



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-312089-21

Strategic Housing Development	213 no. residential units (147 no. houses, 66 no. apartments), creche and associated site works.
Location	In the townland of Rathgowan or Farranshock, Rathgowan, Mullingar, Co. Westmeath.
Planning Authority	Westmeath County Council
Prospective Applicant	DSPL Ltd.
Date of Consultation Meeting	25 th of February 2022
Date of Site Inspection	21 st of January 2022.

Inspector

Karen Hamilton

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1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

2.1. The subject site is (c.6.2ha) and is located at Rathgowan, Mullingar, Co. Westmeath. The site is located to the south of the R393 (Ashes Road) and to the east of the R394 (Mullingar Western Relief Road). There are two existing housing developments to the south and west of the site, Ardilaun Heights and Rathgowan Woods, both accessed from the Relief Road. There is a number of detached dwellings located to the north of the site, facing onto the R393. The site is mostly greenfield with some hardstanding areas on lands beside the existing housing at Ardilaun Heights and Rathgowan Wood.

3.0 Proposed Strategic Housing Development

3.1. The proposed development would comprise of the construction of 213 no. residential units, a creche and associated works.

3.2. Development Parameters

Parameter	Description
Area	6.2 ha (developable 6.06ha)
Units	213 no. residential units (147 no. houses, 66 no. apartments),
Density	35.1 uph

Creche	475m ² (capacity for 50 children)
Dual Aspect	36 no apartments (54%)
Public Open Space	1.02ha (>15%)

3.3. The proposed phasing includes:

- Phase 1 – will consist of the delivery of the 124 no. proposed houses, the creche and open spaces 01, 02 and 03, as well as internal roads 3-8 and home zones 1-4 and associated site development works.
- Phase 2 – will see the delivery of 23 houses north of road 03 and 66 apartments, open space 04 and associated communal open space, bin and bicycle storage, and associated site development works.

3.4. **Dwelling Mix**

	Number	Percentage
1 bed	26	12.2%
2 bed	94	44.1%
3 bed	85	39.9%
4 bed	8	3.8%
Total	213	100%

4.0 **Planning History**

Reg Ref 08/5019

4.1. Permission granted in 200 for a revised housing layout relating to 248 no. houses, crèche, neighbourhood shop and medical consultant, commercial and associated works. The permission has lapsed.

PL25M.214680 (Reg Ref 05/5214)

4.2. Permission refused for 190 houses for reasons of fragmented design, poor connectivity, absence of childcare facility, layout sense of place etc

Reg Ref 04/5226

- 4.3. Permission granted in 2004 for the construction of 350-unit development, crèche (378m²) and part of the C-Ring western bypass. 42 no units were developed as part of phase 1 and this has been taken in charge (Rathgowan Wood).

5.0 Relevant Planning Policy

5.1 Mullingar Local Area Plan 2014-2020 (as extended)

Table 2.3 Housing allocation for Mullingar until 2020: 4,471 additional housing units

Table 2.6: Residential Density for Mullingar

- Outer Suburban/ greenfield: 30-35 uph
- Outer edge of Urban. Rural Transition: 20-35 uph

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1. The PA submission includes a note of the minutes from one S24 meeting, held via MS Teams, on the 25th of May 2021 as summarised below:

- The development standards for both the LAP and the Development Plan should be met.
- The land use zoning is considered acceptable.
- Concerns relating to the proposed site layout and the internal road network.
- The rationale for vehilcaur access to the north is queried.

7.0 Prospective Applicant's Case

Statement of Consistency

- 7.1. The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

8.0 Planning Authority Submission

8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Westmeath County Council, submitted their opinions in relation to the proposal on the 03rd of November 2021.

8.2. Introduction

- There are some constraints on the site including open space, attenuation tank, archaeological zone
- The land use zoning is considered acceptable.
- There are outstanding issues, such as the taking in charge of Rathgowan Woods.
- Concern is raised how the proposed site layout will integrate with the adjoining lands.
- Concern is raised in relation to the internal roads network and how the junctions to the north and south of the subject lands will work.
- There is a lack of sufficient detail for the footpaths and cycle lands.
- Active travel associated with the development should be further examined.
- Request a Mobility Management Plan.
- The council are reviewing the R394 from an active travel perspective and looking to appoint consultants.
- Concern the proposal wouldn't support the future active travel scheme along the R394.
- Query in relation to the location of the apartments blocks
- Active frontage is encouraged at the roundabout at the R393. Suggest moving the crèche to the apartments and consolidate services.
- New Part V requirement may mean the inclusion of 20%. Part V should not be consolidated in one area and should be across the scheme.

8.3. Planning Assessment

8.3.1. Principle of Development

- The proposal is broadly consistent with the national and regional policy.
- The applicant should indicate how the open space lands outside the site location map will be appropriately integrated.

8.3.2. Design and Layout

- The proposed density at 35.1 uph is in line with density requirements for sites on the edge of a Key Town.
- The heights are considered acceptable although careful consideration should be given to the location and scale of the proposed apartment blocks to the north of the site having consideration to the existing and proposed dwellings in the vicinity.
- The proposed housing layout and mix is acceptable in principle. Detailed consideration should be given in respect to the overall design and layout of the 2 number 4-5 storey apartment blocks proposed.

8.3.3. Architecture and Urban Design

- The layout and density are generally acceptable, subject to DMURS that the road width would be 5.5m.
- In relation to pedestrian permeability a revised proposal should provide a more direct link from the proposed 32 no units to the southwest.
- The matter of pedestrian/cyclist connectivity is considered in greater detail in this report.
- Further consideration should be given to the siting and design (including the height) of the apartments blocks within the overall proposed development to ensure the appropriate location.
- Further consideration should be given to the integration of the open space outside the site layout.
- There should be provision for a high standard of open space amenity and range of facilities.

8.4. Water and Wastewater

- In relation to surface water, the applicant proposes to use the 2 by 900m surface water pipes within the site and 3 no. new attenuation tanks to serve the development. The inclusion of SUDS is welcomed.
- The OPW map data identified a pocket of pluvial flood risk on the site. There are no outstanding issues with regard to the flood risk.

8.5. Access, Roads & Transport

- The proposal contains one access via Rathgowan Park Road, off the Farran Roundabout (R394)
- Rathgowan Park has not been taken in charge. Further consideration should be given to the internal road layout and the 5.5m width.
- The Councils active travel team are currently examining an active travel scheme from the Grange South roundabout which will transcend along the orbital C-link Road (R394) and pass adjacent to the south-eastern side of the proposed development. Part of the road, beside the Farran roundabout, may need to be upgraded to a signalised junction.
- The proposal does not adequately incorporate sustainable modes of travel into the design, footpaths, cycle paths and a bus stop along the frontage with the R394 would be desirable.
- There is an absence of parallel parking, which is desirable to reinforce narrower carriage ways (ref Fig 4.76 DMURS).
- There should be a more direct route through the 32 no. units.
- There is a need to maintain the 5.5m road width generally except where necessary.
- There is a need for a Road Safety Audit.

9.0 Irish Water Submission

9.1. Irish Water correspondence dated 23rd of December 2021 confirms that a Confirmation of Feasibility has been issued to the applicants for 213 no. units subject to the following contingencies:

9.2. In respect of **Water**:

- There is sufficient capacity at the Portloman Water Treatment Plant to supply the proposed development.
- Irish Water notes there is a newly upgraded 200mm uPVC water main in the R394 road along the southwestern boundary of the site that can facilitate this water connection.
- The applicant is required engage with Irish Waters diversions team to assess any proposals by the applicant to build over or divert existing water or wastewater services.

9.3. In respect of **Wastewater**:

- There is sufficient capacity at the Mullingar Wastewater Treatment Plant to facilitate the proposed development.
- Irish Water notes that there is an existing sewer and watermain network within the south western area of the development site.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 25th of February 2022, commencing at 10.00am, via Microsoft Teams.

Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Development Strategy, *inter alia*, open space strategy, location of the apartments, urban design response to the R394,
2. Traffic and Transport, *inter alia*, Active Travel, interaction with the R394, DMURS,

3. AOB

10.2. In relation to the **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The amount of public open space within the applicant's ownership and any future proposal for the delivery of the open space.
- The design and layout of the proposal, the rationale for the location of the apartments to the north of the site and the need for a high-quality urban design response to the R394.
- The location of the crèche and the interaction with the R394.
- The design and layout and integration with the existing residential development.
- The functionality of the open space provision and landscaping.

10.3. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The location of the site on the west of the R394 and the existing barriers of movement from the site to the neighbourhood facilities.
- The active travel plans for the upgrades along the R392, the potential for a signalised junction at the entrance and the need to accommodate pedestrian and cycle activity.
- The movements of pedestrian and cyclist through the site.
- The internal road layout and compliance with DMURS.

10.4. In relation to the **AOB**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following;

- The density proposed at c.35uph and the need for any phasing plan to reflect the roll out of apartments within the first phase.
- The location of any construction compound, having regard to the environmental sensitives on the site.
- The inclusion of nature-based solutions for the treatment of surface water.

11.0 Assessment

11.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Conclusion

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.0 Recommended Opinion

12.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation **submitted requires further consideration and**

amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála

Design Strategy

1. Further consideration and/or justification of the documents as they relate to the design approach of the proposed development and the need for a high quality, strong urban edge which integrates effectively along the R394. The further consideration/ justification should address the matters of the configuration, the layout and the architectural approach at the roundabout with particular emphasis on the appropriate elevational treatment of any buildings, boundary treatment and provision of high-quality public realm. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Permeability & Connectivity

2. Further consideration and/or justification of the documents as they relate to the permeability and connectivity both across the R394, between the existing residential estates and throughout the site. In this regard further consideration of the connectivity shall incorporate the provision of appropriate play facilities, landscaped areas, boundary treatments and pedestrian/ cycle ways throughout the site clearly delineating public, semi-private and private spaces, having regard to the requirements of Design Manual for Urban Roads and Streets (DMURS), the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020) and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009). Further consideration of these and the following issues may require an amendment to the documents and/or design proposals submitted to reflect the

a design solution to the movement of pedestrian/cyclist across the R394 and the prioritisation of pedestrian/cycle activity within the subject site.

12.2. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

3. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ crèche area. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
4. Submission of a Road Safety Audit.
5. Submission of a Construction & Environmental Management Plan (CEMP) which includes the location of any construction compound, and all remediation works following the removal of the compound.
6. A statement DMURS compliance regarding permeability and connections with existing street network; hierarchy of routes and street function; enclosure including building frontage, furniture and planting along streets; parking; widths of carriageways and footpaths; pedestrian crossing points; and types of junctions and corner radii. The internal road layout should require measures to avoid the use of parallel roads. The submitted documents should demonstrate specific compliance with the particular stated provisions of DMURS. Generalised assertions regarding principles are not sufficient.

7. A zoning map which includes the land use zoning on the site with an overlay of the proposed development and all associated infrastructure works
8. A detailed phasing plan, including timing of delivery of the apartments, the communal and public open space and any other works associated with the proposed development.
9. Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.
10. A drawing detailing all areas proposed for Taking in charge.
11. Submission of a Request a Mobility Management Plan.
12. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
13. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

12.3. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water.
2. Transport Infrastructure Ireland.
3. National Transport Authority
4. The relevant Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Karen Hamilton
Senior Planning Inspector

07th of March 2022