



An
Bord
Pleanála

Inspector's Report

ABP-306550-20

Development	4 storey block comprising of 14 no. residential units
Location	Emmet Street, Trim, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	TA190634
Applicant(s)	Trim SPV Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Danny Mangan
Observer(s)	None
Date of Site Inspection	26 th of May 2020
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The application site is located, in a backland area to the rear of an existing building on the west side of Emmet Street, in Trim town centre. The surrounding area is characterised by a mix of retail, commercial, residential and recreational uses. The site has a general rectangular shape. To the east of the site and fronting onto Emmet Trim is a 3 storey building with commercial/retail uses on the ground floor and residential uses on the upper floors.
- 1.2. The site is accessed via a narrow gated entrance to the north of this building. There is associated parking to the rear of this building. The rear portion of the site is secured by hoarding and includes a number of spoil heaps of construction and demolition waste. The topography of the site slopes eastwards towards Emmet Street with a slight fall north to south. Trim town carpark is accessed further to the north from the opposite side of Emmet Street.
- 1.3. There is a protected structure to the north of the site adjoining the entrance (TT036-059 – Four Bay House). The site is located within Trim Historical Core Area and Trim Zone of Archaeological Potential. The line of Trim Town Wall lies along the western (rear) site boundary. There is a path to the rear of the site to Townparks and that leads to the rear of the OPW building. There is a gated Community Sensory Garden accessed by this pedestrian path which is outside of but to the rear of the site. The River Boyne runs further to the north.

2.0 Proposed Development

- 2.1. As originally submitted, it was proposed to provide the following:
 - A 4 storey block containing 14no. residential units (1x3 bed, 7x2 bed and 6x1 bed) to replace the block previously approved under planning ref: TT800019, all to the rear of the existing apartment building constructed under planning permission (reg.ref. TT20004).
 - The development is also to comprise associated site works and landscaping to include surface car parking and bin storage, both serving the existing and new developments and connection to public services.
 - Site access is to be through the entrance to the existing development.

The site is within the curtilage of the Old Town Wall (a Protected Structure under the provision of Part IV of the Planning & Development Act 2000 and Part IV of the Planning and Development Regulations 2001).

2.2. Documentation submitted with the application includes the following:

- A copy of an Architectural Assessment of the Proposed Development Site at Emmet Street, Trim by Alan Hayden, Archaeological Projects Ltd., July 2001.
- Engineering Reports by Joseph O'Reilly Consulting Civil & Structural Engineers.
- Drawings including a Site Layout Plan, Floor Plans, Sections and Elevations.

2.3. It is of note that there were some changes to the description of development and the plans were revised as part of the Further Information Submission.

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 9th of January 2020 Meath County Council granted permission for the proposed development subject to 37no. conditions. These included regard to design and layout, provision of infrastructure, connection to services, landscaping and boundary treatment, archaeology, construction including traffic management and waste management and development contributions.

Condition no. 2 is of note: *The development hereby permitted is for 11 residential units only in accordance with revised drawings received on 21/11/2019.*

Reason: In the interest of clarity and to protect the residential amenity of adjoining residents.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planner's Report has regard to the locational context of the site, planning history and policy and to the interdepartmental reports and the submissions made. Their Assessment included the following:

- They noted that Residential Development is *Permitted in principle* in the B1 town centre zoning.
- They considered that having regard to the historical and locational context of the area in close proximity to the Trim walls that the proposed 4 storey block is too high.
- They note concerns about density, design and layout and recommended that a revised design showing a reduction to 3 stories be sought.
- Concerns about lack of dedicated public open space associated with the proposed development. They recommended that further information be sought and a landscaping plan be submitted.
- They note the Transportation Section concerns including about access, pedestrian safety, narrow vehicle entrance, construction traffic management and car parking shortfall and recommended these issues be addressed.
- They note that there are Conservation/Archaeology issues relative to the site being located within Trim Historical Core and the proximity to Trim town walls.
- The application site has not been identified as being in a Flood Risk Area.
- They have regard to screening for AA and consider that a stage 2 AA (NIS) is not required in this instance.

Further Information request:

This included the following:

- They requested that revised proposals be submitted having regard to the historical context of the site and showing amendments to the design and layout including that the block be reduced to 3 stories in height.
- They requested that the issue of dedicated open space be clarified and appropriate/sufficient public open space be provided.
- A Landscaping Plan for the site.
- To submit an Architectural Design Statement and also to include an Sunlight/Daylight and Overshadowing Analysis.

- A comprehensive appraisal of the planning history of the site to demonstrate how the revised proposal serves to address all previous refusal reasons.
- Further regard to Conservation/Built Heritage/Archaeology to include an updated Archaeological Impact Assessment Report.
- Details to be provided on Broadband Provision.
- Regard to the concerns of the Transportation Section including relative to compliance with DMURS, access and parking, pedestrian movements, narrow vehicular entrance and the submission of a Construction Management Plan.

Further Information response

Halley Murphy Architects & Associates response on behalf of the applicants included the following:

- The proposed building has been reduced to 3 stories in height with a flat roof.
- The number of units has been reduced by 3 to 11no. units.
- Overshadowing has been reduced by the reduction in height.
- The linear park adjacent to the town wall will provide public amenity space within the scheme.
- An Architectural Design Statement has been included with this submission. This Report also addresses the planning history of the site.
- A longitudinal section through the site is included on drawing PL003 submitted.
- The Archaeological Impact Assessment has been updated to address Appendix E of the Trim Walls Conservation Plan.
- They have discussed the provision of Telecommunication Services with the Broadband Officer and details are provided of this.
- The revised Site Layout Plan shows the provision of car parking, which they provide is in accordance with the MCDP standards.
- The existing entrance to the site will be retained. They provide details of shared surfaces for pedestrians and vehicles and note that the layout will be in accordance with DMURS guidelines.

- The applicant will accept a condition to provide a Construction Management Plan.
- Revised Public Notices have been submitted.

Planner's response

They considered that the applicant has presented a comprehensive response to the issues raised including the revised plans showing a reduction in height and no. of units, a longitudinal section through the site, an archaeological impact assessment and a shadow analysis. They had regard to the submission made and to the interdepartmental responses including from Transportation and Conservation. They concluded that the proposed development is considered to be acceptable in the context of the MCDP 2013-2019 and recommended that permission be granted subject to conditions.

3.3. Other Technical Reports

Transportation Section

They noted that the applicant has not shown details regarding the ingress and egress of cars from to the development. They provide that the access appears to be only wide enough for one car and that this maybe an issue for construction traffic. They also note that there is a shortfall in the car parking layout. They recommended that F.I be sought on a number of issues including that a revised site layout plan be submitted. In response they did not object and recommended conditions.

Water Services Section

They have no objections subject to recommended conditions.

Architectural Conservation Officer

They had concerns relative to alteration of the medieval layout of the plots along Emmet Street and refer to the Trim Town Walls Conservation Plan. This identifies that an open area was usually maintained inside the wall to aid defence of the town and noted that in view of this consideration should be given to refusal of permission. They considered that the proposal should not be more than 3 stories in height and recommended that a contextual section be submitted. They recommended that an updated Archaeological Report be submitted, also that the mitigation proposed in the

2001 report be included with the proposed development. In response to the F.I they were satisfied with the proposed redesign and recommended conditions, including relative to the external finishes.

3.4. **Prescribed Bodies**

Department of Culture, Heritage and the Gaeltacht

The DoCHG note that the site is located within the zone of archaeological potential established around the town of Trim, Recorded Monument ME036-048 – which is subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994. The Department recommended that an Archaeological Impact Assessment should be compiled (they provided details of this) and submitted.

Irish Water

They have no objections subject to conditions.

3.5. **Third Party Observations**

A Submission has been received from a local business and as he is the subsequent Third Party Appellant his concerns are considered further in the context of his grounds of appeal in the Assessment below.

4.0 **Planning History**

The Planner's Report and the Architectural Design Statement submitted provides details of the extensive history of the site and the surrounding area. These include the following permissions granted:

- TA40519: David O'Brien Developments Ltd, Extension of duration of planning permission Ref. TT/800019 – Granted on 31/07/14 – Expiry date: 03/08/19.
- TT800019: David O'Brien Developments Ltd. Permission granted for the construction of 2no. 3 storey buildings (containing a total of 5no. 2 bedroom duplex apartments over 5no.1 bedroom ground floor apartments) to the rear of existing apartment building, constructed under Reg.Ref. TT20004. The

development was also to comprise attendant site works and landscaping to include surface car parking and bin storage, both serving the existing and new developments and connection to public services. Site access was to be through the existing development. It was noted that the site is within the curtilage of the Old Town Wall (a protected structure under the provision of Part IV of the Planning & Development Act 2000 and Part IV of the Planning & Development Regulations 2001). Permission was Granted on the 4/08/09 subject to 25no. conditions. It was noted that the scheme was altered to a single three storey block during the course of the application.

- TT20004: D O'Brien Developments Ltd. Permission granted in summary for the demolition of a derelict two storey dwelling including disused derelict shop and associated out buildings and for the construction of a three storey building being phase 1 (block A) of a development comprising three storey ground floor commercial/retail units, 2 no. 1 bed apartments and 1no. 2 bed apartment on first floor 2, 2no. 1 bed apartments and 1 no. 2 bed apartment on the second floor (6 apartments in total). Vehicular and pedestrian entrance, and provision of 6 car parking spaces and for connection to all public services. Permission was Granted on the 6/09/02 subject to 34no. conditions.

It is noted that previous refusals for apartment development on this site included in the 2000's (Reg.Refs. TT70015, TT60025 (ABP Ref. no. PL82.221459).

It is of note that the latter was for the construction of 2no. 3 storey buildings each containing 6 apartments behind the existing building on the street frontage. Permission was refused by the Board for 3no. reasons.

The Planner's Report refers to other previous Refusals on this site. Copies of TT/800019 and the Board decision relative to PL82.221459 are included in the History Appendix of this Report.

5.0 Policy Context

5.1. National Guidelines

- Project Ireland 2040 – National Planning Framework

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) 2009
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHPLG, 2018)
- Design Manual for Urban Roads and Streets 2019 (DTTS and DHPLG)
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)
- Architectural Heritage Protection Guidelines 2011

5.2. Meath County Development Plan 2013-2019

Section 2.3.3 refers to Residential Zoned Land Provision. This notes that a Town Development Plan is in place for Trim and that this details the land use zoning including that for residential use in the settlement.

Section 3.4.4 refers to Moderate Sustainable Growth Towns – Trim is included.

It is imperative that the market town character of Kells and Trim is respected and maintained and that development should be consistent with the character of the towns.

SS OBJ 11: *To ensure that Moderate Sustainable Growth Towns develop in a self sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.*

Archaeology

Section 9.6.9 refers to Archaeological Heritage and includes:

Policy CH POL 8: *To retain surviving medieval plots and street patterns in the villages and towns of Meath, where practicable, and in the course of development to record evidence of ancient boundaries, layouts, etc,*

Section 11.18 seeks to minimise the impact of a proposed development on Archaeological heritage.

Development Management

Chapter 11 contains the Development Management Guidelines and Standards. This includes regard to General Site Development Standards and to Residential Development. Regard is had to issues of Density, Design and Layout.

Section 11.2.2.3 refers specifically to the need for high quality designed sustainable apartment development to provide housing including in central urban areas and Moderate Sustainable Growth Towns. It is noted that the building design and site layout should have due regard to the character of the adjoining streetscape or landscape.

5.3. Trim Development Plan 2014-2020

The Consolidated Version incorporates Variation No. 1

Land use zoning

The site is zoned B1 Commercial Town Centre, with a zoning objective: *To protect, provide for and/or improve town and village centre facilities and uses*. Residential is listed as a permissible use on lands zoned B1.

Archaeological Heritage

Chapter 4 contains policies and objectives relevant to Heritage, Tourism and Green Infrastructure.

HER POL 7 provides for protection and preservation of archaeological heritage.

Section 4.7 seeks the protection and preservation of the Town Walls and refers to the DoEHLG National Policy document on Town Defences (November 2008).

Figure. 1 provides a Map of the Town Walls. It is noted that all town defences are considered national monuments by reason of the historical, architectural, and archaeological interest attaching to them.

Section 4.7.1 notes the requirement for Ministerial Consent for all works that will impact on the fabric of the town defences, or any ground disturbance in proximity to the defences. Town Wall polices include the following:

HER POL8: *To protect the integrity and setting of the Trim town wall defences including all walls (whether ancient or on the line of ancient walls), gates, towers,*

earthen banks and forests and fosses (ditches) bastions, outworks and other features.

HER POL 9: *To encourage the enhancement of the setting of town defences and the improvement of signage and public utilities, etc. where these affect the visual amenity of the defences.*

HER OBJ 12: *To protect the site of the medieval town wall alignment from new development through the implementation of a buffer zone which will be assessed on a site by site basis. Design guidance will be provided, if necessary, for such sites at pre-application stage.*

Appendix E contains the Trim Town Walls Conservation Plan.

Architectural Heritage

Section 4.8 has regard to Architectural Heritage and notes in particular the survival of many medieval buildings in Trim.

HER POL 10: *To protect, conserve, and enhance the architectural heritage of Trim and to ensure that new development makes a positive contribution to the historic character of the town.*

Section 4.9 refers to Trim Architectural Conservation Areas – Appendix C and Map 3 refers. Emmet Street is within the Historic Core ACA.

HER POL 11 seeks to preserve the character of the following ACA's in Trim

- (a) Historic Core ACA
- (b) Porch Field ACA

HER POL 13: *To retain where practical any structure which contributes in a positive manner to the character of the ACA.*

HER POL 14 includes:

- (a) *The impact of the proposed development on the character and appearance of the ACA in terms of height, and massing of built forms, and the compatibility of design, materials, colour and finishes;*

Section 4.10 has regard to Protected Structures and includes a Record of Protected Structures in Appendix B of the Plan. TT036-059 (14328025) described as *End of*

terrace four-bay two-storey house, c. 1875. Carriage arch with timber battened door. Stone outbuilding with pitched slate roof to rear of site - refers to the house to the north of the entrance to the subject site, fronting Emmet Street.

HER POL 15 includes criteria (a) – (d) relative to Protected Structures.

(d) To resist development that would adversely affect the setting of a protected structure.

Views and Prospects

Section 4.11 refers to Views and Prospects and notes that the built and natural form of Trim provides the town with views and prospects of special value which the Council seeks to protect – HER OBJ 13 and Map 3 refers. HER OBJ 14 seeks to require an appropriate *Landscape and Visual Impact Assessment* relative to impact on the heritage landscape.

Housing Policies

Chapter 5 provides the Housing Policies and Objectives and includes:

HS POL 1: To encourage and foster the creation of attractive mixed use sustainable communities which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities.

HS POL 2: To require a high standard of design in all new residential schemes that are built in a style and scale that is appropriate to the landscape setting.

HS POL 3: To promote residential developments which;

a) Support public transport, walking and cycling

b) Provide for well designed neighbourhoods of high architectural quality with dwelling sizes and layouts which provide good quality liveable homes,

c) Ensure that open space, health and recreation needs are met.

HS POL 8: To ensure that new developments are permeable for walking and cycling and that parking or servicing arrangements do not compromise walking or cycling.

Housing Policies and Objectives include relative to Social and Affordable Housing.

Design and Public Realm

This includes regard to Urban Design and the Public Realm and notes that the scale of the built environment in Trim is generally low, predominantly two storey structures, though the central area includes some three and four storey buildings.

Section 6.5 provides that high standards of design which are cognisant of the complementary to the heritage status of the town shall be promoted.

Section 6.6 of the Trim Town Plan refers to Backland development and includes that The Urban Archaeological Survey for Trim indicates that the burgage plot pattern (long narrow plots) is largely intact over most of the town.

DP POL 1 - To require that all new development, including work by public authorities, will demonstrate high quality in architecture and urban design consistent with the guidelines in this plan, and make a positive contribution to the public realm, streetscape and amenities of Trim.

Section 6.8 refers to Design and Development Management and Guidelines i.e:

For the purposes of the Trim Development Plan 2014 – 2020 and to ensure consistency with the county standards, please refer to Chapter 11 of the Meath County Development Plan 2013-19 for general development management requirements in relation to building height, universal access, urban design, residential, retail development and other criteria.

Section 6.8.2 refers to *New Build Development on Backland Sites or in the Town Centre expansion area* and includes: *New buildings and building materials shall have regard to the existing built form in the town centre, and shall have regard to the setting, mass, detailing and material finishes on adjoining buildings.*

Chapter 7 has regard to Community Facilities, Recreation and Open Space.

SOC POL 17: To ensure that high quality open space is provided to serve the active and passive recreational needs of the population of Trim.

5.4. Natural Heritage Designations

The site is to the south of the River Boyne and River Blackwater SAC and SPA (site codes 002299 and 004232).

5.5. EIA Screening

Having regard to the scale of the proposed development and taking into account the serviced nature of the area, on zoned land within the development boundary of Trim and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Danny Mangan of Trim Kitchen Centre Quality Kitchens & Wardrobes has submitted a Third Party Appeal noting his concerns about the proposed development. These include the following:

- The proposed development would impact on his property and the lives of neighbouring business owners/residents.
- There doesn't appear to be a boundary line and it appears that the proposal comes within 2.4m of his property at the rear.
- This development would have a huge impact on privacy at the rear of his property and they would be completely overlooked.
- The entrance to the development is in his opinion totally inadequate. Many businesses use this entrance to access their parking and it is already impossible to get parking behind as its very congested.
- Traffic generation would be a huge problem as the street is already very congested and the entrance is not suitable for any more traffic than currently operates.
- Concerns about the 4 storey nature of the development.
- The proposed development would impact negatively on his property/business lifestyle and that of many others.

- Trim is a heritage town and the proposed development runs along the old town wall which is a preserved feature in this town.

6.2. Planning Authority Response

Their response includes the following:

- They are satisfied that all matters outlined in the appeal submission were considered during their assessment of the planning application as detailed in the planning officers report.
- The proposed development is consistent with the policies and objectives as outlined within the MCDP 2013-2019.
- Alterations to the existing high stone boundary walls surrounding the site are not permitted. They refer to Condition 5(a) relative to boundary treatments.
- Condition 11 relates to a Landscaping Plan. They consider that the issue of boundary treatments was discussed at planning application stage.
- They have regard to separation distances referred to by the appellant and provide such are relatively standard for residential development on zoned lands within an established urban settlement.
- They note the orientation of the proposed apartments, the separation distances observed and consider that the proposed building will not result in any undue overlooking of surrounding properties.
- They consider the proposed use of the existing access, parking and traffic impact have been addressed as part of the application. They refer to the relevant reports in this regard.
- They ask the Board to grant permission for the proposed development.

7.0 Assessment

7.1. Planning Policy Considerations

- 7.1.1. Regard is had to the Meath County Development Plan 2013 -2019 and more specifically to the Trim Town Development Plan 2014-2020 which provides the

relevant policies and objectives for the town. The site is zoned B1 Commercial Town Centre, with a zoning objective: *To protect, provide for and/or improve town and village centre facilities and uses*. Residential is listed as a permissible use on lands zoned B1. Therefore, having regard to this and the planning history of the site it is considered that the principle of residential development is acceptable on this site.

7.1.2. However, in this case it is noted that this backland site is located within the Trim Historic Core Architectural Conservation Area (ACA). There is a Protected Structure adjoining to the north of the site (details are provided in the Policy Section above). It is also within the Trim Town Walls – Recorded National Monument and further regard is had to this in the Archaeology Section below. Therefore in view of the sensitive location of the site, more restrictive policies apply and it is considered important that due regard is had to these and to the protection of the heritage of Trim and to seek to ensure that the proposed development would not have an adverse impact on the character and amenities of the area.

7.1.3. Also, of note is the ‘National Planning Framework Plan 2040’ which seeks to increase housing supply and to encourage compact and urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being*. National Policy Objective 6 is also of note in that it refers to regeneration and rejuvenation of cities, towns and villages as environmental assets. Section 4.3 refers to Planning for Ireland’s Urban Growth. Objective 7 includes: *In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth*.

7.1.4. It is considered that having regard to policy that the principle of a residential development is acceptable on this town centre site relative to the land use zoning. Regard is had further to the documentation submitted and to the issues raised by the Third Party including compliance with planning policy and guidelines, density, design and layout, access, traffic and parking, drainage, screening for Appropriate Assessment and impact on the pattern of development and character and amenities including heritage of the area in this Assessment below.

7.2. Background issues

- 7.2.1. Regard is had to the Planning History and it is noted that as per the Site Notice this block is to replace that previously approved under Reg.Ref. TT/800019 and is to the rear of the apartment building constructed under Reg.Ref. TT20004. As noted in the Planning History Section above the former was granted in 2009 and subsequently an extension of duration was granted (TA140519 refers) to expire on the 03/08/19. Therefore, this permission has expired. At that time, the application was for 2no. 3 storey buildings. It is noted that the scheme was altered to a single three storey block during the course of the application. This development was never constructed.
- 7.2.2. Regard is also had to previous refusals on this site and in particular the Board's decision in Ref. PL82.221459. However, it is noted that at that time it was proposed to construct 2 buildings each containing 6 apartments. These were shown as Blocks B and C to the rear of Block A. Block C was then shown very close to the Town Wall at the rear of the site. The Board refusal relative to (Reg.Ref. PL82.221459 – Ref. PL82.221459) was for 3no. reasons including in summary: relative to height, design and layout, being out of character with the surrounding area, its impact on the setting of the town wall and detrimental to the character of the architectural conservation area, would seriously injure the amenities of property in the vicinity by reason of overshadowing and overlooking and would prejudice the future development of the vicinity including to the west of the town wall.
- 7.2.3. Details submitted with the current application note that the site is located to the west of Emmet Street, behind an existing 3 storey retail/restaurant building on ground floor with residential apartments above. Therefore, this appears as a backland site to the rear of the existing block along the site frontage. There is an existing narrow vehicular access from the northern part of the site to Emmet Street. It is provided that the site is owned by the developer and is currently used as a temporary carpark/storage area. It is noted that the red line boundary of the site is to the rear of the existing building and includes the parking area to the rear currently used by the residents/commercial occupiers of that building. The site is currently brownfield and is subdivided by a large gated hoarding and the area to the rear contains heaped up spoil that is currently overgrown. The rear of the site is bounded by high walls to the

northern and southern boundaries. Part of the heritage wall of Trim forms the western (rear) boundary of the site.

7.3. Archaeology

- 7.3.1. An Archaeological Assessment of the proposed development site dated July 2001 was submitted with the application. This has regard to the Historical and Archaeological Background including the extent of the town wall as originally built. It is noted that the line of the town wall forms the western boundary of the subject site. It also refers to the long narrow plots running from the street front back to the town wall and provides that these are likely to be of medieval or later origin.
- 7.3.2. Details are provided of test trenching carried out in 2001 (figures are included) and noted that nothing of archaeological interest was uncovered. At that time, it was recommended that there be a 3m exclusion zone around the wall and mitigation measures were to be provided to protect the wall during construction works.
- 7.3.3. The Department of Culture Heritage and the Gaeltacht noted that the site is located within the zone of archaeological potential established around the town of Trim, Recorded Monument ME036-048, which is subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994. They had regard to the 2001 Archaeological Report submitted and requested that further test excavations be carried out to cover the southern portion of the site. They also recommended that an Archaeological Impact Assessment be compiled to address a number of issues.
- 7.3.4. Section 6.6 of the Trim Town Plan 2014-2020 refers specifically to development within the town walls and burgage plots. Reference is also had to The Trim Town Walls Conservation Plan 2008 (Appendix E refers) and to the Trim Town Centre LAP. It is included that: *The built form should have regard to the historic streetscape, narrow building plots and traditional character of Trim.* As shown Emmet Street is within Zone 3 relative to the location of the section of wall. Section 6.0 includes regard to Conservation Policies. Policy 13 provides: *Any ground work taking place within the immediate vicinity of the Monument must comply with all statutory requirements.*

- 7.3.5. Subsequent, to the Council's F.I request, an updated Archaeological Impact Assessment was submitted and includes reference to test trenching and to the Trim Town Walls Conservation Plan. This also had regard to the impact of the current proposal and notes that the application site adjoins Section D, gardens of properties facing onto Emmet Street and Watergate Street. It is noted that while the line of the walls can be seen (including to the rear of the site) an overburden of vegetation effectively conceals all upstanding masonry. As mitigation this includes: *The stripping of topsoil from the gardens should be monitored by a suitably qualified archaeologist under the licence to Duchas and any features exposed fully recorded and if necessary excavated.*
- 7.3.6. It is noted that the Council's Architectural Conservation Officer had concerns relative to the proposal as originally submitted. However, they were satisfied with the redesign proposal submitted at F.I stage and advised that Ministerial Consent will be required for all works in proximity to the town wall and that the National Monuments Section of the DoHCG should be contacted for advice on the matter and recommended conditions. If the Board decides to permit, I would recommend, that appropriate archaeological conditions be included.

7.4. Design and Layout

- 7.4.1. As shown on the Site Layout Plan it is proposed to locate one apartment block on site with parking area to the east and a linear park to the rear. It is proposed to use the existing narrow recessed gated access from Emmet Street. As originally submitted this proposal was to construct 14no. residential units in a part 3 storey part 4 storey block. The overall height of the building was shown as 11.4m. and the gross floor area of the block given as 1,172sq.m. The accommodation to be provided consisted of a variety of apartment units (1 x 3 bed, 7 x 2 bed and 6 x 1bed).
- 7.4.2. It is noted that having regard to the Site Location and Layout Plans and the orientation of the site, the labelling of the elevations is somewhat in error. The main elevations are to the east and west i.e. the (north) elevation faces east towards the rear of the existing 3 storey mixed use building and the rear and the (south) elevation faces west towards the proposed linear park and town wall. The side elevation (east) faces south and the (west) elevation faces north.

- 7.4.3. In response to the Council's concerns about the scale, height and bulk of the proposal and the potential impact on the character and amenities of the area, revised plans were submitted to reduce the impact of the apartment block as part of the further information submitted. It is provided that the revised design sits on the previously approved footprint and that the overall density has been reduced by 3 units i.e 11no. units are now proposed in 3 storey accommodation. As shown on the revised plans the overall height has been reduced to c. 8.9m. It is submitted that this is some 2.5m lower than the previously approved scheme. The block is to have a flat roof, the top floor being set back to reduce the overall visual impact.
- 7.4.4. An Architectural Design Statement is included with the F.I submitted. This notes that the internal layout is predominantly a central core arrangement with apartments served by a single lift and stairs. They provide that this ensures compliance with the relevant section of the Building Regulations and is more suitable for social housing occupancy. They note that the previously approved duplex type units meant that in excess of 50% of the units required stairs access.
- 7.4.5. The main elevation of this new block (east) is to front a courtyard area created to the rear of the existing block. While 3 storey, the build is designed to appear more as a 2 storey + roof building. To achieve this the 2 storeys of the building are to be clad in stone and the top floor is recessed and to be clad in a darker architectural panel to represent the roof element. Regard is had to the design and set back of the 3rd floor penthouse element to reduce the massing and this is shown as a rendered vertical element for the entrance core. The design of the western elevation is also important due to its proximity and views to the town wall and the elevation is shown mainly glazed with recessed balconies set in stone clad framework.
- 7.4.6. It is provided that the elevational treatment of the proposed building draws precedent from a mews/coach house type design. The main material on the block is a stone cladding with an architectural panel on the set back penthouse area to suggest a roof type material. Windows and doors are to be in aluminium with balconies and guardrails in glass and steel. The Conservation Officer also recommended conditions relative to external finishes/cladding. If the Board decides to permit, I would recommend, that an appropriate condition relative to this issue be included.

- 7.4.7. It is noted that the floor areas of the apartments are given on the revised floor plans submitted as part of the F.I response. A Schedule of accommodation is provided which includes a mix of apartment types. It proposes 4 no. apartments on ground floor (1no. 1 bed, 3no. 2 bed), 4 no. apartments on first floor (1no. 3 bed, 2no. 2 bed and 1no. 1 bed) and 3no. apartments on second floor (3no. 1bed). All apartments are to be dual aspect and apartment no.8 is shown as a split level with living accommodation and bedroom 1 on first level and 2no. bedrooms at second floor level. The floor areas are to be in accordance with and in excess of the minimum standards for 1, 2 and 3 bedroom apartments as provided in Appendix 1 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018. The aggregate living area in the apartments is also to comply with these Guidelines.
- 7.4.8. It is also submitted that public and private open space is provided in accordance with current Development Plan standards. This is shown in the form of terraces for the ground floor accommodation and balconies for the first and second floors. However, it is also noted that they need to be in accordance with those of Appendix 1 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018. While in general the area of private open space is within the standards, I would have some concerns that as shown the balconies for first floor apartments 5, 6 and 7 are very narrow and for nos. 5 and 7 are less than that recommended in the Guidelines. I would therefore recommend that if the Board decides to permit that it be conditioned that these balconies be a minimum of 1.5m in depth and in accordance with the areas given in the Guidelines.

7.5. Impact on the Character and Amenities of the Area

- 7.5.1. As part of the F.I submission a drawing showing a longitudinal section (Site Section A-A) through the site was submitted, showing the proposed building's relationship with the surrounding context, particularly the town wall and adjoining development fronting Emmet Street. This outlines the lower profile now proposed to that previously granted, and the lower height than that of the existing block to the east. The proposed development will be seen mainly from the west i.e from the area of open space outside the town walls. In view of the lower profile and backland location the footprint now proposed will not be visible from the Emmet Street frontage.

- 7.5.2. It is noted that as shown on the Site Layout Plan the proposed building is shown set back a minimum of 27m from the rear of the existing building, this is in accordance with standards. Also as shown on the revised elevations screening for the east facing 2nd floor balconies towards the rear of the existing block has been improved. This will serve to reduce overlooking. The footprint is shown set c.3m off the southern site boundary and 2m off the northern site boundary which is considered acceptable in view of the locational context of the site.
- 7.5.3. As part of the F.I submission a Shadow Analysis was submitted. This shows that the revised proposal will have less of an overshadowing impact than that originally proposed. Also, that it will not impact adversely on the existing building. It is noted that currently there is no development in a similar backland scenario on the adjoining sites to the north and south. Warehouse type buildings associated with Trim Hardware can be seen further to the south.
- 7.5.4. The Architectural Design Statement submitted as part of the F.I notes that the revised scheme proposes a three storey block comprising apartments on all levels. It is provided that it is designed as a linear block reflecting the line of the town wall and allowing for the continuation of this pattern of development on either side in the future. The issue of whether this is considered to be a desirable precedent for this type of backland development arises. Each scenario must be considered on its merits. However, as noted above the set back from the town wall and the use of high quality design and external finishes are of importance relative to the visual impact of the proposed development.

7.6. Open Space Provision

- 7.6.1. It is noted that Policy 25 of the Trim Walls Conservation Plan 2008 provides that a linear Park should be developed to highlight the western side of the Monument. It also provides that an opportunity presently exists to expose, consolidate and enhance the western extent of the walls to the rear of Watergate Street and Emmet Street. If this area were to be developed as a linear park, extending from the site of Water Gate to the north to the site of Dublin Gate to the south, it would greatly enhance the amenity of this area. It is noted that there is an area of open space to the west of the site and this includes the enclosed 'Community Sensory Gardens'.

- 7.6.2. As shown on the Site Layout Plan open space is proposed to the rear of the block i.e 'Proposed Linear Park (as previously approved)'. The F.I response provides that the linear park is a direct response to the requirement of the Town Wall Conservation Plan – Policy 25. However, while this maybe the case, it is noted that this is an enclosed area of open space to serve the proposed development. Policy 25 is more generic in that it appears to envisage open space provision as a linear park to the west of the town walls i.e. outside of the subject site.
- 7.6.3. The Architectural Design Statement submitted provides that the building is to be set back c. 12-13m from the inner face of the wall providing a large area of public open space alongside the wall. The revised plans show the block set back c. 16m from the western site boundary and c. 14m from the line of the town wall within the site. There are terraced private open spaces shown to the rear of the ground floor units. The area of open space as shown is c. 27m in width and 12m in depth i.e c.324sq.m. The area of the site is given as c.0.193ha. Therefore, the area of open space is c. 17% of the site area which exceeds Development Plan standards.
- 7.6.4. A strip of private open space to the front of the ground floor units is to have direct access to this public amenity space. It is provided that the car parking spaces are to be located to the east of the site in a shared surface courtyard space formed between the new and existing building. Historic burgage plot lines are to be marked by changes in surface finish and the vertical element at the entrance to the building.
- 7.6.5. It is noted that the retention of this area for public/communal open space to the rear of the building is important relative to maintaining the distance and so as to avoid any damage from construction works to the section of Trim town wall to the rear of the site. If the Board decides to permit it is recommended that it be conditioned that this area be retained as open space and that a Landscaping Scheme be submitted. I would also recommend that it be conditioned that there be permeability to the open space at the rear to provide accessibility for residents in the apartment block to the east (front) of the site, who currently have no defined public/communal open space.

7.7. Access and Parking

- 7.7.1. The proposed development is to be accessed from Emmet Street via the existing narrow entrance to the north. This currently serves the parking at the rear from the existing block. The existing access at its narrowest part is less than 4m in width. The Council's Transportation Report noted that the access route appears to be only wide enough for one car only. Also, that this might be an issue for construction traffic.
- 7.7.2. The Third Party concerns, about the access and on-site parking are noted. The Architectural Design Statement submitted notes that surface car parking is to be provided for 22no. cars (with one Part M compliant space). It is provided that as shown on the revised Site Layout Plan six of these spaces are allocated under contract to the apartment building previously constructed under TT20004 to the front of the site. Also, that this drawing shows an adequately sized Part M compliant space and the bin/bicycle store relocated to avoid impeding any car spaces.
- 7.7.3. Regard is had to the Table 11.9 of the Meath County Development Plan which provides the Car Parking Standards. These provide for 1.25 spaces per 1 & 2 bedroom units and 2 per 3 & 4 bedroom units and in all cases, 1 visitor space per 4 apartments. Therefore, in this case the requirement for the proposed development would be a minimum of 16no. spaces and plus 6 would be 22 spaces.
- 7.7.4. The Transportation Section's had regard to the revised Site Layout demonstrating car parking for the new development and showing car parking for the existing development. They noted that disabled parking in compliance with the Building Regulations is shown. Also, the revised location of the bin store and bicycle storage and that details of the latter had not been submitted. They had no objection subject to details of the bicycle store in compliance with the "Design Standards for New Apartments" being agreed prior to the commencement of development. They also recommended that a Construction Management Plan be submitted. If the Board decides to permit, I would recommend, that these issues be conditioned.
- 7.7.5. I note that there will be some parking shortfall, taking into account the mixed use of the existing building and the residential block proposed. However, while there are yellow lines and no on-street parking along the site frontage, the site is in the centre of Trim and there is a large carpark on the opposite side of Emmet Street. It is also, of note that Trim is served by public transport being on a bus route.

7.7.6. Taking these issues into account and having regard to the Third Party concerns and the revised plans submitted, I would recommend that in the interest of clarity that space no.22 shown for the new development be allocated to the existing development so that the 7no. spaces to the rear of the existing mixed use block be for the exclusive use of the existing development and the parking for the proposed block be confined to the central area. If the Board decides to permit I would recommend that this be conditioned.

7.8. Drainage

7.8.1. An Engineering Services Report has been submitted with the application. It is proposed to connect to existing services and this has regard to the design of the surface water network including provision of SUDS, the design of the foul network and design of the water main supply. It also notes that flood risk is not an issue in the area. A Foul and Surface Water Long section & Manhole schedule booklet is included with the details submitted.

7.8.2. The SUDS elements applicable to the proposed development design and layout include that the new carpark bays are to be constructed in permeable paving with infiltration systems underneath. Attenuation Storage is to be provided within an online storage system and a bypass separator is to be used as final treatment of attenuated flows prior to discharge to the existing surface water main. Details are given of the attenuation calculations (Appendix B) and the system is to comply with the relevant design standards.

7.8.3. Details are given of the proposed foul layout and proposed flow volumes – Appendix D refers. It is provided that all proposed foul sewers are designed by gravity and details are given of design calculations.

7.8.4. It is proposed to connect to the existing watermain and details of water demand are given. Appendix E contains a confirmation of feasibility letter from Irish Water. They do not object to the proposal subject to conditions.

7.8.5. It is noted that the Water Services Section provided that the development as proposed broadly meets the Council's requirements with respect to the orderly collection, treatment and disposal of surface water and recommends a number of

conditions. If the Board decides to permit it is recommended that appropriate drainage conditions be included.

7.9. Screening for Appropriate Assessment

- 7.9.1. The River Boyne and River Blackwater SAC and SPA (site codes: 002299 and 004232) are within c. 200m to the north of the site. It is provided that, there is no potential pathway links between the proposed development and this site to the Natura 2000 sites. The proposed development is to be connected to public services and the site is to be fully serviced.
- 7.9.2. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above European Sites, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the policies and objectives as set out in the Meath County Development Plan 2013 – 2019, and the Trim Development Plan 2014-2020, the National Planning Framework, 2018 – 2040, the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)” issued by the Department of the Environment, Heritage and Local Government in May 2009, the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in March 2018, and to the planning history of the site and the overall scale, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and

convenience. The proposed development would, therefore, be in accordance 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 submitted on the 21st day of November 2019 and on the 5th day of December 2019, 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. The proposed development shall be amended as follows:
 - (a) The area of the balconies for apartment numbers 5, 6 and 7 as shown on the revised floor plans submitted in drawing no. PL004 on the 21st day of November 2019 shall be increased so that they are a minimum of 1.5m in depth and that they comply with the areas as given in Appendix 1 of the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' (Department of Housing, Planning and Local Government 2018).
 - (b) The privacy screens proposed to the balconies at the front facing eastern and rear facing western elevations of the blocks shall be permanently fitted with obscure glazing prior to the first occupation of the units and, thereafter, shall be maintained.
 - (c) Details showing the covered bin and bike storage areas as separate enclosed entities shall be submitted.
 - (d) Details of access/permeability to the proposed open space to the rear for residents in the existing block facing Emmet Street shall be submitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity and permeability.

3. Details of the materials, colours and textures of all the external finishes to 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. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) The areas of public and communal open space shown on the lodged plans shall be reserved for such use and shall be levelled, 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 and communal open space by the developer unless taken in charge by the local authority.
- (b) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. The existing town wall shall not be disturbed and shall remain in situ.
- (d) Where possible existing hedgerows shall be retained and augmented.
- (e) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

The boundary treatment and landscaping shall be carried out in accordance with an agreed scheme.

Reason: In the interests of visual and residential amenity.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
 - (d) ensure that there will be no disturbance or damage to the Town Walls or its foundations adjoining the site.
 - (e) having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department of Culture, Heritage and the Gaeltacht for their written agreement in advance of the commencement of the works. Where archaeological material/features are shown to be present, preservation *in situ*, preservation by record (excavation) or monitoring may be required.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. 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.

7. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

- 8(a) The vehicular access and internal road serving the proposed development, including turning bays, parking areas, shared surfaces, shall comply with the detailed standards of the planning authority for such road works.
- (b) Prior to the commencement of development, a revised parking layout shall be submitted for the written agreement of the planning authority showing the 7no. spaces (nos. 16 - 22) allocated and marked out for exclusive use of the existing building.

Reason: To ensure a satisfactory standard of development and the interests of traffic and pedestrian safety.

9. Prior to the commencement of development, full details of the proposed public lighting scheme, including the lighting levels within open areas of the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 10 No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

- 11 Detailed proposals for the numbering and naming of the development scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signage, and duplex/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No

advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

- 12 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.

Reason: In the interests of visual and residential amenity.

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

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

14. Site development and building works shall be carried out only between 0800 and 1900 hours from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

- 15 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of 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 current Development Plan for the area.

16(a) The communal/public open spaces, including hard and soft landscaping, shared surfaces, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

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

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

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area

of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.

Angela Brereton
Planning Inspector

10th of June 2020