



An
Bord
Pleanála

Inspector's Report

ABP-309741-21

Development	Construction of 4 no. 1.5 storey dwelling houses and together with all associated site development works.
Location	Coast Road, Bettystown, Co. Meath
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	LB200372.
Applicant	Floralhill Ltd.
Type of Application	Planning Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party.
Appellant	Floralhill Ltd.
Observer(s)	None.
Date of Site Inspection	8 th day of June, 2021.
Inspector	Patricia-Marie Young

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1.0 Site Location and Description

- 1.1. This appeal site has an irregular rectangular shape; has a stated site area of 0.812ha and is located on the western side of the Coast Road (R150) at a point where the posted speed limit is 50km, c88m to the north of the entrance serving the Brookside residential scheme onto the Coast Road and c537m to the south of the Coast Road's junction with the R151, in the coastal settlement of Bettystown, in County Meath.
- 1.2. At the time of site inspection, the site's roadside boundary contained tall hoardings. Behind which the site was overgrown and unkempt. The hoarding on the rear boundary of the site had in part had been torn down. At this point the rear boundary aligns with a pedestrian pathway that bounds the eastern most side of mainly the Brookside residential scheme, with this pathway having a general north to south alignment and at its closest point providing access onto the pedestrian domain of the Coast Road to the immediate south of the two neighbouring detached dwellings that bound the southernmost boundary of the site.
- 1.3. The site is bound by residential development as said on its southern side but also on its northern side where there is a 2-storey apartment scheme.
- 1.4. Of note the adjoining residential property on the southern side is an attractive period single storey dwelling with a highly decorative cast iron railing front boundary over low walls and piers. This property which has a given name of 'Bunbeg' is afforded protection under the Meath County Councils RPS as a Protected Structure (Note: MH021-312). It is also listed in the NIAH (NIAH Ref. No. 14316011).
- 1.5. To the west the site is adjoined by the residential scheme of Brookside at a point where it is characterised mainly by 2-storey semi-detached pairs.
- 1.6. Directly opposite the Coast Road there is a gap between two historic buildings with this allowing for views towards the beach and the Irish Sea beyond.
- 1.7. The immediate setting is residential in character but as one journeys northwards along the Coast Road the residential development gives way to a mixture of land uses that make up this settlements centre.

2.0 Proposed Development

2.1. Planning Permission is sought for the construction of 4 No. 1.5-bedroom dwelling houses (GFA of 488m²), together with all associated site works including, connection to existing mains sewerage, water supply and construction of proposed new vehicular entrance and SuDS rainwater attenuation system.

2.2. On the 23rd day of December, 2020, the applicant submitted their further information response which was deemed to be significant and therefore new public notices were requested on the 13th day of January, 2021. These were received by the Planning Authority on the 25th day of January, 2021. In the accompanying covering letter, it is indicated that:

- 8 car parking spaces are now proposed.
- Revised sightlines onto the Coast Road are now proposed.
- It is noted that the site is an infill site and building any less than 4 houses would not be financially viable. The revised design has reduced the houses footprint by 13% with a site coverage of 60% and a plot ratio of 1.95.
- Each plot has the minimum required private open space of 55m².
- The redesign creates a first floor living area with bedrooms on the ground floor.
- Rain/Stormwater attenuation on-site has been subject to discussions, and it is indicated that there is no objection to requiring BRE 365 testing as a condition on any grant of permission.
- The applicant is exempt for Part V.
- The scheme will not be taken in charge.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority **refused** planning permission for the following stated reasons:

- “1. *Having regard to the failure of the particulars submitted with the application to demonstrate visibility splays in accordance with the requirements of the Design*

Manual for Urban Roads and Streets (DMURS), the local Planning Authority is not satisfied on the basis of the information submitted that safe visibility splays can be provided in each direction to the required standards. Accordingly, to permit the proposed development would endanger public safety by reason of a traffic hazard and thereby contrary to the proper planning and sustainable development of the area.

2. *Having regard to the failure of the particulars submitted with the application to demonstrate sufficient room to provide car parking and manoeuvring within the site in accordance with the requirements of the Design Manual for Urban Roads and Streets (DMURS), the Local Planning Authority is not satisfied on the basis of the information submitted that the operational requirements of the site can be provided to the required standards. Furthermore, would result in overdevelopment of a restricted site. Accordingly, to permit the proposed development would thereby be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer’s report**, dated the 12th day of February, 2021, includes the following comments:

- The comments set out in the Transportation Department report is noted.
- The revised design has not reduced the number of dwelling units but now proposed a reduced building height of 1.5 storeys with undercroft car parking.
- The internal floor area and the open space provisions are acceptable.
- The first-floor living makes the most of available sea views.
- The revised elevations are deemed to be acceptable.
- The comments of the Water Service Department are noted.
- Part V Certificate has been issued.
- It is noted that the scheme will be kept private and run by a management company.

- This report concludes that this proposal is not only deficient in demonstrating required sightlines, but also in its operational requirements in terms of failing to demonstrate sufficient room to provide the requires quantum of car parking, space for vehicle manoeuvring which together results in a situation where the four dwelling units proposed would result in overdevelopment of a restricted site. Accordingly, a refusal of permission is recommended.

The **initial Planning Officer's report**, dated the 26th day of June, 2020, concluded with a request for further information on the following matters:

- Item No. 1(a): Car Parking provision shall meet Development Plan standards.
- Item No. 1(b): Revised Site Layout demonstrating unobstructed sightlines at the entrance in accordance with DMURS with no sightlines passing over the parking spaces or inside the adjoining property boundaries.
- Item No. 1(c): 2m in width concrete footpath required along full roadside width.
- Item No. 2(a): Requests consideration to the reduction in housing unit numbers.
- Item No. 2(b): Private Open Space Amenity shall meet Development Plan standards.
- Item No. 3(a): Revised site layout sought.
- Item 3(a)(i): Internal dwelling unit redesign sought, i.e., provide living space at first floor level.
- Item No. 4: Deals with surface Water Drainage.
- Item No. 5: Deals with Part V compliance.
- Item No. 6: Clarity sought on whether development is to be taken in charge or privately managed.
- Item No. 7: Advises new public notices may be required.

3.2.2. Other Technical Reports

Transport: The final Transportation Report in relation to the further information response considered this response did not address their concerns for a number of reasons including:

- The revised site layout in terms of car parking space provision was not satisfactory in terms of quantum of spaces.
- The manner in which car parking spaces have been provided which includes blocking in of car parking spaces and incorrectly drawn boundaries is not acceptable.
- The applicant was advised that obstruction of the rear access passage by the centre of the undercroft parking space would be unacceptable.
- The required sightlines to the north have not been demonstrated.
- The proposed entrance onto the Coast Road fails to comply with DMURS in that its width is too wide.
- This report concludes: *“the applicant has not demonstrated unobstructed sightlines in compliance with DMURS and therefore as the proposed development would constitute a traffic hazard it is recommended to refuse the development as proposed. The applicant should also be refused on the grounds of inadequate car parking. The proposed car parking layout is unacceptable as there is insufficient room to provide adequate car parking for 4 houses.”*

Water Services: No objection subject to a number of recommendations.

Architectural Conservation: No objection.

Broadband: No objection subject to a number of recommendations.

3.3. Prescribed Bodies

Irish Water: No objection subject to a number of recommendations including ensuring a 3m minimum separation distance between the front boundary wall and the Irish Water network in the adjacent road.

3.4. Third Party Observations

3.4.1. During the course of the Planning Authority’s determination of this application it received one 3rd Party submission which raised the following concerns:

- Inadequate capacity of the public water infrastructure to accommodate this development.

- Substandard in design and layout residential development.
- Adverse residential amenity impacts for properties in vicinity by way of overlooking.
- Deficiencies of car parking spaces could give rise to traffic hazard for road users.

4.0 **Planning History**

4.1. **Site and Setting: Relevant Planning History**

P.A. Ref. No. SA/60519:

Planning permission was **refused** for a development consisting of the construction of a 3-storey apartment block containing twelve apartment units, an access road, 12 no. car parking spaces, bin storage sheds together with all associated site works and services. The four reasons for refusal can be summarised as follows:

- 1) Premature due to deficiency in public water infrastructure.
- 2) Substandard development in design, layout, and overall nature.
- 3) Adverse residential amenity impact on properties in its vicinity in a manner contrary to the site and its setting land use zoning objective.
- 4) Inadequate car parking to serve the development through to traffic hazard.

5.0 **Policy & Context**

5.1. **National**

5.1.1. **Project Ireland 2040 - National Planning Framework (NPF), includes:**

One of the national core principles to guide the delivery of future housing, at every level of governance, is to tailor the scale and nature of future housing provision to the size and type of settlement.

Chapter 4 of the NPF deals with the matter of making stronger urban places and sets out a range of objectives which it is considered will assist in achieving this. In this regard, Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables

alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Chapter 6 of the NPF also includes specific objectives to do with homes and communities. It sets out 12 objectives including:

Objective 27: Seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities.

Objective 33: Seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale.

Objective 35: Seeks increased densities in settlements.

5.1.2. Ministerial Guidance

The following Section 28 Ministerial Guidelines are relevant:

- The Urban Development and Building Height - Guidelines for Planning Authorities (2018).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).
- Urban Design Manual, A Best Practice (DoEHLG, 2009).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009.

5.2. Regional

5.3. Regional Policy

5.3.1. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.

This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO's). It provides a framework at a strategic level for investment to better manage spatial planning and economic development to sustainably grow the Region

to 2031 and beyond. Of relevance to the development sought under this application is the following objective:

RPO 4.83: Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the core strategies of the county development plans.

Section 4.8 deals specifically with Rural Places, Towns, Villages, and the Countryside.

5.4. Local – Development Plan

5.4.1. The Meath County Development Plan, 2013 to 2019, as amended, is the applicable Development Plan under which the site lies within the settlement of ‘Bettystown’ which is classified as a ‘Small Town’ in the County’s Urban Settlement Hierarchy.

5.4.2. Policy TRAN POL 33 of the Development Plan is relevant: It states that the Planning Authority will seek: *“to balance the requirement for an appropriate level of off-street car parking facilities against the need to provide transport alternatives to the private car, in the overall interest of sustainable land use practice”*.

5.4.3. Section 11.2.2.7 of the Development Plan deals with the matter of parking provision and indicates that these shall be provided at the rate set out under Table 11.9. For this development, the applicable car parking standard under this table is 2 car parking spaces. The accompanying notes for Table 11.9 set out that the car parking standards shall be applied at the discretion of the Council in the County’s rural towns and villages having regard to the availability and adequacy of the on-street parking, existing or proposed off street parking to serve the development and the status of the town/village under its settlement structure. In addition, Section 11.9.2 of the Development Plan indicates that secure cycle parking facilities shall be provided in all new residential developments.

5.4.4. Section 11.2.2.2 of the Development Plan indicates that all houses should have an area of private open space, exclusive of car parking, to the rear of the building line. The minimum area of private open space to be provided shall be in accordance with Table 11.1 with 55m² required for 2-bedroom house types.

5.5. Local – Other

5.5.1. The East Meath Local Area Plan, 2014 to 2020, is applicable. This LAP has been prepared to provide a statutory framework for the future growth and development of

the above towns and village in a sustainable and equitable manner and is consistent with the policies and objectives contained in the aforementioned Development Plan, including the Core Strategy. This is concerned with consolidating development in towns and villages. It is based on building strong urban centres while protecting the rural hinterlands.

5.5.2. The designation of Bettystown-Laytown-Mornington East as a Small Town and Donacarne-Mornington as a Village is reinforced in the CDP settlement strategy with the towns and villages being targeted for consolidated growth.

5.5.3. The site is within the Map 2 area within the LAP development boundaries of Bettystown where it is zoned 'A1'. The stated zoning objective is: "*to protect and enhance the amenity of developed residential communities*" and the guidance states that the: "*Planning Authority 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*".

5.5.4. There is an indicative pedestrian cycleway to the north of the site.

5.6. Natural Heritage Designations

5.6.1. The appeal site is located in the immediate vicinity of the following European sites:

- The Boyne Coast & Estuary SAC (Site Code: 001957) is located at its nearest point c537m to the north.
- The River Nanny Estuary & Shore SPA (Site Code: 004158) is located at its nearest point c962m to the south of the site.

5.7. EIA Screening

5.7.1. Having regard to the Class of development described under Section 10(b) of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001, as amended:

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.

With the proposed development sought under this application initially consisting of planning permission for the construction of a modest 4 dwelling units on a site of 0.812ha in its given area I consider that this is significantly below the dwelling unit and area threshold.

As per section 172(1)(b) of the Planning and Development Act 2000, as amended, an EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the said Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment.

For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination of the proposed development as originally submitted and also as revised by way of further information.

I consider that there is significant lateral separation distance between the site nearest European sites and having regard to the nature, scale and extent of the modest residential development proposed together with the site's location within a suburban serviced setting bound by development on all sides, there would be assimilative capacity of any pollution or contamination should it occur during the construction or operational phase of this proposed residential development prior to it reaching either the Boyne Coast & Estuary SAC, which as set out above is located at its nearest point c537m to the north of the site and the River Nanny Estuary & Shore SPA which as set out above is located at its nearest point c962m to the south of the site.

Therefore, on preliminary examination the potential for significant effects on the environment can be ruled out and I consider that there is no need for an EIA and a screening determination in this instance.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this First Party Appeal can be summarised as follows:

- All items on the further information request were satisfactorily addressed.
- The provision of two car parking spaces per dwelling were not considered to be appropriate given the developments location, i.e., an urban area and not in their view consistent with the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas.
- The Board is asked to consider the necessity of the quantum of car parking prescribed by the Council's Transport Division and allow for a reduced number of 5 surface car parking to be provided at the front of the development.
- It has been shown that the required visibility splays can be provided.
- The drawings provided with this appeal submission show that the refusal reasons can be overcome. Therefore, the Board is requested to overturn the Planning Authority's decision.
- The appeal submission includes a number of documents including a report titled: *'Proposed Development of 4 No. 1.5 Storey Residential Units at Coast Road, Bettystown, County Meath – Appeal to An Bord Pleanála regarding Planning Refusal by Meath County Council (LB/200372): Traffic Report addressing 2 No. reasons for refusal by Meath County Council, dated March 2021.*

6.2. Planning Authority Response

6.2.1. The Planning Authority's Response can be summarised as follows:

- Reference is made to the reasons for refusal.
- The concerns raised by the appellant in their grounds of appeal have been considered during their determination of this application.
- The Board is requested to uphold their decision.

6.3. Referral

- 6.3.1. This appeal was referred to the Development Applications Unit, The Heritage Council, An Taisce, An Chomhairle Ealaíon and Failte Ireland. No responses were received.

7.0 Assessment

7.1. Overview

- 7.1.1. Having carried out an inspection of the site and its setting, together with having read all documentation on file and having had regard to all relevant planning provisions for the type of development proposed at this location, I consider that the main issues in this appeal are those that arise from the Planning Authority's reasons for refusal which are the substantive matter addressed by the First Party in their appeal submission to the Board. In relation to the First Party's appeal submission the Board received a response from the Planning Authority who having examined the appeal submission considered that no new issues were raised and that all matters had been considered by them during their determination of this planning application. Their response therefore concluded with a request that the Board uphold their decision in this case.
- 7.1.2. I therefore propose to deal with this appeal under the broad headings of the two reasons given by the Planning Authority for refusal given that the principle of residential development on A1 zoned land is acceptable subject to safeguards.
- 7.1.3. My assessment below is also based on the revised design provided by the applicant which sought to address several matters of concern set out by the Planning Authority in their further information request. Given that the revised scheme puts forward a more qualitative response to that initially sought, with for example the design of the dwelling units now being one that more consistently meet internal and external residential amenity for future occupants. Whereas the initial scheme did not. Alongside this the applicant's further information response seeks to address other matters of concern including car parking provision and sightlines. I also consider that this revised scheme more successfully harmonises and respects its streetscape scene alongside the Protected Structure of 'Bunbeg' (Note: RPS No. MH021-312) that adjoins the southern boundary of the site by way of the four-terrace dormer dwelling units having a slight setback from its principal building line. Together, the setback and building height gives rise to visual graduation between the Protected Structure and the

adjoining 2-storey residential apartment scheme adjacent to the northern boundary of the site. Through to its roadside boundary treatment also seeks to provide contemporary in design resolution low solid wall with railings on top. With these being of a design of their time but still harmonising with the attractive roadside boundary treatment that demarcates the main roadside boundary of the adjoining Protected Structure.

- 7.1.4. Furthermore, in terms of impact on the adjoining residential amenities of Brookside, a residential scheme that appears to date to the c1970s and which is characterised by mainly 2-storey dwellings at this point that are orientated in a general north to south direction. Whereas the proposed scheme is orientated in a general west to east direction is of a built form that would not give rise to any undue overshadowing and/or overlooking over and above that which would be expected in this urban landscape that at this point could be described as having a medium grain of residential development. Similarly, I consider that there would be no significant adverse residential amenity impact on the residential properties to the north and south.
- 7.1.5. Though the revised scheme does not seek to address the adjoining pedestrian pathway by putting forward an element of dual frontage to provide passive surveillance more successfully than the revised scheme does over this walkway. Arguably providing the living element of each dwelling unit at first floor level of the proposed terrace dwelling units would nonetheless give rise to a level of passive surveillance of this walkway that would enhance its feeling of safety by its users. Notwithstanding, in my view, there is a missed opportunity to have provided a more qualitative level of connectivity between the dwelling units, the adjoining public domain of the aforementioned pedestrian footpath and the Coast Road even if this was simply just in the form of some level of access to the rear gardens of Units 1 to 4, having regard to the fact that historically there was an opening on the rear elevation of the site adjoining this footpath with this appearing to have prior to the site being hoarded up providing a means of connectivity to the Coast Road.
- 7.1.6. I also acknowledge that it would appear that this site has been vacant for some considerable time and in its existing state it does not contribute positively to its urban landscape setting. Alongside this it has unfortunately become further deteriorated by dumping and it would appear to suffer from other forms of anti-social behaviour. Whilst the hoarding along the Coast Road visually buffers this to the rear its boundary

along the aforementioned pathway the site is not similarly secure. I observed that this boundary and the site has been subject to vandalism and dumping which in itself is likely to diminish the existing residential amenities of properties in its vicinity.

- 7.1.7. Based on the above, I consider that the revised scheme does not put forward the same level of substantive concerns as the initial scheme proposed and in terms of a proposed development there are positives that would arise from an appropriate residential development of this site and for the area it forms part of. As such, I consider it appropriate and reasonable that my main assessment below is based upon the scheme as revised by the further information received by the Planning Authority on the 23rd day of December, 2021.
- 7.1.8. In addition, I consider that the matter of 'Appropriate Assessment' requires examination.

7.2. Planning Authority's Reason No. 1

- 7.2.1. The first reason given in the Planning Authority's notification to refuse planning permission relates to the failure of the applicant to demonstrate visibility splays in accordance with the requirements of the Design Manual for Urban Roads and Streets (DMURS) and for this reason they were not satisfied that safe visibility onto the Coast Road could be achieved in both directions. It therefore concludes that to permit the proposed development would endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.
- 7.2.2. In relation to safety, I am cognisant that DMURS advocates eliminating risk, to promote free-flowing conditions for traffic and making streets safer for all of its users. One of the ways in which it indicates that this can be achieved is by limiting elements that have the potential to cause traffic conflicts through to stoppages. In relation to this it acknowledges that clearer sightlines allow for greater driver reaction time and time to make error corrections. It also indicates that it is also important that risk is not transferred to more vulnerable road users such as pedestrians and cyclists.
- 7.2.3. Having regard to the submitted drawings as revised it is of concern that on the matter of forward visibility, i.e., the distance along the street ahead which a driver can see, in a 50km/h speed zone, which is what the adjoining stretch of Coast Road is, the minimum level of forward visibility required along this route under the DMURS requirement in order for a driver to stop safely should an object enter its path is 45m

(Note: Section 4.4.4 and Table 4.2). I also note that the standard requirements set out in DMURS on such matters includes an increased forward visibility in the context of bus routes of 49m on streets with a design speed of 50km/h. Whilst I note that the adjoining stretch of Coast Road does not include a dedicated bus route as it does not have the necessary width to do so. With it containing two carriages. There is in close proximity to the north of the proposed entrance to serve this site a dedicated bus stop that facilitates private and public bus operators.

- 7.2.4. Of concern the submitted revised drawings fail to demonstrate that the design put forward would achieve the minimum DMURS required standard of 45m and of further concern the drawings submitted with the further information response do not accurately reflect the site, boundary, and obstructions. As such they cannot be reasonably be relied upon to demonstrate compliance on this substantive matter.
- 7.2.5. Similarly, they show that sightlines would also be obstructed by the southern boundary of the adjoining property to the north.
- 7.2.6. Further there is no consent for any modifications to be made to either of the adjoining properties boundaries to facilitate the achievement of the required forward visibility and visibility splays required under DMURS.
- 7.2.7. In addition, the modification of the roadside boundary of the adjoining Protected Structure would result in the diminishment of its built heritage intactness and its legibility with its original design and layout as appreciated from the public domain of Coast Road. As such any such modification would in my view be unacceptable. Particularly given that it is an attractive period feature that adds to the special intrinsic character of this property as appreciated from the public domain and adds to its surviving period built fabric integrity.
- 7.2.8. As such the proposed development is also in conflict with the requirements set out also under Section 4.4.5 and Figure 4.63 of DMURS.
- 7.2.9. Moreover, as noted by the Planning Authority's Transportation Department the proposed entrance in terms of its width is also one that is not compliant with DMURS standards either. In that it is too wide for this context. I also raise a concern that the documentation provided also does not show how the revised car parking spaces put forward could all safely manoeuvre within the confines of the site, exit in a forward

gear, and not give rise to any real risk of conflict with vehicles that may be entering into the site or otherwise.

- 7.2.10. Having inspected the site I consider that the documentation submitted with this appeal do not demonstrate in an a satisfactory and accurate manner that corresponds to a detailed representation of the site and its context based on actual surveying of the site relative to the nature of the adjoining stretch of the Coast Road as well as adjoining and neighbouring potential obstructions that the first reason for refusal is without basis and can be addressed in a manner that meets the required DMURS standard requirements for a street with a 50km/h posted speed limit or further that the on-site design would not give rise for further potential to give rise to conflict in the safe operations of the proposed entrance onto Coast Road which I observed is heavily trafficked in both directions by vehicles but also at the time of my inspection there was a steady movement of pedestrians in the vicinity of the site using the pedestrian footpaths of Coast Road.
- 7.2.11. In conclusion I concur with the Planning Authority's first reason for refusal based on my above considerations.

7.3. Planning Authority's Reason No. 2

- 7.3.1. The Planning Authority's second reason for refusal relates to the car parking provision. In relation to this matter, it considered that the applicant had failed to demonstrate sufficient room to provide car parking as well as manoeuvring within the site in accordance with the requirements set out in DMURS and the Planning Authority. The Planning Authority therefore considered that based on the information provided they were not satisfied that the operational requirements of the site could be provided to the required standards. For these reasons it was considered that the proposed development would result in overdevelopment of a restricted site.
- 7.3.2. The appellant in their grounds of submission refute that this is the case as the revised design now provides 8 car parking spaces which meets the Development Plan standards (Note: Table 11.9) which requires 2 car parking spaces for this residential typology.
- 7.3.3. They consider that the Planning Authority's issue lies with Space No. 8 which it contends serves Unit No. 4 and which is blocked by Space No. 7 which it contends would serve the aforementioned unit. It is also noted that the area adjacent to the

R150 is large enough to allow vehicles from all eight car parking spaces to reverse out into a holding position prior to access onto the main road. The appellants have not demonstrated how this could be safely achieved alongside provided detailed examination of this statement against the proximity of any possible locations for operating as a holding space would be in the area in which cars would access into the site. With further potential for vehicle manoeuvres to be further obstructed by simple operational maintenance of the site, for example bin collection day and the like.

- 7.3.4. Also, the placement of Car Parking Space No. 5 at a location where it would directly block movements from the accessway provided to the rear of Units 2 and 3 is not an acceptable location to meet the car parking requirements for the development proposed or indeed does it allow for qualitative access from the communal space to the front building line of these properties.
- 7.3.5. The appellant also contends that the car parking provision is 33% in excess of DMURS standards when regard is had for sites that can cater for higher densities of 45 to 50 dwellings per hectare and off street carparking at 1.5 car parking spaces with speed limits of 60km/h or less. In such contexts it is argued that only 6 car parking spaces would be required to serve the proposed development. Moreover, they note that DMURS provides no reference for manoeuvring into and out of off-street car parking spaces and that both local through to national guidance advocate providing alternatives to the car.
- 7.3.6. I consider that the car parking space provision and their layout relative to the dwelling units, the entrance and roadside boundary compounds the concerns raised in relation to the inadequacy of the entrance onto the Coast Road. In that the car parking provision firstly is not of the standard required under Table 11.9 of the Development Plan as car parking space labelled 5 and 8 would both result in either obstruction, accessibility through to potential for conflicts to arise in terms of functional operations of the entrance.
- 7.3.7. In such circumstances I consider that there is a real potential for this to result in conflicts to occur on the public domain of the adjoining pedestrian footpath and with vehicles using the Coast Road.

- 7.3.8. This could in addition be further complicated when the nearby bus stop is in use. A bus stop which I note accommodates a good frequency of service through the working week, by both private and publicly operated transport providers.
- 7.3.9. The documentation provided with this appeal and with this application do not robustly demonstrate that either the 8 car parking spaces proposed or indeed if a lesser number of spaces of 6 car parking spaces, having regard to the substandard nature of two of the car parking space proposed as previously noted, would be an acceptable quantum of car parking spaces having regard to the Development Plan standards. This is in addition to the absence of any immediate public on-street car parking or otherwise to meet any overspill of car parking arising from the proposed development were it to be permitted.
- 7.3.10. While I am cognisant there are car parking spaces within the context of the Bettystown's functioning centre arguably these are for facilitating the functioning of its mixture of land uses from retail through to commercial in nature in its town centre. These are an important resource to maintaining the vibrancy and vitality of town centres like this that often have limited supply of car parking.
- 7.3.11. I also observed that at the time of my inspection these were heavily in demand and that there were also residential dwelling units that are more centrally located as well as town centre located than this site for which the use of the on-street car parking may also be dependent.
- 7.3.12. As such I do not consider that public car parking provisions within the wider setting of the site is a feasible solution for meeting any car parking requirements of the proposed development and I concur with the Planning Authority in this case that four terrace dwelling units would result in the overdevelopment of what is a restricted site due to its failure to meet the car parking standards set out in the Development Plan, to provide a safe access and egress point onto the public domain alongside to provide safe on-site turning areas to meet four dwelling units within what is a modest in size site.
- 7.3.13. In conclusion I generally concur with the reasons given by the Planning Authority in their second reason for refusal.

7.4. Other Issues Arising

- 7.4.1. **Services:** In general, I consider that the documentation on the overall servicing of the site for the proposed development is poor. With this including not only surface water drainage on site solutions but through to waste management particularly in terms of providing a sustainable solution during times of bin collection and the like that no further potential for conflict between movements and manoeuvres of vehicles to the front of the building line and in the vicinity of the entrance as well as public domain of Coast Road arises. Should the Board be minded granting planning permission for the proposed development I recommend that it include the conditions of Irish Water and the Planning Authority's infrastructural departments.
- 7.4.2. **Rear Boundary:** The details of how this boundary would be treated as part of any grant of planning permission is unclear based on the lack of information on this matter within the documentation provided. Given that this boundary adjoins a pedestrian pathway careful treatment of this boundary is required and as such should the Board be minded to grant planning permission a suitable condition should be imposed.

8.0 Appropriate Assessment

- 8.1. Having regard to the development proposed and the nature of the receiving environment despite the sites close proximity to a number of European sites, I consider that no Appropriate Assessment issues arise given that no significant constructions works are proposed that would disturb ground levels through to given that the site is served by public mains drainage which even in the absence of drainage conditions could absorb surface water run-off from the site, 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.

9.0 Recommendation

- 9.1. I recommend that planning permission be **refused**.

10.0 Reasons and Considerations

1. As per Reason No. 1 of the Planning Authority's decision notification for P.A. Ref. No. LB200372.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate in proximity of the proposed entrance onto the Coast Road, at a point where sightlines are restricted in both directions and in the context of the development being dependent upon the area immediately alongside the proposed entrance to carry out vehicle manoeuvres in order to access and egress from a substandard in provision and arrangement car parking arrangement to serve the proposed development.

3. Having regard to the restricted nature of the site, by reason of the nature and extent of development, in particular the quantum of dwelling units, the design and layout which includes a substandard car parking provision and entrance onto the Coast Road (R150), would constitute overdevelopment and substandard development of a limited site area. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

21st day of June, 2021.