



An
Bord
Pleanála

Inspector's Report PL17.249229.

Development	Construction of 4 dwellings and 10 garages with sewage treatment system, landscaping and additional site works.
Location	An Pairc Wotton, Wotton and Newton Commons, The Ward, Asbourne, Co Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	AA170810.
Applicant(s)	GT Horticultural LTD.
Type of Application	Permission.
Planning Authority Decision	Spilt Decision.
Type of Appeal	First Party
Appellant(s)	GT Horticultural LTD.
Observer(s)	None.
Date of Site Inspection	07 th of December 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The subject site is a residential development located on the former grounds of Donaghmore/ Asbourne GAA club, west of the N2, south of Asbourne Co. Meath. The site is located within a rural area and aside from the subject site the area is characterised by one-off residential dwellings facing onto and accessed from the adjoining local road. There are currently 10 dwellings on the site, granted permission in 2005, (DA/50406) which was extended permission until 2016, which have been substantially completed and currently being fitted out. The open space and internal road network have been completed.

2.0 Proposed Development

2.1. The proposed development is for extension and alteration to the existing residential estate which may be summarised as follows:

- 10 no domestic garages for existing dwellings,
- 4 no additional detached dwellings,
- Associated sewerage treatment works.

3.0 Planning Authority Decision

3.1. Decision

Spilt decision to grant the 10 no detached garages for the existing dwellings subject to 10 no conditions and refuse the additional 4 dwellings as there was no evidence that the proposed dwellings where for rural generated housing need, therefore contrary to the Sustainable Rural Housing Guidelines for Planning Authorities and the development plan.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the area planner reflects the split decision and may be summarised as follows:

- The planning policy for areas located in Rural Area Under Strong Urban Influence for applicants to prove an intrinsic link to the rural area.
- The location of the dwellings on identified amenity space and the use of other open space for the percolation area.
- The connection to the existing water and waste water services.

3.2.2. Other Technical Reports

Water Services- Request for further information on design details for surface water.

Roads Design Office- No objection.

3.3. **Prescribed Bodies**

Department of Culture, Heritage and the Gaeltacht- No objection subject to condition relating to pre development testing for archaeology.

Inland Fisheries Ireland- No objection subject to the conditions relating to protection of the adjacent River Ward.

Irish Water- Request for further information in relation to the water and wastewater design.

3.4. **Third Party Observations**

No submissions were received.

4.0 **Planning History**

AA/170092

Retention permission granted for alterations to 10 no dwelling and amendment to Condition No 2 of Reg. Ref. No 2 of DA50406 (original permission) and the

extension DA101156. Condition No 3 required the first occupant of each dwelling to prove an intrinsic link to the rural area of Asbourne Municipal District, exclusive of the zoned lands in the urban area.

DA/50406 (Extension of Duration DA101156)

Permission granted for demolition of existing clubhouse building and ancillary facilities and erection of 10 no detached dwellings with associated landscaping, site development works, car parking and waste water treatment system.

5.0 Policy Context

5.1. Sustainable Rural Housing Guidelines for Planning Authorities (2005).

5.2. **Meath County Development Plan 2013- 2019**

The site is located within an area which is designated as “Under Strong Urban Influence”, and the following polices apply:

RD POL 1

To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are and intrinsic part of the rural community in which they are proposed, subject to the normal planning criteria.

RD POL 2

To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new housing development in towns and villages in the area of the development plan.

RD POL 3

To protect areas falling within the environs of urban centres in this Area type from urban generated and unsightly ribbon development and to maintain the identity of these urban centres.

Section 10.4: Persons who are an Intrinsic Part of the Rural Community

- Living in the rural area as members of the established community for a period in excess of 5 years and have not owned a house in the past,

- Persons originally from the rural area and have close ties to family members for at least 10 years,
- Returning emigrants,
- Persons whose employment is rurally based.

Appendix 15: Rural Design Guide

5.3. Natural Heritage Designations

The site is located 11.5 km from the edge of Broadmeadow/Swords Estuary SPA.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the applicant in relation to the refusal for the 4 no dwellings and the issues raised may be summarised as follows:

- There is inadequate consideration given in the planners report to the planning history on the site (DA/50406) and the broader implications from this permission.
- The proposed additional housing should be considered as infill and the brownfield status considered in the original planners report was not alluded to in this planners report.
- The planners report on the original permission recommended a grant of permission and a material contravention of the plan.
- Based on the previous grant of permission and the use on the site, it is essentially zoned residential and should be dealt with as an entire planning unit.
- Page 22 of the county development plan states that residential applications will be considered on lands zoned for towns/ villages, edges of centre sites and brownfield sites.

- The creation of an additional 4 houses within a cluster would appear to be a sustainable use of lands.
- It was assumed that the local needs issues would be dealt with in the same manner as the previous grant of permission and one of the dwellings was for a caretaker's house.

6.2. **Applicant Response**

The applicant is the same as the appellant.

6.3. **Planning Authority Response**

The response from the planning authority refers to the reason for refusal and request the Board uphold this reason as the proposed development is outside any designated settlement and the applicant did not demonstrate any intrinsic link to the local community.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Planning History
- Water and Waste Water
- Impact on residential and visual amenity
- Other
- Appropriate Assessment.

Principle of development

7.2. The subject site is located to the south of Asbourne within the townland of Wotton & Newton Commons, which has been identified as an area Under Strong Urban

Influence where it is necessary to manage the extent of development whilst facilitating those with genuine “rural generated housing need”.

- 7.3. The Sustainable Rural Housing Guidelines refers to the need to direct new housing to villages and smaller settlements in areas defined as Areas Strong Urban Influence and the planning authority should use a criterion for assessing applications in relation to evidence of housing need and an applicant’s links to the area in question. Policy RD POL 1 of the development plan provides acceptable criteria which can support one-off rural generated housing in this area where an individual has demonstrated that they are an intrinsic part of the rural community for over 5 years, have close ties to that rural community for over 10 years, are returning emigrants or are employed in the rural sector. The proposed development is not accompanied by any documentation in relation to the occupants of the proposed dwellings.
- 7.4. The reason for refusal refers to the lack of information submitted by the applicant to indicate a site specific rural generated housing need for the additional dwellings at this location and therefore the proposal was deemed to be contrary to the national policy for rural housing and the policy in the Meath County Development Plan 2013-2019. The grounds of appeal argue that report of the planner did not give full consideration to the current use on the site which is essentially zoned residential and therefore the principle of additional residential units is acceptable in principle.
- 7.5. The 10 no dwellings, recently completed on site, were granted permission in 2006 and that permission was extended until 12th of March 2016. The planners report on the initial permission (DA/50406) referred to the brownfield nature of the original site as the dwellings were to replace an existing GAA clubroom. Conditions included in the parent permission and subsequent permissions have been detailed below, although it is important to note that the supporting documentation on the parent permission included evidence from speculative applicants who had intrinsic links to the local area and condition No 2 linked the occupancy of the dwellings to the rural area. Brownfield lands may be defined as those lands which have already been developed¹ and do not include urban greenspaces, based on the expansion of dwellings onto greenspace within the residential development, I do not consider the additional four sites for dwellings are classified as brownfield development.

¹ Irish Water. “Code of Practice for Wastewater Infrastructure, A design and construction guide for developers”. www.water.ie

7.6. Therefore having regard to the location of the site in the countryside, the characteristics of the site and the national and local policy relating to dwellings in areas identified as Under Strong Urban pressure, I am of the opinion that the proposed development should be determined as rural generated housing and based on the failure of the applicant to submit any documentation on the intrinsic link to the rural area the principle of development is questionable. I note previous permissions on site included conditions for the submission of evidence of intrinsic links to the countryside following the completion and before occupation of the dwellings, which I have further assessed below.

Planning History

- 7.7. The existing 10 houses on site were permitted under Reg. Ref DA/50406 with an extension of duration granted until 2016. The applicant states that the parent permission was a material contravention of the County Development plan, granted following a recommendation from the area planner and inadequate consideration given to this planning history was included in the report of the area planner. The report of the area planner notes the planning history and refers to the open space allocation, design of the existing building and the location of the wastewater and percolation area in the previous permissions.
- 7.8. Occupancy: Condition No 2 of the parent permission required the developer to submit details of the occupant of each dwelling in order to ensure compliance with Section 3.4.3 (ii) of the County Development Plan 2001. In addition, the intended owner of each dwelling was required to enter into a Section 47 agreement (Planning and Development Act) with the local authority restricting the use of the dwellings to that qualifying applicant. Permission was recently, 2017, granted on site (AA/170092) for the retention of alterations to the 10 dwellings and amendment to condition No 2 of the parent permission (local needs) and condition No 3 required the first occupant of each dwelling to demonstrate to the satisfaction of the management company (required under condition no 2) an intrinsic link to a rural area in the Asbourne Municipal District outside zoned development boundaries.
- 7.9. I note the change in the conditions of previous permissions and the requirement to submit evidence to the planning authority on the proposed occupants of the 10 dwellings and I consider the inclusion of a condition linking the occupation of the

dwellings to the rural area necessary to comply with both the national guidance for rural dwellings and Policy RD POL 1 and Section 10.4 of the development plan. I do not consider the speculative development for an expansion of a residential estate for 4 dwellings appropriate in order to either promote the expansion of serviced towns and village or protect the countryside and I consider the precedent for management companies to adjudicate on the local needs of occupants improper for compliance with the policies and objective of the development plan.

- 7.10. Open space: The report of the area planner refers to the allocation of 26% of the site for public open space (6, 178m²), which is over the 20% requirement stated planners report for the parent permission. The planner also states that part of the open space, along the front of the site is required for the percolation area. I note the proposed location of the 2 dwellings to the north east, one dwelling to the south and one dwelling to the southwest are adjacent to the existing dwellings and the remaining open space along the south. Although the planner refers to the use of the strip of open space to the front of the site as part of the percolation area, I consider the large open space area to the rear, along the east which is overlooked by four dwellings, is sufficient to support the existing and proposed dwellings.
- 7.11. Therefore, having regard to the size of the existing development and the location of the site within a rural area, I do not consider the precedent set out in the conditions of the previous permissions, regarding speculative occupants, should be applied to this proposed development and as stated above, I consider the occupants of any dwellings should in the first instance, provide intrinsic links to the rural area as per the criteria of the development plan.

Water and Waste Water

- 7.12. The proposed development includes an additional 4 dwellings onto a scheme which was previously approved for 10 under DA/50406, I note the planners report for the parent permission referred to the design of the waste water treatment system per 40 Population Equivalent (PE), and based on the inclusion of 4 bedrooms in each of the dwellings recommended the design of the treatment system was increased for accommodate 80 PE . Condition No 20 (EOD DA/101156) required the provision of a treatment plant and percolation area capable of catering for a PE of 80. Question 20 of the planning application form refers to the water supply from a new connection to

both the public mains and group water scheme, in addition the proposed wastewater treatment is from an on-site treatment system. Further information on the design of system to treat the storm water was requested by the Water Services of the council.

- 7.13. Submissions were received from Irish Water and Inland Fisheries Ireland (IFI) in relation to the treatment of waste on site. Irish Water requested further information on the foul and wastewater design for each dwelling. The IFI submission referred to the location of the site adjacent to the River Ward, an important salmonid and trout River and the importance of any treatment system to cope with increased surface and foul generated from the proposal.
- 7.14. The applicant has not submitted any details in relation to the treatment of foul or surface water, aside from connection into the existing system which was approved under a previous permission for 10 no dwellings, which I do not consider is adequate to assess the capacity of the site to accommodate further development and the impact on the surrounding area. Therefore, having regard to the lack of information on the treatment system to service the site and the location of the site 500m from the edge of the River Ward, I consider taken in conjunction with existing development in the vicinity, the unsatisfactory disposal of septic tank effluent would have a negative impact on the existing and surrounding dwellings which is prejudicial to public health and lead to water pollution within an important salmon and trout river.

Impact on residential and visual amenity

- 7.15. The proposed design of three of the dwellings is of a contemporary style to match those 10 dwellings currently on the site, the fourth dwelling, for the caretaker, is a three bedroom storey and half dwelling storey with large windows along the facade which appear to have a mix of brick and render for the external materials. Appendix 15 of the development plan includes a rural design guide on the appropriate location, design and setting for dwellings in the countryside. The use of a contemporary design is acceptable where the use of a traditional simple form with strong lines and simple material and colour selection. I consider the three large dwellings, one to the southeast and two to the north of the site comply with the design guidance although I consider the proposed caretakers dwelling urban in nature and the location at the entrance to the site and along the local road would have a negative impact on the visual amenity of the surrounding rural area.

- 7.16. Whilst I consider the design of three of the dwellings are appropriate for the rural area, it should be noted that the additional of the inclusion of the proposed development would equate to a total of 14 dwellings. A key challenge for developments located within areas under strong urban pressure is to facilitate the housing requirements of the rural community while directing urban generated housing to areas zoned for new housing in town and villages. As previously discussed, there has been no evidence submitted which indicates compliance for the rural requirements but I also consider the additional dwellings further adds to the appearance of the site as a suburban type development which has a negative impact on the surrounding area.
- 7.17. Having regard to the design of the caretakers dwelling at the entrance of the site and the inclusion of the additional 4 dwellings onto a residential development in the countryside, I consider the additional dwellings would have a negative impact on the surrounding area and would be contrary to the key challenge of the development plan which is to consolidate urban development in villages and towns of the designation for areas under strong urban pressure.

Other

- 7.18. Garages: The proposed development includes 10 no single storey garages (40m²) located at the side of each of the dwellings, behind the building line. There is currently sufficient private amenity space (minimum c. 150m²) with each dwelling and good separation distance at the side of the dwellings. Based on the size and location of the proposed garages, I do not consider they would have a negative impact on the existing dwellings. The external materials are not detailed although I consider it reasonable to include a condition requiring the same finishes.
- 7.19. Archaeology: The subject site is located near Wotton Ring fort (ME045-022). The proposed development includes significant ground works. The submission from the Department of Culture, Heritage and the Gaeltacht has no objection to the proposed development subject to predevelopment testing, which I consider reasonable.

Appropriate Assessment

7.20. The subject site is located 11.5km from the edge of Broadmeadow/Swords Estuary SPA of which comprises the estuary of the River Broadmeadow and is of high importance for wintering waterfowl. The site is not connected to the Broadmeadow/Swords Estuary SPA by any hydrological pathways, therefore, having regard to the nature and scale of the proposed development and the location from any designated sites, 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 the conservation objectives of any European site.

8.0 Recommendation

8.1. GRANT permission for the 10 no detached garages in accordance with the said plans and particulars based on the reasons and considerations marked (1) under. REFUSE permission for the 4 no dwellings on the reasons and considerations marked (2) under.

8.2. Reasons and Considerations (1)

Having regard to the planning history on the site and the size of the rear gardens and the design, it is considered that the inclusion of the garages would not have a negative impact on the existing dwellings and the surrounding area and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes of the garages, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be submitted to the planning authority with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8.7. Reasons and Considerations (2)

1. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with Policy RD POL 1 and Section 10.4 of the current Meath County Development Plan, it is considered that there is insufficient information submitted to demonstrate compliance with the housing need criteria as set out in the Guidelines or the Development Plan for houses at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute, in conjunction with the existing development of the area, to the encroachment of additional rural development in the area and would constitute an excessive density if suburban-style development which militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the insufficient information submitted on the increase in capacity of the on-site treatment system, it is considered that, taken in conjunction with existing development in the vicinity, the area of the site is inadequate for the satisfactory disposal of septic tank effluent. The proposed development would, therefore, be prejudicial to public health. It is also considered, the inadequate treatment of effluent would have a detrimental impact on the fish species of the adjoining River Ward due to water pollution

and would therefore be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

14th of December 2017.