



An
Bord
Pleanála

Inspector's Report

ABP-307593-20

Development	Construction of 2 blocks, in total 14 residential units and 1 retail unit
Location	Corner of Drumree Road, Greenane Road & Main Street, Dunshaughlin, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA191277
Applicants	JPC Partnership
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Senan & Marie Boland
Observers	Greenane Residents Association Joseph McCabe Oliver Cuttle Brendan Horgan Anthony McLoughlin Virgilijus Zuiblys

Gordon & Janette Bass
Mrs S Hannan & Mr K Jack

Date of Site Inspection

13th October 2020

Inspector

Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located in the town of Dunshaughlin, Co Meath, at the corner of Drumree Road, Greenane Road & Main Street. Greenane Road is a residential road which extends south from Drumree Road, to the west of the subject site. The subject site bounds open space of the Greenane estate at the western and southern boundary. To the east the site is bounded by commercial development on Main Street including the recent LIDL development. Gaelscoil na Rithe is to the west, on the opposite side of Greenane Road. Greenane estate is to the south. The site is roughly rectangular in shape with the short axis parallel to Main Street. Drumree Road is west of the north western corner of the site.

2.0 Proposed Development

- 2.1.1. The proposed development is the construction of two blocks, which extend along a proposed access roadway from Main Street. One block, which abuts Main Street contains a retail unit of 155 sq m at ground floor facing Main Street, and residential development which faces west, towards the proposed access road. The residential development comprises a 2 bedroom residential unit at ground floor, and three 3 bedroom duplex apartments above. This is termed the north block. The other block, (the south block) also facing west, comprises five 2 bedroom residential units at ground floor, and five 3 bedroom duplex apartments above. In total 14 residential units are proposed. Metal access stairs provides the proposed access to first floors.
- 2.1.2. Details submitted include a letter from Irish Water stating that based on pre-connection enquiry the connection can be facilitated. Approximately 100m sewer extension is required to the south of the site along the Greenane Road to service this development. A design proposal for water and or wastewater infrastructure should be submitted to IW for assessment, prior to submitting a planning application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided (18th June 2020) to grant permission subject to 39 conditions, including:

6) The metal access stairs shall not be permitted. Prior to the commencement of development on site the applicant shall submit for the written agreement of the Planning Authority details of revised access arrangements for upper floor units.

Reason: In the interests of visual amenity.

7) – use of unit - class 1 shop.

8) - opening hours 0800 – 2200 Mon-Sat, and 1000 to 2200 Sun and Bank or Public holidays.

9) - prior to the occupation of the retail unit, a scheme for the effective control of fumes and odours from the premises to be agreed.

15) – revised layout to incorporate bicycle storage in accordance with the new apartment guidelines.

16) – public lighting.

18) – S 96 agreement.

19) – all service cables underground.

20) – no units to be occupied until roads, footpaths etc have been completed.

21) – landscaping scheme to clearly detail all trees/hedgerows that are to be retained and strengthened along the site perimeter.

22) – open spaces to be developed for public use.

23) – all footpaths shall be concrete bayed, slabbed or tiled. They shall be dished at all road junctions and at all entrances and shall be level with the carriageway at such points.

26) – the development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Prior to commencement of development, the developer shall agree with the

authority, in writing, the procedures for inspection and monitoring of the development by the authority to ensure compliance with these standards, and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

27) – prior to occupation, details of a management company to be agreed.

28) – maintain the public road clean.

29) – construction parking.

31) – construction waste.

32) – construction hours.

33) – CEMP.

34) - Prior to commencement of development the developer shall submit details showing proposals for the provision of an appropriate level of broadband service infrastructure on an open access basis to each unit within the development for approval of the planning authority. Realizable options showing the feasibility for connection of the units within the development to an exterior broadband service provider(s) and backhaul network shall be included concurrent with the initial construction and infrastructure installation within the development. Any land and way-leaves required for above and/or below ground infrastructure within the development shall be made available for such apparatus. All of the above proposals shall be in accordance with the requirements of the Department of Communications, Climate Action and Environment.

The developer shall lay 2 no 110mm diameter uPVC pipes from the entrance of the development along the main reservation of the access roads. These ducts are to be chambered at the start point, finish point, at every road crossing and at every change in direction and at intervals no greater than 250m. The chamber size is to be 1,200mm x 600mm. Where possible, the duct network shall be designed as resilient, which may require the laying of ducts at either side of the road.

To service individual units within the development, a single duct branch connection is to be extended off the spine duct network described above. A 600x 600mm chamber

unit shall be installed along this duct at each group of four houses/two commercial units. From this chamber 1 no 50mm sub-duct shall extend into each dwelling to a point near the consumer unit. The length of sub-duct is not to exceed 100metres (draw ropes to be included).

The design of the network described above is to be presented to the planning authority for approval prior to commencement of works onsite. The network design shall also be made available to all telecommunications companies seeking to install broadband service infrastructure in the development.

Reason: To facilitate Licensed Operators in providing broadband services to each dwelling within the estate without the need to re-open the road, footpaths or verges.

35) – development contribution - surface water drainage.

36) - development contribution – public roads and public transport.

37) - development contribution – social infrastructure.

38) – bond.

39) – contribution towards expenditure to be incurred by the PA in the monitoring of the construction phases of the development.

3.1.2. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning report on the file.

The first, which recommends a further information request, includes:

- Not liable to flooding.
- Currently overgrown with trees and hedgerow.

3.2.3. Other Technical Reports

3.2.4. Housing Section – Part V to be met by delivery of units onsite.

3.2.5. Public Lighting Transportation – not envisaged to be taken in charge. Condition re. public lighting.

- 3.2.6. CFO - to be examined further when fire safety cert application is made.
- 3.2.7. Water Services Planning – FI 7 items - water treatment and disposal –
- 1 - the provision of interception storage volume within private property including within sub-surface permeable paving is not acceptable. The functionality is unproven and has potential to cause future maintenance issues for the Local Authority. The proposed parking areas should not include permeable paving as they are not in private areas.
 - 2 – the geocellular attenuation system is not considered acceptable, redesign; system should be configured to achieve on-line treatment.
 - 3 – the location in the carriageway is not acceptable – located in green area.
 - 4 – provide BRE 365 result, details of winter ground water level. In the event that the formation of the attenuation system is less than 1m above the water table, redesign the attenuation system to provide a fully water tight concrete structure.
 - 5 – locate a petrol interceptor upstream.
 - 6 – provide details of flow control device.
 - 7 – investigate and prove the existence and capacity of the existing surface water drainage network. Engage with and secure the written permission of the Municipal District Engineer for access to any surface water drain. Undertake any remedial works to the existing surface water drainage network which the Municipal District Engineer considers necessary.
- 3.2.8. Transportation – access road is too narrow. Should be 6m. There are 22 parking spaces proposed, per CDP - 35. Disabled parking to comply with Building Regulations. Corner radii do not comply with DMURS; reduce. The tactile paving does not comply with standards and is outside the red line. The works required to construct the entrance are outside the red line. Bin & bicycle storage. No electric vehicle charging points. FI re above.

3.3. Further information

- 3.3.1. A further information request issued on 12 points.
- 1) a design statement; address proposed 3 storey height.

- 2) apartment standards.
- 3) public open space, passive surveillance.
- 4) show nearby residential, demonstrate no overlooking, show shadow path and demonstrate no overshadowing.
- 5) show bin storage.
- 6) show bike storage.
- 7) detailed boundary treatment.
- 8) confirm if hedgerows / trees along the perimeter are to be retained, maintained and strengthened.
- 9) Parking is not compliant.
- 10) per Transportation Dept.
- 11) per Water Services.
- 12) respond to third party observations.

3.3.2. A response to the further information request was received on 19th March 2020.

The response includes:

- An Engineering Drainage Report which proposes attenuation storage in the open space, of 58.2m³, maximum depth 1.2m; with a hydrobrake of maximum discharge 2l/s.

Foul sewer – since the Main St foul sewer is at a higher level than a large portion of the site, it is proposed to discharge southwards to the Greenane foul sewer.

Water supply – a new main will be joined to the watermain on Main St. New isolating valves are to be located at the proposed junction with a new hydrant located within the site. The new main is to terminate in a loop. A separate connection will be provided to the commercial unit and each residential block.

- A letter of consent is provided for work on lands owned by Meath County Council between the front of the site and the public road.
- Details of soakaway tests.
- A CCTV Drain Camera Inspection Survey of the piped surface water drains, is provided, which was abandoned because of roots.
- A revised layout plan showing outdoor amenity space.

- A shadow study.
- A letter from Irish Water – which states that subject to a valid connection agreement the proposed connection to IW networks can be facilitated.

3.4. Further reports

3.4.1. Transportation Dept:

Corner radii reduced to 3m. Accesss road width increased to 6m.

Carparking numbers do not comply with CDP as no spaces for the retail unit have been accounted for. Given that the site is in an urban area a decreased number of car parking spaces can be approved but must be offset by an increased number of secure bicycle storage areas.

Condition:

Prior to the commencement of the development the applicant shall submit a revised layout to the Transportation Dept. The revised layout shall outline bicycle storage in accordance with the Design Standards for New Apartment guidelines. The bicycle storage areas shall be easily accessible and shall be separate from the bin storage areas.

3.4.2. Water Services Planning Report:

Conditions:

The floor of the proposed attenuation tank shall be profiled and provided with discharge channels in order to achieve self-cleaning velocities when the tank is emptying.

Upon completion of the construction of the concrete attenuation tank the applicant shall carry out a water tightness test on the structure which shall be witnessed and approved by the Meath County Council Water Services Engineer.

Lockable manhole covers shall be installed at either end of the tank and should allow for safe access and egress via step irons.

The applicant shall locate the interceptor upstream of the proposed attenuation tank.

Prior to commencement the applicant shall engage with and undertake any remedial works to the existing surface water drainage network highlighted on the CCTV report submitted, which the Municipal District Engineer considers necessary to facilitate the discharge from the proposed development.

3.5. Prescribed Bodies

3.5.1. EHO – construction management controls:

i) A rodent infestation survey should be carried out to establish existing activity on site prior to commencement of construction works. The site must be suitably treated for rodents to prevent an infestation arising in the locality. The applicant should adhere to recommendations in CRRU Ireland, Best Practice Requirements for Rodent Control and Safe Use of Rodenticides, 2016.

ii) Construction Noise.

iii) Construction Dust.

Bin storage

Water usage

Private amenity space.

3.6. Third Party Observations

3.6.1. Third party observations on the file have been read and noted.

4.0 Planning History

DA 60095 Fingal House Management Co Ltd – permission for the removal of existing railings along roadside boundary to car park and extension to existing piers, and provision of pedestrian and vehicular gates.

To east

DA 50197 Cusack Homes Ltd – application for permission for MU development refused, including on appeal.

5.0 Policy Context

5.1. Development Plan

5.1.1. Meath County Development Plan 2013-2019 is the operative plan. (The Development Plan review which commenced in 2017 was paused in accordance with the provisions of the Planning and Development (Amendment) Act 2018 pending the National Planning Framework (N.P.F.) and the requirement to develop and adopt a Regional Spatial & Economic Strategy (R.S.E.S.). Following the adoption of the RSES by the Eastern & Midland Regional Assembly on Friday 3rd May, 2019, Meath County Council recommenced the review of the Draft Meath County Development Plan, which is ongoing.

5.1.2. Relevant provisions include:

Zoned B1 Commercial / Town or Village Centre - To protect, provide for and / or improve town and village centre facilities and uses.

The north eastern corner is within the area of archaeological interest for the historic town.

5.2. Sustainable Urban Housing: Design Standards for New Apartments

Guidelines for Planning Authorities, Department of Housing, Planning and Local Government March 2018

Aspects of previous apartment guidance have been amended and new areas addressed.

Communal Amenity Space

(4.10) The provision and proper future maintenance of well-designed communal amenity space will contribute to meeting the amenity needs of residents. In particular, accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people. While private and communal amenity space may adjoin each other, there should generally be a clear distinction with an appropriate boundary treatment and/or a 'privacy strip' between the two.

Communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. Designers must ensure that

the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year.

Bicycle Parking and Storage

(4.15) An important context for these guidelines is a likely significant population increase in our cities and urban areas over the next two decades. These guidelines aim to secure wider Government policy to achieve more sustainable urban development that will enable more households to live closer to their places of work without the need for long commuter journeys and disruption of personal and family time. Enabling citizens to more easily get around our cities and urban areas is a fundamental planning concern and maximising accessibility of apartment residents to public transport and other sustainable transport modes is a central theme of these guidelines.

Cycling provides a flexible, efficient and attractive transport option for urban living and these guidelines require that this transport mode is fully integrated into the design and operation of all new apartment development schemes. In particular, planning authorities must ensure that new development proposals in central urban and public transport accessible locations and which otherwise feature appropriate reductions in car parking provision are at the same time comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors.

(4.17) The accessibility to, and secure storage of, bicycles is a key concern for apartment residents and apartment proposals must respond accordingly to the requirements below in their design and provision of cycle storage facilities.

Requirements of these guidelines include:

Location – cycle storage facilities should be directly accessible from the public road or from a shared private area that gives direct access to the public road avoiding unnecessarily long access routes with poor passive security or, slopes that can become hazardous in winter weather.

Quantity – a general minimum standard of 1 cycle storage space per bedroom shall be applied. For studio units, at least 1 cycle storage space shall be provided. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc.

Design – cycle storage facilities shall be provide in a dedicated facility of permanent construction, preferably within the building footprint or, where not feasible, within an adjacent or adjoining purpose built structure of permanent construction. Cycle parking areas shall also be designed so that cyclists feel personally safe - secure cage/compound facilities, with electronic access for cyclists and CCTV, afford an increased level of security for residents. Effective security for cycle storage is also maximised by the provision of individual cycle lockers and it is best practice that planning authorities ensure that either secure cycle cage/compound or preferably locker facilities are provided.

Management - an acceptable quality of cycle storage requires a management plan that ensures the effective operation and maintenance of cycle parking, in particular, avoiding arrangements that lead to a significant number of lockers being left locked whilst empty for instance. Cycle parking shall be the subject of a funded maintenance regime that ensures that facilities are kept clean, free of graffiti, well-lit and the parking equipment will be properly maintained. It is essential, therefore, that as far as possible cycle parking is low maintenance, easy to use and easy and attractive to use by residents.

Car Parking

(4.18) The quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.

(4.19) In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.

These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or

Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.

5.3. Local Area Plans Guidelines for Planning Authorities, Department of the Environment, Community and Local Government, June 2013

These guidelines provide guidance on the preparation and content of local area plans, which includes:

planning has an important role to play in promoting and facilitating active and healthy living patterns for local communities, the local area plan can promote active and healthier lifestyles by ensuring that:

- exposure of children to the promotion of foods that are high in fat, salt or sugar is reduced such as the careful consideration of the appropriateness and or location of fast food outlets in the vicinity of schools and parks.

5.4. S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011.

50. (1) Save in accordance with a licence granted under paragraph (7), and subject to Regulation 74, a person shall be guilty of an offence if he or she has in his or her possession for sale, or for the purposes of breeding, reproduction or propagation, or offers or exposes for sale, transportation, distribution, introduction or release—

- (a) an animal or plant listed in Part 1 or Part 2 of the Third Schedule,
- (b) anything from which an animal or plant referred to in subparagraph (a) can be reproduced or propagated, or
- (c) a vector material listed in Part 3 of the Third Schedule

in any place in the State specified in the third column of the Third Schedule in relation to such an animal, plant or vector material.

List includes Japanese Knotweed.

5.5. Natural Heritage Designations

- 5.5.1. The nearest Natura sites are the River Boyne and Blackwater SPA (site code 004232) and the River Boyne and Blackwater SAC (site code 002299), which are in excess of 12 km, straight line distance, north west of the subject site.

5.6. EIA Screening

- 5.6.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. Senan & Marie Boland have submitted the third party appeal against the planning authority's decision to grant permission, which includes:
- Their home is a 4 bedroom detached house with a front and rear garden in a low density housing scheme. The proposed 3 storey south block will overlook their property. They use their rear garden as a living space. Their enjoyment of that space would be seriously undermined and it would result in diminution of their property.
 - The proposals re. landscaping, bin storage and other matters are scant and incomplete and to be agreed with Meath Co Co. This gives them no assurance that the existing hedgerow and boundary trees which provide a reasonable level of screening, would be maintained. The landscape plan offers no comfort. The bin storage is too close.
 - They request the number of units to be reduced by 4 from 14 to 10 by removing four units closest to their home; and that the landscaping is such that trees and hedgerows on the southwest section of boundary is adequate to provide privacy.

- They are surprised and disappointed that a retail unit is to be allowed. Parking is already a problem. There is a dangerous junction. The retail activity would add further difficulties. A large number of retail units have been lying vacant in the town; a number have been converted to residential.

6.2. Applicant Response

6.2.1. David Mulcahy, Planning Consultants have submitted a response, on behalf of the first party, to the grounds of appeal, which includes:

- The appellant dwelling is to the south west of the subject site.
- In response to claims of overlooking, overlooking was addressed in the planner's assessment and in item no. 4 of the further information request. The planner noted the distance to be 38m.
- The orientation of the southern block is such that there is no possible overlooking of the private amenity space to the rear of no. 1 Greenane Road.
- In response to concerns regarding landscaping and bin storage - a boundary wall with railings over is shown for the western boundary; condition no. 21 requires a landscaping plan to be agreed, including details of hedges/trees to be retained. The applicant has no objection in principle to retaining some of the trees, if they are deemed suitable by an arborist and can be accommodated along with the wall. A similar wording of a condition would be appropriate for this matter of detail. Even if no trees are worthy of retention, there are trees outside the western and southern boundary, and in addition street trees along the verge outside No. 1 Greenane Road.
- The bin storage, which will be an enclosed storage area, will be c 34m from No. 1 Greenane Road. Condition no. 3 which states that the area is to be relocated in agreement with the planning authority, the site, at the closest point it is 17m from the appellant's, therefore wherever relocated the bin area will not have a material impact on No 1 Greenane Road. A similar condition is appropriate.
- In response to the request to remove the units closest to their boundary, this appears to be related to the concern regarding overlooking, already addressed.
- In response to concerns regarding the retail unit and parking, it is normal planning practice to provide retail at ground floor level where a centrally located site

fronts onto a main public road, in order to provide an active edge treatment. The Council's Roads Department did not raise this issue as a concern. There are double yellow lines on the opposite side of Main Street. Condition no. 7 allows use of the unit as a bistro/café, coffee shop or restaurant, so there are alternative uses to retail which would allow increased flexibility.

6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority have responded to the grounds of appeal, including: the issues raised in the appeal were considered by the planning authority. The proposal is consistent with the policies and objectives of the CDP.

6.4. **Observations**

- 6.4.1. Observations on the appeal have been received from 6 parties: Greenane Residents Association, Joseph McCabe, Oliver Cuttle, Brendan Horgan, Anthony McLoughlin Virgilijus Zuiblys, Gordon & Janette Bass (including letter from Greenane Residents Association) and Mrs S Hannan & Mr K Jack.

- 6.4.2. Issues raised include:

Height and shadowing.

Impact on school & traffic.

Lack of clarity re proposed boundary treatment.

Impact on habitat.

Inadequate parking.

Restaurant noise and smells.

Noise from LIDL cooling system already noticeable.

Knotweed on this land poses risk.

Trees may not survive construction.

There is a line of 9 mature trees on the Greenane Road that the developer is looking to use as an entrance during construction. What protection is in place for these trees?

Importance of the view of the trees from windows of existing residences.

Aesthetic look of the back of the building.

Devaluation of property.

Overlooking of school playground.

Amendments requested:

- Lesser units on south block
- Reduction in number of floors from three to two.
- Proper landscaping and screening plan. The established mature hedgerow is maintained by Greenane Residents for 25 years, the boundary line is unclear.
- No construction traffic. Greenane Residents Assoc oversee the maintenance of the ground to the west and south. They do not give permission for any machinery or work vehicles / personnel to cross this piece of land. They request that no construction traffic is allowed on Greenane Road.
- Boundary treatment clarification is required.

6.5. Further Responses

6.5.1. David Mulcahy, Planning Consultants have submitted a response, on behalf of the first party, to observations from Mrs S Hannan & Mr K Jack, which includes:

- The observer's apartment is to the north east of the subject site; part of a 2.5 storey block with commercial at ground floor and dormer accommodation above. The apartments face north and south with windows in the gable end facing the subject site, appearing to contain obscure glass. The rear apartments have a balcony at first floor level.
- In response to concerns regarding overshadowing – in this edge of town context it would be expected that there would be some degree of overshadow impact. The three-storey development is located west of the apartment block where the observers are resident, where the potential impact would be on afternoon sun to the west. Shadow diagrams prepared by Project Design Architects and submitted with the application are referred to. It is normally accepted the equinox diagrams are the most relevant and that the equinox shadow diagrams (20th March) show that there would be some shadow impact

on the adjoining apartment block at 17.00, although there is no impact on the western end of the apartment block where the observers are resident. There will be no material overshadowing impact on the observers.

- In response to concerns regarding overlooking – the windows in the proposed 3 storey northern block face towards the apartment block where the observers are resident. The windows will be 14.5m from the gable end in the observer's apartment block. Bedroom windows at second level will tend to have blinds pulled for privacy purposes. The balcony at the edge of the terrace will be 11.5m from the gable end of the observer's apartment block. The distance is reasonable in an edge of town urban context and taking into consideration the relatively small size of the gable end windows. There will be no material overlooking.
- In response to concerns regarding the boundary hedgerows and trees, hedgerows and trees will be felled to facilitate the northern block. The site is zoned B1 town centre. These trees / hedges are not protected. The Council included a condition regarding details of trees along the boundary to be agreed prior to commencement. They are happy to accept a similar condition.
- In response to concerns regarding the landscape plan being vague, the Council included a condition regarding details of trees along the boundary to be agreed prior to commencement. They are happy to accept a similar condition.
- In response to concerns regarding parking and parking problems in the area, particularly during school times, they state that the CDP requirement is for 35 spaces whereas 26 spaces are provided. In relation to the small shortfall the 2018 Apartment Guidelines section 4.19 is referred to, which states that *'in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances'*.
- In response to observer's concerns regarding the retail unit - the Council included a condition allowing for other uses. This increased flexibility will

enhance the possibility of attracting an end user. It is considered reasonable to expect that it will be commercially attractive.

- Aesthetics - in response to concerns regarding the look of the back of the building, they reject the statement that their primary view is of either of the two buildings. The observers will have a secondary view of the northern block from their gable windows and there will be only a distant, oblique view from their primary balcony of the southern block.
- In response to concerns regarding property value, the development will have a positive impact.
- In response to concerns regarding restaurant use, the applicant is open to a condition whereby measures to control both noise and odour are to be agreed in writing with the planning authority prior to opening.
- In response to concerns regarding Japanese Knotweed, a letter from a specialist firm, treating the site since 2019, is submitted as an attachment to the response.
- In response to comments regarding vacancy of the site for c 50 years. It was used as a storage yard during the construction of the new town sewer in the mid 2000's. Its vacancy is all the more reason that this development should be encouraged.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, the principle of the development, residential amenity, trees / hedgerows, and other issues and the following assessment is dealt with under those headings.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not

considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

8.2. The principle of the development

- 8.2.1. The site is zoned B1 for town centre uses.
- 8.2.2. This area fronts onto a town centre street and adjoining its southern/ rear boundary it bounds a low-density suburban development. Occupying this transitional position, it is necessary to have regard to both the central location and the residential neighbourhood adjoining.
- 8.2.3. The proposal incorporates an element of commercial development where it faces the street. It is mainly residential as it addresses the residential road. The density, which is considerably higher than the adjoining residential area, is as befits its central location and the various relevant national and regional guidance documents such as the National Planning Framework, Urban Development and Building Heights Guidelines, Rebuilding Ireland, Action Plan for Housing and Homelessness, all advocate higher density development in central urban locations, commensurate with protection of the amenities of existing areas and adequate provisions for the amenities of future residents.
- 8.2.4. The proposed development is acceptable in principle.

8.3. Residential amenity

- 8.3.1. The grounds of appeal and observations refer to overlooking and overshadowing.
Overlooking
- 8.3.2. The proposed development is separated from properties to the south west by a road and some amenity space. There is also roadside planting. No significant overlooking will occur.
- 8.3.3. Adjoining the site to the east there is a block along the street which includes apartments and which has gable windows facing in the direction of the site, and balconies/terraces to the rear. The proposed front block will extend at ground level to c11.5m from the gable of that building. At first floor the distance will be c13.5m. The proposed development will have a terrace at first floor, extending to c11.5m from the

gable of that building. At ground level the outdoor area of the adjoining property is not amenity space but a yard area. From the proposed terrace areas of the north block, there is potential for overlooking gable windows and first floor amenity areas, which could be addressed by a condition requiring the erection of a screen along the eastern boundary of the terrace. Any overlooking from the second floor windows is not considered significant due to the use of these rooms as bedrooms.

Overshadowing

- 8.3.4. A shadow study was submitted in response to the further information request and indicates that no significant overshadowing will occur.
- 8.3.5. In my opinion residential amenity should not be a reason to refuse or modify the development.

8.4. **Trees Hedgerows**

- 8.4.1. The trees and hedging along the boundary is referred to in the grounds of appeal and observations.
- 8.4.2. There are also trees planted in the grass verge along the road.
- 8.4.3. Condition no. 21 of the planning authority's decision requires a landscaping scheme to be submitted which clearly details all trees/hedgerows that are to be retained and strengthened along the site perimeter.
- 8.4.4. It should be acknowledged that the site is currently overgrown and to implement the proposed development will require removal of most of the existing vegetation within the site.
- 8.4.5. An associated concern is in relation to use of Greenane Road for construction access which is raised in observations. It is not necessary for construction traffic to access from Greenane Road and should the Board be minded to grant permission it is considered appropriate to specify, by condition, that construction access should be from Main Street.

8.5. **Other Issues**

Traffic and parking

- 8.5.1. The grounds of appeal states that parking is already a problem in the area, that the junction is dangerous, and that the retail activity would add further difficulties. Observations refer to the proposal providing inadequate parking.
- 8.5.2. The site is in the town centre where it is intended that development should not be dependent on car use and where any car journeys can access multiple services. While the car parking provision can be considered adequate, based on the standards in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, Department of Housing, Planning and Local Government March 2018, the corollary is that bicycle parking provision should take account of the standards set out in that document, which would require the provision for 43 spaces in adequately designed and located facilities. Such provision would also facilitate the proposed retail unit, in this location, close to a school. An appropriate condition should be attached.
- 8.5.3. Traffic generation or parking should not be a reason to refuse or modify the proposed development.
- Retail use / Smell / Fast Food Outlets
- 8.5.4. The grounds of appeal refers to the fact that a large number of retail units have been lying vacant in the town; a number have been converted to residential; and it questions the need for an additional unit. Observations refer to restaurant noise and smells.
- 8.5.5. The site is zoned B1 Commercial / Town or Village Centre - To protect, provide for and / or improve town and village centre facilities and uses. The front of the site faces a street which is part of the town centre. It is appropriate that commercial use should be included at ground floor, as proposed. It is considered, based on the information provided with the application, that it is appropriate to limit the use to class 1, use as a shop. Any use which would generate smell would be of concern in relation to residents of overhead apartments, rather than other residential properties in the area, and appropriate conditions would need to be attached to any change of use in such circumstances.
- 8.5.6. Fast food outlets are permitted uses under the B1 zoning objective. The current local area plan was adopted in 2009. The Local Area Plans Guidelines for Planning Authorities, Department of the Environment, Community and Local Government,

published in June 2013 provide guidance on the preparation and content of local area plans, and include emphasising that planning has an important role to play in promoting and facilitating active and healthy living patterns for local communities, and that local area plans can promote active and healthier lifestyles, for example, by ensuring that exposure of children to the promotion of foods that are high in fat, salt or sugar is reduced by the careful consideration of the appropriateness and or location of fast food outlets in the vicinity of schools and parks. The subject site is adjacent to a primary school, separated from it only by Greenane Road. It is considered that it should be a condition of any permission that use as a take away is not permitted.

Archaeology

- 8.5.7. The north eastern corner is within the area of archaeological interest for the historic town, an appropriate condition should be attached to any permission.

Knotweed

- 8.5.8. An observation states that knotweed on this land poses a risk.
- 8.5.9. Japanese Knotweed is a proscribed species the management of which is regulated under S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011. That it is present on the site is not a matter which requires refusal or modification of the proposed development.

Bin Storage

- 8.5.10. The location of the bin storage area, that it is too close to their property, is of concern to the appellants. The applicant response is that the bin storage, which will be an enclosed storage area, would be c 34m from No. 1 Greenane Road. Regarding condition no. 3 which states that the area is to be relocated in agreement with the planning authority, the site, at the closest point it is 17m from the appellant's, such that wherever relocated, the bin area will not have a material impact on No 1 Greenane Road.
- 8.5.11. There are issues which remain to be agreed with the planning authority, such as the provision of cycle parking and bin storage. I am satisfied that, having regard to the separation distances and the intervening public road, the location, relative to the

appellant's property, would not give rise to nuisance and should not be a reason to refuse or modify the proposed development.

8.5.12. The planning authority, per condition no. 3, required the provision of more suitable covered bin location, this was with regard to its proximity to the bicycle store. A similar condition is considered appropriate.

9.0 Recommendation

9.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations and in accordance with the following conditions.

10.0 Reasons and Considerations

10.1.1. The proposed three storey development, incorporating a retail unit and apartments is of an appropriate scale and appropriate use mix for this town centre location and zoning, will not impact on the amenities of nearby residents or otherwise negatively impact on the area, accords with the provisions of the development plan, and is in accordance with the proper planning and development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received on the 19th March 2020 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Prior to the commencement of development details of materials and finishes shall be submitted for the written agreement of the planning authority.</p> <p>Reason: In the interest of orderly development.</p>
3.	<p>Prior to the commencement of development details of a screen to be provided along the eastern boundary of the first floor terraces of the north block, shall be submitted for the written agreement of the planning authority.</p> <p>Reason: In the interest of orderly development.</p>
4.	<p>The use of the proposed commercial unit shall be class 1 shop. No fast food (hot food) for consumption off the premises shall be provided.</p> <p>The opening hours shall be limited to 0800 – 2200 Mon-Sat, and 1000 to 2200 Sun and Bank or Public holidays.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>Details of suitable cycle storage facilities for at least 43 bicycles spaces, to be provided at locations and in forms suitable for use by residents and visitors, shall be submitted for the prior written agreement of the planning authority.</p> <p>Reason: In the interest of making suitable provision for sustainable transport.</p>
6.	<p>Prior to the commencement of development details of proposals to provide for electric charge points for at least 5 of the parking spaces; and details of disabled parking showing compliance with Building Regulations, shall be submitted for the prior written agreement of the planning authority.</p>

	<p>Reason: In the interest of making suitable provision for sustainable transport.</p>
7.	<p>A landscaping scheme, which includes details any trees/hedgerows that are to be retained and strengthened along the site perimeter, shall be submitted for the prior written agreement of the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>Prior to commencement of development the developer shall submit details showing proposals for the provision of an appropriate level of broadband service infrastructure on an open access basis to each unit within the development for approval of the planning authority. Realizable options showing the feasibility for connection of the units within the development to an exterior broadband service provider(s) and backhaul network shall be included concurrent with the initial construction and infrastructure installation within the development. Any land and way-leaves required for above and/or below ground infrastructure within the development shall be made available for such apparatus. All of the above proposals shall be in accordance with the requirements of the Department of Communications, Climate Action and Environment.</p> <p>The developer shall lay 2 no 110mm diameter uPVC pipes from the entrance of the development along the main reservation of the access roads. These ducts are to be chambered at the start point, finish point, at every road crossing and at every change in direction and at intervals no greater than 250m. The chamber size is to be 1,200mm x 600mm. Where</p>

	<p>possible, the duct network shall be designed as resilient which may require the laying of ducts at either side of the road.</p> <p>To service individual units within the development, a single duct branch connection is to be extended off the spine duct network described above. A 600x 600mm chamber unit shall be installed along this duct at each group of four houses/two commercial units. From this chamber 1 no 50mm sub-duct shall extend into each dwelling to a point near the consumer unit. The length of sub-duct is not to exceed 100metres (draw ropes to be included).</p> <p>The design of the network described above is to be presented to the planning authority for approval prior to commencement of works onsite.</p> <p>The network design shall also be made available to all telecommunications companies seeking to install broadband service infrastructure in the development.</p> <p>Reason: To facilitate Licensed Operators in providing broadband services to each dwelling within the estate without the need to re-open the road, footpaths or verges.</p>
10.	<p>The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
11.	<p>Drainage arrangements for the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>In particular:</p> <p>The floor of the proposed attenuation tank shall be profiled and provided with discharge channels in order to achieve self-cleaning velocities when the tank is emptying.</p> <p>Upon completion of the construction of the concrete attenuation tank the applicant shall carry out a water tightness test on the structure which shall</p>

	<p>be witnessed and approved by the Meath County Council Water Services Engineer.</p> <p>Lockable manhole covers shall be installed at either end of the tank and should allow for safe access and egress via step irons.</p> <p>The applicant shall locate the interceptor upstream of the proposed attenuation tank.</p> <p>Prior to commencement the applicant shall engage with and undertake any remedial works to the existing surface water drainage network highlighted on the CCTV report submitted, which the Municipal District Engineer considers necessary to facilitate the discharge from the proposed development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>Details of external lighting of shared outdoor areas shall be provided for the written agreement of the planning authority, prior to commencement of development.</p> <p>Reason: In the interest of orderly development.</p>
13.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Prior to commencement of development, the developer shall agree with the authority, in writing, the procedures for inspection and monitoring of the development by the authority to ensure compliance with these standards, and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: In the interest of orderly development.</p>

14.	<p>No units shall be occupied until roads, footpaths etc, have been completed.</p> <p>Reason: In the interest of orderly development.</p>
15.	<p>Prior to occupation, details of a management company shall be submitted for the written agreement of the planning authority.</p> <p>Reason: In the interest of orderly development and to ensure the future management of the scheme.</p>
16.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <ul style="list-style-type: none"> (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
17.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p>

	<p>(a) Details of site security fencing and hoardings;</p> <p>(b) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</p> <p>(c) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(d) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(e) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
18.	<p>No construction access shall be provided from Greenane Road.</p> <p>Reason: In the interest of clarity and protecting the amenities of the area.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
20.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in</p>

	<p>accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
21.	<p>Proposals for a street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter street signs, and unit numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
22.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p>

	<p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
23.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Planning Inspector

10th November 2020

Appendix 1 Photographs

Appendix 2 Meath County Development Plan 2013-2019 (extended), extracts.