



An
Bord
Pleanála

Inspector's Report PL25M.249059

Development	Demolish numbers 14 and 16 Springfield Cottages, construct 17 apartments and 3 town houses.
Location	Springfield Cottages, Mullingar, County Westmeath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	17/6081
Applicant(s)	Norcorr Limited
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Douglas Gallagher
Observer(s)	None
Date of Site Inspection	10 th November 2017
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The site has a stated area 0.316ha and comprises two houses (14 and 16 Springfield Cottages), their rear gardens and part of the rear gardens of number 12 Springfield Cottages and number 18 Springfield Cottages off Delvin Road on the eastern edge of Mullingar, County Westmeath. Delvin Road links the N4 to Mullingar town centre. Springfield Cottages leads northwest from its junction with Delvin Road and allows access to housing in Ginnell Terrace and the Mullingar Shamrocks GAA club. The rear of the application site adjoins the Royal Canal.
- 1.2. Springfield Cottages is a relatively narrow street but it has footpaths on both sides (there is a break on the southern side close to Delvin Road) which links to the commercial/community uses in the town centre and to local shopping facilities further out along Delvin Road. There is public lighting on the street. The houses on Springfield Cottages date from the early 1900s, are two storey semidetached with a projecting gable fronted porch onto the street.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - the demolition of two houses numbers 14 and 16 Springfield Cottages,
 - the erection of 17 residential units in an apartment building providing 7 one bed, 6 two bed and 4 three bed apartments.
 - The erection of 2 two storey two bed townhouses and 1 two storey three bed town house.
 - New entrance to the public road, new walls, bin store and associated works at Springfield Cottages, Mullingar, County Westmeath.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 14 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planning authority initially sought submission of further information as follows;

- a schedule of apartment standards.
- bike parking provision.
- a shadow analysis for the site to the north.
- provide an ecological assessment addressing the issues raised in the submission by the Department of Arts, Heritage, Regional Rural and Gaeltacht Affairs.
- a revised layout for public lighting.
- provide details of the proposed refuse storage unit.

The second planner's report recommended a grant of permission.

3.2.2. Other Technical Reports

3.2.3. There are two area engineer's reports dated May and July 2017 on file.

3.3. **Prescribed Bodies**

The Department of Arts, Heritage, Regional Rural and Gaeltacht Affairs commented that the proposed development would negatively impact on bats and birds due to habitat loss.

A second letter recommended a condition in relation to the provision of bat/bird boxes.

3.4. **Third Party Observations**

There was an observation made by the current appellant making, generally, the points raised in the appeal.

4.0 **Planning History**

4.1. There is no relevant planning history for the site.

5.0 Policy Context

5.1. Development Plan

The site is zoned for residential development in the Mullingar Local Area Plan 2014 to 2020.

Parking standards for new development are set out in table 14.11 of the Westmeath County Development Plan 2014-2020.

5.2. Natural Heritage Designations

See AA section below.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development will negatively impact on the visual amenity of the street Springfield Cottages.
- The apartments are a three storey leviathan out of character with the adjoining houses. The proposed density is excessive.
- The proposed development will give rise to traffic hazard.
- The proposed development removes the back gardens of Springfield Cottages creating a precedent for all these gardens to be redeveloped.
- The proposal will give rise to overlooking, loss of daylight and injury to residential amenity and depreciate the value of the appellant's property.

6.2. Applicant Response

- The site is zoned for residential development and the proposed development accords with the Mullingar LAP 2014-2020 and with the Westmeath County Development Plan 2014-2020.

- The proposal complies with the Sustainable Urban Housing Guidelines.
- The proposed development complies with the core strategy set out in the County Development Plan.
- The proposed development provides 17 apartments and 3 town houses which will be managed by an approved housing body.
- The apartments have been set back in order to protect the residential amenity of adjoining development.
- The proposed density is 63 units per ha which is an appropriate density close to transport routes.
- The proposed development does not overlook or overshadow adjoining development.
- The proposed development will not give rise to traffic hazard.

6.3. **Planning Authority Response**

- None.

6.4. **Observations**

- None

6.5. **Further Responses**

- None

7.0 **Assessment**

7.1. The proposed development is located in an area zoned “existing residential” in the landuse zoning map attached to the Mullingar LAP 2014 to 2020 where residential development is acceptable in principle. Therefore, the proposed development is acceptable in principle.

7.2.

7.3. **Overlooking/Overshadowing.**

- 7.4. The appeal makes the point that the proposed development will overlook adjoining property.
- 7.5. A bungalow has been constructed in the rear garden of 20 Springfield Cottages on the northern boundary of the application site.
- 7.6. The proposed northern elevation is set back 5.5m to 6m off the boundary with this house. There are bathroom and kitchen windows on this elevation at first and second floor levels but these will face onto the gable of that house. There is a bay window at first floor about 7m off the boundary. I consider that the potential for overlooking from any of these openings is limited but recommend that these be conditioned to be finished in obscure glazing. The same window arrangement applies to the southern elevation and I consider that the openings should be similarly glazed to mitigate any overlooking. The rear of the apartment block provides terraces at first and second floor levels but these address the canal bank and canal and are about 50m from the nearest houses to the south west. These terraces will not impact on residential amenity of nearby property.
- 7.7. The bedrooms in the apartments are to the front (eastern elevation) and are about 14m off the boundary with 19 Springfield Cottages and about 24m off the boundary with 12 Springfield Cottages and with the rear gardens of the proposed three new town houses.
- 7.8. The appeal makes the point that the proposed development will overshadow adjoining property. The planning authority requested the applicant to address this point in its request for further information through the submission of a shadow analysis. The applicant submitted drawings 111-169-209 and 111-169-210 which illustrated the shadow impacts in the period 21 September to 21 March. Having regard to the material submitted, the height of the proposed block at 10m, its orientation south of the closest house on the adjoining site and the separation distance off the common boundary I conclude that there will be no unreasonable shadow impact on adjoining property especially in the more important summer periods when sun will shine predominantly from the south and west.
- 7.9. Having regard to the foregoing I conclude that the proposed development will not seriously injure the amenity or depreciate the value of property in the vicinity by reason of overlooking or overshadowing.

7.10. **Traffic Safety**

7.11. The appeal makes the point that the proposed development will give rise to traffic hazard.

7.12. The County Development Plan (paragraph 14.9.2) requires that car parking be provided in accordance with table 14.11. Each dwelling unit must have one car parking space and an additional visitor space per three dwellings should be provided. The proposed development provides 23 spaces which meets the development plan standard and allows off-road spaces for the three town houses.

7.13. Springfield Cottages is relatively narrow but the access to the proposed development is acceptable. The speed limit in Springfield Cottages is 50kph as is that on the main road (Delvin Road) to which Springfield Cottages has its main access. Having regard to these factors, the relatively modest number of units proposed and the pattern of development in the area I conclude that the proposed development will not endanger public safety by reason of traffic hazard.

7.14. **Character/Density**

7.15. The appeal makes the related points that the proposed development will remove the rear gardens of houses on Springfield Cottages, is out of character with the area and the density is excessive.

7.16. Relying primarily on OS maps it appears that the rear gardens attached to some of the houses on Springfield Cottages were in the region of 60m – 65m long. A number of these have previously been subdivided to provide an additional single house. To the southeast of the application site a new residential development “Springfield Close” has been constructed on the rear gardens of houses which face onto Delvin Road. Along with some community uses the character of the immediate area is residential and the proposed 20 housing units will complement that character. The applicant states that the gross density is 63 units/ha, this is accurate. The Sustainable Residential Development Guidelines make the point that densities in the region 35 to 50 are the minimum in areas close to town centres and good transport links. The site is within walking distance of Mullingar town centre and Mullingar main line rail station.

7.17. It may be noted in relation to the issue of future development of rear gardens will be considered on the merits of individual applications in the context of development plan policy. Having regard to the foregoing I conclude that the proposed development will not be out of character with the pattern of development in the area and does not propose an excessive density of residential development.

7.18. Residential Amenity

7.19. The standards for new apartments are set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DOECLG December 2015) which take precedence over any locally established standards. The planning authority by way of a request for further information sought a schedule of floor areas for the proposed development, proposals for bike parking and for solid/recyclable waste handling arrangements.

7.20. Drawing number 11_169_201 (submitted as FI on the 5th July 2017) provided a schedule of floor areas, apartment types, room sizes and private open space provision. Apart from three one bed units all apartments are dual aspect and the three single aspect on bed units face south west. The storage and private open space provision exceed the national standard. Overall I conclude that the proposed apartment standards are acceptable. The three town houses have own door access to the public street on Springfield Cottages and have 11m rear gardens.

7.21. Drawing number 11-169-208 (submitted as FI on the 5th July 2017) provides details of cycle parking and enclosed waste bin storage arrangements. I conclude that these are acceptable.

7.22. Architectural Heritage.

7.23. The proposed development includes the demolition of two houses, numbers 14 and 16 Springfield Cottages, which are part of a group of houses designated as being of “Local Architectural Social” interest in the NIAH. The national inventory states that these houses were built circa 1900 as part of a local authority social housing scheme under various Land and Labourers’ Acts in the period 1880 to 1921.

7.24. The proposal as it addresses the street with three new town houses has had regard to the streetscape value of the houses on Springfield Cottages and in the absence of

protected structure or ACA status and having regard to the relatively low 'local' importance ascribed to the houses in the NIAH I consider it would not be reasonable to refuse permission for architectural protection related reasons.

7.25. Part V

7.26. There is a statement on file that these houses/apartments are intended to provide social housing. Notwithstanding this and having regard to the residential zoning for the application site set out in the LAP and the provisions of Part V of the Act I recommend a condition requiring compliance with Part V.

7.27. Appropriate Assessment Screening

7.28. The application did not provide an AA screening report and the planning authority. The Department of Arts, Heritage, Regional Rural and Gaeltacht Affairs commented that the proposed development would negatively impact on bats and birds due to habitat loss.

7.29. The proposed development is located in an area which has been subject to significant anthropogenic activity; notably the building of canals, houses, roads/footpaths and piped services. The proposed development is relatively modest and to a considerable extent is replacing old housing with new housing. The foreseeable emissions comprise foul and surface water draining to a public system. There are hedges on site and along the canal bank and the applicant submitted an ecological assessment which identified birds and bats within the site but concluded that there are no roosting bats within the site. Having regard to the nature of the hedgerows and buildings within the site I consider that is a reasonable conclusion. The applicant proposes bat and bird boxes within the site when the development has been completed and I consider this is reasonable.

7.30. Lough Owel SAC 000688 and Lough Ennel SAC are, respectively, north and south of Mullingar town. Having regard to the nature of the application site, to the foreseeable emissions from the proposed development and the absence of a direct hydrological relationship between the site and any Natura 2000 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 or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend a grant of permission subject to the conditions set out below.

9.0 Reasons and Considerations

The site of the proposed development is zoned “existing residential” in the Mullingar Local Area Plan 2014 to 2020 with the objective to provide for residential development, associated services and to protect and improve residential amenity. Having regard to the pattern and character of residential development in the area and subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the residential amenity of property in the vicinity or endanger public safety by reason of traffic hazard and would otherwise accord with the provisions of the Local Area Plan and with the proper planning and sustainable development of the area.

10.0 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 further plans and particulars lodged with the planning authority on the 5th day of July 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. Details of the materials, colours and textures of all the external finishes within the proposed development 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. The windows on the north-western and south-eastern elevations of the propose development shall be fitted with obscure glazing.

Reason: In the interests of residential amenity of adjoining property.

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. Prior to commencement of development the developer shall submit for the written agreement of the planning authority plans and particulars of the proposed boundary treatments between the application site and adjoining property and between the proposed three town houses and the remainder of the site.

Reason: In the interests of residential and visual amenity.

7. Public lighting shall be provided in accordance with a scheme 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.

8. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs and access to the anchor store car park, shall comply with the detailed standards of the

planning authority for such road works, and shall comply with the provisions of the Design Manual for Urban Roads and Streets.

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) Footpaths shall be a minimum of two metres in width throughout the proposed development.

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

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

Reason: In the interests of urban legibility.

10. 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

11. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.

Reason: In the interest of wildlife protection.

12. 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.

13. The developer shall pay to the planning authority a financial contribution in respect of Clonmore Link Road and Robinstown Link Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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

Hugh Mannion
Inspectorate

21st November 2017