



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311905-21

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<b>Development</b>	Demolition of existing single storey dwelling and the erection of 9 no. two-storey houses and all ancillary site works.
<b>Location</b>	Manorland, Newhaggard Road, Trim, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	21570.
<b>Applicant(s)</b>	Cranwood Homes.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	1. Marina Cantwell. 2. Manorlands Estate Residents Association.
<b>Observer(s)</b>	1. Leonie Simpson. 2. Clodagh Connon.

**Date of Site Inspection**

2<sup>nd</sup> day of April, 2022.

**Inspector**

Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. The appeal site has a rectangular shape with a stated area of 0.22ha. It is located in the western fringes of Trim, in County Meath, with road frontage onto Newhaggard Road (R161) on its northern boundary. It is located c1km by road from where the R161 crosses the Boyne River in the heart of this historic settlement.
- 1.2. The site contains a vacant bungalow that is setback from the Newhaggard Road by a small pocket of green open space and a drive. This green space contains a mature ornamental tree with this space, the open space to the side and rear being unkempt and overgrown.
- 1.3. There are two vehicle entry points on the site's northern boundary in between which is a low boundary wall. These open onto the Newhaggard Road in close proximity to the sole entrance that serves the adjoining Manorland Estate which wraps around the southern and western boundary of the site.
- 1.4. Adjoining the site to the east is a single storey detached property. The boundary in between these two properties includes mature evergreen trees which in part overhang onto the eastern portion of the site.
- 1.5. The western boundary of the site aligns with the main access road that serves the adjoining residential development of Manorlands. In between which is a linear in shape pocket of green space. The aforementioned boundary consists of a tall c2m in height solid concrete wall finished in painted dash on the Manorland estate side. This boundary is undashed on its eastern side. The linear pocket of open space consists of lawned grass, a number of ornamental trees and a pedestrian that also provides connection onto Newhaggard Road.
- 1.6. To the south the site is bound by three pairs of two storey semi-detached dwellings (Note: No.s 26 to 31 Manorlands Close). The rear boundary consists of a tall solid boundary concrete wall with the rear facades of these semi-detached pairs having a northerly orientation facing onto their rear private amenity space and the southern boundary of the site which appears to be the principal boundary separating the site from these properties. In proximity to the southern boundary and located in the rear gardens of these adjoining properties are shared detached gable shaped single storey shed structures.

- 1.7. The site has an edge of settlement character with the land to the immediate west of the Manorlands estate merging into predominantly agricultural land and more sporadic and fragmented development including a proliferation of one-off dwellings and a number of farmsteads.
- 1.8. To the east of the site the predominant land use is residential and as one journeys further along the R161 there are a number of other land uses present including access to the GAA complex of buildings and spaces.

## 2.0 Proposed Development

2.1. Planning permission is sought for a development comprising of:

- Demolition of existing single storey dwelling.
- Construction of 9 no. 2-storey houses comprising of 3 no. detached houses with habitable attic spaces and each with private entrance onto Newhaggard Road and 6 no. terrace 2-storey houses with single access onto the main Manorland access road which provides connection to Newhaggard Road.
- Lowering of an existing site boundary wall along Manorland access road and modifications to the adjoining grass verge.
- All ancillary site works and connections to existing public services.

2.2. According to the planning application form the existing bungalow on site has a gross floor area of 143.17m<sup>2</sup>; the gross floor area for demolition is 143.17m<sup>2</sup> and the gross floor area of proposed works is 1,235.25m<sup>2</sup>. It also indicates that a new connection to the public mains and public sewer is proposed. It further indicates that the proposed means of surface water disposal is via the public sewer.

2.3. **Further information** was submitted on this application by the applicant on the 3<sup>rd</sup> day of September, 2021 and, on foot of the Planning Authority deeming that this response to be significant in the nature of the revisions new public notices were sought with these submitted by the applicant on the 16<sup>th</sup> day of September, 2022.

2.4. The proposed development has been redesigned so that the volumes of traffic accessing the New Haggard Road from one location is reduced. It shows three of the dwellings fronting onto this road with each served by an individual entrance onto the Newhaggard Road. It shows six dwellings accessed from an entrance onto the main

access road serving the Manorland residential scheme. With these consisting of a semi-detached pair each with three bedrooms and a terrace group of four containing two bedrooms and two three bedrooms. Each being two storeys in their overall height. It shows the provision of this entrance would require the removal of two trees and the entrance would be accompanied by lowering of the existing western boundary wall from 2m to 1m in height on either side of this proposed entrance.

- 2.5. The drawings show that the three detached dwellings are two and a half storeys in height due to them containing four bedrooms with the fourth bedroom provided at attic level.
- 2.6. The drawings also show the redline site area has moved westwards to encompass the land between the roadside verge of the main access road and the 2m western boundary that currently defines the curtilage of the dwelling on site. Essentially it has expanded to include the linear pocket of green space and the pedestrian footpath that runs through it in a north south direction. Accompanying this submission is a letter of consent from Meath County Council who are the owners of this land.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. By order dated the 13<sup>th</sup> day of October, 2021, the Planning Authority granted permission subject to 30 no. conditions including but not limited to:

Condition No. 2: Restricts the unit number and use.

Condition No. 3(a) & (b): Clarifies the external finish and design detail as well as the roof structure over.

Condition No. 4: Clarifies boundary treatment.

Condition No. 5: Restricts first occupation of the dwellings.

Condition No. 6: Sets out the requirements of the Transportation Section.

Condition No. 7: Sets out the requirements of the Water Services Section.

Condition No. 8: Requires prior connection agreement with Irish Water.

- Condition No. 9: Requires compliance with 'Meath County Councils: Public Lighting Technical Specification & Requirements' document.
- Condition No. 11: Requires submission of a Waste Management Plan.
- Condition No. 12: Requires submission, agreement and compliance with a Construction and Environmental Management Plan.
- Condition No. 13: Relates to the protection of trees to be maintained.
- Condition No. 14: Sets out landscaping requirements.
- Condition No. 15: Sets out broadband requirements.
- Condition No. 17: Relates to 'Taking in Charge'.
- Condition No. 19: Relates to public open space.
- Condition No. 20: Sets out Waste requirements.
- Condition No. 22: Requires provision of off carriageway parking facilities during construction and does not permit parking along the public road.
- Condition No. 24: Sets out the requirements for waste management and disposal during construction.
- Condition No. 25: Sets out Part V compliance.
- Condition No. 26-28: Financial Contributions.
- Condition No. 29: Security Deposit.
- Condition No. 30: Requires payment of a sum of €200 per residential unit as a contribution towards the expenditure to be incurred by the Planning Authority for monitoring the construction phase of the development.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **final Planning Officer's report**, dated the 13<sup>th</sup> day of October, 2021, is the basis of the Planning Authority's decision and it generally considers that the applicants

further information response satisfactorily deals with the items set out in the further information response. It includes the following comments:

- The access road through 'F1' zoned land is not considered to materially contravene the overall zoning objectives for the subject open space at this location and is considered to be acceptable.
- The revised drawings show that the proposed development achieves the required sightlines for entrances onto public roads at this location.
- The revised design has increased the private open space of each dwelling in a manner compliant with the Development Plan.
- The revised layout shows the existing landscaped 'F1' zoned lands incorporated into the site as public open space. No objection is raised to this.
- The reduction of the 2m boundary wall adjoining the open space provision is deemed to be acceptable.
- The revised site layout plan now clearly identifies bin storage areas within the scheme.
- The applicant's contention that no further landscaping is proposed within the site is not acceptable.
- The applicant's response to the third-party observations received is deemed acceptable.
- No AA or EIA issues arise.
- Section 48 Contributions are applicable.
- Proposed development would not give rise to serious amenity impacts.
- Proposed development is in accordance with the proper planning and sustainable development of the area.
- Concludes with a recommendation to grant permission.

The **initial Planning Officers report**, dated the 19<sup>th</sup> day of May, 2021, concluded with a request for further information. This request can be summarised as follows:

Item No. 1:               Seeks justification of the suitability to access six units through an area currently zoned as 'F1 – Open Space'.



- Item No. 2: Seeks revised Site Location Maps and Site Layout Plans clearly showing the entirety of the proposed development including access to Units 4 to 9 as well as sightlines from within the boundary of the site.
- Item No. 3: Requires private open space to meet Development Plan standards.
- Item No. 4: Requires the provision of 15% of the total site area as public open space and with this provided within the site boundary.
- Item No. 5: Revised Site Layout Plans sought clearly showing appropriate bin storage for the proposed units.
- Item No. 6: Requires a detailed landscaping scheme.
- Item No. 7: Requires various details of boundary treatments.
- Item No. 8: Requires the Transportation Departments additional information request to be addressed.
- Item No. 9: Requires the Water Services additional information request to be addressed.
- Item No. 10: Requires the proposed landscape design to take into consideration the public lighting design and requires the public lighting design to accord with the Councils requirements.
- Item No. 11: Raises concerns that no plans for the delivery of telecommunications services is included to serve the proposed dwelling units.
- Item No. 12: Seeks a response to the third-party submissions received.
- Item No. 13: Deals with the matter of new Public Notices.

### 3.2.2. Other Technical Reports

**Transportation:** Final Report (12<sup>th</sup> day of October, 2021). No objection, subject to safeguards.

**Broadband Officer:** Final Report (28<sup>th</sup> day of September, 2021). No objection, subject to safeguards.

**Water Services:** Final Report (21<sup>st</sup> day of September, 2021). No objection, subject to safeguards.

**Public Lighting:** Final Report (15<sup>th</sup> day of September, 2021). No objection, subject to safeguards.

**Housing Section:** Report (19<sup>th</sup> day of April, 2021), sets out that there are no Part 5 requirements on the site.

### 3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** No objection, subject to safeguards.

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

3.4.1. During the course of the Planning Authority's determination of this planning application they received 8 no. observations. The main issues raised in these submissions include:

- Traffic and road safety concerns.
- Excessive number of dwellings proposed/overdevelopment of the site.
- Potential to add to the existing foul drainage issues at this location.
- Boundary and Landscaping concerns.
- Use of open space amenity in the Manorlands estate is objected to.
- The proposed development would diminish established residential amenity by way of overlooking and noise nuisance.
- This development would exacerbate existing on-street car parking issues in Manorlands. In turn would conflict with the movement of larger vehicles in the estate.

## 4.0 **Planning History**

### 4.1. **Site & Setting – Recent and Relevant Planning History**

4.1.1. None.

## 5.0 Policy & Context

### 5.1. National

- The ***National Planning Framework - Project Ireland 2040***, (NPF), published in 2018, is the Government's plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.
- **Climate Action Plan, 2019.**
- **National Development Plan, 2021 to 2030.**
- **Housing for All – A New Housing Plan for Ireland to 2030, 2021.** Like other national policy provisions this targets settlement centre growth first and seeks regeneration of cities, towns, and villages.
- **Section 28 Ministerial Guidelines:** The following Section 28 Ministerial Guidelines are relevant:
  - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
  - Design Manual for Urban Roads and Streets.
  - Urban Development and Building Heights – Guidelines for Planning Authorities.
  - The Planning System and Flood Risk Management (including associated Technical Appendices).
  - Quality Housing for Sustainable Communities: Best Practice Guidelines for Sustainable Communities.
  - Regulation of Commercial Investment in Housing.

## 5.2. Regional

- 5.2.1. The **Eastern and Midland Regional and Spatial Economic Strategy**, which came into effect in 2019, builds on the foundations of Government policy in Project Ireland 2040, which combines spatial planning with capital investment. Chapter 4 (People & Place) sets out a settlement hierarchy for the Region and identifies the key locations for population and employment growth. It includes Dublin City at the top of the settlement hierarchy. This strategic plan seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and sets out 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans.

## 5.3. Local

- 5.3.1. The Meath County Development Plan, 2021-2027, is applicable, under which the main portion of the site is zoned '*A1- Existing Residential*'. The stated land use objective for such land is: "*to provide for and improve open space for active and passive recreational amenities*".
- 5.3.2. The core strategy is set out under Chapter 2 of the Development Plan.
- 5.3.3. Chapter 2 of the Development Plan (Note: 2.10.2) states: "*as part of the policy of promoting consolidation and compact growth, future growth in the Core Area will be concentrated in the higher tier settlements in the hierarchy*". In a manner consistent with RSES in respect of Trim as a 'Self-Sustaining Growth Town' it states that: "*there will be a focus on consolidation and the provision of employment opportunities in tandem with population growth in order to allow these centres to become self-sufficient. The availability of infrastructural services and community infrastructure will also be an important factor in determining the quantum of new housing and population growth that these settlements could absorb*".
- 5.3.4. Table 2.12 of the Development Plan sets out the household allocation for the settlement of Trim between 2020 to 2027 is 1,333 units.
- 5.3.5. Development Plan objective CS OBJ 9 sets out that the Council will prepare a new local area plan for Trim within the lifetime of the plan.

- 5.3.6. Section 3.2 of the Development Plan sets out the ‘Settlement and Housing Strategy Vision’ as follows: *“to facilitate the sustainable growth of the towns and villages throughout the County by promoting consolidation and compact development in an attractive setting that provides a suitable mix of housing supporting amenities and ensuring co-ordinated investment in infrastructure that will support economic competitiveness and create a high quality living and working environment”*.
- 5.3.7. Section 3.4.1 of the Development Plan sets out that the County’s settlement strategy plan has been realigned with the NPF and RSES including in terms of placemaking, compact growth, active land management, and addressing the impact of climate change. It also states that there *“is also an underlying objective to create attractive and ‘liveable’ environments where more people will choose to live”*. In addition, it indicates that this Plan will follow the following principles in its approach to urban development:
- Strengthening urban structures.
  - Encouraging population growth in strong employment and service centres of all sized.
  - Reversing the stagnation or decline of smaller urban centres, by identifying and establishing new roles and functions and enhancement of local infrastructure and amenities.
  - Addressing the legacy of rapid unplanned growth.
  - Supporting a continuation of balanced population and employment growth in self-contained settlements.
- 5.3.8. The settlement hierarchy for Meath is set out in Table 3.4 of the Development Plan under which Trim is listed as a ‘Self-Sustaining Growth Town’.
- 5.3.9. Section 3.4.8 of the Development Plan, in relation to ‘Self-Sustaining Growth Towns’, sets out that these have the capacity to accommodate additional growth on a sustainable platform and that they have the capacity to absorb significant population growth.
- 5.3.10. The following policies and objectives in the Development Plan are relevant:

- SH POL 1: *“To ensure that all settlements, in as far as practicable, develop in a self-sufficient manner with population growth occurring in tandem with the provision of physical and social infrastructure”.*
- SH POL 2: *“To promote the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands in preference to edge of centre locations”.*
- SH POL 4: *“To promote social integration and the provision of a range of dwelling types in residential developments that would encourage a mix of tenure”.*
- SH POL 5: *“To secure a mix of housing types and sizes, including single storey properties, particularly in larger developments to meet the needs of different categories of households”.*
- SH POL 7: *“To encourage and foster the creation of attractive, mixed use, sustainable communities that include a suitable mix of housing types and tenures...”.*
- SH POL 8: *“To support the creation of attractive residential developments with a range of housing options and appropriate provision of functional public and private open space that is consistent with the standards and principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the associated Urban Design Manual – A Best Practice Guide, DEHLG (2009) and any subsequent Guidelines”.*
- SH POL 9: *“To promote higher residential densities in appropriate locations...”.*
- SH OBJ 2: *“To ensure that sufficient zoned lands are available to satisfy the housing requirements of the County over the lifetime of the Plan.”*
- SH OBJ 3: *“To ensure the implementation of the population and housing growth allocation set out in the Core Strategy and Settlement Strategy.”*

5.3.11. Section 3.8.9 of the Development Plan sets out the Design Criteria for residential development and it sets out that: *“well designed residential developments can make*

*a significant contribution to the creation of an attractive urban environment where people want to live, work, and socialise*". It indicates that innovative design approaches are encouraged and that new buildings should be designed to take account of the potential implications of climate change. In respect to new developments, it advocates that these should include a suitable mixture of house types that will support the creation of a sustainable community; that the principles of good design should be embraced; and, that principles of universal design that support optimal design and layout of buildings as well as neighbourhoods that cater for all age groups.

5.3.12. Chapter 11 of the Development Plan sets out the Development Management Standards and the Land Use Zoning Objectives.

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

5.4.1. The site lies c494m to the south of the River Boyne & River Blackwater SAC (Site Code: 002299) and c524m also to the south of the River Boyne & River Blackwater SAC (Site Code 004232) at its nearest point.

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

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

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

5.5.2. Under this application it is proposed to demolish one dwelling and construct 9 dwelling units. This number of residential units falls significantly below the threshold of the 500 dwelling units noted above. The site has a given 0.220ha site area. It is a brownfield backland site containing one vacant dwelling unit served by a tarmac driveway and two entrance points onto the public road. It is also served as well as public mains

water and foul drainage. The land between the site and the nearest Natura site consists of developed suburban serviced land. With this including residential estates (Note: The Gallops and Gallows Hill), recreational (Note: the associated buildings and mainly spaces of Trim GAA Complex) and bounding the Trim GAA complex and at the furthest north prior to the boundary of the River Boyne & River Blackwater SAC is agricultural land.

- 5.5.3. The demolition of the existing dwelling which is a modest bungalow in its built form setback from the road and the introduction of the proposed 9 residential units would not have an adverse impact in environmental terms on surrounding land uses, nor would it have an adverse impact in environmental terms on adjoining and immediate neighbouring zoned land in between the site and the nearest Natura 2000 site is serviced as well as is developed.
- 5.5.4. The site and its setting are not designated for any cultural and/or built heritage merit.
- 5.5.5. The proposed development is not likely to have a significant effect on any Natura 2000 site, in particular the River Boyne & River Blackwater SAC/SPA whose boundaries overlap one another at their location to the north of the site. There is no hydrological connection between the site and these Natura sites or any other such sites.
- 5.5.6. The proposed development would not give rise to waste, pollution or nuisance that differ significantly from that arising from other developments in this urban context.
- 5.5.7. The proposed development would not give rise to a risk of major accidents or risks to human health.
- 5.5.8. The proposed development would use the public water and drainage services, with no objections or capacity issues raised as a concern by Irish Water or by Meath County Council. Therefore, its effects on water and drainage would not be significant or such that would raise any substantive concern.
- 5.5.9. Having regard to:
  - The nature, scale and extent of the proposed development sought under this application which is under the mandatory threshold in respect of Class 10 – Infrastructure Projects of the Planning & Development Regulations, 2001, as amended.



- The location of the site on lands that are residentially zoned 'A1 – Existing Residential' under the Development Plan. The type of development sought under this planning application is deemed to be generally deemed to be acceptable on land zoned 'A1' under the Development Plan, subject to safeguards.
- The planning history and pattern of development of the site setting.
- The brownfield serviced nature of the site and its setting.
- The remote location of the serviced site from any sensitive locations specified under Article 109 of the Planning & Development Regulations, 2001, as amended, the built-up nature of the landscape in between.
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' issued by the DoEHLG, 2003.

I have concluded that by reason of the nature, scale, extent, location, and site context that the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not deemed necessary in this case.

## 5.6. Built Heritage

- 5.6.1. The site lies c287m to the north west of National Monument ME-10635 (Note: 'ENCL') and with the land in between mainly comprised of the Manorlands residential estate.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The Board received the following two Third Party appeals:

- 1) Marina Cantwell, on the 9<sup>th</sup> day of November, 2021.
- 2) Manorlands Estate Residents Association, on the 9<sup>th</sup> day of November, 2001.

For clarity purposes and to avoid repetition I have summarised the substantive issues raised in each of these appeal submissions collectively as follows:

- The Planning Authority have not considered the Third-Party submissions received by them in their determination of this planning application.
- No representation was ever made by the First Party prior to or during making of this planning application.
- The access serving Manorlands estate serves 139 houses or thereabouts and not the 80 dwellings contended by the applicant.
- Manorlands estate was developed approximately 20 years ago. The initial plans included two access routes with one way flow traffic in many areas. It is contended that the Council have failed to complete the second access and there are no active plans for this access. Additional traffic onto the sole access serving this existing estate is objected to as it has the potential to give rise to further hazards for road users.
- The car parking along the estate road restricts the width of this road in places for the safe movement of two cars travelling in either direction.
- Emergency service vehicles currently have difficulty accessing dwellings within this estate due to the existing situation with ad hoc on street car parking.
- Many school buses collect and drop off children within this estate. Most consist of mini buses, but one consists of a full-sized coach.
- It is incorrect of the applicant to state that all roads, services, and greens are completed within the Manorlands estate.
- This development would conflict with not only vehicular movement along the estate road it would also interrupt and hinder the free flow of pedestrians along the footpath for which access to serve dwellings within this new residential scheme are proposed.
- This development would also impact on the safe movement of vulnerable road users.
- A number of vehicular accidents have been observed near one of the appellants homes.

- Lowering the boundary wall to Manorlands estate would reduce privacy and increase noise. For these reasons this component of the proposed development is objected too.
- The proposed development would give rise to depreciation of property value.
- The proposed development would give rise to overshadowing of properties in its vicinity. With this diminishing these properties amenities.
- The Manorlands estate properties adjoining the site have small rear private amenity spaces and the proximity of the proposed dwellings could impact on their future potential for being extended.
- Manorlands estate is a separate development and open space amenity within it should not be reliant upon to serve other developments like that proposed.
- The applicant was required to provide open space within the redline area and not outside of it. Yet this is what they proposed by way of their further information response.
- The absorption of the western boundary green area of the Manorlands estate into the proposed development sought under this application is objected to.
- The Council's Transportation Department have not provided comments on the further information response.
- No financial compensation or improvements have been offered to the effected homes by this development despite the conditions requiring payment of financial contributions and the like to the Planning Authority.
- The hours of construction works are excessive and place an undue burden on residential amenities of properties in its vicinity. .
- Concern is raised that no provisions have been made for the timely removal of debris.
- The removal of trees from Manorland estate is not supported.
- No construction parking should be permitted on the public road of any type.

## 6.2. Applicant Response

6.2.1. The First Party's response can be summarised as follows:

- The decision of the Planning Authority to grant planning permission for the proposed development as revised is noted.
- The site is connected to the heart of Trim by pedestrian footpaths.
- There are bus stops within walking distance of the site.
- The proposed development will not give rise to any adverse traffic impacts and will not endanger public safety by reason of a traffic hazard.
- The proposed development has been carefully designed to protect residential and visual amenities of the area.
- Each dwelling unit would be served by generous private amenity space and would benefit from the existing tree lined public open space which would be protected and retained.
- The provision of separate entrance onto the Newhaggard Road for three dwelling units reflects the pattern and grain of development along this road. The remaining six would be served by the Manorland estate road. This dual access to accommodate this development was designed specifically to reduce the volume of traffic accessing the scheme via Manorlands estate road. In addition, there is 48m setback from the Manorlands estate road entrance onto the Newhaggard Road and this development is situated within the 50kmph posted speed limit of the town.
- It is not accurate to state that each dwelling would be served by one car parking space when two car parking spaces are proposed for the dwelling units sought under this application.
- This scheme has been designed to promote traffic safety and that no endangerment would arise on existing road users, including vulnerable road users.
- There is ample space for manoeuvring vehicles provided within the curtilage of the proposed development to ensure that vehicles would not reverse out onto the public road. In addition, there is also adequate space to allow for the turning movements of fire tenders and emergency service vehicles.

- Final details of road and footpaths are to be agreed in writing under Condition No. 6 of the Planning Authority's notification to grant permission.
- The issue with regards to the delivery of a secondary access to serve the Manorlands residential scheme is a separate issue.
- The traffic generated by the GAA grounds and cemetery are not an uncommon issue in Irish towns and villages. These require active traffic management measures and do not preclude the provision of residential development on residentially zoned land.
- The proposed development would only give rise to a modest increase in traffic generation.
- The proposed net density is too high for this site. The density proposed provides greater efficiency of land usage whilst at the same time is respectful of its context.
- The 22m lateral separation distance between opposing first floor level windows is achieved to the rear of the properties proposed and the existing properties in their vicinity.
- The original scheme comprised of 10 no. dwelling units, and this was reduced following pre-planning discussions with the Council with further improvements made to the proposal after submission by way of the schemes redesign on foot of a further information request.
- The site occupies serviced land, and the town has capacity for 812 dwelling units under the Development Plan.
- This scheme has been redesigned to provide the required 15% of public open space and the main principal of the public open space provided within this scheme is to make a positive contribution to the streetscape.
- The reduction of the 2m in height boundary wall to 1m would ensure that the proposed development would provide for improved passive surveillance as well as would visually integrate in an appropriate manner with the existing Manorland residential scheme.
- The landscaping scheme maintains many of the existing trees and it is of a high quality.

- In relation to nuisances arising during the construction phase it is required under Condition No. 6 of the Planning Authority's notification to grant permission that a Construction Management Plan shall be agreed prior to commencement. This plan will provide environmental and traffic management measures to be implemented on site to prevent any potential adverse impacts arising on residential amenities.
- It is not accepted that this development would adversely affect the sewage system in the area.
- It is not a requirement for a valid planning application to have public consultation with local residents and the planning permission process provides ample opportunity for third parties to make observations.
- There is no evidence to support that the proposed development, if permitted, would give rise to any devaluation of property values.
- The proposed development accords with the proper planning and sustainable development of the area and therefore should be granted permission.

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

6.3.1. The Planning Authority's response can be summarised as follows:

- No new issues raised.
- No objection is raised to modifications to the hours of construction.
- No objection to the provision of cleaning of the Manorland Estate Road by the developer or to work related vehicle parking being restricted in the Manorland Estate.
- The Board is referred to their Planning Officer's reports.
- The Board is requested to uphold its decision to grant permission.

### 6.4. **Observations**

6.4.1. On the 9<sup>th</sup> day of November, 2021, the Board received an observation from Clodagh Connon, which can be summarised as follows:

- At no time did the applicants or their representatives contact her or anyone living in the Manorland Estate to discuss the proposed development and any of their concerns.
- The two separate Third Party appeals are supported by the observer.
- The proposed development has the potential to exacerbate issues arising from on-street car parking.
- The proposed development has the potential to give rise to devaluation of her property.
- The proposed development would block sunlight to the rear of her property.
- The reduction in height of the boundary wall to 1m is objected too as it would give rise to reduced public open space, privacy, and noise issues.
- It is unreasonable for the proposed development to acquire part of the Manorland residential schemes open space and to include it into the site area for this development.
- The construction works would result in adverse nuisance and would diminish their residential amenity.
- No works should occur on Saturdays and construction works should be restricted to Mondays to Fridays.
- The removal of trees is not supported.
- The use of the estate for parking of vehicles associated with the construction works is objected too.

6.4.2. On the 9<sup>th</sup> day of November, 2021, the Board received an observation from Leonie Simpson, which can be summarised as follows:

- No contact was made by the applicants or their representatives in relation to the proposed development.
- The appellants appeal submissions are supported.
- It is contended that the observer has seen many accidents near her home mainly resulting from cars parked impairing full visibility of the road.
- Children cycle, run, skate and the like on the road.

- There are many cars parked on the roads near their property and within this estate. If this development is permitted this would be further exacerbated.
- The proposed development would result in a devaluation of her property.
- The proposed development would result in diminished light and would give rise to privacy concerns.
- The reduction in height of the boundary wall to 1m is not supported for amenity, privacy and noise reasons.
- It is not reasonable that open space forming part of the Manorland estate would be acquired as part of this development.
- Construction works should be restricted to Monday to Fridays only.
- The parking of vehicles associated with the construction works is objected too.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. I have reviewed the proposal in the light of relevant national, regional, and local planning provisions and guidelines, I have also had regard to the planning history and pattern of development of the site and it's setting together with the submissions of all parties in this appeal case. In addition, I have carried out an inspection of the site and its immediate setting. Accordingly, I propose to assess this appeal case under the following broad headings:

- Principle of the Proposed Development Sought.
- Density, Design and Site Layout.
- Residential Amenity Impact.
- Traffic and Transportation.
- Services.
- Screening for Appropriate Assessment.
- Other Matters Arising.



- 7.1.2. Prior to commencing my assessment of the development sought under this application, I note, that the proposed development sought under this application was subject to a request for further information by the Planning Authority during its determination. The applicant submitted their response to this request on the 3<sup>rd</sup> day of September, 2021, and subsequent to this they provided new public notices upon the request of the Planning Authority on the 16<sup>th</sup> day of September, 2021.
- 7.1.3. I consider that the revisions made by the applicant as part of their further information response include qualitative improvements to the proposed residential scheme.
- 7.1.4. In particular they include improvements to the access arrangements serving the proposed dwelling units sought onto the public domain of Newhaggard Road and the adjoining main access route serving the Manorland residential scheme.
- 7.1.5. The revisions also include improvements to the landscaping and boundary treatments as well as seeks to provide the 15% open space requirement sought under the Development Plan operative at the time this submission was made.
- 7.1.6. Therefore, as the applicant's further information response includes qualitative improvements to the proposed development over that initially sought, for clarity my assessment below is based on the proposed development as revised.
- 7.1.7. Finally, for clarity I note that this planning application was assessed by the Planning Authority in accordance with the policies and objectives of the Meath County Development Plan 2013-2019, with the decision order dated the 13<sup>th</sup> day of October, 2022. Subsequent to the Planning Authority's decision on this application the Meath County Development Plan, 2021-2027, came into effect on the 3<sup>rd</sup> of November, 2021. I further note in relation to local planning provisions that the most recent Trim Development Plan, 2014 to 2020, became redundant with the adoption of this plan, with its planning policy and zoning provisions incorporated into this plan. Therefore, my assessment below is based on the provision of this recently adopted Development Plan alongside all relevant regional to national planning policy provisions and guidance.

## **7.2. Principle of the Proposed Development**

- 7.2.1. By way of this application planning permission is sought for the demolition of an existing single storey dwelling, which I consider is afforded no specific protection and

I consider it is of no architectural or other merit, and the erection of 3 detached two and a half storey dwellings; a two storey semi-detached pair and a two-storey terrace group of four dwellings together with all associated site works and services.

- 7.2.2. Chapter 2 of the Development Plan (Note: 2.10.2) which sets out the Development Plans core strategy states: *“as part of the policy of promoting consolidation and compact growth”* and that in a manner consistent with RSES in respect of Trim as a ‘Self-Sustaining Growth Town’ it states that: *“there will be a focus on consolidation and the provision of employment opportunities in tandem with population growth in order to allow these centres to become self-sufficient. The availability of infrastructural services and community infrastructure will also be an important factor in determining the quantum of new housing and population growth that these settlements could absorb”*.
- 7.2.3. The site and its setting are zoned in their entirety ‘A1 - Existing Residential’ land under the Meath County Development Plan, 2021-2027, (Note: Sheet No. 28(a)) and according to Section 11.14.6 of the said Plan the land use objective for such lands is: *“to protect and enhance the amenity and character of existing residential communities”*.
- 7.2.4. I note to the Board that this includes the land in the amended red line area submitted with the applicants further information response which bound a long linear strip of previously zoned open space zoned land in public ownership upon which access onto Manorlands main estate road was proposed.
- 7.2.5. This section of the Development Plan also provides the following guidance: *“lands identified as ‘Existing Residential’ are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area”*.
- 7.2.6. In addition, Section 3.4.1 of the Development Plan sets out that the County’s settlement strategy plan has been realigned with the NPF and RSES. With this including in terms of placemaking, compact growth, active land management, and addressing the impact of climate change.

- 7.2.7. This section of the Development Plan also indicates that this Plan will follow a number of stated principles in its approach to urban development including strengthening urban structures through to supporting a continuation of balanced population and employment growth in self-contained settlements.
- 7.2.8. In this regard, I note that the settlement hierarchy for Meath is set out in Table 3.4 of the Development Plan under which Trim is listed as a 'Self-Sustaining Growth Town'. With Section 3.4.8 of the Development Plan, in relation to such settlements setting out that they have the capacity to accommodate additional growth on a sustainable platform and that they have the capacity to absorb significant population growth.
- 7.2.9. There are a number of Settlement Strategy Policies contained in the Development Plan including but are not limited to SH POL 2 which states that the Council will seek: *"to promote the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands in preference to edge of centre locations"*.
- 7.2.10. The subject site is an existing serviced brownfield residential site that forms part of a larger area of urban land similarly zoned and located within the western periphery of Trim's settlement boundaries.
- 7.2.11. In addition to this the existing predominant land use, character, and pattern of development in relation to the site's peripheral location within the settlement boundaries of Trim is residential with this location being highly accessible without the need for a car to the various services, infrastructure, retail, amenities and also employment opportunities.
- 7.2.12. When this is considered together with the prominent and visible location of this unkempt vacant site as appreciated from the R161 (Newhaggard Road). Which I acknowledge is one of the key entry roads into the settlement. As well as the latent potential of this residentially zoned site for more efficient provision of residential development given its size and location within the settlement boundaries. I consider that the proposed development sought under this application is consistent with this Development Plan policy, in particular its core settlement strategy, which is consistent with regional and national planning provisions and guidance. In that they correlate with one another by way of advocating that residential developments should be

channelled to appropriate locations within settlements where they can be sustainably provided and where they can give rise to consolidation of more compact urban forms.

- 7.2.13. In relation to the regional planning provisions, the Eastern and Midland Regional and Spatial Economic Strategy is of relevance to this application.
- 7.2.14. This regional strategic plan includes RSO 2 Compact Growth and Urban Regeneration seeks the promotion of making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the region's citizens.
- 7.2.15. In relation to national planning provisions of particular relevance is the National Planning Framework - Project Ireland 2040, and National Strategic Outcome 1 (Compact Growth), which sets out that the national planning focus is on pursuing a compact growth policy at national, regional, and local level.
- 7.2.16. In addition, it indicates from an urban perspective, the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages, to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.
- 7.2.17. Of further note, the NPF, under Chapter, No. 6, which is entitled: 'People Homes and Communities', includes 12 objectives. Amongst which includes: Objective 27 which seeks to: "*ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages*"; Objective 33 which seeks to: "*prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location*"; and Objective 35 which seeks to: "*increase residential densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*".
- 7.2.18. Based on the above considerations I am satisfied that the principle of the proposed development, i.e. the demolition of the existing a dwelling house of no identified merit as well as a dwelling whose site and curtilage in its current condition contributes little to the vibrancy of entry into the settlement of Trim from the R161 and the construction

of a residential scheme of 9 dwelling units on an underutilised as well as serviced site, is generally acceptable subject to safeguards.

### **7.3. Density, Design and Site Layout.**

- 7.3.1. *Density:* The Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009), promote the principle of higher densities in urban areas, and I am cognisant that it remains a Government policy to promote sustainable patterns of urban settlement under the NPF, particularly higher residential densities in suitable locations alongside facilitating residential development in a manner that accords with the proper planning and sustainable development at appropriate serviced sites within settlements.
- 7.3.2. In addition, Section 5.7 of the Guidelines deal with the matter of 'Brownfield' lands and recognise that these particularly where they are close to existing or future public transport corridors, can represent an opportunity for their redevelopment at higher densities, subject to safeguards expressed in these guidelines.
- 7.3.3. The safeguards include but are not limited to compliance with the policies of public and private open space adopted by development plans, avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours through to conformity with any vision of the urban form of the town or city as expressed in development plans.
- 7.3.4. Section 11 of the Guidelines is also of note as it deals with the matter of 'Outer Suburban' lands. Of concern in relation to this type of location is the potential for such locations to require the provision of new infrastructure.
- 7.3.5. In this instance due to the land being serviced with capacity within the existing public infrastructure to meet the water and foul drainage together with the site being bound by two public roads. These are the R161 that bound the northern boundary of the site and the main access road contained within the Manorlands estate that bounds the revised western boundary of the site. The provision of other infrastructure relates to meeting the needs internally within the site to serve the proposed dwellings.
- 7.3.6. With this including but not being limited to surface water, internal roads and parking, broadband, public lighting through to the provision of landscaping on land outside of the proposed independent plots that would be created to accommodate the nine

dwelling units proposed. As such I consider that the connection to infrastructure and the provision of infrastructure is not a substantive issue within the context of the site and its setting.

- 7.3.7. Section 11 of the Guidelines also note that studies have indicated that the greatest efficiency in land usage on such lands will be achieved by providing a net residential density in the general range of 35 to 50 dwellings per hectare and such densities should involve as well as be encouraged to provide variety of housing types where possible.
- 7.3.8. It also states that: *“development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares”*.
- 7.3.9. I note that the site area involved in this application is less than the 0.5 hectares and that the documentation on file indicate that the density proposed is 40 dwellings per hectare.
- 7.3.10. Of further relevance is Circular Letter: NRUP 02/2021, dated 21<sup>st</sup> day of April, 2021. This sets out that it: *“is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high-density urban approaches are not applied uniformly, and that development responds appropriately to the character, scale and setting of the town or village. As such, it is highlighted that in certain locations, particularly at the edges of towns in a rural context, more compact forms of development may include residential densities at a lower level than would be considered appropriate in a city or large town context”*.
- 7.3.11. This Circular indicates that discretion may be applied in the assessment of residential density and that while net densities of 30-35 dwellings per hectare may be regarded as acceptable in certain large town contexts, net densities of less than 30 dwellings per hectare, although discouraged, are not precluded.
- 7.3.12. The Circular acknowledges that towns and their contexts are not all the same. It sets out that planning policy and guidance are intended to facilitate proportionate and tailored approaches to residential development, including the flexible application of residential density at the periphery of large towns, and particularly at the edges of towns in a rural context.

7.3.13. Of further relevance is the requirements of SPPR 4 as detailed in the Urban Development & Building Height Guidelines, 2018, which indicates that, in planning the future development of edge of city/town locations for housing purposes, planning authorities must secure:

- The minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled 'Sustainable Residential Development in Urban Areas', (2009), or any amending or replacement Guidelines.

7.3.14. The local planning context is in general supports the achievement of higher densities in a manner consistent with regional and national planning provisions as well as guidance. This is evident in its following provisions: policy DM POL 5 which states that the Council will seek "*to promote sustainable development, a range of densities appropriate to the scale of settlement, site location, availability of public transport and community facilities including open space will be encouraged*"; objective DM 14 which indicates that the Council will seek to encourage the density of greater than 35 dwelling units per hectare in Self-Sustaining Growth Towns like Trim and that this will be considered alongside the Urban Development and Building Heights Guidelines for Planning Authorities, 2018, in terms of the implementation of densities; policy SH POL 9 indicates that the Council will seek: "*to promote higher residential densities in appropriate locations*"; through to Section 3.8.10 of the Development Plan it sets out that a density of 35 units/ha will normally be required for self-sustaining growth towns.

7.3.15. Currently this residentially zoned and serviced 0.22ha site contains a vacant detached dwelling house for which demolition is sought.

7.3.16. Under this proposal a density of 40 units per hectare is proposed. This density is objected to by the Third Parties in this appeal case as they consider it represents overdevelopment of this site and it is at odds for its location. The First Party argues that this density provides greater efficiency of land usage whilst respecting the pattern of development that characterises its context, including the adjoining Manorland residential scheme and the detached dwellings that adjoin and neighbour the site on Newhaggard Road.

7.3.17. The proposal as revised would be laid out with two distinctive residential components with the three detached dwellings addressing and accessed via independent accesses

onto the Newhaggard Road (R161) on the northern boundary of the site. The layout of the three detached dwellings, whilst of a much higher density when compared to adjoining and neighbouring residential plots aligning and addressing Newhaggard Road at this location, are not inconsistent with the overall pattern of development that characterises this streetscape scene as one journeys in an easterly direction towards the centre of Trim with the density alongside a level of repetition and homogeneity becoming more apparent. This journey is less than 1km into the historic heart of this settlement and where the bus stop is located which provides connection to other settlements including Dublin.

- 7.3.18. Notwithstanding, in this location there is more variety in architectural appearance and built forms characterising the more *ad hoc* and piecemeal evolution of residential development along and accessed from the R161.
- 7.3.19. However, there is an evident level of homogeneity in built forms, higher density and built forms in the more recent higher densities schemes that I have observed have been constructed and that have been permitted within the site's urban context at similar edge of town peripheral locations.
- 7.3.20. I therefore consider that the density proposed though is higher than that of its site context, it is notwithstanding a density that is considered to be generally acceptable under relevant planning provisions at this location, subject to safeguards.
- 7.3.21. *Design:* The proposed development sought under this application seeks permission for nine dwelling units which consist of three detached dwelling units containing an attic level and being two and a half storeys in their overall height; a two storey semi-detached pair and a two-storey terrace group of four.
- 7.3.22. The provision of what are essentially two storeys in built form dwelling units is not out of character with the two-storey built form of the dwellings that predominate the site's setting even when regard is had to the habitable attic level proposed for each of the three detached dwelling units included in this application of 9 dwelling units.
- 7.3.23. In particular, having regard to the two-storey dwelling unit built form of the Manorlands estate which wraps around the western and southern boundaries of the site.



- 7.3.24. The provision of a mixture of detached, semi-detached and a terrace group is consistent with the pattern of residential built forms that characterises the Newhaggard Road, and residential developments access of it.
- 7.3.25. Further, the provision of a terrace group and the minimisation of private and semi-private open space serving the proposed dwelling units both help to achieve higher densities within the scheme proposed.
- 7.3.26. In addition, the two storeys as well as the two and a half storey built form of the buildings proposed provides a graduation of building height when compared to the adjoining single storey nature of dwellings.
- 7.3.27. Altogether this approach though not particularly innovative increases higher densities maximising the potential of this serviced residentially zoned land within a highly connected as well as accessible location within this settlement. Whilst providing a reasonable balance between increased densities and harmonising as well as respecting the mainly two storey character of residential development at this location.
- 7.3.28. As such the proposed two storey building forms proposed alongside the synergy of residential functional use of the development sought under this application in my view is generally acceptable and subject to safeguards is one that has the potential to give rise to less adverse impact or material change in context for properties in its immediate vicinity that are potentially sensitive to change arising from any redevelopment of this brownfield site.
- 7.3.29. *Unit Mix and Typology:* The development proposes a mix of 3 house types which as previously stated is comprised of 2 detached with these containing four bedrooms (Units 1, 2 and 3); a semi-detached pair with these consisting of three-bedroom units (Units 3 and 5); and a terrace group of four dwellings with these consisting of two 2-bedroom (Unit 7 and 8) and two three 3-bedroom dwelling units (Unit 6 and 9) with all units being own door accessed.
- 7.3.30. According to Chapter 3 of the Development Plan, Trim experienced a 11.2% increase in population between 2011 and 2016 (Note: population of 8,268 and 9,194 respectively). In addition, the census for this time also notes an increase in its rural hinterland population. The housing allocation for the settlement under the current Development Plan is 1,333 dwelling units. The documentation provided puts forward no insight into the housing mix proposed under this application.

- 7.3.31. Having regard to local through to national provisions and guidance in terms of residential density, I note the location of the subject site is within walking distance to Trim town centre as well as a wide variety of amenities and services including but not limited to educational institutions, a variety of retail offer, sports grounds, through to employment opportunities.
- 7.3.32. I further note the provisions of the 2018 Urban Development and Building Height Guidelines for Planning Authorities in addressing the need for more one- and two-bedroom units in line with wider demographic and household formation trends.
- 7.3.33. Whilst not including any one-bedroom units it is a modest in dwelling unit number scheme containing two dwelling units that contain two bedrooms with the remainder of the scheme consisting of four three bedroom and three four-bedroom units out of the nine dwelling units proposed.
- 7.3.34. As such it does provide a level of variety of building typology and tenure options in a manner that reflects demographics alongside provides detached options that help to ease the pressure for residential one-off dwellings within its rural hinterland.
- 7.3.35. A greater variety of unit type/mix could have been possible with a more innovative approach in terms of achieving higher densities on this site whilst creating a focal point at the western edge of Trim and to the east of the access to Manorlands.
- 7.3.36. Nonetheless, the proposed development does put forward an increase in density on the site and that would support a residential mix and residential needs within this settlement and within its rural hinterland. Alongside in doing so in a manner that is not out of character with the pattern of development and predominant residential function of this serviced accessible and well-connected location situated towards the western edge of the settlement boundaries of Trim.
- 7.3.37. I therefore consider that the mix as proposed is acceptable in this case as it accords with the provisions of both national and local policy.
- 7.3.38. *General Design and Layout:* I acknowledge that the proposed layout seeks to make the most effective use of the site and the existing infrastructure on site. I would also acknowledge that the layout has sought to create a sense of harmony with buildings within the streetscape scene of Newhaggard Road and Manorlands estate but does also seek to incorporate its own identity on what is a corner site within a location that

contains a wide variety of architectural designs reflecting different periods of development as well as being of variable quality.

- 7.3.39. I note the third-party concerns in terms of their connectivity and accessibility being adversely impacted upon by way of this development due to its potential for adding to an existing issue with *ad hoc* car parking within the estate.
- 7.3.40. Notwithstanding, the proposed development is within a posted speed limit zone of 50kmph. Whilst I observed *ad hoc* car parking within the estate to be present within Manorlands estate during my inspection of the site and its setting. And despite the lack of car parking proposed to cater for visitors proposed within this scheme I am not of the view that this development if permitted would significantly compound this issue and essentially this is a traffic management issue that could be resolved by way of the addition of double yellow lines on either side of the proposed entrances onto both the R161 and Manorlands estate should the Planning Authority deem it necessary to do so.
- 7.3.41. In terms of the overall design approach, I note that the design of the dwelling houses, their overall built form, their architectural detailing through to use of materials is not inconsistent with their setting.
- 7.3.42. The detached dwellings would rise to a ridge height of 8.9m due to these dwellings containing habitable attic spaces. Whereas the semi-detached and terrace group has a given ridge height of 8.44m.
- 7.3.43. With the main palette of materials consisting of nap plaster finish, brick ground floor detailing, concrete roof tiles with each dwelling having a porch over the front door on their principal facades.
- 7.3.44. I have no objection to the proposed overall design and finishes of the houses proposed but consider that all of these dwellings could have been enhanced by a more qualitative landscaping scheme and in terms of elevational treatment a more qualitative and of its time approach.
- 7.3.45. I would also accept that the design and materials of the proposed houses would not contribute negatively to the surroundings of the site due to their capacity to harmonise with and respect the palette of materials that characterise dwellings within their setting. Therefore, in light of the above considerations and given that Section 6.8 of the

Sustainable Residential Development in Urban Areas, 2009, provides for layout and design considerations in contexts to be designed to make the most effective use of the site, make a positive contribution to its surroundings through to have a sense of place and identity provide for effective connectivity I consider that subject to safeguards, that the proposed development does not give rise to substantive concerns on this matter.

7.3.46. *Plot Ratio:* I raise a concern that the proposed development, if permitted, would give rise to overdevelopment of a site that is located at the edge of settlement given that Section 11.5.4 of the Development Plan under objective DM OBJ 15 sets out an indicative maximum plot ratio standard of 1 for this type of location and given that the development sought has a plot ratio of 1.78 which is more comparable to the indicative plot ratio of 2 for centre sites within settlements. When this is taken with a number of the concerns raised below I am of the view that the development sought, if permitted, would give rise to substandard development that would be successfully absorbed in a manner that would give rise to qualitative and quantitative residential amenity for future occupants of the residential scheme proposed or a level of development that harmonised with the visioned plot ratio at such locations with the Development Plan under Section 11.5.4 stating that the plot ratio seeks to control the mass and bulk of buildings to prevent the adverse effect of over-development and to ensure an appropriate level of development is achieved.

7.3.47. *Open Space Provision – Public and Private:* The current proposal as revised now seeks to include an area of public open space arguing that this meets the required 15% required for such developments under the Development Plan. This open space comprises of what was a long linear strip of land located between the western boundary of the existing site curtilage and the roadside edge of the main access road serving Manorlands.

7.3.48. This is deemed to be acceptable by the Planning Authority who raise no concern in relation to this linear strip being incorporated into the site area to not only provide access to the main estate road of Manorlands but also to help achieve public open space for future residents of the proposed scheme.

7.3.49. The Third Parties in this appeal case object to the substandard nature of the open space provisions to serve the development sought and they object to future residents using the open space provision within the Manorlands estate.

- 7.3.50. Whilst I accept there is potential for this space subject to appropriate design and treatment to create a site appropriate edge to the eastern stretch of the main estate road of Manorlands through a mixture of physical and natural boundary improvements. It also has the capacity due to diminish the visual incongruity of the existing 2m in height wall when journeying westwards on the R161 in its current form through its augmentation in height and improvements in its finishes. I also accept that there have been improvements to the treatment of public open space when the revised scheme is considered against the initial scheme sought.
- 7.3.51. Notwithstanding, this additional linear strip of land space in my considered opinion has no tangible passive or functional recreational amenity value for future residents. It is not a safe space either in terms of catering for play of any future residents' children. I also do not consider that the landscaping of it and the roadside boundaries and the principal facades of the dwelling units proposed in terms of the design and treatment of other communal and semi-private open space amenity is not of any particular quality.
- 7.3.52. I note that Quality Housing for Sustainable Communities: Best Practice Guidelines under Section 4.9.3 sets out that: "*the character and function of open spaces that should be provided in a housing development depends on the type of housing scheme, the needs of the residents of the area and the amount of existing open space in the area*". It also sets out that outdoor spaces should be given a clear function, character, shape and definition with distinct boundaries.
- 7.3.53. Section 11.5.10 of the Development Plan sets out that the provision of accessible and useable open space is a critical element in such developments and whilst the treatment of this space for a time will impede access and linkages to functional passive and recreational spaces within the site's context and within the wider settlement of Trim where there is a provision of a hierarchy of qualitative such spaces for part of the time during construction phase. This would only be a short-term impact and this linear pocket of communal open space upon completion of the scheme will return to its primary function of providing linkage and connectivity for residents within Manorlands but also future residents.
- 7.3.54. Further improvements to the soft landscaping of this and other communal as well as semi-private open spaces within the red line area of the site should be dealt with by

way of condition in order to achieve a more qualitative result than that indicated in the submitted scheme as revised.

- 7.3.55. Moreover, I also draw the Boards attention to Development Plan objective DM OBJ 27. This states that: *“standalone residential developments comprising of 9 units or less shall be exempt from the requirement to provide 15% open space. In all such cases the private amenity space serving each dwelling shall exceed the minimum requirement”*.
- 7.3.56. Though concerns are raised by Third Parties in terms of the use of communal open space within the Manorlands estate, the residential development sought under this application is modest in its nature and is unlikely to place any significant demands of public open spaces and amenities within its immediate and wider setting.
- 7.3.57. In relation to the submitted drawings, I raise a concern that the private open space provision in cases just meets or only modestly exceeds the required Development Plan standards for dwelling units sought under this application. These standards are set out under Table 11.1 and compliance with these standards is a requirement of DM POL 7 of the Development Plan.
- 7.3.58. This is of particular concern in terms of applying the exemption of Development Plan objective of DM OBJ 27 in relation to Units 7 and 8 both of which are indicated in the submitted plans as two-bedroom properties and with a private open space amenity provision of 55m<sup>2</sup> and 56m<sup>2</sup>, respectively. With these properties containing no independent area for dedicated bin through to cycle storage within their curtilage and with waste storage being provided immediately off a pedestrian access point situated between the two car parking spaces that are proposed to serve Unit 8. This waste storage area includes negligible screening and/or softening to lessen its visual incongruity in such a location.
- 7.3.59. Moreover, at such a location this storage has the potential to give rise to nuisance such as but not limited to malodours for pedestrians and those parking their car in its vicinity.
- 7.3.60. When regard is had to these properties it is not reasonable in my view to conclude that the private open space provision exceeds the requirements of the Development Plan standards. It is not reasonable in my view to conclude that the entirety of the quantum

of the 55m<sup>2</sup> and 56m<sup>2</sup> would actively function and cater for the private open space amenity of the future occupants of these particular units.

- 7.3.61. I also consider that the private open spaces are also compromised by their minimum depth with all dwelling units failing to achieve a separation distance of 11m. This raises concern with regards to any development on the adjoining rear garden space to the east which is at present under utilised with the units opposing into this space, i.e., Units 4 to 9, having depths ranging from just over 5m to 9m. The modest dimensions of the private amenity spaces for these dwellings in terms of functional qualitative use for future residents given that they would be significantly overshadowed from the trees adjoining the eastern boundary. Thus, such spaces would have limited morning light. Through to the fact that their size and dimensions are such that the future adaptability of these dwellings by future residents to potentially make improvements to internal space provision by way of extensions is a concern in terms of these dwellings having the capacity to sustainably cater for changing needs of their occupants are further concerns.
- 7.3.62. The depth of rear garden space is also restrictive for Units 1 to 3 which address Newhaggard Road.
- 7.3.63. At best the rear depth for Unit 1 is 5.8m but this depth reduces towards this property's western boundary.
- 7.3.64. Of further concern the private open space of this property backs onto access road and car parking area to the front of Units 4 to 9.
- 7.3.65. The private open space serving this dwelling would also be diminished by a level of oblique overlooking from the first-floor level of Units 4 to 9 given the lack of any robust screening between the two.
- 7.3.66. Section 4.5.2. of the Quality Housing for Sustainable Communities: Best Practice Guidelines sets out that back gardens should back onto other back gardens or onto secure private areas and not onto roadways or public areas. It also indicates that particular attention should be paid to security where dwellings adjoining areas that are difficult to secure.
- 7.3.67. In addition, the positioning of Unit 2 and 3 relative to the semi-detached pair containing Units 4 and 5 would have private open spaces through to rear elevations that would

suffer from overshadowing due to the minimal separation distances between these properties, the orientation of these properties and their associated boundary treatments through to having regard to Unit 5 and Units 6 height, mass, volume and built form.

- 7.3.68. Of note Section 5.3 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, indicates that residential units like that proposed should be laid out to ensure that conventional separation distances between them and existing developments are achievable.
- 7.3.69. In relation to the treatment of the communal open space and the private open space between Units 1 and 3 addressing Newhaggard Road and Units 4 to 9 addressing and setback from the main estate road of Manorlands by a carriageway and a car parking area. I raise concern that these areas have minimal soft landscaping create a hard visual edge to their public domain streetscape scene. This, concern however, is somewhat abated by the existing trees and the replacement trees that are to be retained as public open space alongside the Manorlands main estate road edge. Notwithstanding, landscaping within the main site area is in my view overall substandard in quality.
- 7.3.70. Any grant of permission should in my view seek to robust qualitative improvements as part of softening this proposed development, ensuring a more appropriate and qualitative integration with place at the edge of settlement where urbanscape meets countryside alongside provides a more appropriate biodiversity outcome. This improvement; however, does not overcome my concerns in relation to the adequacy of the private open space provision despite it meeting simply the quantitative standard for such provision as provided for under the Development Plan.
- 7.3.71. *Residential Amenity: Future Occupants:* This development seeks permission for nine dwelling units. The internal design of the dwellings sought are generally acceptable in the context of the site; number of car parking spaces proposed to serve future occupants; the internal floor areas and internal floor to ceiling height. They also provide the required level of internal storage but due to the restricted site area there is limited external amenity space for the provision of adequate storage to meet the applicant's everyday needs.



- 7.3.72. Though no Sunlight Analysis was submitted as part of the planning documentation by the applicants. The proposed development consists of a mix of own door dwelling units that can be summarised as consisting of 3 detached, a semi-detached pair and a terrace group of four. In relation to the proposed dwellings these units are dual aspect with Units 1 to 3 having a north south orientation and Units 4 to 9 having an east west orientation and therefore the BRE209/BS2806 targets would generally be achieved. In addition, the dual aspect of these two storey dwelling units; the size, number and positioning of windows and door openings, together with their lateral separation from other significant man-made and natural features in their immediate setting is such that their internal space would have the capacity to be naturally well ventilated.
- 7.3.73. I note that Section 11.5.27 of the Development Plan sets out that regard should be had to the number of individual bins required to serve each residential unit at design stage and in particular the requirement for segregating waste for recycling and food waste.
- 7.3.74. In this regard, Development Plan policy states under DM POL 16 that: “*all new residential schemes shall include appropriately sited and designed secure refuse storage areas*”.
- 7.3.75. This is not shown in the drawings submitted for all of the dwelling units proposed and it would appear that this provision would be made in an *ad hoc* manner within the private open spaces to the rear of all units outside of units labelled 7 and 8.
- 7.3.76. Nor do the drawings show a safe accessible space to the front of Units 4 to 9 for waste collection.
- 7.3.77. I am cognisant that Development Plan objective DM OBJ 52 requires residential schemes that include terraced dwellings to provide bin storage areas to the front of dwellings in locations which are easily accessible by the future householder. It sets out that these areas shall be well screened and design as well as that these shall integrate with the dwelling.
- 7.3.78. Of further concern, Development Plan objective DM OBJ 21 requires a minimum distance of 2.3m to be provided along the full length of the flanks in all developments of detached, semi-detached and end of terrace houses. In relation to the semi-detached unit labelled 4 and the terrace unit 9 this is not achieved.

- 7.3.79. In addition, whilst the proposed development shows the provision of two car parking spaces per dwelling unit proposed with this consistent with Development Plan standards for the type of dwelling units sought. Notwithstanding I raise a concern that DM OBJ 93 in relation to new residential development sets out that car parking for semi-detached housing should be within the curtilage of the house.
- 7.3.80. In this regard, I note that in relation to this application Units 4 and 5 which are semi-detached are not designed to include vehicle parking within their curtilage.
- 7.3.81. Of further concern this Development Plan objective requires consideration to be given to visitors and people with disabilities as well as the provision of EV Charging Points.
- 7.3.82. It also advocates measures to reduce the visual impact of large areas of parking. The design and layout of the proposed development is not consistent in demonstrating compliance with this Development Plan objective and due to the restricted nature of the site through to the quantum of the development sought.
- 7.3.83. It is a concern that whilst two spaces are proposed to serve each of the dwelling there is no provision for made within the design for any visitor car parking and/or mobility impaired parking.
- 7.3.84. *Conclusion:* Notwithstanding that there is a level of flexibility in local through to national planning provisions and guidance for smaller residential development schemes like that proposed under this application and that the principle of the proposed development which consists of the more efficient use of zoned and serviced residential lands is acceptable. In this instance I consider that the proposed development does not meet the required local planning standards for this type of development and that it is not possible in my view to deal with the concerns that these raise by way of condition given the restricted nature of the site when taken together with the quantum of development sought. I therefore consider that to permit the proposed development would give rise to overdevelopment and a substandard future amenity for occupants of this scheme in a manner that would be contrary to the proper planning and sustainable development of the area.

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

- 7.4.1. Regard is also had to the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009* and accompanying Urban Design Manual.

The general aim of these guidelines and its associated manual is to set out the key planning principles which should be reflected in development plans and local area plans to guide the assessment of planning applications for residential development in urban areas.

- 7.4.2. Section 5.9 of the Guidelines indicate in relation to residential areas whose character is established by their density or architectural form that a balance needs to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill as well as residential development in serviced land.
- 7.4.3. The appellants and observers in this case contend that the proposed development would adversely impact upon their established residential amenities.
- 7.4.4. In particular by way of reduced privacy and overshadowing.
- 7.4.5. Other concerns in relation to the adverse impacts on their property and properties within the Manorland Estate such as depreciation of property value, potential to conflict with access to their property by emergency vehicles by adding to the issue of *ad hoc* parking within the estate, nuisances arising during the demolition and construction phase through to the potential to diminish future development capacity of adjoining properties are discussed separately within this assessment.
- 7.4.6. The design of the proposed residential development sought under this application includes 6 dwelling units that would have a west east orientation. These 6 dwellings consist of one semi-detached pair and one terrace containing four dwelling units. The semi-detached pair and the terrace group are both two storeys in their overall height. The southernmost end terrace unit, i.e., No. 9, is setback from the southern boundary by a pedestrian access corridor which provides access to its rear garden. The Manorland estate dwellings on the opposite side of the main access road serving this estate, i.e. No.s 1 to 5, are similarly oriented with these properties also being two storey in their built form.
- 7.4.7. The properties most sensitive to change in the context of the site and having regard to the nature of the development proposed in my view are the three pairs of 2-storey semi-detached properties that adjoin the southern boundary of the site (Note: No.s 26 to 31 Manorlands).

- 7.4.8. These properties have a north south orientation with their principal facades facing in a southerly direction onto main communal open space serving the Manorland estate with their first-floor rear elevations containing two windows at a setback of c12m from the southern boundary of the site. There are no opposing first floor windows to arising with the dwelling units labelled No.s 4, 5, 6, 7, 8 and 9 in the proposed scheme. There is a distance of c55m at the nearest point between dwelling units labelled No.s 1 to 3 in the proposed scheme and first floor rear elevation of No.s 26 to 31 Manorlands.
- 7.4.9. Objective DM 18 of the Development Plan sets out a minimum requirement of 22m separation between directly opposing rear windows at first floor level in the case of detached, semi-detached and terrace units. As set out above there is substantially in excess of 22m between opposing existing first floor level dwelling units and the dwelling units proposed in this case.
- 7.4.10. Moreover, dwelling units labelled 4 to 9 in the proposed scheme have a general north south orientation and relatively consistent front and rear building line. There is a slight inclination westward between units 4 to 9 with this reflecting the shape of the site. The arrangement between existing dwellings and the proposed dwellings within this scheme would not in this context give rise to any oblique overlooking of Manorlands property.
- 7.4.11. In relation to the adjoining property to the east. This residential property is a single storey dwelling on a substantial garden plot that runs along the entire length of the site's eastern boundary with substantial mature evergreen trees present along the adjoining boundary. These mature trees significantly encroach into the areas that the proposed site boundaries for Unit 3 to 9, and it would appear that their main trunk is situated within the curtilage of this adjoining property. There is no indication that the applicant in this case has the consent to remove or interference with these trees.
- 7.4.12. Notwithstanding, the necessity for some level of pruning to provide improved permanent boundaries along the eastern boundary of the site to provide appropriate containment of the proposed rear gardens and the civil issue of pruning these trees to address their substantial encroachment into the site at various points along this boundary would need to be addressed as part of the development sought under this application if the proposed development were to be permitted.

- 7.4.13. I consider that the careful protection of these trees and the provision of an appropriate boundary treatment along the eastern boundary of the site should be considered as part of any grant of permission for the development sought under this application. This consideration is based on the important role these trees would play in protecting the residential amenity of the adjoining property from overlooking that would arise from the proposed development. Together with the additional visual screening and privacy they would afford the proposed dwelling units with private amenity spaces and rear elevations bounding the eastern boundary. I also acknowledge that mature trees like these add to the biodiversity of this peripheral urban landscape location. However, coniferous trees like those present have a limited lifespan and should they I note that their main trunks appear to be on land outside of the legal interest of the applicant.
- 7.4.14. I am not convinced that the proposed development sought under this application would give rise to any significant adverse diminishment of residential amenity by way of overlooking over and above that which would be expected in this context where there is already an existing level of overlooking arising from the pattern of development. Notwithstanding, given the above comments I am also not satisfied that the applicant in the documentation provided has put forward a long-term suitable boundary treatment between the two properties to ensure that a balance is reached between the protection of its established amenities from undue additional overlooking and the residential amenities of future occupants of the dwelling units backing onto this boundary.
- 7.4.15. In relation to overshadowing, the impact of the proposed development on the daylight/sunlight available to surrounding properties is one of the grounds of appeal in this case. The BRE guide acknowledges that, in designing new development, it is important to safeguard the daylight to nearby buildings and I note that the Development Plan also outlines the need to avoid excessive impacts on existing properties.
- 7.4.16. In addition, in relation to future residential amenity this is also a concern with Section 11.5.16 of the Development Plan setting out that daylight and sunlight levels should generally accord with the recommendations of 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (B.R. 209, 2011), and any updates thereof and with policy DM POL 11 stating: "*new development should be designed to maximise the use of natural daylight and sunlight...*".

- 7.4.17. Although the proposal sought under this application does not rely on SPPR 3 of the Urban Development and Building Height Guidelines (2018), I note that Section 3.2 of the Guidelines states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.
- 7.4.18. The applicant has not carried out a shadow/sunlight assessment of the proposed development on its setting. In particular, the impact of this development would have it were to be permitted in the form proposed on the existing levels of daylight, sunlight and shadows of existing properties adjoining and neighbouring the site.
- 7.4.19. I am cognisant that the submission of such an assessment is not required in this case by the Development Plan or by Section 28 Ministerial guidelines. Consistent with that approach, the BRE guide itself highlights further the need for flexible interpretation in the context of many other design factors.
- 7.4.20. Given the nature, scale and extent of the development sought, in particular the built forms proposed; having regard to the lateral separation between existing properties sensitive to change and the dwelling units as well as ancillary structures forming part of this development; the orientation and shape of this 0.22ha site; the level of existing overshadowing that arises from natural and manmade features in situ in the site context; together with the aspect, openings and ceiling heights of the proposed dwelling units alongside the sunlight availability to the internal spaces of the proposed dwelling units; the sites location in an area where higher densities and more efficient use of serviced land is supported encouraged at such locations in order to achieve wider NPF planning objectives relating to compact development and brownfield redevelopment, I am satisfied that the proposed development is acceptable at this location and that it will not excessively detract from the amenities of surrounding properties by reason of daylight/sunlight impacts and that an acceptable standard of daylight/sunlight would be provided within the proposed development for future residents.
- 7.4.21. Based on the above considerations I am not satisfied that the documentation with this application has demonstrated that no serious injury of residential amenities would arise from the proposed development to the adjoining property to the east or that the

residential amenities of future occupants of the proposed dwelling units would be qualitative as well as resilient to meet changing needs.

## **7.5. Traffic and Transportation**

- 7.5.1. The subject site has frontage on its northern boundary to the Newhaggard Road (R161) and on its amended western boundary to the roadside edge of the main access road serving the Manorlands residential scheme.
- 7.5.2. In relation to the development sought the three proposed detached dwelling units are proposed to be served by independent entrances onto the R161 which I note is at a point where the posted speed limit of 50kmph applies. At present the existing dwelling house is served by two entrances onto this road and there is a pedestrian footpath that runs alongside the roadside boundary which extends eastwards towards the Trim's town centre and westwards to where it meets the pedestrian pathway that serves Manorlands.
- 7.5.3. Therefore, this application seeks to provide an additional entrance centrally positioned in this roadside boundary which would be modified to accommodate the new design and layout proposed. Whilst this would result in an intensification of traffic movements at this point. Notwithstanding, this is a low-speed environment, and the position of the new entrance achieves the required sightlines to serve Unit 2, the centrally placed of the three detached dwellings, proposed within this scheme, together with the roadside edge along the entirety of the northern boundary of the site containing a hatched yellow line.
- 7.5.4. The Manorlands estate contains a pedestrian pathway that has been incorporated into the red line site area by way of extending the dimensions of the site westwards towards the roadside edge of this estate's main access road that runs parallel. This formed part of the applicant's further information and I note that the written consent of the Planning Authority for the inclusion of this public land is provided by the applicant as part of this response.
- 7.5.5. In addition, setback from this pathway the current existing boundary that defines this site consists of a 2m in height boundary wall. The applicant proposes to lower this wall to 1m and to remove the central portion of it to incorporate a 6m in width entrance that would be flanked on either side by a c2m in width pedestrian pathway that would loop round and connect to the existing pedestrian pathway. This entrance would serve

the semi-detached pair of Units 4 and 5 as well as the terrace group containing Units 6 to 9. The sightlines from this entrance meet the Development Plan and DMURS requirements for such infrastructure onto a road with a posted speed limit of 30kmph.

- 7.5.6. Whilst I note that the Third Parties in this appeal case object to the incorporation of public open space and land that forms part of the Manorlands estate together with the proposed development, if permitted, resulting in a loss of ornamental trees planted along this strip of land. Notwithstanding, there is no substantive issue outside of the previous concern raised with regards to the lack of provision of visitor car parking to meet the needs of the dwelling units proposed, in particular, Units 4 to 9, that would support that traffic generated by this proposed residential scheme could not be safely and satisfactorily accommodated satisfactorily on existing public roads.
- 7.5.7. Further the existing issue with *ad hoc* car parking within the Manorland estate in my view requires a more holistic and coherent approach particularly in proximity to this estate's entrance onto the R161.
- 7.5.8. Moreover, it would in my view be appropriate that any grant of permission require by way of condition road marking that restrict on-street parking on either side of the new entrance onto the Manorlands estate road so as to protect the sightlines from this entrance in both directions.
- 7.5.9. In relation to the Planning Authority, their final Planning Officer's report and their Transportation report raised no objection to the proposed development on traffic and road safety grounds subject to safeguards. These safeguards are mainly included in Condition No. 6 which sets out the requirements of the Transportation Department and subject to the inclusion of such safeguards.
- 7.5.10. Whilst I note the concerns raised by the Third Parties in their submissions to the Board and having inspected the site setting I am of the view that the local road network, in particular the R161 and the Manorlands estate together with having regard to the design and layout of the proposed infrastructure for serving vehicle access and egress to the dwelling units sought under this application, is capable of carrying the additional traffic the proposed scheme would generate. Further, I consider that the issue in relation to the Planning Authority providing a second access to serve Manorlands estate is a matter that falls outside the Boards remit in its *de novo* consideration of the proposed development sought under this application.



## 7.6. Services

- 7.6.1. The site is an existing serviced site with connections to public water mains and the public sewerage system. This application seeks to upgrade and modify these connections in order to serve the nine separate dwelling units proposed alongside to provide enhanced surface water drainage to serve the development now sought.
- 7.6.2. Irish Water has in their submission to the Planning Authority raised no issue subject to standard conditions in the event of a grant of permission to this development and they do not advise of any capacity or infrastructural issues in relation to the public systems including that which serves the adjoining residential scheme of Manorlands.
- 7.6.3. The Planning Authority has raised no substantive objection to the servicing of the nine dwellings sought under this application subject to compliance with the conditions they have included in their grant of permission.
- 7.6.4. I note that these are Condition No. 7 which requires compliance with the requirements of their Water Services Section and also Condition No. 8 which requires compliance with the requirements of Irish Water.
- 7.6.5. I also note that the lands are not at risk of flooding under the OPW's flood maps.
- 7.6.6. Based on the above considerations and examination of the documentation on file in relation to water, foul and surface water drainage I am satisfied that the proposed development, subject to inclusion of the safeguards set out under Condition No. 7 and 8 as part of any grant of permission would be capable of being supplied by the public water and sewerage infrastructure *in situ*. Subject to compliance with these safeguards I am satisfied that the proposed development would not give rise to any significant pressure on the capacity within the public infrastructure system and that it would not be prejudicial to public health.

## 7.7. Screening for AA

- 7.7.1. The site subject of this appeal case is neither in nor adjacent to a Natura 2000 site nor are there any such sites within the immediate vicinity. The nearest such sites are the River Boyne & River Blackwater SAC (Site Code: 002299) and the River Boyne & River Blackwater SAC (Site Code 004232) which are located c494m and c524m, respectively, at their nearest point. The lands subject of this application is zoned brownfield serviced land. Having regard to the nature of the receiving environment,

which consists of serviced lands on the periphery of Trim, the brownfield and serviced nature of the site itself, the intervening distance together with the brownfield serviced, recreational and agricultural land uses that separate the site from the aforementioned Natura 2000 sites, together with the absence of any hydrological connectivity, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **7.8. Other Matters Arising**

### **7.8.1. Consultation:**

The appellants and observers raise concerns that the applicant did not engage with adjoining and neighbouring properties prior to making their application and during its determination. This is not a requirement under planning legislative provisions for the making of this type of application and there are opportunities afforded to ensuring public have an opportunity to make submissions as part of the planning application process including provisions for making an appeal to the Board following a determination of a planning application by a Planning Authority.

In relation to interference of land outside of the applicant's legal interest the Planning Authority has consented in writing to the inclusion of land in its ownership as part of the further information revisions as part of improved open space and access onto the public domain of Manorlands estate.

I also consider that any interference with land outside of the applicants legal interest would essentially be a civil matter for resolution between the parties concerned and in this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

### **7.8.2. Depreciation of Property Value:**

Concerns are raised by the appellants that the proposed development sought under this application would give rise to depreciation of property value of their homes through

to would adversely impact the future potential of the properties adjoining the site to be extended.

In relation to this concern whilst I acknowledge the proposed development would give rise to a change in context particularly for the three pairs of semi-detached dwellings adjoining the southern boundary of the site. Notwithstanding, the site and these properties are located within a settlement where this pattern of residential development is not uncommon nor is the design concept one which is out of character with the types of residential developments that form part of the site's urbanscape setting.

Further, there is no substantive expert evidence to support this contention and the potential for adjoining land to be developed at some point in time would in the event of such development requiring planning permission would be assessed on its individual merits.

Moreover, given that the residential scheme is one that is designed to be consistent with local through to national planning provisions as well as guidance it is therefore unlikely that this development would have any impact on any latent potential of these adjoining properties to be extended.

Therefore, based on the above considerations I am of the view that these particular concerns are not substantive in nature and merit to warrant refusal and/or amendment to the development sought under this application. I am also of the view that it is to be expected that urbanscape is a place that is in a process of evolving over time with this provided for under planning provision subject to the caveat that such change is consistent with the proper planning and sustainable development of the area.

### **7.8.3. Demolition and Construction Nuisances:**

Concerns are raised that the proposed development, if permitted, would during the demolition and construction phases of the development give rise to nuisances that would adversely impact upon the residential amenity of adjoining and neighbouring properties. In this regard, various concerns are raised including hours of works; car parking and the use of vehicles associated with the demolition and construction works; potential for damage to adjoining public roads; the lack of clarity on debris and clean-up of public roads; through to management of waste.

I am cognisant that the Planning Authority as part of their decision notification included a number of standard conditions to deal with such concerns. In particular:

- Condition No. 11 which requires works to be carried out in compliance with an agreed Waste Management Plan.
- Condition No. 12 which requires works to be carried out in accordance with an agreed Construction and Environmental Management Plan.
- Condition No. 16 which sets out hours for site and building works as well as deals with the matters of noise and vibrations.
- Condition No. 21 which sets out that no debris or other material should be deposited on the public road and/or verge.
- Condition No. 22 which requires the provision of adequate off carriageway parking for all traffic associated with the proposed development.
- Condition No. 23 which sets out that it is the responsibility of the applicant/developer for the full cost of repair in respect of any damage to the public road arising from the works associated with this development.
- Condition No. 24 also deals with the matter of recovery and disposal of waste during the construction works period.

These conditions in my considered are standard but robust in nature for the type of development proposed in this type of urban context where a site is bound by residential development on two sides and bound by public domain including public roads and public infrastructure. That is to say a context that is sensitive to change but one with the capacity to accommodate more efficient use of land and services. The nuisances that would arise during construction would be temporary in their duration.

In relation to the nuisances that would arise from vehicles accessing and egressing the site during works on site, including, the potential for works on site to give rise to an overspill of parking and/or use of the public domain including Manorlands estate I consider that this is adequately dealt with by Condition No. 22 of the Planning Authority's notification to grant permission.

Should the Board be minded to grant permission I recommend that similar conditions to the conditions set out above to deal with the nuisances that are likely to arise during

demolition and construction be imposed. In addition, to this the Board may also wish to include a condition to deal with the matter of dust arising from any demolition works on site.

**Compensation:** The appellants raise concern that the properties affected by the proposed development have been offered no financial compensation or improvements from the applicant. The only compensation that is to be paid is one to the Planning Authority by way of a financial contribution. On this concern for clarity the Planning Authority's Section 48 contribution scheme clearly sets out this is a type of development that is subject to the payment of financial contribution towards the provision of roads and public, social, and surface water drainage infrastructure that will benefit and facilitate the residential development sought under this application.

In this case the Planning Authority have properly provided for the required Section 48 financial contributions as required under their scheme under Condition No.s 26, 27 and 28.

The arrangements with regards to the inclusion of public land as part of the redline area I consider that this is a civil matter. On this matter I note that there is also the public good arising through to improvements to settlements vitality and vibrancy that arise from the reversing vacant and unkempt sites.

The other matter of compensation is in the context given vexatious and not in my view a planning matter that requires any further comment.

In conclusion, the development sought under this application, is liable to pay development contribution, therefore I advise the Board should they be minded to grant permission to include a condition to this effect.

7.8.4. **Part V:** The proposed development seeks to demolish 1 dwelling unit and construct 9 dwelling units on a site covering 0.22ha on the western edge of the settlement of Trim on residentially zoned lands. The development will connect to public services, i.e., public mains water and foul drainage. The development is subject to requirements of Part V of the Planning and Development Act 2000, as amended. A condition to this effect should be included in any grant of planning permission.

7.8.5. **Flooding:** The subject site does not lie within any area which is identified in the OPW Flood Maps as being susceptible to flood risk. I am satisfied that the proposed

development, if permitted, would not give rise to any substantive flooding issues or concerns.

## 8.0 Recommendation

8.1. I recommend that planning permission be **refused**.

## 9.0 Reasons and Considerations

1. Having regard to the restricted nature and prominent location of this corner site on the western periphery of Trim and the established pattern of development in the surrounding area, it is considered that the proposed design and layout of this residential scheme would give rise to a cramped and substandard form of development for future occupants and a plot ratio that would be inconsistent with that permitted under the Meath County Development Plan, 2021 to 2027, that would result in the overdevelopment of this site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young

Planning Inspector

30<sup>th</sup> day of May, 2022.