footpath is also to be provided along the front of the site.
- 3.4. Three areas of landscaped open space are to be provided. The main area as mentioned is to be located to the north of House No. 8 adjacent to the eastern boundary of the site. A smaller circular area of landscape is to be located to the front of House No. 3 on the western side of the access road and centrally located within the site. This area amounts to just over 115 square metres while a third area of landscaped open space was to be located along the front boundary adjacent to House No. 9. However, this was omitted by way of revised drawings submitted to the planning authority. Two off-street car parking spaces are provided in each of the

dwellings. The rear gardens in general are between 8.6 metres and 10 metres in depth and occupy areas ranging from 70 square metres (in the case of House. No. 8) to just less than 240 square metres (in the case of House No. 5. The proposed development is to connect to public utilities.

4.0 Planning Authority Decision

Meath County Council issued notification to grant planning permission for the proposed development subject to 27 conditions.

Condition No. 2 requires that planning permission shall expire on 31st December, 2018.

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

Condition No. 3 requires that within six months of the grant of planning permission the developer shall submit a revised site layout plan for the written agreement of the Planning Authority for six dwellings in total and shall include the following:

- Unit No. 7 shall be omitted and the vacated area shall be used to facilitate a turning bay capable of accommodating HGV movements within the site.
- Unit Nos. 8 and 9 shall be the subject of a separate application referred to in Condition No. 4 below.

Reason: In the interest of traffic safety and public health.

Condition No. 4 states that any subsequent application within the confines of the application (red line) site boundaries for the provision of additional residential units shall be subject to the infrastructural requirements of Irish Water in respect of water supply.

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

4.1. **Documentation Submitted with the Planning Application**

The planning application was accompanied by the relevant documentation (application for drawings, site notice, newspaper notice, planning fee etc.) and a covering letter outlining the main elements of the proposal. In terms of open space provision it is stated that a total of 744.4 metres has been provided which is 16% of the site (later reduced by way of additional information to 15%). In relation to Part V an application for an exemption certificate has been lodged.

4.2. **Initial Assessment by the Planning Authority**

A report from the **Road Design Office** states that further information is required.

A report from the **Environment Office** states that the proposal is not located within Flood Zones A or B and therefore no flood risk assessment is required.

A number of **observations** were submitted objecting to the proposed development the contents of which have been read and noted.

A report from the **Public Lighting Section** states the applicant has failed to provide sufficient details in relation to public lighting.

The **Water Services Planning Report** expresses concerns with regard to the lack of proper design for the collection, treatment, attenuation and disposal of surface water arising from the development.

The **planner's report** assesses the proposed development and considers that further information is required in respect of the proposed development.

4.3. **Further Information Request**

- The applicant is requested to submit a revised layout where the turning bay does not share direct access to sites.
- The applicant is advised that the front boundary of the development shall be no nearer than the existing boundary to the road.
- Further details are required in relation to the configuration and provision of public open space adjacent to House No. 9.

- Further details are required in relation to boundary treatment adjacent to open spaces.
- Further details are required in relation to the boundary treatment particularly in relation to House Nos. 1, 8 and 9.
- Further details are required in relation to screen walls around the boundaries of the houses and the external boundaries of the site.
- A tree survey of the site is requested and every effort should be made to retain trees.
- The applicant is requested to submit sections of the site and of adjacent properties.
- The applicant is requested to address concerns raised by third parties in respect of the development.
- The applicant is requested to address the concerns issued by the Water Services Section of Meath County Council in respect of the design of the collection, treatment, attenuation and disposal of surface water arising from the development.

4.4. Further information Submission (23rd December, 2016).

- In relation to the turning bay servicing the development it is stated that planning permission exists on site for six large two-storey houses with a similar site layout. It concludes that the layout of the turning area in this particular circumstance is a satisfactory proposal. Numerous aerial photographs are submitted showing similar type turning heads in residential developments to that proposed.
- In relation to the southern boundary it is stated the proposed new boundary to the development will be located behind the original fence boundary and that it is proposed to provide a much needed public footpath along the boundary.
- With regard to the layout of open space it is stated that the site layout has been revised such that the ambiguous open space area has been removed and the private enclosure to House No. 9 is clearly defined. The public open space has been reconfigured to two larger areas giving a total area of 660

square metres thus meeting the standard requirement set out in the Development Plan -15%.

- Further boundary treatment arrangements have been revised and are indicated on the drawings attached.
- An arboricultural report has been submitted which indicates which trees are to be retained and which are to be removed.
- Contextual cross-section drawings have been submitted.
- In relation to the concerns in the observations submitted, it is stated that the new proposal will provide a much needed public footpath to the Milltown Road which will improve safety for all. Construction traffic will have to be endured, however with proper management the impact will be minimised.
- Finally, concerns raised by the Water Services Department in relation to surface water disposal are addressed in a separate engineering report prepared by Lohan and Donnelly Consulting Engineers.
- On 12th January, 2017 the development was readvertised in accordance with the Planning Authority's requirements.

4.5. Further Assessment by the Planning Authority

- A report by **Irish Water** recommends that planning permission should be refused on the grounds that Irish Water considers that the proposed development cannot be provided with adequate water supply without compromising the supply to existing customers in the immediate location of the proposed development.
- A third party observation was also submitted stating that the applicant has not adequately addressed concerns in relation to traffic safety.
- A further planning report was prepared on foot of the additional information submitted. It details the further information response received on behalf of the applicant.
- It concludes in respect of the overall development that, having particular regard to the site zoning, the planning history and the permitted development

on site, that the proposed development would not detrimentally affect the visual or residential amenities of the area and would otherwise be in accordance with the proper planning and sustainable development of the area. It is therefore recommended that planning permission be granted.

- Meath County Council granted planning permission for the proposed development subject to 27 conditions.

5.0 Planning History

Details of two applications are attached in a pouch to the rear of the file.

Under DA/8011976 Meath County Council granted planning permission on 31st March, 2009 for the demolition of an existing two-storey house and garage and the construction of six two-storey detached dwellings and the repositioning of the entrance on site together with new boundary walls etc. Planning permission was granted on 31st March, 2009 subject to 34 conditions.

Under DA/130993 planning permission was granted for the extension of the duration of the above development subject to one condition which required a cash deposit for security for the satisfactory completion and maintenance of the development until taken in charge.

6.0 Grounds of Appeal

6.1. Grounds of Appeal

A decision was lodged against a number of conditions by the applicant in respect of the decision issued by Meath County Council. The appeal was lodged by Vincent Farry and Company, Planning and Development Consultants. The appeal details the site and its surroundings, the planning history as it relates to the subject site and the proposed development.

6.2. Condition No. 2

Condition No. 2 states that the permission shall expire on 31st December, 2018. It is noted that no explanation has been given whatsoever for the approach adopted by

the Authority. In fact, it is questioned whether or not the local authority can legally grant permission for a shorter period than that set out in the legislation. Reference is made to Section 40 of the Act in this regard which notes that “the appropriate period” relates to a period specified pursuant to Section 41 of the Act (which refers to a period of more than 5 years) or in any other case the period of 5 years beginning on the date of the grant of permission.

Reference is also made to paragraphs 7.4 and 7.5 of the Development Management Guidelines where it is stated that permission should not generally (except in the case of retention permissions) require that the development be commenced or finished by a certain date.

It is therefore concluded that the Planning Authority has acted ultra vires in reducing the period for carrying out the development.

6.3. Condition No. 3

Condition No. 3 requires the omission of Units Nos. 7, 8 and 9.

In the case of Unit No. 7 it is stated that this house should not be built and should instead accommodate a turning area. It is suggested that the omission of this development could give rise to anti-social activity in the residual lands. It is noted that the omission of this house is purely required for road design reasons. Reference is made to the ‘Trafficwise’ submission submitted on behalf of the applicant in response to the additional information and the argument set out therein against the necessity of providing such a turning area. Experience has showed that hammerheads and similar features in housing estates are often congested by parked cars. Under the current arrangements as proposed, this would not happen in this instance as parking cars in the hammerhead junction would block driveway entrances.

With regard to the removal of Units 8 and 9 it is noted that these units are required to be removed on issues relating to water supply. Irish Water’s recommendation to refuse permission overlooks the planning history of the site which includes an extension of duration for permission. Furthermore, no such opposition was stated by Irish Water in respect of other housing developments in the area including AA/150318 which relates to 94 dwellings. Reference is also made to the Ashbourne

Local Area Plan which states that adequate services will be available in terms of water supply to cater for development.

As part of the grounds of appeal the agent on behalf of the applicant contacted Irish Water to enquire specifically in relation to Irish Water's opposition to the proposed development. Irish Water responded by saying that there was a water pressure issue in the general Milltown area where the subject site is located. The appeal states that the e-mail exchange between the agent on behalf of the applicant and Irish Water illustrates that there are no publically available document which demonstrates or data indicating that water supply issues arise in this area. Furthermore, it is an interconvertible fact that potable water supply physically exists to serve the houses. The Board are invited to attach a condition requiring water conservation measures to be included in any condition issued by the Board and the need to bolster supply in the area as part of works to be carried out to serve the development.

6.4. Condition No. 4

As Condition No. 4 specifically relates to Condition No. 3 which the applicant respectfully requests be omitted in any decision issued by the Board, it is consequentially requested that Condition No. 4 be removed also.

7.0 Appeal Responses

A response was received from Meath County Council and it states that the Planning Authority would advise as follows:

It is noted that Irish Water has provided a report whereby it is indicated that the development cannot be provided within an adequate water supply without compromising supply to existing customers in the immediate vicinity. It is noted that planning permission presently exists for six houses and as such the only additional pressures in terms of water provision that could be considered under this application relate to the additional two dwellings over and above the existing permission (given that it is recommended that one unit be omitted to facilitate a turning bay suitable for HGVs). Having considered that the foregoing it is recommended along with the one unit to be omitted to satisfy traffic safety requirements, a further two residential units be omitted to bring the permitted scheme to a level commensurate to that already

permitted on site. In doing so the proposal does not place any additional constraints on the water supply network over and above that permitted. Should any subsequent application be made on the subject lands to cater for the additional units the requirement of Irish Water in respect of water provision must be satisfied before any permission could be considered.

The advice of the Senior Roads Engineer and Irish Water were taken in consideration in the assessment of this application and it is on this basis that the above conditions were applied.

8.0 Observation

An observation was submitted from the Hawthorns Residents Committee and it is summarised below.

- The residents are quite anxious that the site in question be developed in an appropriate manner as it has been vacant for years.
- Concern is expressed that the Road Design Section of Meath County Council request that the proposed estate be accessed through the Hawthorns. This would require the removal of important amenity areas and this is completely unacceptable to the residents. This would result in (a) the widening of the entrance and (b) the removal of a parking bay.
- It is considered that the possibility of HGVs reversing into Milltown Road would be completely unsafe. This road is in an appalling state of disrepair with long stretches having no footpath or footpaths in poor repair.
- The approach road from the subject site to the town centre (Frederick Street) is in an extremely dangerous narrow area and there are a large number of houses being built in the wider area that will utilise this road. All occupants in the newer housing areas will be forced to use cars to access schools and shops as there are no footpaths. Meath County Council is apparently drawing up a development plan for the Milltown Road but residents are concerned that proposals to improve the area will never materialise. The observers are at a loss to understand why the upgrading of the Milltown Road was not a requirement of the current application.

- Long-term residents of Ashbourne are well aware of regular problems with water supply and loss of electricity supply.
- A CD is attached to the observation containing photographs of the bad state of disrepair of roads and footpaths in the area.

9.0 Development Plan Provision

9.1. Development Plan Provision

The site is governed by the policies and provisions contained in the Ashbourne Local Area Plan. The subject site is zoned “R2 existing Residential”. It is policy to ‘*protect and enhance the amenity of developed residential communities*’.

The Ashbourne Local Area Plan supports the delivery of a high quality environment in neighbourhoods with the range of housing types and sufficient community facilities to serve the needs of residents. The following policies and objectives are relevant.

- **RESPOL 1** – To provide for the integration of new housing into the natural and built environment in a manner that makes a positive contribution to the overall environment in the locality. To achieve a mix of housing types and sizes in the consideration of individual planning applications for residential development in the development of the Council’s own housing stock.
- **RESPOL 4** – To ensure the needs of pedestrians and cyclists are provided for in the design of layouts in residential areas
- **RESPOL 5** – To promote energy efficiency both during the construction phase and during the lifetime of the residential development by sensitive design and layout taking into account topography orientation and surrounding features.
- **RESPOL 7** – To integrate new social housing into existing social and urban fabric of Ashbourne.
- **RESOBJ 3** – To achieve better and more appropriate mixes of dwelling.

9.2. **Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas**

Chapter 5 of this document sets out guidance in relation to new residential development. In terms of appropriate locations for infill development, the following guidance is provided in relation to inner suburban/infill development. The provision of additional dwellings within inner suburban areas of towns and cities approximate to existing or due to be improved public transport corridors has a revitalising effect on areas by utilising the capacity of existing social and physical infrastructure. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The design approach should be based on the recognition of the need to protect amenities of directly adjoining neighbours in the general character of the area and its amenities (i.e. views, architectural quality, civic design etc.). In terms of a density standard for edge of centre sites, it is stated that the emphasis will be on achieving successful transition from central areas to areas at the edge of smaller towns and villages concerned. Development of such sites tend to be predominantly residential in character and, given the transitional nature of such sites, densities in a range of 20 to 35 dwellings per hectare will be appropriate and can include a wide variety of house types from detached dwellings to terrace and apartment type accommodation.

10.0 **Planning Assessment**

10.1. **Principle of Development**

Having regard to the zoning objective relating to the site under which residential development is acceptable in principle, and having regard to the planning history of the site and in particular the fact that an extant permission exists for six houses on the site in question, I consider that the principle of residential development is acceptable on the subject site. I further note that the initial planning report prepared on foot of the current application assesses the development in terms of the quantitative and qualitative criteria set out in the development plan and national guidelines in respect of residential development. Specifically, I refer to the following:

- In the case of five bedroomed dwellings a minimum of 75 square metres of private open space should be provided to the rear of each dwelling. This requirement has been exceeded by at least 25% in the case of all dwellings on site with the exception of Unit number 8 where 70 sq. m is provided.
- The requirement to provide 15% of the overall site for public open space purposes has also been adhered to.
- A minimum distance of 3.2 metres has been provided between the dwellings as required in the development plan.
- There is a requirement for a minimum of 22 metres between opposing windows for residential dwellings. I note that this standard has not been achieved in respect of House Nos. 1 – 3 and in the case of House Nos. 8 and 9 rear garden lengths are less than 10 metres. However, in the case of House Nos. 1 – 3 which back onto an adjoining dwellinghouse to the west there is significant and dense landscaping along the western boundary and this will ensure that no overlooking occurs between existing and proposed dwellings.
- In the case of House Nos. 8 and 9 the rear gardens of these dwellings back onto public open space associated with the Hawthorns estate and therefore no overlooking will arise. Therefore, while the proposed development may fall marginally short of the standards set out in the development plan, the proposal as designed will not give rise to any significant amenity issues in terms of overlooking.
- The proposed screen boundary walls between the dwellings are also acceptable in my view.
- Finally, I note that each of the dwellinghouses provide an adequate standard in terms of internal room dimensions etc.

Overall therefore I consider the principle of residential development to be acceptable on the subject site and I consider that the overall design and layout meets qualitative and quantitative standards set out in guidance and as such I consider the Board can restrict its deliberations specifically to the issues raised in the grounds of the first party appeal and the observation submitted.

10.2. **Condition No. 2**

Condition No. 2 states that the planning permission shall expire on the 31st December, 2018. This condition limits the planning life of the planning permission issued to c.18 months. The Planning Authority either in the initial planning reports or in its response to the grounds of appeal, have not offered any justification for the implementation of this condition. The grounds of appeal argue that the legislative provisions under the Act only permit a variation to the appropriate period (i.e. five years) in the case where it is appropriate to extend the life of the permission. The Act is silent as to whether or not the appropriate period can be reduced to less than five years. However, I would generally agree with the arguments set out in the grounds of appeal that Section 41 of the Act only authorises an extension of time beyond the appropriate period i.e. five years rather than a shorter time.

I consider that in a case where the Planning Authority propose to reduce the life of the planning permission it must offer reasonable and justifiable grounds. Meath County Council have not offered reasonable or justifiable grounds in this instance and for this reason I consider the Board should omit Condition No. 2.

10.3. **Condition No. 3**

Condition No. 3 requires the omission of three dwellinghouses on the subject site. The Planning Authority require Unit No. 7 to be omitted and vacated to facilitate a turning bay capable of accommodating HGV movements within the site. Whereas Units 8 and 9 should be the subject of a separate application and the subject of the requirements of Irish Water in respect of water supply.

In relation to Unit No. 7 I consider that there are very strong arguments for retaining the dwellinghouse on the grounds that it is already stated previously in my report Unit No. 7, nor any other unit for that matter, gives rise to any amenity problems in terms of overlooking etc. Furthermore, the development before the Board incorporates a density of approximately 18 units per hectare. Guidance in relation to residential densities seek to ensure a net residential density in the general range of 20-35 dwellings per hectare. In fact, that Guidelines for Sustainable Residential Development in Urban Areas state that development at net densities of less than 30 dwellings per hectare should generally be discouraged. The density proposed in the current application is considerably below this nevertheless with the omission of

further units, the overall density of the scheme will be further reduced which would not be in accordance with the above Guidelines.

Furthermore, I am not of the opinion that it is necessary to remove Unit No. 7 in order to provide a turning bay capable of accommodating HGV movements. The proposed hammerhead junction is in excess of 20 metres in length. The largest articulated trucks are likely to be in the order of 18 metres in length. The vast majority of HGV vehicles are considerably smaller than 18 metres. The dimensions of the existing hammerhead junction is sufficient to cater for the largest HGV vehicles.

I would also have concerns that the removal of Unit No. 7 would be inappropriate in terms of design and layout. The removal of Unit No. 7 would result in a residual corner space which is poorly overlooked in terms of passive supervision and is likely to be used as suggested by the information submitted by the appellant as an overspill parking area. The presence of parking in this residual area would result in an obstruction to HGVs and therefore the area would not be fit for its intended use. Furthermore, I consider the report produced on behalf of the applicant by Trafficwise clearly demonstrates that there are numerous examples within the wider Meath area where Meath County Council permitted turning areas of the size and dimensions proposed in this instance. Therefore, I do not consider it appropriate to remove Unit No. 7 for the purposes of accommodating HGV movements.

With regard to Unit Nos. 8 and 9, the Planning Authority argued in its response to the grounds of appeal that the removal of these units are predicated on a report from Irish Water, where Irish Water has indicated that the development cannot be provided with an adequate water supply without compromising the supply of existing customers in the immediate location of the development. The Board in my view need to consider a number of points in relation to this approach. Firstly, it appears that the report from Irish Water which was issued subsequent to the Planning Authority request for additional information, that planning permission should be refused for the entire development, and not just the omission of a number of units.

It is therefore not altogether apparent that the reduction in the overall scheme from 9 to 6 units would in any way address the concerns in relation to water supply and water pressure in the general area.

Strategically it is important that the site in question is developed to its maximum potential in order to ensure the efficient use of zoned land in close proximity to the town centre of Ashbourne. I would consider it more appropriate that the Board evaluate the possibility of attaching a condition granting planning permission for the entire development, but prior to the commencement of any development on site, the applicant and Irish Water explore the possibility of improving water supply and water pressure in the local area. It would appear more reasonable in my view that the Board grant planning permission for the proposed development while incorporating a condition stating that development shall not take place on site until appropriate measures have been put in place to augment water supply in the area and that these measures are the subject of an agreement with Irish Water and the Planning Authority. Thus, the development of 9 houses on site can only proceed for 9 units on site where an agreement has been reached with the Planning Authority and the utility company. Any such agreement may also include water conservation measures within the development.

10.4. **Condition No. 4**

If the Board agree that a condition be attached seeking agreement between the applicant, Irish Water and Meath County Council in respect of water supply arrangements, I consider that Condition No. 4 would be rendered irrelevant and therefore unnecessary.

10.5. **Other Issues**

The observation submitted expresses concerns that the proposed development involves the relocation of the access through the existing access of the Hawthorns Estate which would require the removal of the established amenity area along the eastern boundary of the site. I refer the Board to the conditions attached to the grant of planning permission. There appears to be no condition altering or relocating access to the site from the Milltown Road to the Hawthorns Estate. As such, it appears that the residents' concerns in this regard are unfounded and without substance.

Concerns in respect of water supply raised in the observation have already been dealt within in my assessment above.

Concerns expressed in relation to electricity supply were not raised as an issue anywhere in the Planning Authority's assessment of the application. There is no evidence to suggest that a grant of planning permission in this instance would in any way undermine electricity supply in the area.

With regard to the condition of the stretch of road between the subject site and the centre of Ashbourne, I have inspected the site and I generally consider the road to be of sufficient standard to cater for the proposed development. With regard to lack of pedestrian facilities I note that the proposed development proposes a footpath along the frontage of the site and this will contribute to the segregation of vehicular and pedestrian traffic and create better road safety conditions along the Milltown Road. I do not consider it appropriate to refuse planning permission in this instance on the grounds that footpaths and road surfaces in the general area are in need of some improvement. Having inspected the site and the surroundings I consider road infrastructure to be generally suitable to cater for an additional 9 dwellings.

11.0 Appropriate Assessment

There are no designated Natura 2000 sites in the vicinity or indeed in the wider area around Ashbourne. The nearest Natura 2000 sites the Rogerstown Estuary SPA and SAC and the Malahide Estuary SPA and SAC are at their closest points in excess of 10 kilometres away. Therefore, having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European Site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European Site.

12.0 Conclusions and Recommendations

Arising from my assessment above I consider the Board should grant planning permission for the proposed development but should omit Conditions 2, 3 and 4. Any grant of planning permission issued by the Board should be subject to a condition requiring agreement with Irish Water in respect of water supply measures serving the development.

13.0 Reasons and Considerations

Having regard to the residential zoning objective for the site together with the planning history relating to the site, it is considered that the proposed development, subject to conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, will not be prejudicial to public health and will generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars as amended by the drawings received by the planning authority on the 23rd day of December, 2016 and the 12th day of January 2017, except as may otherwise to 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. Prior to the commencement of development, the applicant shall agree measures with Meath County Council and Irish Water to augment and boost water supply and water pressure in the area. Development shall not commence on site until such measures have been agreed in writing with Irish Water and Meath County Council.

Reason: To ensure that adequate water supply is available to serve the development.

3. 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.

Reason: In the interest of visual amenity.

4. 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.

5. 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.

6. 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.

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

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

8. No residential unit shall be occupied until all roads, footpaths, public lighting, underground services, car parking and landscaping have been completed to the satisfaction of the planning authority.

Reason: In the interest of orderly development

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

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

10. The developer shall be responsible for the provision and maintenance of all communal areas and infrastructural works to the satisfaction of the planning authority until taking in charge.

Reason: In the interest of orderly development and in the interest of preserving residential amenity.

11. The development shall be carried out and completed to the construction standards set out in the planning authority's taking in charge policy. Prior to the commencement of development, the developer shall agree with the authority in writing the procedures for inspection and monitoring of the development by the authority to ensure compliance with these standards and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer in compliance with these signs until taken in charge by the planning authority.

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

12. During the construction phase best available technology not entailing excessive costs shall be employed by the developer to minimise noise generation from the construction operations on site and shall have regard to BS5228:1997 entitled "Noise Control and Construction and Open Sites".

Reason: In the interest of public health and residential amenity.

13. 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.

14. During the construction the developer shall provide adequate off-carriageway parking facilities for all traffic associated with the proposed development including delivery and service vehicles/trucks. There shall be no parking along the public road.

Reason: In the interest of traffic safety.

15. The developer shall be responsible for the full costs of repair in respect of any damage caused to any adjoining public roadway arising from construction works and shall make good any such damage forthwith to the satisfaction of Meath County Council.

Reason: In the interest of proper traffic management in the area.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the 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 interests of sustainable waste management.

17. 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.

18. The developer shall pay to the planning authority a financial contribution of €20,625 (twenty thousand six hundred and twenty-five euro) in respect of the provision, refurbishment, upgrading, enlargement or replacement of public

roads and public transport infrastructure by the Council 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 €15,000 (fifteen thousand euro) in respect of the provision and extension of social infrastructure open space, recreational, 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 €1,875 (one thousand eight hundred and seventy-five euro) in respect of the provision 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.

21. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, car parks, open spaces 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 security to be lodged shall be as follows -
- (a) a cash sum of €42,000 (forty-two thousand euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or

- (c) such other security as may be accepted in writing by the planning authority.

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

22. The developer shall pay the 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 of this sum shall be made prior to the commencement of development. The above sum shall apply until 31st December, 2017 and shall be the subject of review on that date and to annual review thereafter unless previously paid. Contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Index (Building and Construction) (Capital Goods) published by the Central Statistics Office.

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

Paul Caprani,
Senior Planning Inspector

26th May, 2017.