



An
Bord
Pleanála

Inspector's Report ABP 311185-21

Development

Demolition of existing public house and petrol station, Mixed Use Town Centre Development comprising 18 residential units and commercial units and all associated works and services.

Location

Clonmellon, County Westmeath.

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

20/6219

Applicant(s)

Anthony Kelly.

Type of Application

Permission.

Planning Authority Decision

Grant Permission with Conditions.

Type of Appeal

Third Party

Appellant(s)

Sandra Shanahan and Thomas Timmons.

Observer(s)

None

Date of Site Inspection

28th November 2021.

Inspector

Brendan Coyne

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	8
4.0 Planning History.....	20
5.0 Policy and Context.....	20
5.1. Development Plan.....	20
5.2. Natural Heritage Designations	24
5.3. EIA Screening	24
6.0 The Appeal	25
6.1. Grounds of Appeal	25
6.2. Applicant Response	29
6.3. Planning Authority Response	33
7.0 Assessment.....	34
8.0 Recommendation.....	41
9.0 Reasons and Considerations.....	41
10.0 Conditions	42

1.0 Site Location and Description

1.1. The site which comprises c. 0.42 Ha is located on the northern side of the Killallon Road, on a junction with the Kilskyre Road to the east in Clonmellon, Co. Westmeath. The site comprises a prominent location at the western end of Main Street in Clonmellon, on a junction with the N52 to the south. The site is irregular in shape and contains a former mechanic repair workshop and petrol filling station with associated forecourt and canopy along its southern section and a vacant two storey building (previously a public house and function rooms) fronting onto both the Killallon Road and Kilskyre Road. The buildings are set back from the public road with a parking area to the front of the buildings and a public footpath along the southern and eastern boundaries. Land to the rear / north of the repair workshop contains a large shed with an overgrown grassed area and mature trees extending along the southern and eastern side of Killallon Close cul-de-sac. Land at the south-western corner of the site along Killallon Road is within the public domain and comprises a grassed area containing 2 no. mature trees. The most northern wing section of the site adjoins a road serving an adjacent business park and is bound Clonmellon Community Centre on its eastern side and house No. 10 Killallon Close on its western side. The ground level of the site is generally flat. There are two vehicular accesses into the site along the Killallon Road (currently gated and not in use). A 1.5 storey dormer dwelling (No. 2 Kilskyre Road) and Clonmellon Community Centre are located on adjoining lands to the north of the site along the Kilskyre Road and a single storey detached dwelling is located on adjoining lands to the west along the Killallon Road. Lands further to the west comprise an area of public open space, playground and ball play area. A terrace of two-storey dwellings along Killallon Close adjoins the north-western boundary of the site. The northern boundary is enclosed with a wall over 2m high. Lands located opposite to the south of the site along the Killallon Road contain a public house and a single storey dwelling. Land located opposite to the east of the site along the Kilskyre Road contains a residential dwelling fronting onto Main Street, with a large garden to its rear. The site is located within a 50km/hr speed limit.

2.0 Proposed Development

2.1.1. Application as lodged on the 21/08/2020

Permission sought for the following (as described in public notices);

(A) Demolition of existing public house and petrol station,

(B) Mixed Use Town Centre Development comprising of the following:

- A three storey block of 5 No. apartments and 1 No. 51 sq.m commercial unit.
- Block of 6 No. three storey 3 bedroom terraced town houses,
- Block of 5 No. two storey 2 bedroom terraced town houses,
- Private and shared open space comprising a landscaped inner courtyard as residential amenity space,

(C) 2 No. two storey 3 bedroom semi-detached on previously granted site (Planning Ref: 02/850)

(D) Detached single storey block with a 65 sq.m adaptable community/pre-school infant and child-minding facility,

(E) One-way street to the northern and western boundaries with shared vehicular/cycle pedestrian access, private linear street parking to serve the residents of the proposed development.

(F) New public street enhancement with street parking bays, new footpaths and pedestrian crossing link to the main street, seating, new tree planting and public lighting.

(G) Ancillary shelter structure to accommodate waste collection and recycling, bicycle storage and maintenance equipment storage to serve the management of the proposed residential amenities and services.

(H) Connection to existing water, waste and surface watermain drainage on the site.

2.1.2. Documentation submitted includes;

- Engineering Report, prepared by Killian Consulting Engineers.
- Design Statement and Planning Appraisal, prepared by LMP Architects.

2.1.3. Revised Proposal as submitted by way of Significant Further Information on the 01/07/2021 (as stated).

(i) A revised Plan reducing the scale, mass height and density of the building forms including;

- Replacing 5 no. upper level apartments with 3 no. townhouses.
- Modifications to the arrangement of the ground floor commercial units, increased to 3 no. units.
- Reduction in height and scale of the northern block of terraced houses from 6 No. 3 Storey 3 bedroom units to 5 No. two storey two bedroom units.
- Relocation of the recycling shelter and bicycle storage area to the community building to the west of the site.
- Relocation of the southern block of five terraced houses further west.
- Redesign of the community building and wall garden which includes bicycle parking and a recycling collection point.
- Provision of Basement Pods and vertical chimney for each unit to accommodate exhaust heat pump systems, services and additional storage.

(ii) The removal of the car parking spaces along the Kilskyre Road and the retention of the existing pedestrian crossing in its current location.

2.1.4. Documentation submitted includes;

- Design Statement,
- A BER Light Study Assessment
- Revised Drawings
- Landscaping Plan.

3.0 Planning Authority Decision

3.1. Decision

Westmeath County Council GRANTED permission for the proposed development subject to 16 no. Conditions. Noted Conditions include:

- C.2 In order to respect the design of existing dwellings in Killallon Close cul-de-sac, the pair of semi-detached two storey houses shall be designed so that the roof profiles are staggered and that finish materials match that of the existing dwellings in the estate.
- C. 6 b) Boundary details shall be submitted to the Planning Authority prior to commencement of development. C) Boundary Type 'B' forward of house No. 2 Kilskyre Road shall consist of a 1m high masonry wall.
- C.7 Unit 17: The first floor window in Unit 17 shall consist of opaque / frosted glass, unless otherwise agreed with the Planning Authority.
- C.8 Signage shall not be internally illuminated. Details to be submitted for agreement prior to commencement of development.
- C.9 a) Prior to commencement, the exact position of the footpath along the Local Primary Road L-1547 and the pedestrian crossing shall be agreed with the Planning Authority
- C. 14 Landscaping works shall be submitted for the written agreement of the Planning Authority prior to commencement of development.
- C. 15 Development Contributions.
- C. 16 Development Completion Bond

3.2. Planning Authority Reports

3.2.1. First Report (14/10/2020)

3.2.1.1. *Re. Principle of Development*

- This site is a brownfield site and has been vacant for a substantial number of years.
- The site is a prominent location within the village.
- The proposed two storey semi-detached houses on the northern section of the site are located on lands zoned 'Community, Education and Institutional'. The remainder of the site is zoned 'Mixed Use'.
- Residential, community facility/crèche and commercial use are considered appropriate uses under the zoning matrix.
- The proposal will be predominantly residential in use.
- The Draft Clonmellon Action Plan 2018-2022 identifies a need for a variety of commercial uses within the village e.g. a pharmacy, butchers, hair salons, medical practice etc.
- The proposed redevelopment of the site is acceptable in principle.

3.2.1.2. *Re. Proximity to the dormer bungalow to the north along Kilskyre Road*

- The northern element of the proposal is located c.10.6m to the south of the flank wall of the neighbouring bungalow to the north along the Kilskyre Road and projects 8m beyond the front building line of this dwelling.
- The proposal extends for a total depth of 49m along the Kilskyre Road, with a minimum set back of 6m from the shared northern boundary.
- The proposed town houses along the northern block have an overall height of 9.73m with two storeys elevations presenting to the north and three storeys to the south.

- This element of the proposal would appear overbearing when viewed from the rear garden of the adjoining house to the north.
- The property to the north currently appears to be vacant but has a window on its first floor side elevation overlooking the site.
- The proposed development by virtue of its scale and height would impact on daylight and sunlight received by the property to the north.
- The three storey element along the street appears out of character with the existing dormer bungalow along Kilskyre Road.
- Vehicular access to the proposed development is along its southern boundary.
- It is proposed to have a 2m high boundary wall extend along the south-western boundary.

3.2.1.3. *Re. Proximity of the pair of semi-detached houses to the north western boundary:*

- The front elevation to the proposed pair of semi-detached dwellings in the northern section face south and are accessed via Killallon Close cul-de-sac road.
- These dwellings project 3.4m beyond the rear elevation of the existing house to the west.
- Under P.A. Ref. 02-850 permission was granted for 14 no. houses along this cul-de-sac. The two houses at this location were never constructed.

3.2.1.4. *Re. Crèche building to the west of the site*

- The proposed crèche along the western section of the site is single storey.
- The crèche would be accessible to surrounding residential development.
- The concerns raised by third parties regarding the commercial viability of the crèche is not a material planning consideration.

3.2.1.5. *Re. Development along southern boundary along Killallon Road*

- The development along the southern section fronting onto the Killallon Road is two storeys in height and comprises two bedroom houses with narrow plot frontages (6.38m).
- The proposed houses lack the architectural detail which is evident in existing houses in the village.
- There is less than 22m separation between the rear windows of this element of the proposal and the northern block.
- The proposed houses along the southern section would not impact on the amenity of the neighbouring dwelling located c. 28m to the west.

3.2.1.6. ***Re. Design, layout and visual impact:***

- The established character of Clonmellon village is one of two storey buildings with wide plots and narrow depths.
- Development to the west of this site is predominantly two storey modern residential development.
- The subject site is a prominent corner plot.
- Given its location, the site could set its own character and accommodate a higher height than surrounding buildings.
- Regard to surrounding buildings and residential amenity must be considered when increasing the height of development on this site by more than 2 storeys.

3.2.1.7. ***Re. Development facing the Kilsyre Road***

- A three-storey element on the corner of the site would be acceptable, subject to adequate design details.
- The three-storey element of the proposed development facing the Kilsyre Road appears out of character with the adjoining dormer bungalow to the north of the site.
- The building should be reduced to two storeys in height along this elevation.

- The fenestration along this elevation is haphazard and irregular and would appear out of character with the pattern of development in the village.

3.2.1.8. ***Re. Development facing the Killallon Road***

- The two storey height of the proposal is considered acceptable along this elevation.
- The proposed houses should incorporate design elements of the established buildings in the village i.e. deeper windows, more vertical emphasis and regular layout of fenestration etc.

3.2.1.9. ***Re. Bicycle & Bin store Shed:***

- The proposed bicycle & bin store shed may be more appropriately located to the rear of the development which would allow for the continuation of the terrace, or the relocation of the crèche building, to create a greater sense of enclosure along the street.

3.2.1.10. ***Re. Pair of semi-detached two storey houses (northern section)***

- These houses should reflect the design of the existing houses along Killallon Close cul-de-sac.
- The roof profiles of these dwellings should be staggered to break up the rear elevation when viewed from the road to the north.

3.2.1.11. ***Re. Pedestrian access along the eastern elevation***

- The proposed pedestrian entrance along the eastern elevation is not ideal, although archways are a feature of some of the buildings in the village.

3.2.1.12. ***Re. Urban Design***

- The applicants have not assessed the proposed development against the 12 criteria in the Urban Design Manual Guidelines (2009).

- The proposed development is unsuccessful in responding to its surroundings, impacts on the existing occupiers of the area, provides a cramped form of development for the future occupiers of the development and fails to create a sense of place.

3.2.1.13. **Re. Landscaping**

- The landscaping plan is not of significant detail to make a considered assessment.
- The proposal provides a number of new trees planted in the inner courtyard.
- The applicant should assess the quality of the two mature trees along Killallon Road and whether they will be impacted by the proposed development.

3.2.1.14. **Re. Density**

- The density of the proposed development at 42 no. units/ha (based on residential units only) is high for this rural village setting, given the lack of public transport links.
- The plot ratio of 0.4 is above that specified in the County Development Plan for outer suburban locations remote from public transport.

3.2.1.15. **Re. Mix of units and Compliance with Residential Standards**

- The proposed development has a mix of 6 x 3 bedroom houses, 7 x 2 bedroom houses, 1 x 3 bed and 4 x 2 bed apartments.
- The proposed mix of house types and tenure within the proposed development is acceptable.
- The proposal complies with the County Development Plan minimum size standards for 1 and 2 bedroom units, which is 45 m² and 73 m² respectively.
- The internal room sizes, storage areas and individual private space has not been specified as per Government guidelines.

- Concern that the internal room floor areas for the proposed units are below the minimum standards.
- All have dual aspect.

3.2.1.16. **Re. Open Space Provision and Connectivity**

- The open space area is a centralised courtyard area to the rear of the proposed development and is overlooked by residential units.
- The overall area of the open space area has not been specified.
- The proposed open space is considered useable open space but in view of the under provision of the private amenity space for the proposed units, the area of public open space would need to equate to at least 15% of the site area.
- The site is located in close proximity to the village centre.

3.2.1.17. **Re. Car Parking, Pedestrian/Cycle Facilities**

- A total of 24 no. car parking spaces is proposed for the proposed development including 6 no. off-street parking along the street front.
- The proposal provides a one-way system for vehicular traffic entering from the Killallon Road and exiting onto the Kilskyre Road.
- The County Development Plan parking standards requires 1 space per residential unit, 6 spaces for 100m² gross floor area (gfa) for shopping, and 3 for 100m² (gfa) for office space.
- There are no parking standards for crèches.
- The applicant should clarify the parking provision.
- Clonmellon has substantial off-street parking availability along the Main Street.
- The level car parking for the proposed development appears to be excessive.
- Sustainable transportation modes such as pedestrian and cycling activity is achievable given the siting of this site within the village.

3.2.1.18. **Re. Flooding**

- The site is not located in an area with an identified flood risk.
- Given the nature of the site and the proposed development it is not considered necessary to investigate the flooding issue further.

3.2.1.19. **Re. Part V**

- A Part V proposal has been submitted with the planning application.
- A Part V condition would be attached in the event of a grant of permission.

3.2.1.20. **Re. Appropriate Assessment**

- Having regard to the siting of the proposed development and separation distance from the nearest Natura 2000 site, the proposed development would not have a significant effect individually or in combination with other plans or projects on a European site.

3.2.2. **Further information was requested requiring the following:**

1. The Planning Authority welcomes the proposed regeneration and overall development of this prominent site within Clonmellon village. However, concerns are expressed regarding the design of the development proposed and its ability to assimilate effectively into the subject lands without compromising on the intrinsic character, heritage, form and grain of this attractive, predominantly rural village. Whilst an iconic 3-storey element is welcomed as part of this overall development, the overall scale, mass, height and form proposed should be appropriately considered so as to enhance and integrate successfully into the streetscape and site itself without compromising on the character of the area or the residential amenities of adjoining properties. In this context, the applicant is requested to submit the following;
 - (i) Revised plans and particulars for a mixed-use development which address the concerns of the Planning Authority in terms of the scale, mass, height and form.

(ii) A Daylight and Sunlight test in accordance with BRE a 'Site Layout Planning for Daylight and Sunlight' (2nd edition) for the development proposed and include assessment of impacts on daylight and sunlight provision for adjoining residential dwellings, where likely impacts arising from this development, if permitted, are envisaged.

(iii) Provide a Design Statement and supporting Planning Appraisal for the revised development which demonstrates the manner in which the proposed development complies with Policy P-RD6 of the County Development Plan 2014-2020 and the twelve core principles of urban design and sustainability as set out within the provisions of the 'Guidelines on Sustainable Residential Development in Urban Area' (2009) and the accompanying 'Urban Design Manual' in the assessment of applications for housing development.

(iv) Provide a schedule that details the number and type of apartments, associated individual unit floor and internal room areas, internal (and external) storage space, private amenity space associated with each apartment, and detail(s) on the aspect of each apartment i.e. whether dual or single as outlined in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).

(v) Provide clarity on the amount of public open space proposed as part of this development.

2. The Planning Authority considers that the proposed car parking on the local primary road (Kilskyre road) will obstruct sightlines for traffic exiting the subject development. The applicant proposes to move the existing pedestrian crossing south creating a diagonal crossing as opposed to retaining the existing perpendicular layout.

In this regard and in the interest of traffic safety, the applicant is requested to submit a revised site layout map which delineates a revised carparking layout which is consistent with OM Standards set out in the County Development Plan and to incorporate the existing pedestrian crossing into the design proposal.

3. The applicant is requested to provide a detailed landscaping scheme and provide an arborist's report on the condition of the two trees along the Killallon road frontage of the site. Please clarify whether the retention of these trees' forms part of the proposed development.

3.2.3. **Second Report (28/07/2021)**

- Significant Further Information received.

3.2.3.1. **Re. Development Contributions:**

- Development contribution for 3 Commercial/Office units with floor areas of 47m², 56m² and 88m² equating to an overall area of 191m² as per revised drawings received on 01/07/2021.
- The community/crèche building has a stated floor area of 93m².
- Overall non-residential development is 284m² with an appropriate rate of €16.20 per m² of floor area. $284 \times 6.20 = €4,600.80$ plus 15 residential units at €1,362 per unit.

3.2.3.2. **Re. Public Open Space**

- The open space area is a centralised courtyard and inner courtyard for the commercial portion with an overall area of 557m² which equates to in excess of 13% of the overall development site. The County Development Plan standard specifies 15%.
- The open space is easily accessible to all residents and provide for both passive and active uses for residents.

3.2.3.3. **Re. Private Open Space**

- All residential units comply with Development Plan private amenity space requirements.

3.2.3.4. **Re. Car Parking**

- The proposal contains 15 no. residential units which require 20 no. car parking spaces in accordance with Development Plan standards.
- Commercial/ /Office space consists of 191m². Car parking standards vary from 3-6 spaces per 100m². Taking an average of 4.5 spaces gives an overall requirement of 9 no. spaces.
- There are no car parking standards for crèches.
- The proposal provides 24 no. car parking spaces, while Development Plan standards require 29 no. car parking spaces.
- Clonmellon has substantial off-street parking availability along the main street.
- Sustainable transportation modes such as pedestrian and cycling activity is achievable given the siting of this site within the village.
- Located on a prominent corner plot within the core of Clonmellon settlement, the site has an ability to accommodate a higher signature building than the surrounding buildings, given its location.
- A three-storey element on the corner is acceptable, subject to adequate design details.
- Comments from Council's County Architect noted (see Section 3.3. below).
- Block "A" takes precedence in the final design as Block "B" has been stepped down to two storeys with respect to neighbouring property.
- The proposed development will provide an appropriate density (35 residential units per hectare) and mix of units (10 no. two bedroom terrace houses, 2 no. two bedroom semi-detached houses, 2 no. one bedroom town house and 1 no. two bedroom town house) within the core area of Clonmellon which comprises predominantly 3-bed residential units within its immediate surroundings.
- The revised proposal submitted which provides a considerable reduction in building heights from 3 to 2 storey, an increase in both private and communal open space

on site, and the revised position of some buildings, all aid considerably in the assimilation of the proposed development into the village core.

- The design of the revised proposal submitted is acceptable.

3.3. Other Technical Reports

3.3.1. Internal Reports

3.3.1.1. *Area Engineer:*

No objections. Conditions recommended.

3.3.1.2. *Westmeath National Roads Office:* No objections.

3.3.1.3. *County Architect:* No objections. General comments include the following:

- The proposed style is popular in modern architecture at the moment.
- It is logical to have central chimneys so that it can heat all rooms in the plan.
- It would be more successful if the two roof elements were at different eaves levels. There is no logic as to why they should be in two separate forms when it looks like it should be one form.
- The roof element on the corner should take precedence and the roof of the adjoining dormer house should step down and respect its context more.
- For the commercial use on the ground floor it would be an improvement to see more openings and information on where signage would go.
- Elevation openings are quite random in some areas especially around the corner and then quite aligned elsewhere. a more consistent approach would benefit the building.
- Apart from the issues raise above the proposed development would contribute positively the village.

3.3.1.4. **Housing Section:**

Standard Part V Conditions should be imposed in the event of a grant of permission.

3.3.1.5. **Irish Water:**

No objection subject to Conditions.

3.3.2. **Prescribed Bodies**

3.3.2.1. **Dept. of Tourism, Culture, Arts, Gaeltacht, Sport and Media - Development Applications Unit**

- The proposed development includes derelict buildings which have the potential to support breeding / roosting bats and nesting birds during the breeding season including Swifts, House Sparrows and other birds.
- The proposed development has the potential to cause an adverse effect on a significant area of the habitats and local species populations of bats which are listed under an Annex IV of the EU Habitats Directive, and bats and their breeding and resting places are protected under the Wildlife Act 1976 - 2018.
- The proposed development has the potential to cause an adverse effect on a significant population of wild birds, in particular those which breed in or on buildings, which are protected under the Wildlife Act 1976 to 2018.
- This effect would be caused by the demolition of buildings leading to the loss of any bat roosts and bird nesting sites and disturbance.
- It is not possible to adequately assess the impact of the proposed development on protected and EU Annex mammal species and on bird breeding sites.
- It is recommended that the applicant be requested to provide additional information to address these concerns.

3.3.2.2. **Transport Infrastructure Ireland:** No objections.

3.3.2.3. **HSE - Environmental Health Officer:** No objections. Conditions recommended.

4.0 Planning History

P.A. Ref. 092051 Retention Permission GRANTED in December 2009 to Mr. Patrick Friery for the retention of a garage forecourt canopy.

P.A. Ref. 092006 Permission GRANTED in March 2009 to Mr. Tony Kocana for a change of use of existing office/store within existing commercial garage to a news agency/grocery shop.

P.A. Ref. 052405 Permission REFUSED in April 2006 to Gerard Friery to construct 4 no. two bedroom apartments and to connect to mains water & sewerage.

P.A. Ref. 02829 Permission GRANTED in December 2003 to Derek Murtagh to demolish the Clonmellon Arms public house premises and attached dwelling house and to construct a 2 storey commercial development consisting of a supermarket and two retail units on ground floor with a restaurant and 1 no. professional office on first floor.

P.A. Ref. 0178 Permission GRANTED in January 2001 to Mr. Patrick Friery for a garage forecourt canopy over existing petrol pumps.

5.0 Policy and Context

5.1. Development Plan

Westmeath County Development Plan 2021-2027 is the statutory plan for the area. The following provisions are considered relevant:

Zoning: The southern (main) section of the site is zoned 'Mixed Use' with the objective to 'Provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land'. The northern section of the site is zoned 'Community, Education and Institutional' with the zoning objective to 'Protect, provide and improve

community, civic and educational facilities and to preserve the open character of institutional lands and the setting of heritage buildings contained within such lands’.

Architectural Conservation Area: Land on the eastern side of the Kilskyre Road and along Main Street are located with an Architectural Conservation Area.

Housing Strategy Objectives

CPO 3.2 Ensure that settlements grow in a manner that is self-sustaining with sufficient social and economic infrastructure, and to a scale which aligns with the Settlement Hierarchy prescribed in the Core Strategy.

CPO 3.3 Secure the provision of social and affordable housing accommodation, to meet the needs of all households and the disadvantaged sectors in the county, including the elderly, first time buyers, single person households on modest incomes, people with disabilities, and special needs etc.

CPO 3.5 Ensure that a suitable variety and mix of dwelling types and sizes is provided in developments to meet different needs, having regard to demographic and social changes.

CPO 3.8 Apply graded densities in towns and villages having regard to their role in Settlement Hierarchy and that are commensurate to the existing built environment.

CPO 3.10 Continue to reflect household size and composition, including the accommodation needs of single parent families, single homeless persons, persons with disabilities and the elderly, etc. in accommodation provisions.

Sustainable Housing Policy Objectives

CPO 4.6 Secure the provision of social and affordable housing accommodation, to meet the needs of all households and the disadvantaged sectors in the County, including the elderly, first time buyers, single person households on modest incomes, people with disabilities, and special needs, etc.

CPO 4.7 Achieve densities for new housing that respect the local character of surrounding areas, whilst making efficient use of land.

CPO 4.8 Provide for housing that is accessible for older people, the very young and people with disabilities and that residential buildings together with non-residential buildings are accessible and usable by people with disabilities.

Childcare and Educational Policy Objectives

CPO 4.24 Encourage and support the provision of childcare facilities, with consideration given to proper siting and design, in appropriate locations including residential areas, town and local centres, areas of employment and close to public transport throughout the County and in accordance with the needs identified by Westmeath County Childcare Committee (WCC). All planning applications for childcare facilities shall be assessed in consultation with Westmeath County Childcare Committee.

Self-Sustaining Towns Economic Development Policy Objectives

CPO 5.28 Support the regeneration of the core areas of the County's settlements through sustainable targeted measures that address vacancy, encourage economic development and deliver sustainable reuse and regeneration outcomes.

Public Realm and Place making Policy Objectives

CPO 7.1 Provide for a high-quality public realm and public spaces by promoting quality urban design that accommodates creative patterns of use having regard to the physical, cultural, and social identities of individual settlements.

Town Centre Management and Place-making Policy Objectives

CPO 7.21 Ensure the best quality of design is achieved for all new commercial and residential development and that design respects and enhances the specific characteristics and heritage of the different towns and villages in the County.

CPO 7.22 Provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land.

CPO 7.23 Support and sustain the vitality and viability of town and village centres by ensuring that retail proposals enhance and positively reinforce the public realm.

Urban Regeneration and Sustainable Development in Urban Areas Policy Objectives

CPO 7.26 Support and facilitate the ambitious regeneration of underused town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands.

CPO 7.29 Facilitate the delivery of sustainable, compact, sequential growth and urban regeneration in the town core of Key Towns by consolidating the built footprint through a focus on regeneration and development of identified key town centre infill/brownfield/back land sites promoting sustainable higher densities

Clonmellon - Policy Objectives

CPO 8.217 Promote residential growth, local employment, services and sustainable transport options in Clonmellon to enable the village to become more self-sustaining.

CPO 8.218 Expand the range of services and facilities available to residents and the wider rural hinterland.

CPO 8.219 Make provision for sustainable communities in Clonmellon by identifying sufficient land for new development, in particular housing, commercial, community and recreational uses.

CPO 8.220 Provide for new residential development in accordance with the requirements of the Housing and Core Strategy.

CPO 8.221 Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential areas and in appropriate brownfield/infill areas to meet the needs of the population of Clonmellon.

CPO 8.226 Sustain, enhance and consolidate the retail and services offer within the core of Clonmellon.

CPO 8.228 Encourage and facilitate the re-use and regeneration of derelict land and buildings for retail and other town centre uses, having due cognisance to the Sequential Approach prescribed in the Retail Planning Guidelines 2012.

Chapter 16 Development Management Standards

Section 16.4.1 Parking Standards

- 5.1.1. **Clonmellon Action Plan 2018-2022** - delivered by Westmeath County Council in conjunction with local business and community stakeholders in Clonmellon with the purpose of improving the social, economic and environmental conditions for all its communities

5.2. **National Guidelines**

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

Urban Design Manual - A Best Practice Guide (2009)

Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

Sustainable Urban Housing: Design Standards for New Apartments (2018)

Design Manual for Urban Roads and Streets (2019)

Childcare Guidelines for Planning Authorities (2001)

5.3. **Natural Heritage Designations**

- 5.3.1. The site is located c.0.8 km to the north-east of the River Boyne and River Blackwater SAC (Site Code 002299) and the Lough Shesk Proposed Natural Heritage Area (Site Code: 000556). The River Boyne and River Blackwater SAC is also located c.1.6 km to the north-east of the site.

5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from David Mooney Planning Consultant representing the third-party appellants Sandra Shanahan and Thomas Timmons, against the decision made by the Planning Authority to grant permission for the proposed development. The main grounds of appeal are summarised under the headings below;

6.1.1. Impact on Residential Amenity

- The proposed development by virtue of its scale, mass and building footprint would adversely impact the residential amenity of their dwelling, No. 2 Kilskyre Road, adjoining the north-eastern corner of the site.
- The original design submitted showed little attempt to integrate the proposal with the existing urban grain of the area.
- The existing urban grain of the area is formed by predominantly two storey small scale terraced dwellings and single storey houses in the streetscape.
- The proposed development is situated immediately to the south of the appellant's dwelling and private open space.
- The design of the proposal did not take into account pre-planning advice given by the Planning Authority which advised that three storeys over the whole of the site would be too dominant and overbearing and would have an impact on existing residential amenity.
- The appellants acknowledge that any redevelopment of the site would have an impact on their property.
- The extension of the footprint of Block B beyond the established building line and front facade of the appellant's property would adversely impact their residential amenity and their connection to the village.

- It is acknowledged that the subject site is a corner site and therefore has the ability to accommodate an element that is taller in height than the prevailing height in the settlement of Clonmellon. However, the facade of Block B beyond the established building line would impose significantly and detrimentally on the appellant's dwelling to the north.
- The position of Block B would cut off the view from the appellant's house to the crossroads and would alter the streets relationship with the crossroads.
- It is suggested that if Block B was omitted or set back behind the building line that the negative impact on the dwelling to the north would be lessened and the overbearing nature of the proposed structure would be substantially reduced. This would ensure that the appellant's house would maintain the available southerly aspect to the sun that they currently enjoy.

6.1.2. **Building Line**

- No justification is given for breaching the existing building line on both the eastern and southern boundaries of the site.
- The proposed development could be accommodated on the site without breaching the established building lines.
- No design justification has been presented for the creation of an L-shaped internal road on a site that already has dual road frontage.
- The design statement points to an existing sewer on the site as influencing the layout but it is considered that this element alone does not justify the extent of new roads proposed as part of the proposed development.
- The design approach does not represent an efficient use of urban land.
- It is suggested that if a different approach was taken and the through-road was omitted, the proposed development could be repositioned on the site. With more space available at the north-western corner of the site, this would remove the need

for Blocks A & B to breach the established building line on the eastern side of the site.

- It would still be feasible to locate all the proposed car parking to the rear of the site, along the existing street setback along the southern and eastern boundaries of the site.
- The applicant should be required to demonstrate alternative site layout options which eliminate the need for Blocks A & B to breach the established building line on the site.
- It is acknowledged that some breach of the established building line is warranted at Block A. However, there is scope for a revised layout that would reduce the negative impact of the proposed development on the appellant's property and their relationship to the wider street and the village around them.

6.1.3. **Overlooking**

- The appellant's property extends from the Kilskyre Road to the west terminating at a point approximately opposite the end of proposed Block D.
- The proposed development would radically change the surrounding environment of the appellants house, along its entire length.
- The appellant's house would be dwarfed by Block B.
- The northern facades of the proposed terraced houses are situated approx. 10.7m to the south of the appellant's property boundary. This would result in the appellant's property being overlooked along their entire southern boundary.
- The first floor windows of the five terraced houses would adversely impact the appellant's residential amenity and result in a perception that both their house and rear garden are being overlooked.
- As Block B is positioned forward of the existing building line, it would block the south facing aspect to the appellants property. This would reduce the appellant's access to sunshine during the day.

- The northern elevations of the proposed terraced houses facing the appellant's property contain three first floor windows per house, one of which appears to protrude from the house opposite the stairwell. It is unclear if this is a feature window or a balcony, and this should be clarified.
- The northern elevations of the proposed terraced houses could have been more sensitively designed so as to reduce their negative impact on the appellant's residential amenity.
- It is questioned why a door from the northern elevation is even necessary in a dwelling with such a shallow floor plan.
- Window operes which are designed to reduce the perception of overlooking could have been incorporated into the design of the proposed terraced houses facing the appellant's property. These could have included windows with a horizontal emphasis or windows which are angled to allow light in but prevent a wide scope of overlooking. Image of an example of such angled windows provided.

6.1.4. Impact on the structural integrity of the neighbouring dwelling to the north

- The proposal includes a Basement Plan which occupies the full building footprint of Buildings A & B.
- Insufficient information has been submitted by the applicant in relation to the proposed basements.
- No details are provided of the depth of the basements or the method proposed to excavate them.
- They are referred to in part of the application as 'basement pods'. The appellants question if they are to be pre-fabricated or constructed on site.

6.1.5. Impact on the chimney of the neighbouring dwelling to the north

- The applicants currently have one source of heating in their house, a solid fuel stove, which expels smoke through the gable end chimney.

- Concerns that that the bulk and mass of the proposed development will cut off the wind which currently traverses the chimney and reduce or eliminate the draw of the chimney. For this reason, the proposed development should maintain the existing building line of the street.

6.2. Applicant Response

6.2.1. The response received from Ger Fahy, Planning Consultant, representing the Applicant, is addressed under the headings below;

6.2.2. Impact on Residential Amenity

- The third-party appeal refers to the original application submitted which is not the subject of this appeal as the proposed development has been significantly revised as a result of a request for further information.
- The proposed development is located approximately 11 metres from the appellant's home and is 8 metres from the northern site boundary.
- Having regard to the considerable separation distances provided there will be no loss of southern aspect to the appellants dwelling as a result of the proposed development.
- The appellant ignores the fact that there is an existing two storey return already in situ on the appeal site, so there is no loss of southern aspect arising from the proposed development.

6.2.3. Building Line

- The existing building is set back significantly from the public road with a considerable footpath and parking area to the front of the building along the eastern and southern boundaries.
- The proposed development seeks to bring the building forward to strengthen the corner.

- The proposal is an acceptable design solution which makes sense in planning terms.
- The existing petrol station canopy already extends forward of the building. As such there is no issue with breaching the existing building line at this location.
- The location of the pub on the opposite corner to the south is extended further east than the existing building on the appeal site.
- The National Planning Framework and the RSES support maximising the development potential of town centre sites for the delivery of residential accommodation on brownfield sites.
- The suggestion that the proposed development would negatively impact the appellants' connection to the existing village is unsupportable.
- The renewal and regeneration of an existing town centre building which has been vacant for such a prolonged period is having a far greater negative impact on the amenity of the third party than what the proposed development would have.
- Having regard to the scale, height and footprint of the existing building there is no basis that the proposed development would impact significantly and detrimentally on the appellant's dormer dwelling.
- There is no entitlement to a view in planning law.
- The appellant has no established view of the corner due to the orientation of their house.
- Having regard to the existing height of the buildings on the appeal site relative to the third-party site and having regard to the considerable separation distance of 11m between the appeal site and the appellants' property there is no basis that the proposed development would have an overbearing impact on the appellants' property.
- In a village centre location, a separation distance of 11m is an acceptable distance to ensure the amenity of neighbouring properties is protected.

- The development of a one-way through road allows for appropriate access to the two standalone units and ensures access for fire services and refuse collection.
- The proposed layout enables the opening up of the rear of the property which makes the best use of the full extent of the site.
- The layout of the proposed road provides for the greatest separation distance between the appellants' back garden and the proposed development.

6.2.4. **Overlooking**

- Having regard to the extensive footprint of existing buildings on site and to their existing height and scale it is submitted that the appellants' amenity will be improved significantly as a result of the proposed development.
- The suggestion that the appellants' house would be dwarfed by the proposed development is not supported due to the extensive buildings existing on the site and the fact that the proposed development would be further away from the appellant's property than the existing buildings on the site.
- The appellants accept that there is a separation distance of 10.7 metres between the proposed northern façade, therefore there is no basis for their suggestion that the rear of their property would be overlooked.
- The windows on the northern elevation of the proposed northern block do not serve habitable rooms and due to their separation distance from the appellants property would not give rise to any perception of overlooking.
- The proposed study window in Block B would be forward of the first floor window on the side elevation of the appellant's dwelling and would be 11.4 metres from same, so there should be no overlooking of the appellants' first floor window.
- The suggestion that the proposed development due to its positioning forward of the existing building line would block south facing aspect is incorrect as the appellant's property has an east-west orientation. Bringing the building forward to the east will not give rise to any loss of sunshine having regard to the existing buildings on site.

- There are no balconies on the northern elevation of Block B and none of the windows on the northern elevation of Block B would give rise to overlooking as they relate to halls, stairs or bathrooms.
- The two windows for habitable rooms in Block B are positioned in locations forward of the existing side window on the appellant's property and having regard to their separation distance would not give rise to overlooking.

6.2.5. Impact on the structural integrity of the neighbouring dwelling to the north

- The proposed development will be constructed to ensure that it would not give rise to any structural impacts on the appellants' property or on the structural integrity of their house.
- The proposed basements are to be prefabricated pods constructed off-site and fitted onsite.
- The Engineering Report from John Killian Consulting Engineers confirms that the proposed development would not have any impact on the structural stability of the appellants' property.

6.2.6. Impact on the chimney of the neighbouring dwelling to the north

- Having regard to the existing footprint of the buildings on site and having regard to the separation distance between the proposed development and the appellant's property, the proposed development would not give rise to any impact on the appellants' chimney.
- The Engineering Report of John Killian Consulting Engineers confirms that the proposed development is further removed from the appellants' property than the current buildings and therefore there will be no greater impact on the appellants' chimney arising from the proposed development.

6.2.7. Appendices lodged with the applicant's response includes a letter from Killian Consulting Engineers stating the following:

- The existing public house and function room are located c. 4.2m from the adjoining dwelling.
- The proposed development increases the separation distance to 11.7m and incorporates a lower basement level.
- From a structural engineering point of view the proposed development is classified as a low-rise development and is classified with the category 2a Lower Risk Group in Table 6 of Technical Guidance Document Part A.
- It is proposed to construct a lower basement floor at a separation distance of c. 11.5m from the appellants dwelling. The proposal will have no impact on the appellant's property.
- The proposed development is designed in accordance with current Building Regulations and the basement is designed in accordance with BS8002 Code of Practice for earth retaining structures and geotechnical site investigations will be carried out on site.
- The proposed development incorporates a hipped roof and has an increased separation distance from 4.2m to 11.7m.
- The increase in height of the proposed development is mitigated by the increase in separation distance.
- The proposed development will not have an impact on the draw of the appellant's chimney.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

None

7.0 Assessment

7.1.1. The development as permitted by the Planning Authority provides for, inter alia, the demolition of all existing structures on the site and the construction of the following:

- **Block A** (south-easter corner): A three storey block over basements providing the following:

Ground floor level - **Unit No. 1**: 1 no. commercial unit with a floor area of 88.5 sq.m.

First and Second Floor level - **Unit No. 2**: 1 No. 2-bedroom apartment.

- Floor area: 93 sq.m.
- Private amenity space: 47.3 sq.m.

- **Block B** (north-easter corner along Kilsyre Road): A three storey block over basements providing the following:

Ground Floor Level – **Unit Nos. 16 and 18**: 2 no. commercial units.

- Floor areas 47 sq.m. and 56 sq.m. respectively

First and Second Floor level – **Unit Nos. 17 and 19**: 2 No. 1-bedroom apartments.

- Floor areas: 73 sq.m. and 75 sq.m. respectively.
- Private amenity space: 26.3 sq.m. and 20.2 sq.m. respectively.

- **Block C - Unit Nos. 11-15**: A terrace of 5 no. two storey over basement two-bedroom houses.

- Floor areas 82.4 sq.m. per unit.
- Private amenity space: 30 sq.m. per unit.

- **Block D - Unit Nos. 3-7** (fronting onto Killallon Road): A terrace of 5 no. two storey over basement two bedroom houses.

- Floor areas 86.4 sq.m. per unit.
- Private amenity space: 31 sq.m. per unit.

- **Block E**: Multi-purpose community building. 92.7 sq.m.

- **Block F - Unit Nos. 9 -10:** 2 No. 2 storey 2-bedroom semi-detached houses.
 - Floor areas 75 sq.m. per unit.
 - Private amenity space: 56 sq.m. and 70.5 sq.m. respectively.
- 24 No. parking spaces.

7.1.2. I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority were satisfied that the proposed development accords with the policies and objectives of the Meath County Development Plan 2013-2019, subject to Conditions. Having examined the application details and all other documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues are addressed under the following headings:

- Scale, Design and Visual Impact.
- Overlooking,
- Impact on the Structural Integrity of Neighbouring Property,
- Impact on the Draw of the Chimney of Neighbouring Property,
- Appropriate Assessment.

These are addressed below.

7.2. **Scale, Design and Visual Impact**

7.2.1. The appellants object to the proposed development on the grounds that its scale, extent, mass and building footprint along the northern boundary would adversely impact the residential amenity of their dwelling No. 2 Kilskyre Road, which is located on land adjoining the north-eastern corner of the site. The appellants put forward that the footprint of Block B extending beyond the established building line and front facade of their dwelling would reduce their access to sunshine during the day, cut off their view to the crossroads (to the south), impact their connection to the village and alter the streets relationship with the crossroads. The appellants suggest that if Block B was omitted or set back behind the established building line, the impact of the proposal on

their dwelling would be substantially reduced. The appellants also suggest that the proposed through-road could be omitted, enabling the proposed development be repositioned on the site and maintain the established building line along the western side of Kilskyre Road. Further to this, the appellants contend that the design of the proposal does not integrate with the existing urban grain of the area which is formed by predominantly two storey small scale terraced dwellings and single storey houses in the surrounding streetscape.

- 7.2.2. The applicant contests these grounds of appeal, as detailed in Section 6.2 above. The Planning Authority in its assessment considered that the site is a prominent location which has the ability to accommodate a higher signature building than surrounding buildings. In consideration of the revised proposal submitted by way of further information, the Planning Authority consider the proposed development assimilates into the village core.
- 7.2.3. The building line of the existing two storey premises on the appeal site fronting onto the Kilskyre Road broadly aligns with the front building line of the neighbouring (appellant's) dwelling to the north, No. 2 Kilskyre Road and the adjoining Community Hall. The existing premises extends up to the northern boundary of the site shared with No. 2 Kilskyre Road. A separation distance of 4 metres exists at its closest point between the northern boundary and the side gable elevation of No. 2 Kilskyre Road. A vehicular driveway serving No. 2 Kilskyre Road is located to the southern side of the dwelling.
- 7.2.4. As detailed above, proposed Block B at the north-eastern corner of the site comprises a 3 storey (over basement) building with 2 no. commercial units at ground floor level and 2 no. 1-bedroom duplex units at first and second floor levels. The roof profile of Block B is hip-ended with a roof eave height of 6.9m and a roof ridge height of 10.2m. The front building line of Block B would extend 8 metres forward of the front building line of No. 2 Kilskyre Road and the adjoining Community Hall. The separation distance between the northern elevation of proposed Block B and the southern side elevation of the appellants dwelling No. 2 Kilskyre Road be 11.4m. A separation distance of 7.4

metres would be maintained between the northern elevation of Block B and the northern boundary shared with No. 2 Kilskyre Road.

- 7.2.5. The terrace of 5 no. two storey dwellings (Nos. 11 – 15) in Block C, have a pitched roof profile with a roof eave height of 5.4m and a roof ridge height of 7.1m. The front building line of Block C would maintain a separation distance of 8 metres from the northern boundary shared with No. 2 Kilskyre Road.
- 7.2.6. The Landscape Plan details that a 2.4m high masonry wall (type B) comprising reused stone will be provided along the northern boundary which appears to extend 5m forward of the front building line of No. 2 Kilskyre Road and the provision of a low stone wall (type C) with dense hedging further to the rear along the northern boundary opposite Block C. I note the requirements of Condition No. 6 imposed by the Planning Authority requiring that boundary wall details be submitted to the Planning Authority for agreement prior to commencement of development and that the boundary wall type 'B' forward of house No. 2 Kilskyre Road shall consist of a 1m high masonry wall. I consider the requirement of this Condition appropriate, in the interest of protecting the visual and residential amenity of the house No. 2 Kilskyre Road and the surrounding streetscape.
- 7.2.7. Having regard to orientation of the front and rear elevations of the appellant's dwelling No. 2 Kilskyre Road which face in an east-westerly direction, the 11.4m separation distance provided between Block C and No. 2 Kilskyre Road and the heights and roof profiles of Blocks B and C, it is my view that the proposed development would not adversely impact the residential amenity of the appellants dwelling by way of overbearing impact or loss of outlook. The Kilskyre Road runs on a north east / south westerly axis to the front of the appeal site and the appellants would still have oblique views in a south-easterly direction towards Clonmellon Main Street. The front (eastern) and rear (western) elevations of No. 2 Kilskyre Road would not be overshadowed by the proposed development, located to its south. While the first floor side elevation No. 2 Kilskyre Road has a small window ope at first floor level, it is my view that that 11.4m separation distance provided would be an increase in distance to the existing building which is built right up along the northern boundary. With regard loss of sunlight to an

existing building, Section 3.2 of the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011) recommends that 'all main living rooms of dwellings should be checked if they have a window facing within 90° of due south'. Having regard to the angle and orientation of the proposal in relation to neighbouring dwelling No. 2, that the window on the side elevation of neighbouring dwelling No. 2 is not facing within 90° of due south and having regard to the height and extent of the proposed development and separation distance provided, it is my view that the proposed development would not adversely impact the residential amenity of dwelling No. 2 by way of overshadowing.

- 7.2.8. The pattern of development at the crossroads adjoining the appeal site comprises two-storey residential dwellings which extend up to the public footpath along Main Street and a two storey public house which extends up to the road edge along the N52 and a short setback from the edge of the Killallon Road. The proposed development would maintain a setback of 4.3m from the Kilskyre Road at its closest point and 5.5m from the Killallon Road. Having reviewed the drawings submitted and in consideration of the prominent corner and end-of vista location of the site at the junction of Clonmellon Main Street, N52 and Killallon Road, it is my view that the proposed 3-storey building comprising Blocks A and B would be acceptable at this location. Such development accords with Section 4.3.2 of the Quality Housing for Sustainable Communities Guidelines (2007) which states that 'where it is considered appropriate to do so, the provision of higher buildings could be considered in key locations such as strategic corners, along principal routes, at the ends of vistas'. On this basis, I recommend that the appeal should not be upheld in relation to this issue.

7.3. **Overlooking**

- 7.3.1. The appellants object to the proposed development on the grounds that the proximity of the 5 no. terraced houses within Block C would result in overlooking of the appellant's property along its southern boundary. The appellants put forward that the first floor windows of the houses within Block C would result in a perception of their house and rear garden being overlooked, thereby adversely impacting their residential amenity. The appellants express uncertainty with regard the first floor window opes on

the northern elevations of Block C and query whether they are a windows or balconies. The appellants state that the northern elevations of Block C could have been more sensitively designed so as to reduce their impact on the residential amenity of the appellant's dwelling. With that, the appellants suggest that their design could have included windows with a horizontal emphasis or angled to allow light in but prevent a wide scope of overlooking.

- 7.3.2. As detailed in Section 6.2.3 above, the applicant contests these grounds of appeal stating that the windows on the northern elevation of Block C do not serve habitable rooms and due to their separation distance from the appellants property would not give rise to any perception of overlooking of the rear of the appellant's property. With regards Block B, the applicant contends that the window opes on its northern elevation would be forward of the first floor window on the side elevation of the appellant's dwelling and would be 11.4 metres from same, so no overlooking of the appellants' first floor window would occur. The applicant clarifies that there are no balconies on the northern elevation of Block C and contends that none of the windows on the northern elevations of the proposal would give rise to overlooking as they relate to halls, stairs or bathrooms.
- 7.3.3. The floor plans submitted by way of Further Information show that the window opes on the northern elevations of the 5 no. two storey terraced houses within Block C would serve a bathroom and stairwell within each dwelling. The window opes serving the stairwells appear to project c. 0.3m in a box light manner, with heights of c. 2m. Given a) their separation distance of c. 8m from the northern boundary, b) the window opes don't serve habitable rooms and the bathroom windows would glazed with obscure glass c), the proposed tree planting along the northern boundary and d) that they are not located directly opposite the rear elevation of No. 2 Kilskyre Road, it is my view that the proposed dwellings in Block C would not adversely impact the residential amenity of the appellants dwelling by way of overlooking. I note that the Planning Authority imposed a Condition requiring that the first floor window in Unit 17, located directly opposite the southern side elevation of No. 2 Kilskyre Road shall consist of opaque / frosted glass. I am satisfied that the requirements of this Condition would

protect the residential amenity of the appellant's by way of overlooking. On this basis, I recommend that the appeal should not be upheld in relation to this issue.

7.4. Impact on the Structural Integrity of the Neighbouring Property to the North

7.4.1. The appellants express concern with regard the proposed 'Basement Pods' serving the proposed development and that insufficient information has been submitted with regards their depth, proposed method of excavation and construction i.e. pre-fabricated or constructed on site.

7.4.2. The applicant addresses these concerns stating that the proposed development will be constructed in such a manner so as to ensure that it would not give rise to any impact on the structural integrity of the appellants dwelling, No. 2 Kilskyre Road. The applicant confirms that the proposed basement storage units will be prefabricated pods constructed off-site and fitted onsite. An Engineering Report from John Killian Consulting Engineers confirms that the proposed development would not have any impact on the structural stability of the appellants' property, is designed in accordance with current Building Regulations and the basement is designed in accordance with BS8002 Code of Practice for earth retaining structures.

7.4.3. With regard construction works and the structural integrity of neighbouring property, I consider that this issue is controlled under separate Building Regulations. Notwithstanding, in order to alleviate the concerns of the appellants and ensure the proposal does not impact on the structural integrity of adjoining property, I consider it appropriate that in the event of a grant of permission, a Condition be imposed requiring the developer to submit for the agreement of the Planning Authority a structural report demonstrating the proposed development would not impact on the stability and integrity of adjoining lands, property and common boundary walls.

7.5. Impact on the Draw of the Chimney of the Neighbouring Property to the North

7.5.1. The appellants express concern that the bulk and mass of the proposed development would reduce or eliminate the draw of the chimney on appellant's dwelling. For this

reason, the appellants consider the proposed development should maintain the existing building line of the street.

- 7.5.2. As detailed above, the existing premises is built right up to the northern boundary of the site and maintains a setback of 4 metres from the southern side elevation of No. 2 Kilskyre Road. The proposed 3 storey Block B would maintain a separation distance of 11.4m from the southern side elevation of No. 2 Kilskyre Road and would extend 8 metres forward of the front building line of No. 2. Give the proposal would increase the separation distance between both properties by 8 metres, and in the absence of substantive evidence to demonstrate otherwise, I don not consider the proposed development would reduce or eliminate the draw of the chimney of No. 2 Kilskyre Road, as put forward by the appellant. On this basis, I recommend that the appeal should not be upheld in relation to this issue.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the absence of a clear direct pathway to the nearest European sites, the River Boyne and River Blackwater SAC (Site Code 002299) and the Lough Shesk Proposed Natural Heritage Area (Site Code: 000556), no Appropriate Assessment issues arise and it is not considered that the development to be retained would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

9.0 **Reasons and Considerations**

- 9.1.1. Having regard to the provisions of the Westmeath County Development Plan 2021-2027, the predominantly 'Mixed Use' zoning of the site, the pattern of development in

the area, and the layout and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 01st day of July 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission relates to the construction of 10 no. two-bedroom terraced houses, 2 no. two bedroom semi-detached houses, 2 no. one bedroom duplex units, 1 no. two bedroom duplex unit, 3 no. commercial units and a multi-purpose community building, in accordance with the revised plans and particulars submitted to Planning Authority on the 01st day of July, 2021.</p> <p>Reason: In the interest of clarity</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

4.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Prior to commencement of development, the developer shall submit for the agreement of the Planning Authority a structural report demonstrating the proposed development would not impact on the stability and integrity of adjoining lands, property and common boundary walls.</p> <p>Reason: In the interest of residential amenity of adjoining property.</p>
6.	<p>The first floor window on the northern elevation of Unit 17 shall be glazed with obscure glass.</p> <p>Reason: To prevent overlooking of adjoining residential property.</p>
7.	<p>Details of all boundary treatments shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>The wall along the northern boundary, forward of the front building line of neighbouring dwelling No. 2 Kilskyre Road shall comprise a 1m high wall, capped and rendered on both sides.</p> <p>Reason: In the interests of visual and residential amenity.</p>
8.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points.</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p>
9.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with,</p>

	the planning authority prior to commencement of development. Reason: In the interest of visual amenity.
10.	<p>A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>The landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>Proposals for the development name and numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development</p>

	<p>shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.</p>
13.	<p>Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the amenities of the area/visual amenity.</p>
14.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
16.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

17.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.</p> <p>Reason: In the interest of wildlife protection.</p>
18.	<p>A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery (which shall not be within the areas designated for tree protection) and for storage of deliveries to the site.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
19.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of residential amenity and public safety.</p>
20.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p>

	<p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended and of the housing strategy in the development plan for the area.</p>
21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
--	--

Brendan Coyne
Planning Inspector

30th November 2021