



An  
Bord  
Pleanála

## Inspector's Report ABP-309502-21

<b>Development</b>	Demolition of public house & storage sheds/out-houses, and construction of 14 houses.
<b>Location</b>	Main Street, Newtownforbes, Longford
<b>Planning Authority</b>	Longford County Council
<b>Planning Authority Reg. Ref.</b>	2071
<b>Applicant(s)</b>	J&R Maynooth 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>	Anne Marie Williams and Stephen Casserly & Monica and Eugene O'Brien.
<b>Observer(s)</b>	Sean McGlynn
<b>Date of Site Inspection</b>	7 <sup>th</sup> May 2021.
<b>Inspector</b>	Barry O'Donnell

## **1.0 Site Location and Description**

- 1.1. The appeal site has a stated area of 1.45ha and is situated on the east side of Main Street, Newtownforbes, which is also the N4 Dublin to Sligo National Primary Road. The site consists of two functionally separate areas; a vacant two storey public house and outbuildings along Main Street and a greenfield area to the rear/east, used for animal grazing. The two areas are separated by vegetation at the rear of the pub site.
- 1.2. The site is adjoined by undeveloped backlands to the north and south. There are adjacent residential properties to the west, along Main Street, and there are a number of detached properties to the south and east.
- 1.3. Site boundaries comprise a mix of stone walls, mature hedgerows and trees. On my visit to the site, I noted the presence of rushes within the eastern part of the site.

## **2.0 Proposed Development**

- 2.1. The application was lodged with the Planning Authority on 1<sup>st</sup> April 2020, with further information submitted on 7<sup>th</sup> December 2020 and Clarification of Further Information submitted on 7<sup>th</sup> January 2021.
- 2.2. The proposed development described in the public notices entailed: -
  - Demolition of public house formerly known as Bohan's Bar, together with storage sheds/outhouses to the rear,
  - Construction of 14 houses consisting of: -
    - 6 No. 2-bed bungalows
    - 8 No. 2-storey, 3-bed houses
  - Permission is also sought for access from the N4, open space, connection to existing foul, surface and potable networks and ancillary works.
- 2.3. At the further information stage, the proposal was amended, with 2 no. units omitted.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The Planning Authority granted permission on 27<sup>th</sup> January 2021, subject to 16 planning conditions.

- Condition No. 5 included requirements that (1) the conditions of the Road Safety Audit shall be applied in full and that a Stage 3 road safety audit shall be carried out prior to the commencement of development, with recommendations to be implemented at the developer's expense, (3) parking adjacent to the site access along the N4 shall be removed by constructing buildouts to extend the public footpath.
- Condition No. 9 required that rear gardens shall have a minimum length of 11m from the rear building line.

### **3.2. Planning Authority Reports**

3.2.1. Planning Reports dated 7<sup>th</sup> July 2020, 4<sup>th</sup> January 2021 and 26<sup>th</sup> January 2021 have been provided.

3.2.2. The first report expressed concerns regarding the proposed design and layout and it was recommended that further information be sought in a number of areas, in addition to those requested by internal technical departs, as summarised below:

- Foul drainage proposals,
- Design and layout, with reference to integration with the streetscape along Main Street, proposed density, open space and individual plot sizes,
- Demolition methods,
- Boundary treatments,
- Bat and swift mitigation measures.

3.2.3. The second report followed receipt of the further information response. It summarised the responses to each issue and outlined that the majority of the issues raised within the further information request had been addressed. Clarification of

further information was recommended in relation to integration of the development with the streetscape along Main Street.

- 3.2.4. The third report followed receipt of the clarification of further information response and recommended that permission should be granted, subject to 16 recommended planning conditions. The recommended conditions were generally in accordance with the Planning Authority's grant of permission.

3.2.5. Other Technical Reports

**Roads Design** reports dated 6<sup>th</sup> May 2020 and 15<sup>th</sup> December 2020 have been provided. The first report requested a number of items of additional information, as follows: (1) a Road Safety Audit, (2) traffic projections, (3) a dimensioned site layout drawing to demonstrate that the development can be provided within the site, (4) further details of the proposed access from the N4, (5) demonstration that all roads accord with DMURS and ministerial guidance, (6) relocation of the proposed attenuation tank, (7) details of the proposed stormwater system design, and (8) demonstration that the proposed stormwater connection is appropriate for connection to the public network. The second report recommended a number of planning conditions, should permission be granted.

A **Chief Fire Officer** report dated 17<sup>th</sup> April 2020 has been provided, which advised of requirements in respect of fire safety.

An **Environment** report dated 6<sup>th</sup> April 2018 has been provided, which is stated as relating to the current application. A number of recommended conditions are set out, to control the construction and demolition phases of development.

3.3. **Prescribed Bodies**

- 3.3.1. Irish Water made submissions dated 29<sup>th</sup> June 2020 and 14<sup>th</sup> December 2020. The first submission requested that the applicant should submit a pre-connection enquiry, to determine the feasibility of connection to the public networks. Concerns were also expressed regarding the proposed foul water drainage layout and the location of a proposed stormwater attenuation tank. The second submission requested a number of planning conditions, as part of any grant of permission.

3.3.2. Transport Infrastructure Ireland made submissions dated 14<sup>th</sup> April 2020, 10<sup>th</sup> December 2020 and 13<sup>th</sup> January 2021, each of which advised that it had no comments to make on the application.

### 3.4. **Third Party Observations**

3.4.1. A number of observation letters were received, the issues raised within which can be summarised as follows: -

- Issues identified on previous applications were considered unresolved.
- The development was considered to be piecemeal, where the development related to only a section of the field in question. A site masterplan was considered necessary, including to deal with the provision of infrastructure to serve the entire landholding.
- The level of integration of the development with the streetscape was questioned.
- The proposed design and layout were considered unacceptable and in particular did not reflect the history of the site or of the locality.
- The development would result in overlooking of adjacent properties and would be overlooked.
- The proposal to demolish the existing public house was questioned, given its history.
- The proposed density was considered excessive.
- The site was considered to be prone to flooding at times of heavy rain and its development would lead to flooding on adjacent lands.
- The location of the public open space was known to flood in periods of even moderate rainfall.
- The estate should be designed to be pleasant to live in, in an era where people may become confined to their immediate neighbourhood.
- An existing small, grassed area adjacent to Main Street should be incorporated into the development and should be designed as a feature.

- The development was considered likely to result in a traffic and road safety hazard and sightlines at the site access were considered unachievable. Any removal of parking bays along the street, to provide sightlines, would lead to congestion. Congestion in the town was identified as an existing issue.
- The proposed site layout and elevation drawings were considered inadequate.
- Concerns were expressed regarding proposed raising of site levels within the site.
- Concerns were expressed regarding the lack of future-proofing for the proposed houses.
- Existing site boundaries and the adequacy of same to be maintained were not outlined on the application drawings. A survey of existing boundaries was requested.
- Concerns were expressed regarding the impact of the demolition phase on adjacent buildings and property.
- One observer stated that properties in the area had experienced subsidence due to failures within the existing drainage system. It was requested that investigations should be undertaken, to establish the condition of the pipe.
- It was requested that the application should clarify whether an electricity substation is required for the development and, if so, where it would be located.
- The need for additional housing in the village was questioned, whilst one observer stated that family housing should be provided.
- One submission stated that there are bats and swifts within the vacant building and a survey was requested.
- Concerns were expressed regarding the ability of construction staff and future occupiers of the houses to practice social distancing.
- Concerns were expressed regarding the concentration of social housing in the area.
- Ownership of the site was questioned.

3.4.2. A number of additional observations were received following submission of further information:

- The further information response was considered to be lacking in detail and in a number of instances, concerns expressed by the Planning Authority were not addressed.
- Concerns were expressed regarding the amended location for the proposed stormwater attenuation tank, adjacent to a shared boundary wall. It was suggested that this tank should be located within the main part of the site.
- Issues identified on previous applications with reference to the site access were considered unresolved.
- The development was considered to remain piecemeal, where the development related to only a section of the field in question. A site masterplan was considered necessary, including to deal with the provision of infrastructure to serve the entire landholding.
- The revised proposed design was considered to be substandard and inappropriate.
- Concerns were expressed regarding the maintenance of the section of the site which is not proposed to be developed.
- The revised proposed density was considered excessive.
- Concerns were expressed regarding proposed raising of site levels within the site and the absence of detail on how this would be achieved, with reference to flooding issues within the field and overbearing impacts for neighbouring occupiers.
- Concerns were expressed regarding the impact of the demolition phase on adjacent buildings and property.
- Proposed boundary treatments were considered inadequate and concerns were expressed regarding impacts on adjacent property boundaries.
- It was considered that the applicant had failed to respond to concerns regarding integration of the development into the streetscape.

- One observer advised of the presence of agricultural buildings in close proximity to house No. 1 and advised that it would be beneficial if all houses were moved further away these structures.
- The proposed housing mix and house sizes were questioned. It was suggested that family homes should be provided.
- Concerns were expressed regarding the concentration of social housing in the area.

## 4.0 Planning History

4.1. I encountered the following records in my review of the site's planning history.

- 17/122 - *ABP Ref. ABP-301521-18*: Permission refused on 1<sup>st</sup> November 2018 for demolition of existing buildings and the construction of 25 houses. Permission was refused for 3 reasons, related to (1) foul drainage proposals, (2) surface water management proposals and (3) the standard of development proposed, with reference to proposed density, the proposed site access arrangement and proposed public open space.
- 12/92 - Permission refused on 3<sup>rd</sup> April 2013 for demolition of existing buildings and the construction of a retirement village of 26 bungalows, multi-functional centre to include pharmacy, GP surgery, coffee shop and community care centre. Permission was refused for 3 reasons, relating to (1) the creation of a traffic hazard at the proposed access to the site from the N4, (2) foul drainage proposals which may give rise to a threat to public health and to the quality of ground and surface water, (3) the adequacy of the architectural drawings provided as part of the application, which did not depict the extent of all surrounding features.



## 5.0 Policy Context

### 5.1. Ministerial Guidelines

#### Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

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

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

5.1.2. Regarding density, the Guidelines acknowledge that in smaller towns and villages it can be difficult to be prescriptive about density but, 30-40+ dwellings per hectare for mainly residential schemes may be appropriate. The emphasis in designing and considering new proposals should be on achieving good quality development that

reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets.

## **5.2. National Planning Framework**

- 5.2.1. National Policy Objective 6: *‘Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.’*
- 5.2.2. National Policy Objective 11: *‘In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.’*

## **5.3. Development Plan**

- 5.3.1. The front part of the site is zoned *‘commercial/residential’*, with an objective *‘to primarily provide for commercial/retail development with a possible element of residential development’*, and the rear of the site is zoned *‘residential’*, with an objective *‘To primarily provide for residential development; to preserve and improve residential amenity, dwellings and compatible uses including social and community facilities, open spaces and local shopping facilities’*, under the Longford County Development Plan 2015-2021.
- 5.3.2. Newtownforbes is designated as a Tier 5 ‘Serviced Settlement’ in the Settlement Hierarchy for County Longford. Tier 5 settlements are outlined as having *‘the necessary infrastructure capacity available to act as local growth settlements and serve the needs of their hinterlands while playing an important role in servicing and driving the rural economy of the county. The towns provide services to rural communities, including housing, neighbourhood level retail and social facilities and are of particular importance in the delivery of these services and as such, are critical for the on-going viability of these rural communities.’* Objective CS 6 relates to Tier 5 settlements, stating: -

CS 6 *'Serviced Settlements have been defined in accordance with the fact that infrastructure provision exists within these settlements and represents a tier of the settlement hierarchy that has most diversity amongst the settlements contained within it.*

*Having regard to the above, proposals for residential development in service settlements, as shown on maps contained at Appendix 1, will be determined in accordance with the population allocations of the Core Strategy, the character and nature of the existing settlement and the ability of the proposal to enhance this, the ability of the settlement to absorb further development, the demand/need for the proposed level and type of residential development in the settlement and compliance with technical, legislative, environmental, design policy and/or criteria contained within the Development Plan or any other relevant plan, the functional area of which the settlement forms part.*

*Residential development will also be considered on lands identified as Site Resolution Objective in accordance with the relevant zoning provision standards. Any residential development in these settlements will also be determined in accordance with the population allocations of the Core Strategy, the character and nature of the existing settlement and compliance with technical, legislative, environmental, design policy and/or criteria contained within the Development Plan or any other relevant plan, the functional area of which the settlement form's part.'*

- 5.3.3. Appendix 1 contains a written statement for Newtownforbes. For development on lands zoned 'residential' it outlines that *'the principles of sustainable development shall be taken into account when considering applications for residential development in the area, including the use of appropriate housing densities, natural, locally sourced materials, energy efficiency and transport implications, the impact on the existing ecology and compatibility with local environmental conditions.'* For development on lands zoned 'commercial/residential', the written statement outlines that *'development carried out under this zoning should have regard to the dual use of the zoning, and, in particular, shall have regard to the retail policy for the County. Developers should be cognisant of the high profile locations of this zoning and design, whereas siting and materials should be chosen accordingly to ensure that any additional developments enhance the existing attractive streetscape.'*

- 5.3.4. The site is not located in or in the vicinity of the Flood Zones A and B, indicated on the Newtownforbes Zoning & Flood Map

#### **5.4. Natural Heritage Designations**

- 5.4.1. The site is not located within or adjacent to any Natura 2000 sites. The following sites were encountered within a 10km search zone: -

- Lough Forbes Complex SAC (Site Code 001818) and Ballykenny-Fisherstown Bog SPA (Site Code 004101) are located c. 1km west.
- Clooneen Bog SAC (Site Code 002348) is c. 4.7km northwest,
- Brown Bog SAC (Site Code 002346) is c. 3.5km south,
- Mount Jessop Bog SAC (Site Code 002202) is c. 9.3km to the south.

- 5.4.2. The Lough Forbes Complex, Brown Bog and Clooneen Bog are also proposed Natural Heritage Areas.

#### **5.5. EIA Screening**

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application.

- 5.5.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 5.5.3. The proposal is for 12 residential units (reduced from 14 at the additional information stage), which is well below the threshold of 500 dwelling units noted above. The site has an overall area of 1.45ha and is located within an existing built up area but not in a business district. The site area is therefore well below the applicable threshold of 10ha. The site is part-brownfield and part-greenfield and is located within the urban

centre of Newtownforbes. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below in relation to Appropriate Assessment) and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Longford County Council, upon which its effects would be marginal.

5.5.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned 'commercial/residential' and 'residential' under the Longford County Development Plan 2015-2021,
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the

environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A joint third party appeal has been submitted and the grounds of appeal can be summarised as follows-:

- The proposed development has not addressed the previous reasons for refusal, under ABP-301501-18.
  - Concerns regarding flood risk and integration with the urban fabric of the village have not been resolved.
- The proposed design has not given due regard to the historical context of the village, nor the land uses of the immediate area.
  - Reference is made to the prevalence of protected features and structures in proximity to the site and the identification of Newtownforbes as a 'historic town' on the record of monuments and places.
  - The village merits designation as an Architectural Conservation Area.
  - One of the appellants' property and landholding are over 100 years old and part of the appellant's dwelling, which is particularly old and which is thought to be of adobe construction, does not have foundations and it could be compromised by the proposed demolition.
  - There is no evidence of input from an accredited architect or conservation architect.
  - The proposed development should be reviewed, with the assistance of the Urban Design Manual, which encapsulates the full range of design considerations for residential development.
  - Many of the houses on the east side of Main Street should be zoned 'established residential' rather than 'commercial/residential' as they have been in situ for over 100 years. A balance has not been struck between protection

of amenities and privacy of adjoining dwellings. The Planning Authority did not seek proposals for adequate boundary treatments, to maintain privacy and amenity.

- With reference to the provisions of the National Planning Framework and Regional Planning Guidelines, it is considered that there is less of an urgency to develop these lands than to develop lands in higher tiered settlements. Given the priority to ensuring that a proposed development on the site is the right fit, the applicant should give further consideration to the proposal to provide a more integrated design and layout.
- The proposed development will expose one of the appellant properties, along their southern and eastern boundaries. The proposed site access, in close proximity to the appellant's house, will result in noise and light issues, given the boundary wall in this area is only 1.2m high. Notwithstanding their objection to the development, should permission be granted the appellant wishes for the 1.2m boundary wall to be protected and enhanced, to retain the historical fabric of the area and to provide privacy for the appellant.
- The proposed boundary wall additions are a worst case scenario for the appellant and there is a preference for a buffer area between the proposed development and their property, to allow for a transition.
- The proposed access will result in structural and security concerns for one of the appellants. The proposed demolition of the public house has not been justified. There are other options which would allow the site to be accessed, without the requirement to demolish the existing buildings. It is questioned whether demolition should be allowed, to facilitate access to backlands,
  - The arrangement of buildings at the edge of Main Street defines the street and gives it a distinct sense of place.
  - The roof of the public house appears to be intact and there are no signs of structural cracks. It is possible to modernise internally, whilst retaining the building's shell. This approach would be preferable, as it would retain the building as part of the streetscape.

- The proposed low boundary wall, proposed at the further information stage after the Planning Authority expressed concerns regarding the impact of the development on the streetscape, has not been adequately detailed.  
Reference is made to the entrance to Castleforbes, as a demonstration of the type of frontage required for an access to backlands.
- There is evidence of localised flooding at the east end of the site and photographs have been provided, to demonstrate marshy ground and the presence of reeds. This area of the site has become overloaded in the past and has led to flooding of the appellant's land to the south. Flood waters are stated to have come within 5m of the appellant's home.
- Reference is also made to flooding to the west of the town and the appellants are concerned that there is an aquifer network in the area. It has not been demonstrated that the development will not have a negative impact on adjacent sites due to flooding and surface water run-off. Increased site levels may also contribute to flood risk for adjacent property.
- Given the likelihood of all of the applicant's landholding being developed, it must be demonstrated at this stage that foul and surface water proposals are adequate to cater for the entire landholding. It should also be demonstrated that there are no flood risk or surface water run-off risks for adjacent property. Alternative options should be investigated before the raising ground level option is permitted.
- The Board is requested to refuse permission for the development.

## 6.2. Applicant Response

6.2.1. A submission was received on behalf of the applicant, prepared by Cunningham Design & Planning Consulting Engineers, on 12<sup>th</sup> March 2021, the contents of which can be summarised as follows: -

- Reasons for refusal associated with previous application Ref. ABP-301521-18 have been taken into consideration and the proposed development sought to address the issues identified.
  - The front portion of the site only is proposed for development, so that it can be served by gravity connections to the public foul and surface water network.



This eliminates the need for a pumping station for foul drainage and surface water infiltration within the site.

- Each house now incorporates its own parking space within the curtilage of the site and the front boundary walls have been redesigned, to address concerns expressed that the clarification of further information stage.
- Reference is made to the applicable land-use zonings and to supports within the National Planning Framework and the County Development Plan, including in relation to the development of infill land and the proposed mix of housing units.
- Reference is made to the demand for housing in Newtownforbes, which can be seen through increased average house prices, and the role which new housing will play in off-setting demand for rural housing.
- Reference is made to the contribution which the proposed development can make towards meeting housing targets set out in Rebuilding Ireland. The site is considered to be suitably located and incorporates an acceptable housing mix including social housing component.
- The development is in compliance with the zonings applying to the lands and is supported by the NPF and county development plan and is accordance with the proper planning and sustainable development of the area.

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

6.3.1. No response received.

### **6.4. Observations**

6.4.1. A letter of observation was submitted by Sean McGlynn on 19<sup>th</sup> March 2021, the contents of which can be summarised as follows: -

- The development falls below the standard expected. Reference is made to a number of strong concerns expressed by the Planning Authority in the initial planning report and which were deemed to have been addressed through minor proposed amendments.

- Newtownforbes is scheduled for inclusion in the next revision of the Record of Monuments and Places as a 'historic town'. It is within a National Monuments Service Zone of Notification. Reference is also made to the built heritage of Newtownforbes, in particular in proximity to the subject site, along Main Street.
- The existing public house is of historic and social significance. Its demolition would significantly impact on the streetscape and would be contrary to policies and objectives within the development plan.
- Issues identified by the Board in relation to the previously refused development have not been addressed.
- The development has not demonstrated a site access layout which is DMURS compliant. The proposed layout is substandard. Proposed sightlines in particular are seen as inadequate and compliance should be demonstrated before any decision is made to grant permission.
- The proposed access would have no passive surveillance along its 70m length and may be a location for anti-social behaviour. Also, as it is practically straight, speeding would naturally be encouraged along its length.
- The development is piecemeal, where the development related to only a section of the field in question. A site masterplan is required, including to deal with the provision of infrastructure to serve the entire landholding.

## **6.5. Further Responses**

6.5.1. None.

## **7.0 Assessment**

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

- Principle of development;
- Proposed layout and residential amenity;
- Impact on the character of the area and neighbouring properties;
- Traffic and access;

- Foul and surface water drainage
- Other issues;
- Appropriate assessment.

## **7.2. Principle of Development**

- 7.2.1. Development plan policy CS6 states that in Tier 5 locations, which includes Newtownforbes, proposals for residential development will be determined in accordance with the population allocation of the Core Strategy, together with other factors such as the ability of the settlement to absorb further development, the level to which a development would enhance the character of the settlement and the demand/need for the type of development proposed. Outside of Longford Town and a specific allocation for one-off housing, the Core Strategy does not allocate specific levels of planned housing growth to settlements but it does identify a housing requirement expressed in hectares and this includes an allocation for the Tier 5 settlements.
- 7.2.2. The proposed development is zoned for 'Residential' and 'Commercial/Residential' purposes and both zonings support residential development.
- 7.2.3. I am satisfied that the development accords with the development plan core strategy and zonings and is therefore acceptable, subject to consideration of the key issues below.

## **7.3. Proposed Layout and Residential Amenity**

- 7.3.1. The grounds of appeal express concerns regarding a number of aspects of the proposed layout, in particular in relation to the failure of the development to integrate with the urban fabric of the village and the impact of the development on adjacent property and structures. The third party observer has expressed similar concerns.
- 7.3.2. The applicant, in their response to the appeal, states that the proposed layout has been developed taking account of the reasons for refusal outlined on previous refusal Ref. ABP-301521-18.
- 7.3.3. I note that the proposed site layout was revised at the further information stage, through the omission of 2 houses along the initial section of the site access and the internal road layout and open space configuration were also revised. These revisions

were a response to concerns expressed by the Planning Authority regarding the proposed layout.

- 7.3.4. Regarding density, the site has a stated area of 1.45ha, but this includes a large portion of the field which is not part of the area to be developed. I estimate the development area as approx. 0.85ha and on this basis, the proposed residential density is approx. 14 units per hectare. In the first Planning Report on the application, concerns were expressed by the Planning Authority that the proposed density (approx. 16.5 units per hectare) exceeded the permissible densities outlined in the Longford County Development Plan and I note in this respect that Core Strategy Table 2.1.4 of the Development Plan indicates an average density of 12 units per hectare for housing developments throughout the County, excluding Longford Town. The proposed density is very low for a centrally located site and whilst I am aware that the density has increased slightly from the previously refused development, I would share the concerns of the previous Inspector, that the proposal makes inefficient use of zoned village centre lands. In contrast to the development plan's density target, the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (DoEHLG, 2009) promote densities of 30-40+ units per hectare on centrally located sites in small towns and villages. This is not to say that all small town and village sites should deliver new housing at these densities, but it is nevertheless an indication of the need to make efficient and sustainable use of accessible and serviced sites.
- 7.3.5. In terms of the proposed layout, there are two separate aspects to be considered; the site access from Main Street and the layout of the main part of the site.
- 7.3.6. Regarding the access from Main Street, concerns were expressed by both the previous Inspector and the Board, in its Order on the appeal, regarding the impact of demolition of the public house, where it was determined that the development would undermine the urban fabric of the village through the replacement of the existing public house building, which contributes to the character and streetscape of the village, with an excessively wide access arrangement. The initial site layout for the current proposed development included housing in proximity to Main Street, but they were omitted as part of the AI response, in order to address the Planning Authority's concerns, with the result that the access to the site is very similar to the layout proposed as part of the previously refused development, consisting of a 5.5m wide

carriageway flanked by footpaths on grassed areas on both sides. I would share the previously expressed concerns, that the demolition of the pub, replaced by a c.30m wide access junction, would have a significant and detrimental impact on the form and urban grain of Main Street. No justification has been provided as to why the pub cannot be retained or replaced by a building which similarly addresses Main Street and, equally, no justification has been provided as to why alternative access to the site (i.e. from the east) is not available.

- 7.3.7. The main part of the site appears to be laid out as a 'phase 1' development on the western portion of the landholding, with future access maintained to the eastern parcel, presumably for development at some point in the future. However, the applicant states that the reason for omitting the eastern portion of the landholding was in order to incorporate a gravity connection to the public foul and surface water networks and I am aware from the previous appeal on the site that the eastern half of the site has been stated as being incapable of providing a gravity connection to the public networks, without significant land raising. I would therefore question whether the eastern portion of the landholding is now considered to be undevelopable.
- 7.3.8. The individual plots are each adequately sized and the development does not have any significant or undue impact on adjacent housing, however; I have concerns regarding the overarching approach to the development of the site, which has evolved for engineering reasons. I consider the omission of the eastern part of the site (and the failure to adequately justify its omission) results in a piecemeal development which fails to make efficient use of these centrally located and zoned lands.
- 7.3.9. The issue of the developability of the eastern part of the site also directly affects the layout. The proposed layout sees the internal carriageway terminate in an arbitrary fashion adjacent to houses 8 and 9, with peripheral open spaces at the east end of the development. Both of these open space areas are isolated from the main green area and would experience little or no passive surveillance, given their location at the 'end' of the development. Development plan Policy HOU DS 7 requires that open space should be provided in an area where it is useable, accessible and secure.
- 7.3.10. The development also incorporates land raising in the centre of the site, which, although not stated within the application documents, appears to be part of the

engineering solution to allow gravity connections to the public foul and surface water networks. Site Section drawing No. 02A identifies that filling to an average depth of 1m is required, particularly in the centre of the site, and a number of houses are proposed to be raised by a significant degree, in relation to the stated ground level adjacent. Houses 7 and 8, for example, are identified as having finished floor levels 1.1m above their rear garden level and between 0.9-1.6m above the road level outside the front garden boundary. This approach is likely to result in a steep gradient in front of house No. 8 in particular. I would question the sustainability of such land raising, for a development of this scale.

7.3.11. Regarding public open space, development plan policy HOU DS 7 outlines that 15% of the site area will normally be required to be provided. The development incorporates a number of green areas which, although not stated, are taken to comprise the proposed public open space. The quantum of these spaces has not been stated, but in any case, I consider they would be fragmented and, in a number of cases, of limited usable value.

7.3.12. In conclusion, I consider that the layout and design of the proposed development is substandard for the reasons outlined above. I further consider the layout has not been adequately justified by the applicant, with reference to the developability of the eastern part of the site.

7.3.13. Regarding the proposed houses, they are adequately sized internally, in relation to their overall size, the size and layout of individual rooms and the level of storage space provided. Rear gardens for the two-storey houses measure 11m in depth, in accordance with the requirements of development plan Policy DOU DS 5, and whilst this is reduced for the bungalow units, no overlooking of neighbouring properties would arise.

7.3.14. Regarding daylight/sunlight levels within the houses, no assessment was provided as part of the application; however, given the very low density nature of the development and the level of separation between houses, both within the site and to adjacent housing, I am satisfied that the houses would receive adequate daylight/sunlight.

## **7.1. Foul and Surface Water Drainage**

7.1.1. Foul drainage is a key issue for the site. The Board's previous refusal on the site included reference to *'the proposal to drain effluent arising from the proposed*

*development to a proposed pumping station located above a surface water infiltration area and to pump that effluent to the public main potentially in perpetuity...*' The applicant states that the proposed development has been designed having regard to concerns previously expressed by the Board and in particular in order to ensure that gravity connections can be provided to the public foul and surface water networks. This has included omission of a substantial portion of the landholding, which it has previously been stated, cannot be connected to the public networks by gravity without significant land raising. Irish Water has not objected to the development.

- 7.1.2. I have previously questioned the piecemeal approach to development of the landholding. The applicant has, in my opinion, not provided sufficient information to justify the proposed foul drainage approach. The proposed approach may directly address the issue of connection to the public networks, but it has created a number of significant consequential issues, which have been previously discussed. I have also previously questioned the sustainability of such land raising for a small residential development.
- 7.1.3. Surface water is to be attenuated within a 117m<sup>3</sup> attenuation area adjacent to the south boundary of the site access, thereafter discharging to the public network. A specification for a BMS Stormbreaker attenuation system was provided at the additional information stage but calculations were not provided of the surface water quantity that would require attenuation so it is not clear whether the identified area is adequate to serve the development (this information was requested as part of the AI request). I note that the Planning Authority's Roads Design department did not object to drainage of surface water via attenuated discharge. In these circumstances, I am satisfied that the exact size and design of the system can be controlled by condition, should the Board decide to grant permission.

## **7.2. Impact on Neighbouring Properties**

- 7.2.1. There are a number of neighbouring properties to the west, along Main Street, and in particular abutting both sides of the proposed access.
- 7.2.2. The development will not give rise to overshadowing of neighbouring houses, given the level of separation between proposed and existing houses and the limited height of the proposed houses. Section 2.2 of *Site Layout Planning for Daylight and*

*Sunlight* (BRE, 2011) advises that if the distance of the new development is three or more times its height above the centre of the existing window, loss of light to existing windows need not be analysed. Neighbouring houses are a minimum of approx. 40m from the proposed housing. No overbearance issues arise also, given the level of separation from adjacent housing.

- 7.2.3. I also do not consider any significant or undue overlooking of neighbouring properties would arise. As I have stated, the 2-storey houses are a considerable distance from any housing which they might potentially overlook and whilst unit 1 is close to the shared boundary with the west-adjointing property, it does not contain any west-facing first floor windows.
- 7.2.4. A key issue within the grounds of appeal was the impact of the development on a boundary wall along the north boundary of the site access, which is shared with the appellant's property and which is stated as being over 100 years old. The appellant has requested that should permission be granted, the wall should be increased to 2.2m high, to retain the historical fabric of the area and to provide privacy. Given the close proximity of the access road to the appellant's garden, I consider it is reasonable that a boundary of the broad height requested should be provided. Should the Board be minded to grant permission, I would recommend that a condition be attached requiring that this boundary wall should be raised in height, to a minimum of 2m, with details to be agreed with the Planning Authority.

### **7.3. Traffic and Access**

- 7.3.1. Concerns have been expressed by both the appellants and the observer in relation to the proposed site access and the impact of the development on traffic in the village.
- 7.3.2. I have previously outlined my concerns regarding the impact of the proposed site access on the form and urban grain of Main Street. Regarding the layout of the access, which was revised at the further information stage, it is appropriately laid out, subject to the incorporation of additional DMURS principles which would give priority to pedestrians at the point of the crossover from Main Street. DMURS advises that vehicle crossovers from streets should '*clearly indicate that pedestrians and cyclists have priority over vehicles. There should be no change in level to the pedestrian*



*footway and no use of asphalt (which would incorrectly indicate vehicular priority across a footpath).*

- 7.3.3. The application drawings state that visibility sightlines of 3m x 365m northward and 3m x 145m southward can be provided, but the visibility triangle has not been provided on the drawings. I would question whether such visibility is practically achievable, as the near edge of Main Street is used as informal parking. As a means of providing adequate sightlines, the Planning Authority's Roads Design department requested that the developer should construct buildouts at the junction of the site access and Main Street, to extend the footpath out to the driving lane. This approach will result in the footpath being very wide in the area of the site access and will, in my view, contribute to the previously discussed impact of the development on the form and urban grain of Main Street.
- 7.3.4. Regarding concerns over the impact of additional traffic, I do not consider the volume of additional traffic generated by the development would have any material impact on traffic flows within the town. By virtue of the central location of the development within the village, future residents have the option of making certain journeys on foot, thereby removing a number of vehicle movements from the road.

#### **7.4. Other Issues**

- 7.4.1. The observer states that the appeal site is located within the Zone of Notification for Newtownforbes village. The planning application does not appear to have been referred to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. As I am recommending that permission should be refused on other substantive grounds, I have not pursued the issue further. Should the Board be minded to grant permission, they may wish to seek the Department's view or, alternatively, include a condition to require archaeological testing and monitoring as part of the construction and demolition phase.
- 7.4.2. The grounds of appeal express concerns over the impact of demolition on the integrity of the appellant's home, which is stated as having no foundations. Should the Board be minded to grant permission, I would recommend a condition be attached requiring a demolition method statement be provided and agreed with the Planning Authority, prior to the commencement of development.

7.4.3. Regarding concerns over flood risk, the site is not located in or in the vicinity of the Flood Zones A and B, indicated on the Newtownforbes Zoning & Flood Map, and is therefore deemed to be at low risk of flooding. Notwithstanding, I note the concerns expressed within the grounds of appeal, including photograph evidence, and I noted the presence of reeds and soft underfoot conditions in the eastern part of the site on my site inspection. I have previously highlighted the absence of calculations in relation to the volume of surface water that would require attenuation and have recommended that should the Board grant permission, a condition be attached, requiring the size and design of the attenuation tank to be agreed with the Planning Authority.

## **7.5. Appropriate Assessment**

### *Compliance with Article 6(3) of the Habitats Directive*

7.5.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### *Background on the Application*

7.5.2. The proposed development consists of demolition of an existing public house and construction of a development of 14 houses on a site on the east side of Main Street, Newtownforbes. The site consists of a commercial property (the public house and associated buildings) and a greenfield site, which is laid to pasture.

7.5.3. No Appropriate Screening Report was submitted with the application.

### *Need for Stage 1 Appropriate Assessment Screening*

7.5.4. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken on any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives.

7.5.5. The proposed development is not directly connected with or necessary to the management of a European site and accordingly is subject to the provisions of Article 6(3).

### *European Sites*

7.5.6. The site is not located within or adjacent to any Natura 2000 sites and it does not contain any hydrological connection to any such site. The closest adjoining sites are:

- Lough Forbes Complex SAC (Site Code 001818) (also a pNHA) and Ballykenny-Fisherstown Bog SPA (Site Code 004101) are located c. 1km west. A summary of the sites is set out below.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)
Lough Forbes Complex SAC (Site Code 001818)	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation, Bog woodland, Otter. Active raised bogs, Degraded raised bogs still capable of natural regeneration, Depressions on peat substrates of the Rhynchosporion, Alluvial forests with Alnus glutinosa and Fraxinus excelsior.	c.1km	None
Ballykenny-Fisherstown Bog SPA (Site Code 004101)	Greenland White-fronted Goose	c.1km	None

7.5.7. The Cloneen Bog SAC (Site Code 002348) and Brown Bog SAC (Site Code 002346) are also both located within 5km of the site, but I consider they are remote from the site in view of the smallscale nature of the development and the absence of any hydrological connection.

*Potential Impacts on European Sites*

7.5.8. Regarding the Lough Forbes Complex SAC, the site is designated due to a number of habitats, which are centred on the Lough. Given the absence of a hydrological connection, together with the separation distance between sites, I consider there is

no real likelihood of discharges from the site entering the European site at either construction or operational phases. I am therefore satisfied that the potential for likely significant effects on qualifying interests within the SAC can be excluded.

- 7.5.9. Regarding the Ballykenny-Fisherstown Bog SPA, it is designated for the Greenland White-fronted Goose. Available information from Birdwatch Ireland states that it forages over peat bogs, dune grassland, and occasionally salt marsh, with the use of agricultural grassland increasing in recent years. The subject site contains agricultural grassland and may potentially provide suitable foraging ground for the Greenland White-fronted Goose but, again, the site is approx. 1km distant and there is a significant quantum of agricultural grassland in the wider area, including between the sites. I do not consider that this site would be of such value in its own right, that the proposed development would have significant effect on this species of Special Conservation Interest (SCI) and I am therefore satisfied that the potential for likely significant effects on SCI within the SPA can be excluded.

#### *Screening Determination*

- 7.5.10. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project would not be likely to give rise to significant effects on European Site Nos. 001818 and 004101, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

## **8.0 Recommendation**

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

## **9.0 Reasons and Considerations**

1. The proposed development, which is of insufficient density for a central site within the village of Newtownforbes, would be out of character with the pattern of development in the area, would undermine the urban fabric of the village through

the replacement of the existing public house building with an excessively wide junction arrangement and would result in the poor disposition of public open space. The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. The proposed development, which proposes to raise ground levels in order to provide a gravity connection to the public foul and surface water drainage networks, is considered to represent a piecemeal and over-engineered development of the site, which would fail to provide a high quality residential environment for future occupiers. The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

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Barry O'Donnell  
Planning Inspector

21<sup>st</sup> October 2021.