



An
Bord
Pleanála

Inspector's Report ABP-307021-20

Development	Amendments to a permitted residential scheme (Reg. Ref. DA120987, An Bord Pleanála Reg. Ref. PL17.241988), overall comprising of a 142 residential scheme, a crèche and associated site services.
Location	Roestown, Readsland & Knocks, Dunshaughlin, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA200041
Applicant(s)	Castlethorn Construction ULC
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Derek Gray
Date of Site Inspection	16 th June 2020
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 8.1 hectares, is located on the western outskirts of Dunsoughlin. The appeal site is split into two with the largest part on the northern side of the public road and a smaller portion on the southern side. The small portion on the southern side is occupied by a recently constructed housing development of two storey dwellings, whereas the larger portion to the north is being developed with a number of two-storey dwellings at various stages of construction.

2.0 Proposed Development

- 2.1. Permission is sought for amendment to a permitted residential scheme (ref no. PL17.241988) for a residential scheme with 142 units, a crèche and associated site works. The development comprises alterations to 57 no. two-storey dwellings and alterations to the site development and landscape works. The amendments are (a) house type changes to 21 no. dwellings, and (b) the provision of a new cycleway through the site southwards from the Drumree Road and the consequential reposition of 42 no. dwellings required to accommodate the cycle together with associate site development and landscape works. The number of permitted dwellings is unchanged.
- 2.2. Permission for retention and completion is sought for house type changes to permitted units located to the north of the Drumree Road, comprising of:-
- 6 no. House Type A(4-bed semi-detached) replaced with 6 no. House Type B (3-bed semi-detached), 2 no. House Type D1 (3-bed semi-detached) replaced with 1 no. House Type D1(3-bed terraced), 1 no. House Type D1 (3-bed detached) replace by 1 no. House Type D7 (3-bed semi-detached), 1 no. House Type D3 (3-bed detached) replaced with 1 no. house type D3 (3-bed semi-detached). 2 no. House Type D1 (3-bed detached) replace with 2 no. House Type D1 (3-bed terraced), 1 no. House Type D3 (3-bed detached with rear extension) replaced with 1 no. House Type D8 (3-bed terraced with bay window), 1 no. House Type D3 (3-bed detached with rear extension) replaced with 1 no. House Type D8 (3-bed detached with bay window). All house types are 2 storey and rear extensions are 1-storey.

Permission for retention and completion is also sought for changes to the permitted layout comprising:-

Addition of cycleway through the along the internal road, known as 'Dun Rioga Avenue' to create a cycle route from Drumree Road to the south-west of the development site; provision of Part M ramp to access permitted house no.s 79-86; repositioning of 42 no. units (Units 91-114 and Units 143-160) which includes the change of house type 6 no. House Type A (4-bed semi-detached) replaced with 6 no. House Type B (3-bed semi-detached). Rearrangement of public open space along Drumree Road to form a new boundary wall and the provision of a cycle lane along Drumree Road; all ancillary site development and landscape works.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 12 conditions, of note are the following conditions...

Condition no. 6

Revisions required including a footpath/access ramp increased in width to at least 2m, clarification of the use of the hatched area of road between unit no.s 108-110, increase in cycle path width a sharp change in direction as per National Cycle Manual, revised public lighting design.

Condition no. 7

Comprehensive boundary treatment and landscaping scheme to be submitted for agreement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (09/03/20): It was concluded that the proposed development was acceptable in the context of Development plan policy, the visual amenities of the area, the amenities of adjoining properties, in the context of traffic and convenience and to be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Transportation (06/02/20): Revised public lighting scheme required.

Water Services (12/02/20): No objection subject to conditions.

Irish water (01/03/20): No objection.

Transportation (04/03/20): revised site layout increased footpath/ramp access to 2m and stopping cycle path before shared are with tactile paving provided. Increased width to cycle path.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1 Submission by Derek Gray, Readsland, Drumree, Co. Meath.

- The issues raised include the need for a signalised junction, compliance with conditions, boundary issues, proximity of dwelling to the objectors dwelling.

4.0 Planning History

4.1 PL17.241988: permission granted for 160 dwellings and a crèche.

5.0 Policy Context

5.1. Development Plan

The relevant plans are the Dunsoughlin Local Area Plan and the Meath County Development Plan. The appeal site is zoned A2 (new residential) under the Local Area Plan with a stated objective 'to provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the Settlement Hierarchy'.

5.2. Natural Heritage Designations

None in the vicinity.

5.3. EIA Screening

5.3.1 In regard to the nature and scale the development which consists of the modification of a permitted housing scheme 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

6.1.1 A third party appeal has been lodged by Derek Gray, Readsland, Drumree, Co. Meath. The grounds of appeal are as follows...

- The appellant raises concerns regarding the as built locations of dwellings permitted under PL17.241988 (no.s 79-83) and notes that they are located 2m closer to the boundary with appellant's property than on the drawing approved. The appellant also notes that house no.s 80-83 were to be single-storey to the rear but have been built as having a two-storey portion to the rear.

- The appellant refers to condition no. 1 of PL17.241988 requiring the development to be constructed in accordance with approved plans submitted on a number of dates with it noted that such has not been the case.
- The appellant refers to a submission by the applicant in response to the 3rd party appeal in relation to PL17.241988 and the information provided regarding separation distances and the design of dwelling no.s 79-83.

6.2. Applicant Response

6.2.1 Response by Stephen Little & Associates on behalf of the applicant, Castlethorn Construction ULC.

- The applicants question the nature of the appeal noting that the grounds presented concern units not subject to this application for retention.
- None of the dwellings to be altered or relocated as a result of the proposal about the appellant's property. It is noted that the issues raised concerning the dwellings adjoining the appellant's property have been dealt with under the previous applications on site.
- In relation to boundary treatment it is noted that the conditions attached by An Bord Pleanala are the relevant consideration (PL17.244281).
- The proposal would have no adverse impact on adjoining amenities, is consistent with the nature and scale of development previously permitted and in accordance with development Plan policy.

6.3. Planning Authority Response

6.3.1 Response by Meath County Council.

- The issues raised by the appellant in their third party submission during the application stage was assessed and the issues dealt with in the planning report.

- The PA notes the objector places greater weight on the conditions applied by the planning authority under ref no. DA120987 as opposed to the conditions attached by ABP under ref no. PL17.241988.
- Issues regarding overlooking raised are outside of the scope of the development permission is sought for.
- Permission should be granted for the proposed development.

7.0 Assessment

7.1 Having regard inspected the site and associated documents, the main issues can be assessed under the following headings.

Nature of the proposed development, physical scale/impact

Appellant issues

Appropriate Assessment

7.2 Nature of the proposed development, physical scale/impact:

7.2.1 The proposal is for retention and completion of a change of house types to a number of dwellings permitted under ref no. PL17.241988. The amendments are (a) house type changes to 21 no. dwellings, and (b) the provision of a new cycleway through the site southwards from the Drumree Road and the consequential reposition of 42 no. dwellings required to accommodate the cycleway together with associate site development and landscape works. The number of permitted dwellings is unchanged.

7.2.2 The change in houses types are not a significant departure in the nature and type of dwelling already permitted at this location with the changes in houses type being a variation of semi-detached, terraced and detached two-storey dwellings similar in type to that permitted in the overall scheme. The change in house types have no physical impact in terms of visual and residential amenity over and above that of the

permitted development and are acceptable in the context of the proper planning and sustainable development of the area.

7.2.3 One of the other main changes is the provision of cycle path along the Drumree Road and then in southerly direction through the southern portion of the permitted scheme. The provision of the cycle path is catered for within the space between the roadside boundary and the Drumree Road without any alteration of the boundary. The provision of the cycle path does entail a repositioning of 42 no. units (Units 91-114 and Units 143-160). The repositioning is by a very small amount southwards and has a negligible impact in terms of the permitted layout and no significant impact on visual amenity or adjoining amenities. The alterations for the cycle path improve the level of cycle infrastructure as part of the scheme and would be in accordance with the proper planning and sustainable development of the area. I would consider that the changes proposed are in keeping with the land use zoning objective and does not significantly alter the permitted development to such a degree that it would be contrary to the proper planning and sustainable development of the area.

7.3 Appellant Issues:

7.3.1 The appellant lives in the existing dwelling located adjacent the western boundary of Character Area 2 located on the southern side of the Drumree Road. The permitted development provides for two-storey dwellings that back onto the side boundary of the appellant's property (no.s 79 to 85) as well a number of dwellings adjoining the southern boundary of the appellant's property (no. 88 and 89). The issues raised in the appeal appear concern compliance issues such as non-compliance with conditions requiring the development to be constructed as per permitted plans, compliance issues relations to the dwellings permitted adjoining the eastern boundary of the appellant's property (no. 79-85) in terms of separation distances and built form and compliance with boundary requirements.

7.3.2 The proposal is for retention and completion of development on site with amendments to the development permitted under ref no. PL17.241988. I would note

that there is provision under the Planning Act and the application system for retention application and such are considered on their merits. Issues concerning compliance and unauthorised development are a function of the Planning Authority and not a matter for the Board. I would note that the Planning Authority have the power to deal with unauthorised development and the failure to comply with permissions, however such does not preclude consideration of retention applications on their merit. As noted above the amendments proposed in this application are satisfactory in the context of the proper planning and sustainable development of the area.

7.3.3 In relation to the dwellings backing onto the appellant's property (no.s 79-85) I would note that the proposal under consideration entail no changes to these dwellings, which are built and completed on site. I would note that if there is a deviation from permitted plans of these dwellings then such is not under consideration in this application and are a matter for the Planning Authority with its functions in terms of unauthorised development and compliance.

7.3.4 The proposal does entail alterations to the area to the front of Character Area 2 adjacent the appellant's dwelling, however such alterations are to the layout and configuration of the area between the front boundary of the permitted scheme and the road edge and have no impact on the size of this area or on the amenities of the appellant's property.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposal, no appropriate assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area and would be acceptable in the context of the amenities of adjoining properties. 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, 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 interests of clarity.

2. The development shall be carried out and completed in accordance with the conditions set down under ref no. PL17.241988 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interests of clarity.

Colin McBride
Planning Inspector

09th July 2020

