



An
Bord
Pleanála

Inspector's Report

ABP-308636-20

Development	Demolition of 2 no. dwellings and construction of 7 no. dwellings.
Location	Goose Tail Avenue, Station Road, Duleek, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LB200066
Applicant(s)	Damien Finnegan.
Type of Application	Permission.
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Commons Residents Association.
Observer(s)	None.
Date of Site Inspection	24 th of May 2021.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The site is located in Duleek in east Meath, a designated Small Town within the Meath County Settlement hierarchy as set out within the Meath County Development Plan 2013-2019. The site located to the north of the town centre along the south eastern end of Goose Tail Avenue. The existing pattern of development in the vicinity of the site comprises detached single and one and a half storey dwellings, a large public open space and agricultural lands to the east.
- 1.2. The site has a stated area of 0.33ha, is roughly rectangular in shape and is currently occupied by two detached single storey dwellings, two mobile homes, yard area, outbuildings, and other structures. Access to the site is currently provided via Goose Tail Avenue. Existing site boundaries are defined by extensive hedgerow planting and walls to the north, south and east.

2.0 Proposed Development

- 2.1. The proposed development comprises demolition of the existing 2 no. dwellings on site and construction of 7 no. dwellings. The development includes upgrading of the existing site entrance, provision of on site car parking and connection to the relevant utilities together with all ancillary and associated site development works.
- 2.2. 4 no. house types are proposed as follows:
 - Type A (units 3, 5 and 6) – 2 storey, 3 bed detached unit. Ground floor area of 153.74 sq.m. Height 7.16m
 - Type B – (Units 2 and 7) – 2 storey, 3 bed detached unit. Ground floor area of 153.74, height of 6.91m.
 - Type C – (Unit 1) – 2 storey, 3 bed detached unit. Ground floor area of 153.74m, height of c.7m
 - Type D – (Unit 4) – 3 bed detached dwelling. Ground floor area of 153.74 sq.m., height of 6.91m.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council issued a notification of decision to grant permission for the proposed development subject to 21 no. Conditions. The following conditions are of note:

Condition no. 2: Prior to the commencement of development hereby permitted, the applicant shall submit a revised layout drawing detailing the following for agreement in writing with the Planning Authority:

- (a) The turning bay at the north east of the site complying with the “Recommendations for Site Development Works for Housing Areas”.
- (b) All footpaths being a minimum width of 2 metres.
- (c) Details of replacement of the existing timber post and rail fence between Goose Tail Avenue (L16095) and its junction with Station Road (L1609).

The development shall be carried out in accordance with the agreed details.

Reason: In the interest of traffic safety, convenience of road users and residential amenity.

Condition 4: The development hereby permitted shall contain 7 no. residential units

3.2. Planning Authority Reports

3.2.1. Planning Reports- Initial Report (13th of March 2020)

The initial planner’s report dated the 13th of March 2020 recommends a request for further information. The following provides a summary of the main points raised:

- The proposed development can be considered in principle in accordance with the A1 zoning objective subject to consideration of access, design and site service issues.
- Proposed density at 21 units per ha is considered acceptable having regard to the provisions of the County Development Plan, Sustainable Residential Development Guidelines, and the character of the area. There is scope to

marginally reduce density in light of the guidance set out within the Sustainable Residential Development in Urban Areas Guidelines (2009) should layout and design be deemed unacceptable (target density of 15-20 units per hectare identified). It is not considered that objection in terms of density/character of the area are grounded.

- No objection to proposed demolition of dwellings. Dwellings are not worthy of retention in accordance with the guidance set out within Section 9.6.14 of the County Development Plan.
- Concerns are raised in relation to the elements of the design of the proposal including dormer projections, location of chimney, distance between windows and separation distances. Under provision of public open space in accordance with Development Plan requirements.
- In terms of Appropriate Assessment, the report confirms that having regard to the comments from the Water Services Section and Irish Water, the Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Sites. In light of this it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.
- EIAR is not required.

A request for further information is recommended in relation to the following:

- Item 1: Applicant to confirm sufficient legal interest in all lands necessary to carry out the development.
- Item 2: Revised house type to be submitted addressing concerns relating to dormer projections, insufficient dual aspect, chimney location and roof to wall ratio.
- Item 3: Revised layout plans to be submitted indicating separation distances between opposing windows and between flank walls in accordance with Development Plan requirements. 15% public open space should also be provided.

- Item 4: Clarification is required in relation to provision of car parking adjacent to public open space.
- Item 5: Revised landscaping and boundary treatment required.
- Item 6: Requirements of the Transportation Department.
- Item 7: Applicant shall submit a public lighting design.
- Item 8: Requirements of Water Services Department.
- Item 9: Consultation with Irish Water.

Planner's Report – Further Information (15th of October 2020)

The planner's report dated the 15th of October 2020 recommends a grant of permission for the proposal subject to condition. The following provides a summary of the points raised:

- The applicant has demonstrated sufficient legal interest to carry out the development.
- Design concerns have been appropriately addressed.
- Concerns raised in respect of separation distances and impact on residential amenity have been addressed.
- Shortfall in public open space is acceptable in accordance with the guidance set out within the Sustainable Residential Development in Urban Areas guidance.
- Concerns relating to location of car parking and public open space has been addressed within the revised layout.
- Requirements of the Transportation Department have been adequately addressed. Comments in relation to lighting can be addressed via condition.
- Requirements of Water Services Division and Irish Water can be addressed via condition.

A grant of permission is recommended subject to condition.

3.2.2. Other Technical Reports

Environmental Services: No objection to the proposed development subject to conditions.

Transportation Department: Report dated 06/03/2020 recommends request for further information in respect of the following:

- Revised layout to be submitted illustrating sightlines from proposed entrance, provision of footpaths at least 2m wide, provision of a 2m wide footpath along the site boundary with the public road to connect to existing footpath, dimensions of parking spaces shall be in accordance with Development Plan requirements, road in front of house no.1 shall be reduced in width to 6m and turning bay shall be in accordance with appropriate standards. Application boundary shall be extended to include all works.

Report dated 9th of October 2020 outlines that sightlines have not been drawn correctly however sightlines in compliance with DMURS can be achieved, revised proposal for footpaths and turning bay are required. These points can be addressed via condition.

Public Lighting (Transportation): Correspondence dated 14/10/2020 outlines that public lighting design is unsatisfactory and incomplete. Revised proposal to be submitted.

Water Services Report: No objection subject to condition.

Broadband Officer: No objection subject to condition

3.3. **Prescribed Bodies**

Irish Water: No objection subject to condition.

Dublin Airport Authority: No comment.

3.4. **Third Party Observations**

- 3.4.1. 1 no. observation was lodged in respect of the application within the statutory submission period from the Commons Residents Association. The following provides a summary of the key points raised:

- In the instance of a grant of permission a condition is requested for improvements to the adjoining access lane- i.e., resurfacing, lighting, widening, upgrading.
- Applicant does not have sufficient legal interest to carry out the proposed footpath works adjoining the Commons Green Area.
- Proposal is not in keeping with the character of development in the area.
- Concerns in relation to the quality and usability of the proposed open space are raised.
- Applicant does not have sufficient legal interest in the application site.

3.4.2. The applicant's response to the Planning Authority request for further information was deemed significant and readvertised. A further submission was received from the Commons Residents Association. The following provides a summary of the points raised:

- Further concerns are raised in relation to the proposed relocation of the fence to accommodate the provision of a footpath.
- No legal confirmation has been provided in relation to ownership.
- Concerns are raised in relation to the timeframe of erection of site notice.

4.0 Planning History

- PA Ref. 93/105 – Planning permission granted in May 1993 for extension to house.
- PA Ref. 89/576 – Planning permission granted August 1989 for construction of a bungalow.
- PA Ref 88/793 – Outline permission granted in 1988 for construction of a dwelling.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Meath County Development Plan 2013-2019 is the operative plan for the area.

Zoning

- 5.1.2. The site is zoned for A1 Existing Residential purposes with an objective *“To protect and enhance the amenity of developed residential communities”*. The Development Plan sets out the following guidance for lands zoned for A1 Residential purposes:

In A1 zones, Meath County Council will be primarily concerned with the protection of the amenities of established residents. While infill or redevelopment proposals would be acceptable in principle, careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight and aspect in new proposals.

Residential development is listed as a permitted use on lands zoned for A1 purposes.

Settlement Hierarchy

- 5.1.3. Duleek is designated as a “small town” under the settlement strategy as set out within Table 2.1 of the Meath County Development Plan. Table 2.5 identifies a housing allocation of 239 units for the town for the period of 2013-2019.

Development Management

- 5.1.4. Chapter 11 sets out Development Management Standards and Guidelines. The following guidance is of relevance:

Section 11.2.1 of the Development Plan provides the following guidance in respect of residential density in small towns:

“In respect of small towns, sites which are located on well established, existing or proposed public transport routes or nodes with additional capacity, residential densities in excess of 35 net residential units per hectare should be utilised. In all other instances maximum densities of 35 net residential units per hectare shall be applicable, and in general, densities and house types shall be compatible with the established densities and housing character in the area”.

The Development Plan furthermore outlines that the appropriate residential density in any particular location will be determined by the following criteria:

- i. The extent to which the design and layout follows a coherent design brief resulting in a high quality residential environment;*
- ii. Compliance with qualitative and quantitative criteria set out in the subsequent sections;*
- iii. The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas;*
- iv. Proximity to points of access to the public transport network;*
- v. Existing topographical, landscape or other features on the site, and;*
- vi. The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development.*

Car Parking

Section 11.2.2.7 of the Development Plan relates to car parking provision and outlines that car parking should be provided in accordance with the standards set out in section 11.9. A parking standard of 2 spaces per conventional dwelling is set out within the Development Plan.

Private Open Space

Table 11.1 sets out minimum private open space standards for houses – one/two bedroom – 55sq.m., three bedroom – 60 sq.m., four bedrooms or more – 75 sq.m.

Separation Distances

Section 11.2.2.2 states that a minimum of 22 metres, between directly opposing windows shall be observed. Where sufficient private open space is provided and privacy is maintained, this depth may be reduced for single storey dwellings. Appropriate design solutions may be acceptable in other circumstances where the windows of non-habitable rooms are within 22 metres of each other. A minimum distance of 3.2 metres shall be provided between dwellings for the full length of the flanks in all developments of detached, semi-detached and end terrace houses. This

area shall be equally divided between the dwellings so separated. Where garages are provided as single storey annexes to houses, the above separation distance may be reduced, providing a direct through access from front to rear of the dwelling is maintained.

Public Open Space

Section 11.2.2.2. states that public open space shall be provided at a minimum rate of 15% of the total site area. Where residential developments are close to existing facilities or natural amenities or where in the opinion of Meath County Council that it would be in the interest of the proper planning and sustainable development of the area, Meath County Council may require a financial contribution towards the provision of public open space or recreational facilities in the wider area in lieu of public open space within the development.

Volume 5 – Duleek Written Statement

- 5.1.5. Volume 5 of the County Development Plan sets out the written statement for Duleek. The land use strategy for Duleek is to accommodate the sustainable population growth of Duleek in line with its status as a 'Small Town' with the Phase 1 Residential lands chosen by way of a sequential approach from the town centre in addition to consideration of proximity to public transport, infill development, brownfield/opportunity sites and environmental constraints. The aim is to consolidate the growth of Duleek whereby future development compliments the existing built form of the town and the promotion of sustainable transport measures and investment in infrastructural services. Policy MA POL 2 is to review the current status of public footpath and public lighting provision in Duleek and to upgrade where necessary

5.2. **Section 28 Ministerial Guidelines**

- 5.2.1. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area were issued in 2009. Chapter 6 sets out guidance for residential development in small towns with less than 5,000 inhabitants, which would include Duleek. Section 6.11 states that densities of between 20 and 35 dph would be appropriate for residential development on edge of centre sites, such as the appeal site, in small towns.

5.3. Natural Heritage Designations

There is a proposed Natural Heritage Area (pNHA) known as Duleek Commons (site code: 001578) within 0.1km of the site at the opposite side of Station Road.

The nearest Natura 2000 site to Duleek is the River Boyne and River Blackwater SAC & SPA sites which are located approximately 4km to the northwest of the town.

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal has been submitted by Commons Residents Association in respect of the decision of Meath County Council to grant permission for the proposal. The following provides a summary of the grounds of appeal.

- The proposed development not in accordance with the existing pattern of development in the vicinity which is rural in nature. It is requested that the total number of units on the site is reduced to 4.
- Goose Tail Avenue has limited capacity to accommodate the traffic arising from an increase from 15 to 22 houses without improvements to the road. If permission is granted it is requested that a condition is attached for improvement works to the lane – widening, resurfacing, upgrading, provision of public lighting.
- Reference is made to the proposal to relocate and existing post and rail fence to accommodate a footpath. It is asserted that this fence was erected by the

Residents Association and no consent has been obtained by the application from the Residents Association to carry out these works.

- Reference is made to legal issues in relation to existing property on the site. It is stated that further clarity is required on these matters. While it is noted that the owners cite no objection to the proposal there is no legal letter of confirmation. The application does not fully reflect the applicant's ownership of part of the site. Ownership issues may arise in this context.
- Concerns are also raised in relation to the lack of open space proposed which is asserted to provide little amenity to residents and children.
- It is requested that concerns relating to the size and density of the proposal, existing condition and limited capacity of the laneway to cater for increase in traffic be taken into consideration. A reduction in density would address some of the issues raised.

6.2. Applicant Response

6.2.1. A response to the third-party appeal was received by JCA on behalf of the applicant. The following provides a summary of the points raised.

- The proposed development will enhance the residential amenity of the residents of existing dwellings through the removal of the car repair workshop/car storage yard and mobile homes.
- The proposed development will not detract from residential amenities of existing properties in terms of parking, traffic, visual impact and complies with the requirements of the Duleek Local Area Plan.
- The proposal seeks to provide a small residential cluster similar to adjacent Elderdale Close Development to the north of the site in keeping with the existing pattern of development in the area.
- The proposal is in accordance with Duleek's Growth Strategy as set out within the Duleek Local Area Plan.

- Goose Tail Avenue has 2 access points to the L16094. Access to the proposal is proposed from the southern entrance of Goose Tail Avenue onto the L16094. No other dwelling is provided along this stretch of road.
- The application proposes to upgrade the south end of Goose Tail Avenue by providing a 2m wide footpath and new storm water drainage. These lands are within the ownership of Meath County Council and a letter of consent to carry out the works is enclosed.
- Consent has been obtained from the owner of Folio MH8509F for inclusion of their lands within the overall site.

6.3. Planning Authority Response

6.3.1. Meath County Council provided the following response to the grounds of appeal.

- The planning authority have reviewed the grounds of appeal and is satisfied that the issues raised have been substantially addressed within the planners' reports dated 13/03/20 and 15/10/20.
- The proposed development accords with national, regional and local planning policy for residential development and the Planning authority is satisfied that subject to compliance with conditions the proposal would not seriously injure the visual amenities of the area or residential amenities of properties in the vicinity and would not be likely to have significant effects on the environment or ecology of the area.
- The Board is requested to uphold the decision to grant permission for the development.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Compliance with Policy

- Impact on Character of the Area
- Impact on Residential Amenity
- Access and Parking
- Ownership and Legal Issues
- Appropriate Assessment

7.2. Compliance with Policy

- 7.2.1. The proposed residential use is in keeping with the residential zoning of the site under the development plan. The plan states that infill proposals are acceptable in principle under the A1 zoning objective that applies to the site, provided consideration is given to the amenities of established residents.
- 7.2.2. The appeal site is currently occupied by two houses, mobile homes, outbuildings, a container and hard standing area. The site is currently underutilised with its existing condition contributing little to the visual amenity of the area.
- 7.2.3. The proposed development would provide 7 houses in place of the existing houses. On a site of 0.33ha, this would provide residential development at a density of 21 units per hectare. This would be within the range of 20-35 units per hectare recommended in section 6.11 of the 2009 Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities for infill schemes on edge-of-centre sites in small towns which applies to the current appeal site. It is well below the upper limit of 35 units per hectare set out for small towns at section 11.2.1 of the development plan.
- 7.2.4. It is therefore concluded that the nature, scale and location of the proposed development are in keeping with provision of the development plan and the 2009 Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities. It is therefore acceptable in principle.
- 7.2.5. The A1 zoning objective caters for new residential development in instances where the amenities of existing residents are protected. The principle of the proposed development can therefore be considered in accordance with the zoning objective subject to planning considerations including design and impact on adjacent properties.

7.3. Impact on the Character of the Area

- 7.3.1. A case is made within the 3rd party appeal that the proposed development would not be in keeping with the existing character of development within the area which is rural in nature. In the instance of a grant of permission, a reduction in the overall number of units within the site is requested.
- 7.3.2. While I would agree that the area has a semi-rural character due to the absence of public footpaths and public lighting and the presence of hedge planting along the road edges, the site is within the development boundary of Duleek and is close to the town centre. The landuse in the vicinity of the site is residential in nature and is defined by detached dwellings. As noted in the response to the appeal there is a small residential cluster nearby at Elderdale Close that is similar to the proposed development. The site is zoned for residential development within the Development Plan. The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities 2009 and the accompanying Urban Design Manual highlight the need to strike a balance between the protection of established character and the need to provide residential infill. On this basis, while I accept the proposal will change the pattern of development in the immediate vicinity of the site to a certain extent, this change would be within that provided for under local and national planning policy. It would not be visually incongruous and would not seriously injure the established character of the area.

7.4. Impact on Residential Amenity

- 7.4.1. The proposed development comprises an infill development and is adjoined by existing houses along Goose Tail Avenue to the north and south. The impact of the proposal on the residential amenities of existing properties is therefore a key consideration in assessing the proposed development.
- 7.4.2. The proposed development would maintain adequately separation distances from the existing residential properties to the north and south. It would not give rise to undue overlooking or overshadowing of those properties or otherwise cause serious injury to the residential amenities. Rather, the proposed replacement of the car repair workshop/car storage yard and mobile homes on the site with housing development similar to that which occupies adjoining properties would tend to enhance the residential amenities of the area.

- 7.4.3. With regard to the standard of amenity that would be afforded the occupants of the proposed development, it is noted that the internal accommodation in the proposed houses exceeds the room sizes and dimensions as set out in 'Quality Housing for Sustainable Communities'. Private open space for each dwelling is provided at a rate which significantly exceeds Development Plan requirements.
- 7.4.4. The proposed development would provide 415.5 sq.m. of public open space in the north eastern corner of the site. This represents 13% of the overall site area which is somewhat less than the standard of 15% set out in the development plan. Concerns relating to the quantum and quality of public open space provided within the development and its suitability for residents and children are raised within the grounds of appeal. A case is made a reduction in the number of units on site would assist in addressing this manner. I consider the proposed level of public open space to be acceptable in this instance having regard to the proximity of a large open green to the west of the site which includes a children's playground area.
- 7.4.5. The guidance set out within Section 11.2.2.2 of the Meath County Development Plan which indicates separation distance requirements of 22m between directly opposing windows. A distance of c.18m is achieved between properties 2 – 4 and 5-7. I consider this distance to be appropriate to negate against undue overlooking between properties within the development. A distance of 11m is achieved between Unit 1 and Unit 3 but I note that Unit 1 presents a blank eastern elevation, and no overlooking arises in this context. A 2.3m separation distance is provided between flank walls. While this is below Development Plan standards, I am satisfied that the proposed level of separation is adequate to allow for normal service access to the rear garden and is acceptable.
- 7.4.6. It is therefore concluded that the proposed development would provide an acceptable standard of residential amenity for its occupants without seriously injuring that of properties in the vicinity.

7.5. **Access and parking**

- 7.5.1. A case is made within the third party appeal that the existing road network in the vicinity of the site is insufficient to cater for the proposal. Concerns relating to traffic impact associated with the proposal and the constraints of Goose Tail Avenue are raised in this regard. The grounds of appeal raise concern in relation to the condition

of Goose Tail Avenue in the vicinity of the site which is rural in nature, overgrown and lacks footpath and public lighting. In this regard I note that the part of Goose Tail Avenue that is in this condition is to the north of the site. Access to the development will be provided via the southern end of Goose Tail Avenue which adjoins the western boundary of the site. The site boundary extends to include this portion of Goose Tail Avenue which extends from the junction with Station Road to the site. Improvement works to this portion of Goose Tail Avenue are proposed as part of the development as illustrated in Drawing no. C1805-P03a including the provision of a public footpath and public lighting. These works would enhance the road network for the benefit of all residents in the vicinity of the site. Sight lines at the proposed entrance to the development can be achieved in accordance with the requirements of DMURS as illustrated in Drawing no C1805-P03a.

- 7.5.2. The proposed internal access road is 5.5m in width and a footpath of c1m is provided. I note the requirements of Condition no.2b of Meath County Council's notification of decision to grant permission for the proposed development which requests a revised layout illustrating the provision of footpaths with a minimum width of 2m within the development. I consider the requirements of this condition to be appropriate in the instance of a grant of permission.
- 7.5.3. On site parking is provided at a rate of 2 units per dwelling in accordance with Development Plan requirements
- 7.5.4. Having regard to the foregoing, and to nature and limited scale of the development, I do not consider that significant traffic issues would arise from the proposed development. The proposal would not give rise to traffic hazard or the obstruction of road users.

7.6. Ownership and Legal Issues

- 7.6.1. Issues relating to the ownership of an existing residential property on the south western portion of the site have been raised throughout the application process and again with the 3rd party appeal on the application. The issue of ownership was raised by the planning authority within the request for further information. In responding to the grounds of appeal, the applicant provided confirmation that consent has been obtained from the owner of Folio MH8509F for inclusion of their

lands within the overall site and a letter of consent was submitted in conjunction with the application.

- 7.6.2. In terms of the legal interest, I am satisfied that the applicants have provided evidence to assert that they have sufficient legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act which states that a person is not entitled solely by reason of a permission to carry out any development.
- 7.6.3. The third party appeal furthermore includes reference to the proposal to relocate an existing post and rail fence enclosing the open space area to accommodate improvement works including provision of a footpath along Goose Tail Avenue. It is asserted that this fence was erected by the Residents Association and no consent has been obtained by the application from the Residents Association to carry out these works. In this regard, I note that a letter of consent from Meath County Council was obtained for works to the public road. I furthermore note the requirements of condition no. 2 c of Meath County Council's notification of decision to grant permission for the development which relates to reinstatement of boundary fence on completion of works. I consider the requirements of this condition to be appropriate in the instance of a grant of permission.

7.7. Appropriate Assessment

- 7.7.1. The appeal site is not located within or immediately adjacent a Natura 2000 site. Nearest designated sites include the River Boyne and River Blackwater SAC & SPA sites which are located approximately 4km to the northwest of the town.
- 7.7.2. Meath County Council have carried out a screening for appropriate assessment which concludes the following:

"The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European sites. The proposed development is located within a fully serviced urban environment where capacity

within water and wastewater infrastructure is available. Having regard to the comments from the Water Services Section and Irish Water, the Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Sites. In light of this it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance”.

- 7.7.3. Having regard to the minor nature of the development, the absence of a pathway to and the separation distance from any European site, 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.

8.0 Recommendation

- 8.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

9.0 Reasons and Considerations

Having regard to the residential zoning of the site, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Meath County Development Plan 2013-2019 and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009, that it would not seriously injure character of the area or the residential amenities of the property in the vicinity, and that it would be acceptable in terms of the safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 23 rd of January
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	<p>2020 and as amended by further plans and particulars received on the 20th of August 2020 and 22nd of 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>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the developer shall submit revised layout drawing illustrating the following for written agreement with the Planning Authority:</p> <p>(a) The turning bay at the north east of the site in compliance with the provisions of DMURS</p> <p>(b) All footpaths to be a minimum width of 2m.</p> <p>(c) Details of replacement of existing timber post and rail fence between Goose Tail Avenue (L16095) and its junction with Station Road (L1609).</p> <p>Reason: In the interest of traffic safety and residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>No tree felling shall take place during the period of 1st of March to 31st of August. Prior to commencement of development, a bat survey shall be carried out by a suitably qualified ecologist and submitted for written agreement of the Planning Authority. Any envisaged destruction of structures that support bat populations shall be carried out only under</p>

	<p>licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p>Reason: In the interest of wildlife protection.</p>
5.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
6.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be carried out in accordance with the planning authority's requirements [and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others</p>

	<p>of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding landscape, in the interest of visual amenity.</p>
7.	<p>Prior to the occupation of each individual residential unit, the boundary treatments defining each curtilage on the application drawings shall be constructed.</p> <p>Reason: In the interest of residential amenity</p>
8.	<p>Prior to the commencement of development, the developer shall submit a public lighting scheme in accordance with the planning authority requirements for written agreement of the planning authority.</p> <p>Reason: In the interest of public safety.</p>
9.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<p>Details of the proposed surface water disposal system shall be submitted for written agreement of the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
11.	<p>The applicant shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development. All work is to comply with current Irish Water Code of Practice for Water and for waste water.</p> <p>Reason: In the interest of public health.</p>
12.	<p>All service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>

13.	<p>Proposals for a house naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
14.	<p>The development shall be carried out and completed at least to the standards set out within the Taking in Charge Policy of the Planning Authority. 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: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
15.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP) and a Construction and Demolition Waste Management Plan (WMP), 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 hours of working, noise management measures, access arrangements and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<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</p>

	<p>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>
17.	<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>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the</p>

	<p>developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>. Reason: To ensure the satisfactory completion of the development.</p>
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Stephanie Farrington

Senior Planning Inspector

27th of May 2021