



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308574-20

<b>Development</b>	Demolition of derelict dwelling, construction of 2 storey dwelling & single storey veterinary facility.
<b>Location</b>	Ivy Cottage/New Lane, Abbeyland, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	NA200506
<b>Applicant(s)</b>	Meath Animal Health Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ruth McGrath.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	3 <sup>rd</sup> February 2021.
<b>Inspector</b>	Barry O'Donnell

## **1.0 Site Location and Description**

- 1.1. The subject site is located at New Lane, adjacent to the junction with Ratholdren Road, and has a stated area of 0.166ha. The site contains a derelict cottage and it has become overgrown. It is bound to the east by a c 2.5m block wall, whilst the section of the west boundary that was visible to me consisted of the gable wall of the adjoining building.
- 1.2. The site is to the north of the town centre, in area where there are a mix of residential and commercial uses. The west-adjoining site contains a recently constructed 2-storey house that is sub-divided into apartments, the east-adjoining site, also in the applicant's ownership, contains a veterinary surgery and there are other commercial uses in the vicinity such as a hardware business, motor factors.

## **2.0 Proposed Development**

- 2.1. Permission is sought for demolition of an existing derelict single storey house and construction of a replacement 2-storey, 2-bed house to the front of the site, together with construction of a single storey veterinary aquamation facility at the rear of the site and associated site works.
- 2.2. The derelict house to be demolished has a stated area of 75.5sqm. The proposed replacement house has a stated area of 120sqm and would be of a contemporary design. It would be attached to the west adjoining dwelling by a flat-roof element, whilst the main part of the dwelling would have a pitched roof, with a ridge height of 7.9m. The pitched roof element of the dwelling would run in a north-south direction, perpendicular to the adjoining dwelling. An enclosed rear garden of 56.6sqm would be provided.
  - 2.2.1. The proposed aquamation facility has a stated area of 126.4sqm and would have a ridge height of 4.65m. The facility would provide a primary processing area and storage spaces, toilet, reception and waiting area and an owner's room. The facility would be located to the rear of the existing veterinary surgery and would include the provision of an additional 5 parking spaces, adjacent to the west site boundary.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. On 15<sup>th</sup> October 2020 Meath County Council granted permission for the development, subject to 12 No. planning conditions.

Condition No. 3 required that details of a proposed footpath should be submitted and agreed, prior to the commencement of development.

#### 3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 10<sup>th</sup> July 2020 and 15<sup>th</sup> October 2020. The first report outlined that the proposed dwelling would not overlook neighbouring properties and would be provided with adequate private open space. Regarding the proposed aquamation facility, the report noted the request of the Transportation department for additional information and requested that same should be sought. The second report followed receipt of the additional information response and outlined that all aspects of the request for further information had been satisfactorily addressed. The recommended planning conditions reflect those attached to the Planning Authority's decision to grant permission.

- 3.2.2. Other Technical Reports

**Transportation Department** – Report dated 6<sup>th</sup> July 2020 which requested additional information in relation to access and car parking arrangements for the proposed dwelling and also requested that a 2m wide footpath should be provided along the roadside boundary. The second planner's report outlines that no further report was received from the Transportation Department, following receipt of the further information response.

**Water Services** -Report dated 14<sup>th</sup> May 2020, outlining no objection to the development subject to a number of standard planning conditions.

**Environment** – Report dated 7<sup>th</sup> July 2020, outlining no objection to the development subject to a number of standard planning conditions.

### 3.3. Prescribed Bodies

- 3.3.1. Irish Water submission dated 15<sup>th</sup> May 2020, which requested a number of standard planning conditions as part of any grant of permission.

### 3.4. Third Party Observations

- 3.4.1. 1 letter of observation was received, the issues raised within which can be summarised as follows:
- The proposed aquamation facility is unsuitable to the location and is contrary to the development plan.
  - The development would be injurious to the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

## 4.0 Planning History

- 4.1. I encountered the following in my review of planning records for the site:

NA170112 – Permission granted on 12<sup>th</sup> May 2017 for a single storey rear extension and remodelling of the front façade, including a single storey porch extension.

NT20042 – Permission granted on 7<sup>th</sup> April 2003 for change of use from a house to a small animals veterinary surgery.

#### Nearby Planning History

NA180269 – 3 New Lane: Permission granted on 31<sup>st</sup> August 2018 for rebuilding of a derelict house and conversion to 2 No. 2-bed apartments.

## 5.0 Policy Context

### 5.1. Ministerial Guidelines

#### Quality Housing for Sustainable Communities (2007)

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

## **5.2. Meath County Development Plan 2013-2019**

5.2.1. Section 2.3.3 outlines that the former Town Development Plans for Navan, Trim and Kells are to be read as part of the County Development Plan, pursuant to Section 11(c) of the Planning and Development Act 2000 as amended.

5.2.2. Section 3.6.6 provides the policies and objectives relative to Design of Residential Development. The following policies are relevant to the current appeal:

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

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

## **5.3. Navan Development Plan 2009-2015**

5.3.1. Following the dissolution of Town Councils in May 2014, the Navan Development Plan is now deemed to form part of the County Development Plan 2013-2019 and is still in force, as per Section 11c of the Planning and Development Act, 2000 as amended.

5.3.2. The lands are zoned 'A1' under the development plan, with an objective '*To protect and enhance the amenity of developed residential communities.*'

5.3.3. Relevant policies of the development plan include:

*POL 1 To ensure the provision of a suitable range of housing types and sizes to facilitate the changing demographic structure of modern society, and in particular, the increasing trend towards smaller household sizes.*

*POL 2 To encourage the development of mixed and balanced communities to avoid areas of social exclusion.*

## **5.4. Natural Heritage Designations**

5.4.1. The site is not located within or adjacent to any Natura 2000 sites.

## **5.5. EIA Screening**

- 5.5.1. Having regard to the limited nature and scale of the proposed development, which is a smallscale development in an urban location, 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:

- Site suitability
  - The location of an aquamation facility on the site would result in intensification and industrialisation of the site.
  - The proposed aquamation process consumes large volumes of water from the public mains and is to be discharged to the existing wastewater treatment system.
  - The proposed aquamation unit appears to rely on the existing services designed to serve a single dwelling or that of the veterinary surgery.
  - The 0.166ha site is the minimum site area permissible under the development plan for a dwelling. The aquamation facility encroaches within this, taking up most of the rear garden.
- Drainage and wastewater
  - It is not clear whether wastewater would be drained to existing dwelling's septic tank or to that of the veterinary surgery. There is no evidence that the existing systems have the capacity to accommodate the proposed development.
  - There is no information provided in relation to the impact of wastewater discharges from the facility, namely the chemicals being used.

- The impact of the development on the public water mains has not been adequately addressed.
- The proposed use
  - The application documents are inadequate as there is no independent assessment of wastewater discharge, air emissions or noise impacts. This has significant implications for the surrounding area.
  - The applicant has only provided a manufacturer's brochure for the aquamation unit, which makes it difficult to understand the full implications of the proposal.
  - The proposal will result in an unsustainable and conflicting mix of industrial and residential uses in an urban area.
  - It appears that there is scope for significant usage of the aquamation facility. There is nothing to stop the applicant from installing an additional unit and significantly increasing activity on the site, with consequent increased traffic impacts. The Planning Authority's decision to grant permission did not address this issue.
- Precedent regarding industrial use
  - The Board has previously refused permission for a pet crematorium, in Kilcock (ABP Ref. PL17.243449). The Board is asked to uphold the decision-making rationale in that case i.e. that it would be more appropriately located in an industrial zone.
- Planning Authority's decision
  - The Planning Report on the application references the planning history for a neighbouring site, without consideration for the supply of services and utilities for the aquamation facility. Whilst the sites are in the same ownership, they are separate and have separate uses.
  - Whilst the residential element complies with the zoning, the aquamation element does not and the majority of the site has been proposed for this purpose.

- The aquamation element has been described as ancillary to the veterinary practice but is located on a different site and would not be ancillary.
- The aquamation facility would be more appropriately located within an industrially zoned area.
- The Planning Report did not refer to the precedent case at Kilcock (ABP Ref. PL17.243449) and did not undertake any assessment of impacts on local residents. Given the nature of the proposed use, it would be prudent to request such information. Implementation of the development in accordance with the plans and particulars submitted with the application could not be enforced as these details are missing.
- The inadequacy of information submitted and the vagueness of the conditions attached to the Planning Authority's decision make it impossible to monitor, enforce or regulate the operation of the facility.
- No consideration has been given to the impact of the development on the River Boyne and River Blackwater Special Area of Conservation, which lies 116.7m to the south. There is no evidence of any appropriate assessment screening by the Planning Authority.
- Over 500ha of commercial and industrial lands are zoned in Meath. The proposed industrial use should be located on such lands, to avoid conflict with residential properties.
- The encroachment of the industrial use on the site would leave the residential element on an inadequate site, below the minimum required 0.2ha area for a residential site.
- The development would set a precedent for other similar developments.

## 6.2. Applicant Response

Submission made on behalf of the applicant by Gaffney & Cullivan Architects, dated 1<sup>st</sup> December, the content of which can be summarised as follows:

- The applicants are owner-operators of the veterinary practice on the adjacent site for over 20 years.



- The subject site has been derelict for many years, is an eye-sore and has been a source of nuisance to the applicants and the community, with reference to rodent infestation, dumping and anti-social behaviour.
- The applicants have improved their premises in recent years and their business has grown. They have had requests for a method of dealing with the disposal of pet remains, have researched options and have determined that there are 2 options; cremation or aquamation. Aquamation was chosen as it has a lower carbon footprint and does not create discharge gases.
- The adjacent site offers logical expansion room for the applicants' business.
- The Abbeylands area has a history of commercial and industrial activity, with reference to plant & machinery hire, vehicle repairs, funeral services, engineering, etc.
- 'Veterinary surgery' uses are included in the development plan's list of uses and services that are complimentary to primary residential uses under the A1 zoning.
- The proposed layout re-establishes the residential presence where the derelict building has stood.
- There is a complimentary approach to the development; the veterinary surgery requires 24/7 services and it is intended that practitioners may use the proposed house while on-call. This is a logical and well-developed use of the site.
- The aquamation facility is located to the rear of the site, where it is screened from view.
- The technical data provided with the application indicates that the aquamation process produces final run-off with a pH suitable for discharge directly to the public sewer. The pH of the wastewater is 10.5, which has been proven to benefit wastewater plants. If necessary, water can be injected with CO<sub>2</sub>, in order to reduce to an almost neutral pH.
- The aquamation machinery makes use of single phase electricity, similar to a domestic supply.

- The appellant fails to acknowledge that veterinary surgery uses are open to consideration under the A1 zoning. They have also failed to consider the range of non-residential uses in the area.
- There is no reference within the application documents to a septic tank or wastewater treatment system.
- The application documents outline that the process uses a modest quantity of water, comparable to day-to-day domestic activities, like washing a car or pet. It is not possible to quantify the exact amount of water usage as this is dependent on the success of the business. Public services are available and are intended to support enterprise, in the manner proposed.
- Noise levels generated are comparable to domestic activities like a vacuum cleaner and the noise levels will be reduced as the machinery will be kept indoors and the building will attenuate any noise. There are established businesses in the area that already contribute to a typical urban ambient noise environment.
- The case of the pet crematorium in Kilcock which was refused by the Board is not relevant in this instance, as that proposal was for a conventional cremation facility which produces smoke and pollutants. It is accepted that a furnace-based cremation facility in this location would not be appropriate but, the aquamation process proposed is different, is cleaner and more environmentally sensitive. Aquamation produces no by-products other than those that can be safely discharged to public sewers.
- The appellants statement that the subject site and veterinary surgery site are separate is irrelevant. The consolidation of plots in urban areas for business expansion and development is well-established.

### **6.3. Planning Authority Response**

6.3.1. Submission received dated 2<sup>nd</sup> December 2020, the content of which can be summarised as follows:

- The Planning Authority is satisfied that all matters outlined within the appeal were considered in the assessment of the planning application.

- The development is considered to be consistent with the policies and objectives of the county development plan.
- The Board is requested to uphold the Planning Authority's decision to grant permission.

#### 6.4. **Observations**

6.5. None.

#### 6.6. **Further Responses**

6.7. None.

### 7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Compliance with zoning objective
- Impact on the character of the area and neighbouring properties
- Residential amenity
- Parking and access
- Drainage
- Appropriate assessment

#### 7.2. **Compliance with Zoning Objective**

7.2.1. Under the Navan Development Plan 'A1' zoning objective, residential uses are permissible on the lands, whilst veterinary surgery uses are open for consideration.

7.2.2. Aquamation, or alkaline hydrolysis, is stated by the application documents as being an alternative to flame cremation or burial of animal remains, which involves the use of water, temperature and alkalinity to accelerate the natural process of decomposition. At the end of the process, sterile process water is released for recycling and only inorganic bone minerals remain, which are themselves rinsed, dried and processed into powder, for return. I am satisfied that the proposed

aquamation facility is consistent with the established use of the adjacent site as a veterinary surgery and is therefore in accordance with the zoning objective, subject to consideration of potential impacts.

### **7.3. Impact on the character of the area and neighbouring properties**

- 7.3.1. Regarding the proposed replacement house, the contemporary design would present a visual contrast to the traditional design of the adjoining building to the west. The incorporation of large blank elements on the front elevation is regrettable but, in saying this, I acknowledge that the site is constrained and there are practical reasons for the incorporation of these blank elements. I do not consider that a refusal of permission on the basis of the proposed design would be justified.
- 7.3.2. In order to address the above concerns, I consider the treatment of the front elevation should be amended, to incorporate brick at ground floor level. The west-adjoining building is similarly treated across the front elevation and, in my opinion, this redesign would allow the building better assimilate into the streetscene setting. This can be controlled by condition, should the Board decide to grant permission.
- 7.3.3. The proposed house would not overlook the west-adjoining rear garden, due to the length of this adjoining building, which extends beyond the rear of the proposed house by a significant degree. The house would have no impact on other neighbouring properties.
- 7.3.4. Regarding the proposed aquamation facility, this proposed building would be largely concealed from public view by the proposed replacement house and the existing veterinary surgery building. It would also be set back from New Lane by approx. 50m and would, in my opinion, have no impact on the visual amenity of the area.
- 7.3.5. The proposed building would not overlook neighbouring properties, due to its single storey height.
- 7.3.6. The grounds of appeal express concerns that the provision of an aquamation facility on the site would result in the industrialisation of the area and would give rise to noise and air emissions. Concerns have also been raised that the absence of supporting assessments have made it difficult to understand the full implications of the development.

7.3.7. Having reviewed the application documents, in particular the Bio-Response Solutions technical document, I note that the process does not result in any direct emissions (the proposed elevations and floor plan drawings do not identify any chimney stack or ventilation exhaust on the external envelope of the building) and the applicant states that noise levels are akin to those produced by a domestic vacuum cleaner. With reference to noise concerns in particular, I would highlight to the Board that the process would be undertaken internally and any noise would be effectively contained. The applicant also states that the process produces no by-products other than those that can be safely discharged to public sewers. I am satisfied that the development would have no significant or unacceptable impact on neighbouring properties.

7.3.8. Regarding concerns over the potential intensity of use of the site, I do not consider the nature of the proposed aquamation facility use is one which would lead to any significant or unacceptable impacts for neighbouring properties, were the intensity of the use to be increased. The site is in an accessible location within the town, it is in an area that contains a mix of commercial and residential properties and it contains adequate parking.

#### **7.4. Residential Amenity**

7.4.1. The overall size of the house, internal layout and level of private amenity space provided accord with or exceed development plan and *Quality Housing for Sustainable Communities* (2007) requirements and targets. I am satisfied that the development would provide an acceptable living environment for future occupiers.

#### **7.5. Parking and access**

7.5.1. All existing parking spaces within the veterinary surgery property would be retained and a further 5 spaces are identified as being provided adjacent to the west site boundary. As part of the further information response, it was clarified that 2 of the proposed additional spaces would be allocated to the proposed replacement house. I am satisfied that adequate provision has been made for parking, to serve both aspects of the development.

7.5.2. I note that following a request at the further information stage, the applicant proposed to provide a footpath in front of the proposed dwelling, of at least 2.7m in width. Should the Board decide to grant permission, I would recommend that a

condition be attached requiring that this aspect of the development be agreed with the Planning Authority prior to the commencement of development.

#### **7.6. Drainage**

- 7.6.1. The grounds of appeal raise a number of concerns in relation to foul drainage, and in particular question the ability of the site's wastewater treatment system to accommodate the development. I note in this respect that the applicant's response to the appeal rebuts the appellant's concerns, stating that there is no reference within the application documents to an on-site septic tank or wastewater treatment system.
- 7.6.2. The proposed site layout drawing indicates that both proposed buildings would be drained to the existing public sewer connection within the veterinary surgery site, and I note in this regard that Irish Water has not expressed any concerns in relation to the level or nature of foul drainage from the site. I am satisfied that adequate provision has been made for foul drainage from the proposed development.

#### **7.7. Other Issues**

- 7.7.1. The grounds of appeal refer to what is considered as a precedent case in Kilcock (Board Ref. PL17.243449) and argues that the decision-making rationale applied to that case is applicable in the current circumstances. Having reviewed that particular case, I do not consider it is relevant to the current appeal as it related to the provision of a pet crematorium including the use of an incinerator. The subject development of this appeal does not involve the same processes.

#### **7.8. Appropriate Assessment**

- 7.8.1. The site is not located within or adjacent to any Natura 2000 site. The River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232) lie approx. 120m to the south.
- 7.8.2. There is no hydrological connection between the subject site and these Natura 2000 sites and there is built form within the town in a direct line between sites.
- 7.8.3. Having regard to the nature and scale of the proposed development, together with the absence of any hydrological connection to Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I do not consider 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.

## 8.0 Recommendation

- 8.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the 'A1' zoning which applies to the site under the Navan Development Plan 2009-2015, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would represent an appropriate form of development, would not seriously injure the amenities of the area or the amenities of property in the vicinity and would not present any risk to public health. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 additional information received dated 21<sup>st</sup> September 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed replacement house shall incorporate red brick across the ground floor section of the front (south) elevation details of which shall be submitted and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity</p>

3.	<p>Details regarding the proposed public footpath extension along New Lane shall be submitted and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity</p>
4.	<p>Prior to commencement of development the developer shall submit details regarding boundary treatments to the planning authority for written agreement.</p> <p><b>Reason:</b> In the interest of visual amenity and to protect residential amenity</p>
5.	<p>The car parking spaces identified on site layout drawing 03 rev 1 to serve the proposed replacement house shall be individually marked and assigned for this purpose. The spaces shall be reserved for this identified use and shall not be let or sold separately.</p> <p><b>Reason:</b> In the interests of the proper planning and sustainable development of the area.</p>
6.	<p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p><b>Reason:</b> In the interests of orderly development and the visual amenities of the area.</p>
8.	<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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling or at any point along the boundary of the site shall not exceed:-</p> <p>(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.</p> <p>(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.</p> <p>At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.</p> <p>(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity of the site.</p>
10.	<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>

	<b>Reason:</b> 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.
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Barry O'Donnell

Planning Inspector

4<sup>th</sup> March 2021