



An
Bord
Pleanála

Inspector's Report

ABP-307586-20

Development	Mixed use development comprising of 10 apartments and 8 semi-detached houses
Location	Kentstown, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA191262
Applicant(s)	KJA Developments.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Sean Monaghan.
Observer(s)	None.
Date of Site Inspection	29 th September 2020.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1ha, is located on the eastern approach to Kentstown, on the south side of the junction of the R153 Navan Road and the R150 Duleek Road. Kentstown has developed around the junction of the R153, R150 and Leganara Road and has developed outwards along each route, save for eastwards along the R153, which is where the appeal site is located. The village provides limited services, in the form of a shop, pub and church.
- 1.2. The site is irregular in shape and is set on land which rises in a northerly direction. It is bounded by post and rail fencing along the north boundary and by a band of trees to the west. There is no defined boundary to the south and the River Nanny runs further to the south, along the south perimeter of the landholding.
- 1.3. The site is adjoined to the west by a detached bungalow property whilst lands to the south and east, also in the same ownership, are also undeveloped. Maguires Pub and a Londis convenience store are to the north on the east side of the Duleek Road, whilst the Church of the Annunciation, a Protected Structure, is to the north-west, on the west side of the Duleek Road.

2.0 Proposed Development

- 2.1. The proposed development, which was amended following a request for further information, consists of a mixed use development containing 10 apartments, 8 semi-detached houses and an undefined retail unit measuring 420sqm, together with car parking, public open space and associated developments.
- 2.2. The apartment and commercial element would take the form of two blocks adjacent to Navan Road, Blocks A and C, with Block A at the north-west end of the site and with Block C in the centre of the site. Two road accesses are proposed, one located between the blocks, which would access the parking area to the rear of Block A, and the other, main entrance located to the east of Block C. This access would serve the housing component also.
- 2.3. Block A is a two-storey block, with a gross floor area of 919sqm and with a ridge height of 9.3m and also a taller projecting element of the front (north) elevation which measures 11.8m high. The block contains a retail unit at ground floor level and 4

apartments at first floor level. The retail unit also incorporates staff facilities, an office and toilets with a gross floor area of 420sqm. Access to the unit is provided in the form of 'entry' and 'exit' points in the centre of the front (north) elevation. The first floor apartments are accessible via the projecting stairwell element at the front of the building, which provides a small entry/exit opening on the west side. Each of the apartments would be 2-bed, in a handed layout that provides each with an open-plan kitchen/dining/living room, storage spaces and a bathroom. Rear (south) facing balconies are provided for each apartment. Units 1 and 4 within the block would measure approx. 101sqm, whilst units 2 and 3 would measure 86sqm and 83sqm, respectively.

- 2.4. Block C is an L-shaped, three-storey block, which addresses both Navan Road and the main access road into the site. It has a gross floor area of 592.2sqm and a ridge height of 12.6m. The layout is identical across each floor, each containing a 1-bed unit and a 2-bed unit, both accessed from a central stairwell/elevator lobby. Each unit is provided within an open-plan kitchen/dining/living room, storage spaces and a bathroom and wrap-around balconies are also provided to each unit. The 1-bed units would each measure approx. 62sqm, whilst the 2-bed units would each measure approx. 87sqm.
- 2.5. The housing component would be located to the rear of the apartment blocks, in the lower section of the site. The houses are laid out in the form of semi-detached units, in a traditional design, which face south and which are accessed by the main access road which routes in front of the houses. They each measure 8.15m to the ridge and incorporate a gable element and small pitched-roof porch in the front elevation. The houses are 3-bed (1 en-suite) and each contain a kitchen/dining room, living room, downstairs toilet and utility at ground floor, with a family bathroom and hot press at first floor, in addition to previously bedrooms.
- 2.6. A number of public open space areas are proposed, to the rear of Block C, to the south of the houses and to the east of Block C, which have a combined area of 0.21ha.
- 2.7. Parking for Blocks A and C is grouped in two locations, to the south of Block A and to the east of Block C, in front of the entrance to the block. 6 parking bays (2 disabled) are proposed adjacent to Navan Road, at the front of the development. In

total 38 parking spaces are proposed for the apartment and retail components. The houses are shown as being provided with parking for 2 cars to the front.

- 2.8. The site layout plan submitted also depicts a future layout of the lands to the south and east, which are also in the applicant's ownership and which would be served by the primary road access.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 17th June 2020 Meath County Council granted planning permission for the development, subject to 31 no. planning conditions. Relevant conditions in the context of the appeal include:

- Condition No. 2 required that a number of amendments to the development be submitted and agreed with the Planning Authority, including redesign of Block C as a two-storey block and incorporating recessed balconies where possible; return frontage to the eastern gable of Block A; Dual frontage to unit No.8; relocation of parking spaces 31-38; a revised road layout to the rear of Block A which should facilitate truck turning; the provision of disabled parking spaces in accordance with the Building Regulations; and a positive road drainage scheme.
- Condition No. 3 required that the development should contain 16 residential units, the result of the omission of the second floor from Block C.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 14th November 2019 and 15th June 2020, which reflect the decision to grant permission. The report dated 14th November 2019 recommended that Additional Information be sought in relation to a number of aspects of the proposed development, seeking (1) the applicant to address an apparent material contravention of the development plan relating to the provision of public open space within A2/Phase II lands; (2) a Housing Quality Assessment; (3) engagement with the Planning Authority's Architectural Conservation Officer in relation to layout and design; (4) revised landscaping and boundary treatment proposals; (5) revisions to the proposed site layout in relation to sightlines, parking spaces and the internal

access routes layout; (6) public lighting proposals; and (7) ground investigation analysis and amended proposals in relation to surface water drainage proposals. The report dated 15th June 2020 followed receipt of the Additional Information response and recommended a grant of permission, subject to conditions. The decision to grant is generally in accordance with the recommended reasons for refusal.

3.2.2. Other Technical Reports

Transportation – Reports dated 12th November 2019 and 14th May 2020. The first report requested revisions to the proposed layout, in relation to sightlines, parking layout and facilities, relocation of an existing speed ramp on the R-153, internal routes and public lighting. The subsequent report followed receipt of the additional information response and recommended that revisions to the proposed layout should be required, as part of any grant of permission, in relation to these issues.

Architectural Conservation Officer -Reports dated 30th October and 27th April 2020. The first report recommended refusal of the application, due to the impact of the development on St. Mary's Roman Catholic Church, a protected structure; the impact of the development on views; and the impact of the design, layout and density of the development on Kentstown. The subsequent report followed receipt of the additional information response and raised concerns in relation to the impact of the development on views, the size and scale of the proposal in a village location, the absence of proposed community facilities and the north-facing aspect of the rear gardens of the proposed houses. The officer considered that any development of the site should clustered, with identified village facilities and a connection to the village

Water Services – Report dated 23rd October 2019, which outlined no objection to the development subject to a number of conditions. Reference is made within the Planner's Report dated 15th June 2020 to further comments having been provided but such comments have not been received as part of the appeal documentation. These additional comments sought two planning conditions, (1) requiring the excavation of a trial hole to establish the depth of the water table on the site and (2) requiring investigation and confirmation of the capacity of the surface water drainage network to accommodate the development.

Housing Section – Handwritten comments dated 4th October 2019 which request that Part V should be met by the delivery of units on the site.

Fire Service Department – Report dated 18th October 2019, advising that a fire safety certificate application is required under Part III of the Building Control Regulations.

Environment Section – Email comments dated 14th November 2019, advising that the site is almost exclusively in Flood Zone C and that there is a small part of the site situated within Flood Zones A/B but it is not significant in terms of flood risk to the proposed development, which is elevated above the flood zones. The comments outline no objection to the development.

Broadband Officer – Report dated 10th October 2019 requesting details of ducting and access chambers for the development and also details of how connections to existing networks will be made. A number of non-standard planning conditions, relating to the provision of broadband services as part of the development, are recommended.

Public Lighting – Reports dated 10th October 2019 and 15th April 2020. The initial report requesting public lighting proposals. Following receipt of the additional information response, the second report advised that these details had not been provided and should be required to be submitted, as part of any grant of permission.

3.3. Prescribed Bodies

- 3.3.1. Department of Culture, Heritage and the Gaeltacht – Submission dated 25th October 2019, which recommended that pre-development trial trenching should take place, under the supervision of an archaeologist, due to the proximity of the site to a church and graveyard which are themselves of archaeological interest.
- 3.3.2. Irish Water submission dated 23rd October 2019, which outlined no objection to the development subject to one standard condition.
- 3.3.3. Planning Authority records provided as part of the appeal documentation indicate the following additional Prescribed Bodies were consulted:
 - The Heritage Council
 - An Taisce

- Inland Fisheries Ireland

3.3.4. No consultation responses appear to have been received.

3.4. **Third Party Observations**

3.4.1. A number of third party submissions were received, objecting to the development on the following grounds:

- Concerns relating to the scale of development proposed;
- Concerns relating to the impact of the development on the character and visual amenities of the area;
- Concerns regarding the lack of social infrastructure in Kentstown to accommodate the proposed development, in tandem with other approved residential development;
- Concerns relating to traffic and road safety;
- Concerns relating to flood risk and impact on the River Nanny and local wildlife. Reference is made to existing flood issues at the 'lions mouth' on the R153;
- Concerns relating to the viability of additional retail facilities in Kentstown;
- Concerns relating to the impact of the development on views;
- Concerns regarding the suitability of proposed boundary treatments to protect neighbouring properties from trespassing;

4.0 **Planning History**

4.1. I have not encountered any planning records pertaining to the site and I note the application form indicates the site has no planning history.

4.2. Planning Authority records indicate that an application was submitted and subsequently withdrawn in 2003, NA/30241, for a development of 30 semi-detached houses. No details of this application were available to me at the time of this report.

Relevant nearby planning history

- 4.3. AA1700888 – *Lands at Veldonstown Road, Kentstown:* (Bord Ref. ABP-301299-18) Permission granted on 3rd September 2018 for a development of 39 no. two storey houses.
- 4.4. AA170635 - *Site of Kentstown Wastewater Treatment Plant on lands to the east:* Permission granted on 6th September 2017 for the construction of an inlet screening chamber, stone/grit trap, storm tank and associated storm sump, weir chamber and electrical kiosks, together with a paved road access.
- 4.5. AA150591 - *Lands north of the Church of the Assumption:* (Bord Ref. PL17.246165) Permission granted on 7th June 2016 for a community sports facility comprising playing pitch, an all-weather floodlit playing pitch, two tennis courts, new access road, children's playground, 4 no. temporary portacabins and associated works.

5.0 Policy Context

5.1. Relevant Ministerial Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)

- 5.1.1. The Guidelines set out standards for apartment developments, with the aim of ensuring that such developments are an attractive and desirable housing option in the future. Standards provided within the Guidelines include: the mix of units to be provided, minimum size thresholds for 1-bed, 2-bed and 3-bed units, the orientation and internal layout of units and private open space provision.

Sustainable Residential Development in Urban Areas (2009)

- 5.1.2. The Guidelines set out key planning principles to guide the preparation and assessment of planning applications for residential development in urban areas. Of relevance to the current appeal, the Guidelines state that, in relation to the design and layout of residential developments in small towns and villages, the primary consideration is that new development should relate successfully to structure of the town or village. A number of design criteria, against which to consider such proposals. Such developments should:

- *'make the most effective use of the site, having regard to the criteria outlined below;*
- *make a positive contribution to its surroundings and take the best advantage of its location through the use of site topography, i.e. levels, views, context, landscape, design orientation (sunlight and daylight), to optimise sustainability;*
- *have a sense of identity and place appropriate to the character of the existing small town or village and a logical hierarchy of places within the scheme working from streets to semi-private and private areas;*
- *provide for effective connectivity, especially by pedestrians and cyclists so that over time, small towns and villages become especially amenable to circulation by walking and cycling rather than building up reliance on the car; and*
- *include a design approach to public areas such as streets, plazas and open spaces that is guided by the best principles of passive surveillance to encourage a safe sense of place, discourage anti-social behaviour and facilitate effective community policing.'*

5.1.3. In relation to 'edge of centre sites', the Guidelines outline that the emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. It is recommended that such developments should be primarily residential, at a density of 20-35 units per hectare and including a mix of housing types from detached and terraced housing to apartment units.

Quality Housing for Sustainable Communities (2007)

5.1.4. The Guidelines identify principles and criteria that are important in the design of housing and highlight specific design features, requirements and standards.

5.2. Development Plan

5.2.1. The subject site is primarily zoned 'B1' under the Meath County Development Plan 2013-2019, with an objective *'to protect, provide for and / or improve town and village centre facilities and uses.'*

5.2.2. The south and east portions of the site are zoned 'A2', with an 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' but, are qualified as 'Residential Phase II (Post 2019)'. Development plan Policy SP 2 clarifies the delivery of housing over the plan period, outlining an order of priority policy, as follows:

'To operate an Order of Priority for the release of residential lands in compliance with the requirements of CS OBJ 6 of the County Development Plan as follows:

- i) The lands identified with an A2 "New Residential" land use zoning objective corresponds with the requirements of Table 2.4 Housing Allocation & Zoned Land Requirements in Volume I of this County Development Plan and are available for residential development within the life of this Development Plan.
- ii) The lands identified with an A2 "New Residential" land use zoning objective but qualified as "Residential Phase II (Post 2019)" are not available for residential development within the life of this Development Plan.

5.2.3. The development plan's Core Strategy provides a housing allocation of 60 units to Kentstown, over its lifetime. The Kentstown Written Statement, contained in Volume 5, identifies a 3.5ha parcel east of Slane Duff View and west of Glasheen and states that this is sufficient to accommodate the 60-unit allocation. All other lands, which includes the appeal site, are identified as strategic reserve and are not intended for release within the lifetime of the development plan.

5.2.4. Objectives SS OBJ 16 and 17 are also relevant to the development, where they relate to new housing developments in village locations, and outline that it is an Objective:

- 'To ensure that Villages grow in a manner that is balanced, self sustaining and supports a compact urban form and the integration of land use and transport. SS OBJ 17 To ensure that in Villages, no proposal for residential development should increase the existing housing stock (including permitted units) of the village by more than 15% within the lifetime of the Development Plan'; and
- 'To ensure that in Villages, no proposal for residential development should increase the existing housing stock (including permitted units) of the village by more than 15% within the lifetime of the Development Plan.'

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not located within or adjacent to any designated European Site. The River Nanny routes to the south of the site, flowing in an easterly direction before entering the Irish Sea at the River Nanny Estuary and Shore SPA (Site Code 004158), approx. 20km away.
- 5.3.2. The River Boyne and River Blackwater SAC (Site Code 002299) and SPA (Site Code 004232) are located around 8km west.
- 5.3.3. Balrath Wood proposed Natural Heritage Area (Site Code 001579) is 1km north-east.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development, it is considered that 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. The grounds of appeal can be summarised as follows:
- The proposed development is unsuitable in this location, as it is a large urban style development located in a rural setting.
 - Traffic movements will have a profound impact on road safety in close proximity to a busy junction, where many accidents have happened in the past
 - There are two disabled parking bays which lead directly onto the R153.
 - The access road to the development also exits onto the R153 east of this junction

- A turning lane should be provided at this junction, for traffic turning right onto the R150, thereby providing a through-lane for vehicles travelling in the direction of Navan.
- A public footpath should also be provided, to connect the site to an existing pedestrian crossing at the church.
- The site is within the flood plain of the River Nanny, which routes to the rear of the site. There is concern that the development will have an adverse impact on the river and wildlife.
- The development will not be sustainable. There is an existing retail unit in the village which has lain idle for in excess of 10 years. There is no evidence to suggest that there is any need for further retail units in Kentstown.
- As part of the further information submitted, the applicant amended the design of Block C amending the proposed roof profile to a pitched roof. This results in the building increasing in height from 9.5m to 12.5m and this surely increases its bulk and scale and defeats the purpose of the revision.
- It is suggested that the existing public wastewater treatment plant, to the east of the site on the R153, may be operating at capacity. It appears that tanker lorries may be drawing away from the plant on a regular basis. If this is the case, it is questioned how the plant will accommodate the additional loading arising from the proposed development. This ought to be investigated prior to any decision on the application.

6.2. Applicant Response

- 6.2.1. Submission received dated 14th August 2020, noting that the site is located in the centre of Kentstown, on lands primarily zoned for village centre-type uses, and that Kentstown is one of the largest villages in County Meath. It is also advised that the development has been designed to allow for the future development of the applicant's wider landholding, post-2019, when phasing restrictions may be lifted.
- 6.2.2. The submission addresses each of the grounds of appeal.
- 6.2.3. In relation to the suitability of the site, it is contended that a mix of residential unit sizes and types and a high quality retail unit are appropriate at this village centre

location. The land is zoned for village centre uses and it is clear that residential and local shopping uses are suitable uses in the centre of a village such as Kentstown. Reference is made to the development plan's vision for Kentstown, which seeks to consolidate and strengthen the commercial and residential village centre.

- 6.2.4. In relation to traffic concerns, it is highlighted that the site is located within the 50kph speed limit zone and that there are traffic calming measures in place. The development has been designed with DMURS principles in mind. The appellant's suggestion of providing a right turn lane would be contrary to DMURS principles and would promote increased speeds in the village. The proposed design was amended during the application stage, to address concerns of the Roads Department and condition 2 of the Planning Authority's decision required further minor changes to be agreed.
- 6.2.5. In relation to flood concerns, it is stated that the development is not located within a flood plain. Reference is made to the further information response, which clarified this aspect of the development. It is also stated that a flood risk assessment was submitted with the application and that impacts on wildlife were addressed within the appropriate assessment screening report, which reported there are no habitats of any significance.
- 6.2.6. In relation to concerns regarding sustainability, it is highlighted that the appellant is the owner of the only other shop in Kentstown. The vacant retail unit discussed in the appeal was formerly a petrol station/tyre and fuel store and has been semi-derelict for some time. It is contended that the current vacant and derelict state of this unit is not due to a lack of demand for retail competition in Kentstown. The applicant's statement that there is no evidence to suggest a need for further retail is not accepted and attention is drawn to statements relating to Kentstown within the new Draft Meath County Development Plan, which highlights the potential within the village for additional commercial development.
- 6.2.7. In relation to foul water treatment capacity concerns, details of a pre-connection enquiry submitted to Irish Water have been provided, which confirm that there is capacity for the development in the network.
- 6.2.8. In relation to the concerns regarding the revised design of Block C, the applicant notes that the Planning Authority imposed a condition on its decision, condition 2,

which required that Block C should be reduced from 3 storeys to 2. The Board is requested to remove this condition and to permit the block as per the amended design proposed.

- 6.2.9. It is hoped that the Board will find that the development is well-designed which seeks to make use of zoned, serviced land in the centre of a large village and that it will provide much-needed housing and retail floorspace in a village with village facilities.

6.3. Planning Authority Response

- 6.3.1. Submission received dated 10th August 2020, advising that the grounds of appeal have been considered and the Planning Authority is satisfied that the issues raised have been addressed in the planning reports dated 14th November 2019 and 15th June 2020. The reduction in residential units, together with design and layout changes, brought about by conditions 2 and 3 of the Planning Authority's decision, should be noted. The Planning Authority's position remains that as set out within the planning reports and the Board is requested to uphold its decision to grant permission.

6.4. Observations

None.

7.0 Assessment

- 7.1. Having inspected the site and considered the contents of the appeal, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;
- Scale, design and layout;
- Impact on neighbouring properties;
- Flood risk and drainage;
- Road Safety, access and parking;
- Other Issues;

- Appropriate Assessment.

7.2. Principle of development

- 7.2.1. As I have outlined in Section 5, there are two separate land-use zonings applying to the site; it is primarily subject to the 'B1' zoning, with an objective '*To protect, provide for and / or improve town and village centre facilities and uses*', whilst the south and east portions are zoned 'A2', with an 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*', under the Meath County Development Plan 2013-2019.
- 7.2.2. The proposed development is consistent with the 'B1' zoning, however; a question arises in relation to compliance with residential development within the 'A2' zoning, where the zoning is subject to a qualification that these lands are not available for residential development within the life of the development plan.
- 7.2.3. Having reviewed and compared both the site location plan and the Kentstown Land Use Zoning Objectives Map, it is not clear to me exactly how much of the proposed development falls within the A2 parcel. It appears that a section of the access road and all of public open space parcels 3 and 4 fall within this zoning and it may be that part of the front garden of each of the proposed houses also falls within the zoning. The proposed houses themselves however appear to fall within the B1 zoning. I would advise the Board that all aspects of the development, including the access roads and open spaces, form part of the proposed residential development and they are therefore a residential use, in land-use zoning terms.
- 7.2.4. The development plan identified a single land parcel on which to accommodate the planned growth of 60 units over the plan period and whilst permission has been granted for 39 units on part of the lands, under Reg. Ref. AA1700888, it is evident from the development approved under Reg. Ref. AA150591 and which appeared to be under construction at the time of my site visit, that new housing will not be delivered on the remaining section of these lands (the lands are being developed for community facilities including playing pitches).
- 7.2.5. Taking a sequential approach to the delivery of the remaining quantum of planned growth, the appeal site is, in my view, centrally located and it provides an opportunity to consolidate the village centre, a key aspect of the development plan's strategic

approach to the development of the village. I therefore consider it appropriate that a small portion of the A2 zoning should be released, to allow for development of the site.

- 7.2.6. The development would accord with Objective SS OBJ 17, which seeks to ensure that no single residential development would increase the existing housing stock of the village by more than 15%.
- 7.2.7. I note that in relation to the retail element of the development, the grounds of appeal question the need for additional retail development in the village. It is not the function of the Planning Authority to exert any control over or stifle competition, in terms of retail offering within the village. Rather, the issue at hand is the acceptability of the development of the appeal site for retail purposes and I consider the appeal site is suitable for retail development, as it is centrally located and occupies a prominent street-frontage location in the village and it would make a contribution towards village improvement. I also note the development plan also identifies that for villages such as Kentstown, it is intended to accommodate the majority of new commercial and retail uses within lands zoned 'B1'.

7.3. **Scale, Design and Layout**

- 7.3.1. The *Sustainable Residential Development in Urban Areas* (2009) Ministerial Guidelines outline that developments such as this, at edge of centre locations, should make a positive contribution to their surroundings and should have a sense of identity and place appropriate to the character of the village.
- 7.3.2. Whilst I consider the overarching site layout is acceptable, the design of the apartment blocks is unimaginative and lacks the visual interest required for a prominent, village centre development. Block A incorporates a long and uninterrupted roof of effectively uniform height and there is little in terms of architectural design or detailing to animate the building along its front elevation. Indeed, I consider the projecting stairwell element, as the tallest element of Block A and one of the most prominent aspects of the development in public views, would be a highly incongruent addition to the streetscene setting. These concerns are compounded by the proximity and visual connection of the development to the Church of the Assumption, a protected structure. I note, in this respect, and agree with the Planning Authority's Conservation Officer's concerns in relation to the

design and appearance of Block A. Given its location, adjacent to a protected structure and addressing a prominent junction in the centre of the village, in my opinion, a more considered and high quality design response is required.

- 7.3.3. I have similar concerns in relation to Block C, although I acknowledge that there is a little more visual interest to its design. I also note, in relation to Block C, that the Planning Authority has sought to incorporate additional substantial amendments to this building, via condition. I do not consider the requirements would address my substantive concerns.
- 7.3.4. The development plan's strategic approach to the development of Kentstown is to consolidate the village, rather than a continuous outward spread and, in this context, an appropriately designed and scaled development is required, to frame the village edge. It can be seen from the masterplan drawing 21364-COMMA-A-0002 that Block C would set the urban edge of the village in the future, with adjoining lands along the R153 provided as open space. This building therefore needs to present an appropriate transition from rural to village and, whilst I do not object to a three storey building at the village edge, the proposed development would not provide a successful transition.
- 7.3.5. In relation to the internal layout of the apartment blocks, I am satisfied that appropriately sized spaces would be provided within each apartment. A Housing Quality Assessment was submitted as part of the further information response, which demonstrates compliance with all aspects of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2018), including in relation to the size and internal layout of each unit, orientation and the level of private open space provided.
- 7.3.6. The proposed houses also appear appropriately sized internally and are provided with adequate private open space and car parking.
- 7.3.7. In terms of the relationship between apartments and the proposed houses, there would be overlooking of rear gardens from first and second floor apartments within Block C, from west-facing kitchen windows on both floors. Should permission be granted, it would be appropriate to require that these kitchen windows should be relocated to the south elevation, to ensure no such overlooking would arise.

7.3.8. Public open space provision equates to 21% of the total site, exceeding the minimum development plan requirement of 15%. Given the sloping nature of the site, each of these spaces is likely to be sloped. It is difficult to read the proposed levels for each of the spaces, as shown on drawing Ref. 353-04-003, however; it appears to me that the spaces would be usable.

7.4. **Impact on neighbouring properties**

7.5. Block A would have a close relationship to an adjoining detached bungalow property to the west but, would not give rise to overlooking, overshadowing or overbearing issues.

7.6. The rear garden of the proposed house No. 1 would also adjoin the rear garden of this bungalow property but the level of separation between the rear of both houses is sufficient to ensure that the relationship between properties would be acceptable. There is also a band of trees along the common boundary, which are identified as 'retained where possible' on landscape masterplan drawing Ref. 19024_LP_01 and which are shown as falling within the neighbouring property. Retention of these trees would screen any such overlooking between properties. Should permission be granted, a condition requiring submission and agreement of tree protection measures would be appropriate.

7.7. **Flood risk and drainage**

7.8. I note there are a number of flood records in the area, which relate to flooding of the River Nanny, including on lands south of the appeal site. The River Nanny lies approx. 100m south of the site and lands on both sides of it fall within Flood Zones A and B. The appeal site itself is in Flood Zone C.

7.9. Land levels rise in a northerly direction, rising from a low-point around the river (39.2m AOD), up to a high-point in the north-west corner (50.8M AOD). Given the elevated nature of the appeal site, in relation to both the river and the flood zone designated lands, I do not consider that the development is vulnerable to flooding from the river. I also note that the Planning Authority's Environment Section had no concerns in relation to flood risk.

7.10. In relation to surface water drainage, I note that the proposed attenuation tank is provided on lower lying ground than the proposed buildings. The Planning Authority's

Water Services Section requested planning conditions which (1) require the excavation of a trial hole to establish the depth of the water table on the site and (2) require investigation and confirmation of the capacity of the surface water drainage network to accommodate the development. In the event of a grant of permission, it would be appropriate to apply the requested conditions.

7.11. Road Safety, access and parking

- 7.11.1. In raising concerns in relation to road safety arising from the development, the appellant is seeking the provision of a right turning lane, for traffic routeing onto the R150.
- 7.11.2. The site is located inside the controlled 50mph speed limits and the proposed development, which is of modest scale would not, in my opinion, give rise to any road safety concerns. The speed bump traffic control immediately outside of the site access will need to be relocated, but this is a matter for the Planning Authority and whilst I note that the Planning Authority's Transportation Section had a number of specific issues relating to the parking and access aspects of the development, they can be addressed through revisions to the site layout. I note in this respect that there was no substantive concern in relation to the impact of the development on road safety.
- 7.11.3. I also note that the appellant seeks to have the proposed footpath extended up to the pedestrian crossing at the church and whilst I agree that this would be a welcome addition to the development, in terms of enhancing pedestrian connectivity, this involves lands outside of the applicant's ownership or control and so any planning condition requiring such additional development would be unenforceable and would fail to accord with the criteria for planning conditions set out in the *Development Management Guidelines for Planning Authorities (2007)*. The proposed footpath extends up to the road edge and it is likely that its extension up to the pedestrian can be facilitated along public lands. But this is a matter for the Planning Authority.
- 7.11.4. The development incorporates 38 designated parking bays, together with parking within the front garden of the each of the proposed houses. Development parking standards allow for a total of 36 parking spaces for the apartment and retail components, comprised of 15 spaces for the apartments including visitor spaces and 21 spaces for the shop. There is no evident delineation of resident and retail parking

spaces on the proposed site layout and whilst a small exceedance is acceptable, I consider it would be appropriate to require a car park management plan, as part of any grant, to ensure that parking related to the shop is maintained as available for that use.

7.12. Other Issues

- 7.12.1. The applicant has provided correspondence from Irish Water which states that the proposed development can be facilitated by the network.
- 7.12.2. The proposed development comes within the provisions of Part V of the Planning and Development Act, 2000, as amended, for the provision of social housing. The Planning Authority's Housing Section requested that Part V requirements should be met by the delivery of units on the site. Should permission be granted, a condition should attach requiring the applicant to enter into an agreement with the Planning Authority in relation to discharge of obligations under Part V.
- 7.12.3. The Department of Culture, Heritage and the Gaeltacht recommended that pre-development trial trenching should take place, due to the proximity of the site to the Church of the Assumption and its associated graveyard, which are themselves of archaeological interest. Should permission be granted, it would be appropriate to attach a condition, in this regard.

7.13. Appropriate Assessment

- 7.13.1. The closest Natura 2000 sites to the appeal site are the River Boyne and River Blackwater SAC (Site Code 002299) and SPA (Site Code 004232) which are located around 8km to the west and which also routes to north of the site, 8km away. The River Nanny, which routes to the south of the site, enters the sea at the River Nanny Estuary and Shore SPA (Site Code 004158), approx. 20km to the east.
- 7.13.2. An Appropriate Assessment Screening Report was submitted with the planning application. The Report states that there is no direct hydrological link between the appeal site and the River Boyne and River Blackwater SAC/SPA and that as such there is no pathway for potential surface water discharges from the development to enter the SAC or SPA. Whilst it appears to me that there may be a hydrological connection, via the drain network associated with the River Nanny, I note that the river flows in an easterly direction, so the river flows away from the SAC/SPA on its

way to the River Nanny estuary. I therefore concur with the screening conclusion, there is therefore no real likelihood of significant impacts on qualifying interests within the River Boyne and River Blackwater SAC and SPA.

7.13.3. In relation to the River Nanny Estuary and Shore SPA, the site is separated from the River Nanny by a c.100m strip of grassland and land-levels fall in a north-south direction, towards the river.

7.13.4. The qualifying interests for the SPA are: Oystercatcher (*Haematopus ostralegus*); Ringed Plover (*Charadrius hiaticula*); Golden Plover (*Pluvialis apricaria*); Knot (*Calidris canutus*); Sanderling (*Calidris alba*); Herring Gull (*Larus argentatus*); and Wetland and Waterbirds.

7.13.5. The screening report concludes that there would be no likely significant effects on the SPA, due to the intervening distance between the sites and the intervening landcover between the appeal site and the river, which provides a natural soakage and interception area for potential surface-water run-off. The report also notes that the SPA is listed for overwintering waterbirds and that there is no suitable breeding, foraging, roosting and/or staging habitat for the qualifying interests of the SPA within or adjacent to the appeal site. I would concur with the conclusions of the screening report, that there is no likelihood of significant effects on the qualifying interests of the SPA, due to the significant intervening distance between the sites.

7.13.6. I am not aware of any other nearby developments which would have an in-combination on these Natura 2000 sites.

7.13.7. Accordingly I can determine that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 002299, 004232, 004158, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS are not therefore required.

8.0 Recommendation

8.1. I recommend that permission for the proposed development be refused, for the following reasons and considerations set out below.

9.0 Reasons and Considerations

The proposed development, which is located on a prominent village site and is in close proximity to the Church of the Assumption, a Protected Structure under the Meath County Development 2013-2019, would fail to provide a high quality development of the subject site and would, by reason of its scale and design, be seriously injurious to the visual amenities and character of the area. The proposed development would therefore be contrary to the provisions of the development plan and would be contrary to the proper planning and development of the area.

Barry O'Donnell
Planning Inspector

21st October 2020