



An
Bord
Pleanála

Inspector's Report ABP-306613-20.

Development	Permission for the demolition of 2 houses and the construction of 24 houses.
Location	Springfield, Moneygall, Co. Offaly.
Planning Authority	Offaly County Council.
Planning Authority Reg. Ref.	19/526.
Applicant(s)	Loughane Ventures Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Loughane Ventures Ltd.
Observer(s)	Mary Liffey.
Date of Site Inspection	14/05/2020.
Inspector	A. Considine.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
4.0 Planning History.....	7
5.0 Policy and Context.....	8
5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018.....	8
5.2. Sustainable Residential Development in Urban Areas, Guidelines (DoEHLG, 2009):	9
5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2018):	10
5.4. Design Manual for Urban Roads and Streets (DEMURS),DoTTS, March 2013	11
5.5. Midland Regional Planning Guidelines.....	12
5.6. Development Plan.....	12
5.7. Natural Heritage Designations	13
5.8. EIA Screening	13
6.0 The Appeal	14
6.1. Grounds of Appeal	14
6.2. Planning Authority Response	17
6.3. Observations	17
7.0 Assessment.....	18

7.1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards: 18

7.2. Visual & Residential Amenity Issues 28

7.3. Roads & Traffic 30

7.4. Water Services..... 31

7.5. Other Issues..... 31

8.0 Recommendation..... 32

9.0 Reasons and Considerations..... 32

1.0 Site Location and Description

- 1.1. The subject site is located on the north western area of the village of Moneygall in Co. Offaly. The R445 runs through the village in an east to west orientation. The R490, runs perpendicular to the R445 from Moneygall in a northern direction. The subject site lies to the east of the R490, approximately 0.1km to the north of the junction of the regional roads and the village centre is within 500m of the site.
- 1.2. The development from the village towards the subject site comprises residential units and the public footpath extends beyond the front of the site to the entrance to the Rathcarn residential estate. The site lies to the rear (east) of two pairs of semi-detached houses which were constructed under previous planning permissions associated with the overall site. The Rathcarn estate lies to the north and east of the site, comprising a development of 33 detached houses from bungalow to dormers and two storeys. The southern boundary of the site runs the length of a private residential garden.
- 1.3. The site has a stated area of 0.49ha and is currently occupied by 2 houses which were commenced under the previous planning permission associated with the site. Other site works have been carried out on the site which include the foundations and bases for all other permitted units, as well as some gable walls and chimneys.

2.0 Proposed Development

2.1. Permission is sought, as per the public notices for

- 1) The demolition of 2 no. existing dwellings,
- 2) The construction of a residential development (total 24 no units) consisting of 12 no 2-bedroom ground floor apartments and 12 no 1-bedroom first floor apartments.

Planning Permission is also sought for all necessary site services and ancillary works necessary to facilitate the development at Springfield, Moneygall, Co. Offaly.

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form

- Cover letter
- Part V Proposal
- Design Statement
- Infrastructure Report

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for 6 stated reasons:

1. Excessive density for village setting
2. Scale and mass would be out of character with the area
3. Development does not meet the requirements of the Sustainable Urban Housing: Design Standards for New Apartments – Guide for Planning Authorities, December 2015.
4. Insufficient car parking
5. Non-compliance with DMURS in relation to pedestrian and cyclist environment and carriageway
6. Substandard information submitted with the application.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The planning report concludes that proposed development is not acceptable. The Planning Officer recommends that permission be refused for the proposed development, for reasons relating to density, scale & mass, non-compliance with

national guidelines, inadequate car parking, non-compliance with DMURS and inadequate information submitted in terms of an accurate site survey or daylight and shadow projections and potential impact on adjoining properties.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. **Other Technical Reports**

Housing Section: No objections to the proposed development.

Environment & Water Services Section: Further information required in relation to noise and stormwater.

Roads Section: Further information required in relation to street lighting, car parking, compliance with DMURS and bin storage.

3.2.3. **Prescribed Bodies**

Department of Culture, Heritage & the Gaeltacht: The site is located within an area of archaeological potential around Recorded Monument OF046-O17----(enclosure site). Further information required in relation to the impact on the RM and archaeological remains, with a detailed mitigation strategy to be included in order for the Dept. to formulate an informed archaeological recommendation before a planning decision is taken.

In terms of nature conservation, the Dept. notes that the development has the potential to impact on bat species and their roosts by the demolition of the houses. The report recommends the inclusion of conditions to mitigate against any potential impacts to bats and other protected species.

3.2.4. **Third Party Submissions**

There are 11 no. third party objections/submissions noted on the planning authority file. The issues raised by the individuals are included as an appendix to this report and are summarised as follows:

- Scale and density of the development is excessive in the context of a small village

- Apartments are not suitable to Moneygall
- Local developers meeting are current housing demands
- Inadequate services, including public transport, or employment to support the proposed development.
- Issues raised in relation to the WWTP.
- Inadequate car parking provided.
- No daylight or shadow projections submitted.
- The proposed boundary treatment is not appropriate.
- Impact on existing residential amenity of adjacent houses.
- The landholding area submitted includes a third party home.
- The development does not comply with the County Development Plan or national guidelines.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: PL2/04/267: Outline planning permission granted to Mr. Paul Costello for 15 domestic dwelling units with a new entrance off the Cloughjordan Road and ancillary site works, all at Springfield, Cloughjordan Road, Moneygall, Birr, Co. Offaly.

PA ref: PL2/06/805: Permission Consequent on the grant of outline permission REF PL2/04/26 was refused to Pinnacle Homes Ltd. for the construction of 15 domestic dwelling units with a new entrance off the Cloughjordan Road and ancillary site works, all at Springfield, Cloughjordan Road, Moneygall, Birr, Co. Offaly for the following stated reason:

The proposed development by reason of, built form, design and architectural treatment, fails to relate satisfactorily to the character of the village of Moneygall, would detract from the visual amenity of the area, would seriously injure the amenities of the area and of property in the vicinity and would,

therefore, seriously injure the visual amenities of the surrounding area and be contrary to the proper planning and sustainable development of the area.

PA ref: PL2/07/359: Permission Consequent on the grant of outline permission REF PL2/04/26 was granted to Pinnacle Homes Ltd. for the construction of 15 domestic dwelling units with a new entrance off the Cloughjordan Road and ancillary site works, all at Springfield, Cloughjordan Road, Moneygall, Birr, Co. Offaly.

PA ref: PL2/13/190: Permission granted to Pinnacle Homes Ltd. for the retention and completion of dwelling house numbers 5, 8, 9, 10, 11, 12, 13, 14 and 15 along with all ancillary site works granted under permission REF PL2/04/26, all at Springfield, Cloughjordan Road, Moneygall, Birr, Co. Offaly.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

Urban Housing:

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Sustainable Residential Development in Urban Areas, Guidelines (DoEHLG, 2009):

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

5.2.4. Chapter 6 also provides guidance in terms of Density Standards and in this regard, sections 6.12 and 6.13 of the Guidelines deal with Edge of small town / village and state as follows:

6.12 In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question. This is to ensure that planned new development in small towns and villages offer a range of housing types, avoiding the trend towards predominantly low-density commuter-driven developments around many small towns and villages within the commuter belts of the principal cities and other Gateway locations. Such lower density development also needs to ensure the definition of a strong urban edge that defines a clear distinction between urban and the open countryside.

6.13 The quality of new development will also be determined by many other factors additional to the achievement of an appropriate density of development. However, adherence to the guidance outlined above, coupled with effective local planning can offer a positive path forward in managing the process of development of Ireland's distinctive and attractive smaller towns and villages.

5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2018):

These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines. Aspects of previous apartment guidance have been amended and new areas addressed in order to:

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging ‘build to rent’ and ‘shared accommodation’ sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

The guidelines identify specific planning policy requirements in terms of apartments and Development Plans dealing with the mix of unit sizes, while Chapter 3 deals with Apartment Design Standards, including studio apartments, orientation of buildings and dual aspect ratios, storage provision, private amenity spaces and security considerations. Chapter 4 deals with communal facilities, including car and bicycle parking. Chapter 5 deals with Build to Rent schemes.

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

5.4. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual

replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.5. Midland Regional Planning Guidelines

Moneygall is identified as a Tier 5 Village where the defined strategic role of such villages is as follows:

Villages are smaller settlements, many of which are very attractive and rural in character. The level of services provided will vary between settlements and will depend on the surrounding rural hinterland. Residential development in these settlements should be of appropriate scale and density.

5.6. Development Plan

The Offaly County Development Plan 2014 – 2020, is the relevant policy document relating to the subject site. The site is located within the settlement boundaries of Moneygall and is zoned R3 Residential. The use 'Residential' shall be taken to primarily include the use of land for domestic dwellings (including group housing for members of the travelling community), convents and civic institutions.

In terms of the Settlement Hierarchy and Planning Principles for development of the Offaly CDP, the plan states as follows:

The Villages in County Offaly are very attractive and rural in character. Many are apportionally scaled with well-designed residential, commercial and community developments in keeping with the character of the village. A priority for villages is to retain community and social facilities and to encourage service provision. The prevailing scale and density of villages provide a viable opportunity for serviced sites as an alternative to rural housing. It is acknowledged that some villages require significant improvements in physical infrastructure to facilitate existing residential and commercial development. Residential development in villages should at all

times be of appropriate scale and density. Villages include statutory zoning for a range of uses. Development in Village areas must strike a balance in meeting the needs and demands of the village or its rural hinterland and be sensitive and responsive to the existing prevailing pattern, scale, density and design of the village.

Chapter 8 of the Plan deals with Development Management Standards while Section 8.6 relates to Residential Development – Multiple Housing Schemes.

5.7. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Kilduff, Devilsbit Mountain SAC (& pNHA) (Site Code: 000934) which is located approximately 6.6km to the south east of the site. Sharavogue Bog SAC (Site Code 000585) (& Cangort Bog NHA, Site Code 000890) are located approximately 12km to the north and Scohaboy (Sopwell) Bog SAC (Site Code 002206) (& Scohaboy Bog NHA, Site Code 000937) are located approximately 12.3km to the north west of the site.

The Ballintemple Bog pNHA, (Site Code 000882), is located approximately 3km to the north west of the site and the Nore Valley Bogs NHA (Site Code 001853) lies approximately 13.5km to the east.

5.8. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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

This is a First Party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal seeks to address the reasons for refusal and is summarised as follows:

- In terms of density:
 - It is noted that Moneygall is listed as a village in the CDP.
 - There are a number of facilities including shops, church, pubs, cafes, school and community hall.
 - The site is located within 500m of the village centre and the Sustainable Residential Development Guidelines provide for densities of 30-40+ dwellings per hectare.
 - The applicant would have been happy to look at a reduction in density if they had been afforded the opportunity by further information.
 - The site coverage represents 21% while the previous permission resulted in 17%. The population increase amounts to +5 people in the apartment development.
 - The site is a brownfield site and will support the increase of population in Moneygall.
 - The development represents an increase of 9 units.
- Design Considerations:
 - The design team completely disagree with the statement in relation to the design.
 - The development was intentionally designed to mimic a terrace of 2 storey dwellings, reflecting the design of the adjacent terrace on Springfield Road.
 - The ridge heights proposed are lower than previously permitted and with the increased setbacks, and lack of first floor windows to the rear of the

proposed units, may well result in a reduction in the overlooking and shading of adjacent sites.

- The applicant would have been happy to provide a shadow study had the Council requested. One is included with the appeal.
- There is no objection to the changing of boundaries as required.
- The 11m gardens is a requirement in relation to opposing first floor windows, which does not arise in this case.
- The development provides for adequate open space for each apartment.
- Existing developments in the vicinity also have shorter gardens.
- **Design Standards for New Apartments:**
 - The Planner referenced the 2015 guidelines rather than the 2018 Sustainable Urban Housing: Design Standards for New Apartments.
 - The development complies with the minimum floor areas stipulated in the guidelines.
 - The 2.7m ceiling height was to allow greater flexibility in the units and to allow for possible conversion of ground floor units to commercial units if required. It is not envisaged that the current scheme would become suitable for commercial uses. A ceiling height of 2.5m is sufficient. The reference to a ceiling height of 2.365m is an error. All ground floor units will have a 2.5m ceiling height.
 - The internal storage provided complies with the regulations.
 - A shadow diagram is included to alleviate concerns in terms of the private amenity space.
 - A revised site layout is provided to include a refuse storage area.
 - The communal open space of 280m² exceeds the area required by the guidelines 132m².
 - Bicycle parking is provided.

- Car Parking:
 - The parking requirements of the CDP do not distinguish between the type of residential unit and is inflexible. The proposed scheme provides more parking than the previously permitted scheme.
- Roads & Pedestrian Infrastructure:
 - The proposed scheme does not represent a 'street', it is not believed that there is a need to provide the infrastructure which would normally only occur on urban streets.
 - A large grass verge is provided to the south of the scheme which provides a significant buffer between the trafficked area and the footpaths.
- Quality of Information Submitted:
 - A site survey was carried out prior to the beginning of the design process.
 - In the transfer of the survey to drawing sheets, the clarity of the information became difficult to read. A copy of the original survey is submitted.
 - The proposed 2 storey development cannot be considered significant and the proposed development provides greater separation distances to the adjoining properties than the previously permitted scheme.

In conclusion, the submission notes that while Offaly County Council are not in favour of apartment developments, section 2.7 of the national guidelines supports them. It is considered that the subject site is a suitable location for apartments due to the proximity to the village centre and the M7 motorway. The development has been designed having carefully considered the surrounding architecture and pattern of development. A further information request would have addressed the concerns of the Council.

The appeal includes a number of appendices including a shadow study and a site layout to include the bin store and bike store. The Board will note that the layouts have not been submitted to scale. ABP issued a request for same to be provided and they were received on the 5th of May, 2020.

6.2. Planning Authority Response

The Planning Authority responded to the first party appeal advising as follows:

- The Board is referred to the technical reports on file.
- It is acknowledged that the 2015 version of the Design Standards for New Apartments – Guidelines for Planning Authorities were referenced in the Planners Report rather than the 2018 version.
- It remains the opinion of the PA however, that the proposed development is not appropriate for the village setting in terms of scale, massing and density and would be out of character with the area.
- The issuing of a grant of permission for this development would set an undesirable precedent for residential development in the area.

The PA respectfully requests that the Board uphold the decision and refuse permission for the development.

6.3. Observations

There is 1 observation noted on the file from Ms. Marie Liffey. The submission presents a background to Moneygall and the issues raised, which reflect those objections submitted during the PAs assessment of the proposed development, are summarised as follows:

- The development does not comply with the requirements of the Offaly County Development Plan.
- The design statement submitted includes a number of statements which the observer takes issue with.
- The development will result in overshadowing of existing properties.
- Boundary treatments are not appropriate.
- Development does not provide for the minimum distances required between the site and existing properties and would give rise to overlooking.
- Inadequate car parking proposed.
- Issues with the WWTP.

- Any development of the site should be in keeping with the needs of the community both now and into the future and should be a space which will enhance the village of Moneygall.

The observation includes a number of enclosures including photographs which show the differing site levels between the site and those adjoining the site.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
2. Visual Impacts
3. Roads & Traffic
4. Water Services
5. Other Issues
6. Appropriate Assessment

7.1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

7.1.1. The subject site is located to the north west of the village centre of Moneygall, Co. Offaly and on lands zoned 'R3' Residential. The use 'Residential' shall be taken to primarily include the use of land for domestic dwellings (including group housing for members of the travelling community), convents and civic institutions. Moneygall is identified as a Tier 5 Village where the defined strategic role of such villages is as follows:

Villages are smaller settlements, many of which are very attractive and rural in character. The level of services provided will vary between settlements and will depend on the surrounding rural hinterland. Residential development in these settlements should be of appropriate scale and density.

7.1.2. The site is located to the rear of four houses which front onto Springfield Road in Moneygall and on a site where planning permission was granted for a previous residential development comprising 15 houses. The four houses fronting onto Springfield comprised part of this permitted development and a further two houses were almost completed within the site. The bases of the additional 9 houses were constructed on the site, with a gable wall and chimney partly constructed. The houses in the vicinity of the site comprise two storey semi-detached to the west, single storey to the north and two story detached to the east. The southern boundary of the site backs onto the rear gardens of houses which front onto Springfield Road. In principle, I have no objections to the proposed development.

7.1.3. In terms of the proposed development, the Board will note that the current application seeks to remove the two part built houses and replace the 11 permitted units within the site with 24 apartments within a two storey building. Six central stair cores are proposed, each of which will serve four apartments. No lifts are proposed within the scheme. The development proposes a mix of one and two bed units, including 12 x 2 bed at ground floor level and 12 x 1 bed at first floor level.

7.1.4. The site layout proposes a U shaped building with all of the apartments facing into a central area of public open space. Private open space is provided in the form of rear garden areas for the ground floor apartments and balconies for the first-floor apartments. Car parking will be provided towards the western side of the site, with 26 spaces proposed. The building will be finished in a variety of materials including brick and self-coloured render and will have a slate or concrete tile roof. The windows will be aluminium powder-coated or uPVC and rainwater goods will be uPVC or aluminium powder-coated to select colour to match the roof slates.

Sustainable Residential Development in Urban Areas, Guidelines, DoEHLG 2009

7.1.5. Moneygall is identified as a village and Chapter 6 of the Guidelines deals with small towns and villages, and specifically advise that development in such locations must be plan led. While increased densities are appropriate in certain locations, the

guidelines also note that lower densities may be considered acceptable on services lands within the environs of a village, which would offer an alternative to those seeking to develop a house in a rural unserved area. The scale of any new residential schemes should be in proportion to the pattern and grain of existing development and for villages with a population under 400, new individual housing schemes should not be larger than about 10-12 units.

7.1.6. However, in addition to the above, the guidelines note that the location of villages in proximity to main urban centres and / or transport corridors will also give rise to challenges and that interventions designed to open up development opportunities, including redevelopment of derelict sites should be encouraged.

7.1.7. In terms of density, the subject site lies outside the village core, and falls between the edge of centre and the edge of village locations described in the Guidelines. In this regard, a density of between approximately 15 units and up to 35 units per hectare are considered to be appropriate, including a wide variety of housing types. In this context, the proposed development provides for a density of 49 units/ha, and all apartments. The Board will also note the comments in relation to density, design, scale and massing in the submitted first party appeal.

7.1.8. I have no objection to an increased density in principle. However, given the context of the site within the village of Moneygall, which has a population of approximately 313 people, together with the existing pattern of development in the vicinity of the site, I do not consider the density and scale of the development proposed is appropriate or acceptable at the subject location. I propose to consider the proposed development in the context of other national guidelines further below.

The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2018

7.1.9. The 2018 guidelines update the guidelines from 2015 in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness, Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines, and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans.

The aims of the guidelines are to enable a mix of apartment types, make better provisions for building refurbishment and small-scale urban infill schemes, address the emerging 'build to rent' and 'shared accommodation' sectors and to remove requirements for car-parking in certain circumstances.

7.1.10. Chapter 3 of the Guidelines provide Design Standards and I proposed to consider the proposed development against these requirements as follows:

a) *Apartment floor area:*

The Guidelines require that the minimum floor areas be applied to apartment developments. The proposed development provides for the following floor areas:

No of Unit Type	Minimum overall F/A	Proposed F/A	Total F/A
12 x One bedroom	45 sq m	2 x 47.00m ² 4 x 51.40m ² 2 x 52.29m ² 4 x 56.60m ²	614.58m ²
12 x Two bedrooms (3 person)	63 sq m	2 x 62.97m ² 2 x 64.83m ² 2 x 65.67m ² 4 x 66.41m ² 2 x 68.11m ²	788.80m ²
24 units in Total			1,403.38m²

The development proposes 12 x 1 bedroom and 12 x 2 bedroom apartments. All apartments proposed, save for 2 x 2 beds, nos 15 and 17, achieve the minimum floor area required by the guidelines. Units 15 and 17 however, fall only very slightly below the minimum floor area required by the guidelines.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

Minimum aggregate floor areas for living/dining/kitchen rooms

Minimum widths for the main living/dining rooms Apartment type	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
One bedroom	3.3 m	23 sq m
Two bedrooms (3 person)	3.6 m	28 sq m

All units generally accord with the above requirements and I am satisfied that the development proposes bedrooms of a size which comply with the requirements in terms of width and floor areas.

b) Safeguarding Higher Standards

It is a requirement that 'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'.

In this regard, the following is relevant:

Unit Mix	No of Apartments	Cumulative Min Floor Area
50% 1-bed units	12	12 x 45m ² = 540m ²
50% 2-bed units	12	12 x 63m ² = 756m ²
Total	24	1,296m²

+ 10%	No of Apartments	Cumulative Min Floor Area
1-bed units + 10%	12	12 x 4.5m ² = 54.0m ²
2-bed units + 10%	12	12 x 6.3m ² = 75.6m ²
Total	24	129.6m²

Total Required Minimum Floor Area therefore is 1,425.6m². The actual proposed floor area of the amended overall development is approximately 1,606m². The proposed development is acceptable in this regard.

c) Dual aspect ratios:

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The proposed development provides for 24 apartments in a U shape, over two floors. The general orientation of the site provides that the public road lies to the west and the proposed layout of the building provides for 14 units located

along the southern boundary of the site, 6 units along the eastern boundary and 4 along the northern boundary.

In terms of the southern aspect units, at ground floor level, access to the private gardens is via bedrooms only, with the main living areas having a northern aspect. At first floor level, the Board will note that there are no first-floor windows proposed and the upper floor units are serviced by roof lights along the southern building line. At first floor level, 2 of the units have their living spaces on the southern side of the apartment, and neither have windows other than the proposed roof lights. All other rooms in apartments on the south side of the building comprise bedrooms or kitchens, and all with roof lights. The primary private open space of the first-floor units are all located to the north of the building.

In terms of the layout of the other apartments along the eastern and northern boundaries of the site, the Board will note that all at first floor are served by roof lights while at first floor level, the private open space balconies have a southern or western aspect. In addition, the Board will note the detail of the shadow study prepared in support of the proposed development. This study suggests that the private balconies proposed for those first floor apartments along the southern boundary – and where the balconies are all located to the north – will be in shadow all throughout the year. There is no amenity value to the provision of such private open space under such conditions.

I have considered this matter carefully and am concerned that the development, if permitted, would give rise to a substandard form of development and would impact on the residential amenity of any future residents.

d) *Floor to Ceiling Height:*

It is a specific policy requirement that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings. The submitted plans provide a floor to ceiling height of 2.5m across all floors. Having regard to the fact that the proposed development comprises 2 stories only, I am satisfied that the proposed floor to ceiling

height proposed is acceptable and is in accordance with the requirements of the guidelines.

e) *Lift & Stair Cores:*

The development proposes 6 central core areas to serve the development, with each core serving 4 units. The development does not propose any lifts. Having regard to the limited scale of the proposed development, I am satisfied that the proposed stairs arrangements are acceptable.

f) *Internal Storage:*

The proposed development provides for storage within all apartments. Minimum storage requirements are indicated in the guidelines and it is noted that said storage 'should be additional to kitchen presses and bedroom furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m².' The Guidelines also advise that storage for bulky items outside the individual units should also be provided, apart from bicycle parking requirements. The minimum storage space requirements are identified as follows:

Minimum storage space requirements

One bedroom	3 sq m
Two bedrooms (3 person)	5 sq m

In the context of the proposed development, the Board will note that the submitted drawings indicate that storage is provided within each apartment in the form of separate storage rooms, as well as storage within the living rooms, kitchens and in bedrooms. While the guidelines state that storage should be in addition to kitchen presses and bedroom furniture, I am generally satisfied that the proposed development is acceptable. I note the submission of the appellant in relation to the concerns of the Planning Authority in this regard and would agree that the 2018 guidelines provide that 5m² is adequate for two bed (3 person) apartments.

g) *Private Amenity Space:*

I have raised concerns above in terms of the quality of the private balconies proposed to serve a number of the first-floor units in this proposed development given that they are north facing. It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The guidelines require the following minimum floor area for private amenity space:

Minimum floor area for private amenity space

One bedroom	5 sq m
Two bedrooms (3 person)	6 sq m

All apartments are provided with balconies or terraces, all of which appear to meet the minimum requirements of the guidelines. However, not all private open spaces adjoin or have a functional relationship with the main living areas of the apartments.

In addition to the above, the Board will note that the Offaly County Development Plan, in Section 8.6.4 Private Open Space (Residential Development) advises that

In the case of apartment and duplex style schemes, private open space is to be provided in the form of landscaped areas, courtyards, terraces/patios and balconies. Roof gardens should also be considered. The recommended minimum standards for private open space in this situation will depend on the location of such. For instance, one bedroomed apartments close to town centres will require 20m² and two or three bedroomed apartments will require 25-30m².

In the context of the CDP, the proposed development falls significantly below the minimum required private open space area for the proposed first floor apartments.

h) Security Considerations

The Guidelines require that apartment design should provide occupants and their visitors with a sense of safety and security by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Entrance points should be clearly indicated, well lit, and overlooked by adjoining dwellings. Particular attention should be given to the security of ground floor apartments and access to internal and external communal areas.

In the context of the proposed development, I am satisfied that the development is acceptable in principle, in this regard.

7.1.1. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities, refuse storage, communal amenity space, children's play, bicycle parking and storage and car parking. Given the scale of the proposed apartment block as part of the development, I am satisfied that there is no requirement for a communal room and that the communal areas proposed are adequately sized.

7.1.2. I note that there are a number of differences between the requirements of the guidelines and the Offaly County Development Plan as they relate to residential development. In this regard, the following is relevant:

- I am satisfied that the building has been designed to provide appropriate access to the buildings.
- In terms of community facilities, having regard to the minimal scale of the development, I am satisfied that facilities such as communal rooms etc are unnecessary.
- A communal refuse storage area is proposed to serve the development. The location of the storage area is located immediately adjacent to the boundary with an adjacent house, which I do not consider to be appropriate. In the event of a grant of planning permission, the bins storage area should be relocated away from the boundary with the adjacent house to adjacent to the proposed bike storage area.

- With regard to communal amenity space, the space within the building form is identified as a communal garden area. The area of public open space afforded by the proposed scheme is indicated at approximately 280m², amounting to approximately 5.7% of the overall site area. The Offaly CDP requires that a minimum of 10% of the site area is provided for public open space, as do the Guidelines. In the context of the proposed development of apartments, together with the proposed site layout, I am concerned that the provision of public open space is inadequate.
- The Guidelines require that the recreational needs of children are considered as part of communal amenity space within an apartment development. I am generally satisfied that the layout of the proposed public open space area can be considered appropriate to address the recreational needs of children.
- In terms of bicycle parking and storage, there is a requirement of 1 space per bedroom, plus 1 space per 2 residential units visitor bicycle parking. The proposed development therefore requires 48 spaces. The proposed site layout plan identifies parking for approximately 16 bicycles, which is significantly below the recommended minimum requirement.
- The proposed development provides for 26 car parking within the scheme. While the Offaly County Development Plan requires 2 spaces per unit be provided, amounting to 48 spaces, the guidelines facilitate the reduction in the provision of car parking spaces, or the elimination of such provision in certain circumstances. Given the location of the site, and the proximity of the site to shops and services, I am satisfied that reduced parking might be considered to be appropriate to serve the proposed development. However, given the level of reduced spaces, together with the inadequate bicycle parking facilities, I am not satisfied that the development is acceptable in this regard.

7.1.3. Overall, and while the principle of the proposed development is acceptable in terms of the zoning objective afforded to the site, I am concerned that the proposed development fails to comply with a number of elements of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December, 2018, as well as the Offaly County Development Plan, and in particular with regard to the quality of private open space provision, the location of the proposed refuse storage area,

parking, bicycle parking and storage. Should the Board be minded to grant planning permission in this instance, the above issues should be fully addressed.

7.2. Visual & Residential Amenity Issues

7.2.1. The development proposes the construction of a U-shaped two storey building, with individual residential units on each floor. The building encircles an area of public open space and will rise to a maximum height of 8m. Overall, the design submitted reflects the form of other existing structures in the area, using pitched roofs and a mixture of render and brickwork. The layout of the building reflects the site levels and the roof span will be broken up to reduce the visual impacts.

7.2.2. However, given the solid block nature of the design, concerns were raised in terms of the scale of the buildings in the context of the existing residential development which surrounds the subject site. I acknowledge the efforts to produce a terrace design which reflects the character of the area, and overall, I have no objection in principle to the proposed design of the development.

7.2.3. The Board will note that concerns were raised in relation to the boundary treatments proposed. I am generally satisfied that this issue could be addressed by way of appropriate conditions attached to a grant of planning permission. I also note that there is a difference in the site levels between the subject site and properties to the north and east. Having regard to the fact that the subject site is zoned for residential purposes, can connect to public services and that planning permission has been permitted in the past for a residential development, I am generally satisfied that a residential development as proposed is acceptable in principle on the site in terms of visual impacts.

7.2.4. In terms of residential amenity issues, I have raised a number of concerns above with regard to the quality of the private open space proposed to serve the first-floor apartments. The shadow study submitted indicates that a number of these amenity spaces will be in shadow most of the year due to their orientation. Access to the ground floor apartments open spaces is also compromised due to the layout proposed. While I have no objection in principle to the proposed development, I do not consider that the residential amenity of future residents has been adequately addressed.

- 7.2.5. With regard to the impact of the development on existing residential amenity, I would note the efforts of the design team to protect existing residents from overlooking. There is a limited number of windows at first floor level proposed with the design providing roof lights instead. Such design features will significantly reduce the potential for overlooking of existing properties.
- 7.2.6. In terms of the potential for overshadowing, given the orientation of the proposed building, the development has the potential to impact on existing houses, particularly those to the north and east of the site. The appellant has argued that as the development comprises a 2 storey building, it cannot be considered a 'significant height'. It is further suggested that the proposed development improves on the separation distance of the previously permitted development and as such, the appellant considered that the issue of overshadowing did not apply.
- 7.2.7. What is not clearly stated however, is the fact that the previously permitted development on the site proposed single storey houses in the vicinity of the north east and eastern boundary. In addition, the bulk of these single storey houses provided a greater separation distance from the site boundary to the east. There is also a difference in the site levels between the subject site and existing residential properties. The submitted shadow study would suggest that while the development layout will have an impact on the quality of proposed private amenity spaces for a number of the first-floor apartments, it will also have an impact on existing residential properties.
- 7.2.8. I would note that National Policy supports the development of higher buildings in order to provide sustainable housing in areas where services and infrastructure are available. I would also consider that the subject site is capable of accommodating a residential development. However, I do have concerns in terms of the height, scale and bulk of the building as proposed, and consider that it would be overbearing on existing residential development to the north and east, particularly with regard to the potential for overshadowing. Should the Board be minded to grant planning permission in this instance, I consider that the development will require amendments to improve and reduce the impact on existing residential amenity.

7.3. Roads & Traffic

- 7.3.1. It is submitted that the proposed development has been designed to accommodate the requirements of DMURS where necessary. The PA refused permission for the proposed development on the basis of non-compliance with section 4.3 Pedestrian and Cyclist Environment and Section 4.4 Carriageway Conditions of the manual – reason no 5. The appellant submits that as the subject development does not represent a ‘street’ and is effectively a hard landscaped area used to provide parking for the scheme, it is not believed that there is a need to provide the infrastructure which would normally only occur on urban streets.
- 7.3.2. In terms of the proposed pedestrian and cyclist environment, the Board will note that the plans submitted suggest that they will range from between approximately 1.2m to 2.2m. DMURS requires a minimum of 1.8m for footpaths and in this regard, elements of the layout as presented do not accord with Section 4.3 of DMURS. I would consider however, that this issue could be addressed by way of condition should the Board be minded to grant planning permission.
- 7.3.3. In terms of Section 4.4 of the manual, sets out the requirements for carriageway conditions which include widths, surfaces, junction design, forward visibility, visibility splays etc. The layout as proposed provides a road width of 6m, which given the scale of the proposed development, is excessive in my opinion. The Board will also note that the Road Design Section of Offaly County Council required additional information with regard to the proposed development. I would agree that information relating to public lighting is required and would note that the proposed car parking provision does not accord with the Offaly County Development Plan requirements.
- 7.3.4. In terms of car parking, the appellant has argued that the CDP sets out a very inflexible approach to parking and that the proposed scheme would not generate the same parking requirements as the previously permitted houses. Reference is also made to the 2018 National Guidelines for new apartments which provides for a number of car parking scenarios, including a reduction in the provision of car parking spaces. It is submitted that the proposed provision of 1 space per apartment in this case should be accepted. The appeal documents make provision for bicycle parking, which was omitted in earlier plans. In providing bicycle parking facilities for 16 bikes,

the development reduced the car parking provision from 27 to 26 spaces. Overall, I consider that there are outstanding issues in relation to roads and traffic, including parking provision. Should the Board be minded to grant permission in this instance, such issues should be addressed.

7.4. Water Services

7.4.1. The development is proposed to connect to public services in Moneygall. The Board will note that Irish Water have not commented on the proposed development, but the Environment Water Services of Offaly County Council has indicated that further information is required in relation to noise and storm water. No comments are made in relation to connections to the public sewer and water supply.

7.4.2. Third party appellants have raised concerns in terms of the WWTP, which was constructed in 2012, but I would note that the facility has an overall capacity of 750 PE, with a current loading of 354 PE. This would suggest that there is adequate capacity in the system to accommodate the proposed development. The Offaly CDP also indicates that there is spare capacity available in the public water supply mains.

7.4.3. I have no objection to the proposed development in terms of water services in principle. However, should the Board be minded to grant permission, a condition requiring compliance with Irish Water requirements should be included, as well as details in relation to attenuation capacity in terms of surface water management.

7.5. Other Issues

7.5.1. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.5.2. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the Kilduff, Devilsbit Mountain SAC (& pNHA) (Site Code: 000934) which is located approximately 6.6km to the south east of the site. Sharavogue Bog SAC (Site Code 000585) (& Cangort Bog NHA, Site Code 000890) are located approximately 12km

to the north and Scohaboy (Sopwell) Bog SAC (Site Code 002206) (& Scohaboy Bog NHA, Site Code 000937) are located approximately 12.3km to the north west of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the 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

I recommend that planning permission be refused for the proposed development for the following stated reasons:

9.0 Reasons and Considerations

1. Having regard to the location of the subject site outside the village core of Moneygall, it is considered that the proposed layout and design of the proposed apartment development would produce a cramped and substandard form of development on this site at a density that would be excessive and inconsistent with the prevailing density in the vicinity, and by reason of the topography and the constraints of the site would result in overshadowing and would seriously injure the residential amenities of adjacent residential properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018, and to the layout of the proposed apartment building, the Board is not satisfied on the basis of the information submitted, that the proposed development complies with criteria set out in Section 3 of said guidelines.

Having regard to the number of single aspect apartments proposed, lack of access to or functional relationship of private open space with the main living areas and the orientation of private open space areas serving these apartments, it is considered that the proposed development would give rise to a substandard form of development for future residents and, as such, would be contrary to the proper planning and sustainable development of the area.

A. Considine

04th May 2020