



An
Bord
Pleanála

Inspector's Report

ABP-312828-22

Development	Demolition of 2 bungalows and construction of 74 apartments
Location	Killegland, Ashbourne, Co. Meath A84 K8K1
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA202062
Applicant(s)	Cala Bassa Properties Ltd.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Cala Bassa Properties Ltd.
Observer(s)	Gerard & Paula Devlin. Ciaran Byrne. Peter Rowen. Alan & Lynda Boxwell. Martin Callanan. Mark & Pauline Milner. Cllr. Alan Tobin.

Jean & Joe Derham.
Aisling O'Neill.
Celine Skelly.
Tudor Grove/Close/Crescent
Residents.
Sarah Peavoy.
Yvonne, Ciarán & Onóra Finn.
Cathal, Evelyn & Daniel Cullen.
Alison & Michael Morris.
Paul & Michelle Ryan.
Margaret & Nigel Grassick.
Sean Carey.
Philip & Susan McEvoy.
Neil & Elaine Lawlor.
Eamonn & Martina McCabe.
Pat & Joanne Coleman.
Brendan J. Dalton.
Rath Lodge Residents.
Robert McGauley.
30th of March 2023.
Elaine Sullivan

Date of Site Inspection

Inspector

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.81ha and is located in Ashbourne, Co. Meath. It is on the northern side of the town, approximately 600m from the town centre. The western boundary of the site faces onto the R135 and the main access would also be from this side. The R135 is the main route through Ashbourne. On the occasion of the site visit, works to upgrade the road were underway on the stretch outside the site. To the north, the site is bounded by the Rath Lodge housing estate and, to the east and south by the Tudor Lodge estate. Both developments comprise suburban-style, two-storey houses.
- 1.2. Directly to the west of the site and on the opposite side of the R135 are the St. Johns Wood and The Ashes housing developments and access road. Both developments are similar in scale and design and comprise terraces of 3 storey buildings which appear to have ground floor apartments with duplexes above. To the north of these developments is the Ashbourne Industrial Estate with the Ashbourne Business Park to the east of this and on the opposite side of the R135.

2.0 Proposed Development

- 2.1. The proposed development is for the demolition of two bungalows and the construction of 3 blocks of apartments ranging in height from 3 – 5 storeys with one block comprising apartments and facilities for independent living for older persons. The development would be connected to the mains water and wastewater systems. Associated works would include car and bicycle parking, landscaping and public lighting. Three pedestrian connections to the adjoining housing estates are also proposed.
- 2.2. The initial proposal was for 74 apartments, (36 x one bed, 35 x two bed, and 3 x three bed). Surface car-parking for 63 cars was also included. Following a request for further information, the development proposal was altered as follows -
 - Three apartments were omitted from the development and a total of 71 apartments were proposed, (35 x 1 bed, 33 x 2 bed and 3 x 3 bed). The 20 units to be provided in Block 3 would be for independent living.

- One 2-bedroom apartment was omitted from the western elevation of the fourth floor of Block 1. This provided a set-back on the front elevation of the building, facing onto the public road.
- Two apartments (1 x 1 bed and 1 x 2 bed) were omitted from the southern elevation of the third floor of Block 3. This allowed for a set-back, and a reduction in height on the elevation directly adjacent to existing two-storey housing.
- The number of car parking spaces was increased from 63 to 84 (71 resident spaces and 15 visitor spaces), through the addition of a basement car park for 54 cars with bin storage and bicycle spaces.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the PA for the following reasons,

1. Having regard to the location of the site at a peripheral urban edge location, on lands zoned A1 - Existing Residential which has a zoning objective to *'protect and enhance the amenity and character of existing residential communities'*, and to the density and height of the proposed development in an area characterised mainly by 2 / 3 storey dwellings, it is considered that the proposed development would result in over development of a restricted site which would be out of character with the existing streetscape and surrounding residential area.

Furthermore, the proposed development is contrary to Objective DM OBJ 20 of the County Development Plan 2021 to 2027 which requires *Any residential proposal which exceeds three or more stories in height shall demonstrate adequate separation distances having regard to layout, size and design between blocks to ensure privacy and protection of residential amenity.* The proposed development has not demonstrated adequate separation distances and as a result, would be injurious to the residential amenity of existing residential communities in the area. The proposed development would therefore seriously injure amenity and depreciate the value of properties in the

vicinity, would materially contravene the above referenced objective of the Development Plan, and would therefore be contrary to the proper planning and sustainable development of the area.

2. It is considered by virtue of the height strategy as proposed, the scale and bulk of the development, the potential negative impact on residential amenities from undue overlooking of same, that the proposed development would result in a substandard form of development that fails to integrate with the surrounding area and would, if permitted, be contrary to the provisions of the sections 3.4 to 3.6 of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018). The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the PA was informed by two reports which were prepared during the assessment of the proposed development.

The report of the Planning Officer, (PO), dated the 23rd of February 2021 requested further information, (FI), regarding 11 points and the report of the 25th of January 2022 assessed the response submitted by the applicant.

The report of the PO dated the 23rd of February 2022 includes the following:

- The proposed development is in accordance with the AI – Existing Residential zoning objective for the site and is assessed having regard to the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020), (the Apartment Guidelines).
- The proposed development is in accordance with SPPR 1, SPPR 3, SPPR 5, SPPR 6, of the Apartment Guidelines.
- The PO was satisfied that the units were in accordance with the standards / requirements for storage and, private and communal amenity space, but they requested that the private amenity space include a mix of recessed or winter garden areas.

- Given the number and mix of units proposed the PO accepted that a creche was not required.
- The development would have a density of 92 units per hectare, which the PO considers to be excessive for the peripheral site. A density of 45 units per hectare should be considered for the area in accordance with the Apartment Guidelines.
- FI was requested regarding design details including, the children's play area, locations of bins, siting and design of bicycle storage, boundary treatment,
- The PO notes that the Development Plan standards for car parking would require 114 spaces but the proposal includes only 64. Given the location of the site in Ashbourne, which is a peripheral and less accessible urban location the PO considers that a quantum of 93 spaces would be required, (i.e., one space per unit and one visitor space for every 3-4 units).
- Whilst the PO notes the existing 3-storey development across the road, they consider that a proposal for 4-5 storeys is out of context with the adjoining development and should be reduced in height.
- Adequate separation distances are not achieved between Blocks 2 and 3 and concerns are raised regarding overlooking of houses in Rath Lodge.
- The PO recommended that further information be provided regarding compliance with the Apartment Guidelines and in particular with Section 4.13 and 4.14, SPPR 4, and how private open space, bicycle storage and bins are provided.
- The PO also requests that the height of the scheme be reduced to 3 storeys with a 4th floor set-back and that the density of the proposal be reduced to 45 units per hectare as per the Apartment Guidelines for a site of its location. The apartments should also be revised to provide sufficient separation distances, to prevent overlooking and the quantity of car parking should be increased to 1 space per unit and 1 visitor space for every 3-4 units.

The second report of the PO dated the 25th of January 2021 considered the responses to the further information request. In their submission, the developer did not reduce the height of the development as requested by the PA and did not reduce

the density of the scheme. The PO recommended that the development be refused because of overdevelopment of the site.

3.2.2. Other Technical Reports

- Water Services – The report dated the 23rd of February 2021 recommended that further information be requested regarding the proposals for surface water drainage within the site. The second report dated the 15th of December 2021 states that the development as proposed broadly meets the requirements of the Water Services Department.
- Transport Department – N2 Rath Roundabout Study Team – No comments.
- Transportation Department – The report of the 4th of February 2021 notes that the proposed new access point onto the R-135 is within a junction which will be upgraded to accommodate the Ashbourne Traffic Management Scheme. The proposed junction would have to be redesigned to accommodate the development and the applicant should pay a special contribution towards this. It is recommended that further information be requested regarding the car and bicycle parking provision, boundary treatment and access arrangements. The second report dated the 14th of January 2022 had no objection to the information submitted by the applicant.
- Public Lighting – A public lighting plan was not submitted. It is recommended that this be requested through further information. The second report dated the 14th of December 2021 states that the submission from the applicant is satisfactory.
- Housing Section – Note on the file to say that discussions are ongoing to enter into a long-term lease agreement with the developer.

3.3. Prescribed Bodies

- Uisce Éireann – No objection.

3.4. **Third Party Observations**

The report of the PO states that 57 third party submissions were received during the public consultation phase. These included submissions from Cllr. Aisling O'Neill, Cllr. Alan Tobin, Cllr. Conor Tormey and Darren O'Rourke TD. The main issues raised are listed below.

- Inappropriate height and scale,
- Out of context with existing housing,
- Impact on existing amenity regarding overlooking and overshadowing,
- Increased traffic in the area and through existing housing,
- Over-development of the site, excessive density,
- Insufficient parking and public open space,
- Connections could increase anti-social behaviour,
- De-valuation of property,
- Removal of trees,
- Environmental concerns from past uses on the site,
- Bad design of proposed units.

4.0 **Planning History**

4.1. No planning history recorded for the site.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The site is located within the administrative boundary of Meath County Council. The operative Development Plan for the area is the Meath County Development Plan, (CDP), 2021-2027, which came into effect on the 3rd of November 2021.

- 5.1.2. The application was initially assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019, which was the operative Development Plan at the time. A request for further information was issued by the PA and in the intervening period, the 2021 Development Plan was adopted. The decision of the PA's was made under this plan.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2013 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Meath County Development Plan, (MCDP).
- 5.1.4. The following sections of the MCDP 2021-2027 are of relevance to the appeal,
- 3.4.2** - The subject site is in Ashbourne, which is designated as a 'Self-Sustaining Growth Town' in the Settlement Strategy for Meath. These towns are identified as having a, *'solid employment base with capacity to accommodate further expansion'*. The Strategy recognises Ashbourne as a rapidly growing settlement and states that, *'there will be a greater emphasis on achieving a greater balance between employment and population growth in these settlements'*.
- 11.14.6** - The site is zoned A1 – Existing Residential, which seeks to, *'To protect and enhance the amenity and character of existing residential communities'*. The principle of infill development in this zoning is 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.
- 11.5** – Residential Development Standards – All proposals for residential development should comply with the Sustainable Residential Development in Urban Areas – Cities, Towns & Villages (2009) and the Urban Design Manual - A Best Practice Guide, 2009.
- DM OBJ 14** – encourages densities in excess of 35 uph for Ashbourne and notes that SPPR1 of the Building Height Guidelines shall be considered in the implementation of densities.

SH POL 6 - To support the provision of accommodation for older people and for people with disabilities that would allow for independent and semi-independent living in locations that are proximate to town and village centres and services and amenities such as shops, local healthcare facilities, parks and community centres.

11.5.7 – Separation Distances

11.5.8 - Dwelling Design, Size & Mix.

11.5.9 – Building Height

11.5.10 – Open Space

11.5.11 – Public Open Space

11.5.12 – Private Open Space

11.5.17 – Apartments

11.5.19 a) – Infill Sites in Urban Areas

11.7.2 – Sheltered Accommodation/Step Down Housing, Residential Care Homes, Retirement Homes, Nursing Homes, Retirement Villages.

DM OBJ 67 - Planning applications for the change of use of a residential dwelling or other building to nursing home, residential care home, or for the construction of new residential care homes, retirement homes, nursing homes, retirement villages or sheltered accommodation/step down housing, shall be assessed for compliance with the following criteria:

- The Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) (Amendment) Regulations 2010 (or any such other relevant standards and legislation that may be enacted);
- The National Quality Standards for Residential Care Settings for Older People in Ireland, 2009;
- Sustainability is the location served by good public transport links, pedestrian and cycle facilities, close to local services and facilities;
- Suitability of the size and scale of the proposal having regard to the site constraints and the area in which it is located;

- The degree to which the residential amenity of surrounding properties is protected;
- The requirement for a high standard of design and external finishes;
- The adequacy of off-street car parking;
- High quality open space proposals with comprehensive landscaping plans prepared by a fully qualified landscape professional;
- Availability of services.

5.2. National Policy

- **National Planning Framework**

The NPF 2040 was adopted on the 29th of May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

The NPF has a number of policy objectives that articulate delivering on a compact urban growth programme. These include:

- NPO 2(a) relating to growth in our cities;
- NPO 3(a)/(b)/(c) relating to brownfield redevelopment targets;
- NPO 5 relating to sufficient scale and quality of urban development; and
- NPO 6 relating to increased residential population and employment in urban areas;
- NPO13 relating to a move away from blanket standards for building height and car parking etc. and instead basing it on performance criteria.

5.2.1. Section 28 Guidelines –

- **Sustainable Urban Housing - Design Standards for New Apartments (Guidelines for Planning Authorities), 2022.**

These Guidelines supports the use of infill heights in urban locations to provide higher density apartment developments. General blanket restrictions on building height or separation distance that may be specified in Development Plans should be replaced by performance criteria, appropriate to location.

- **Urban Development and Building Heights, (Guidelines for Planning Authorities), 2020.**

The guidelines require that the scope to consider general building heights of three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

Criteria for considering additional height are set out in Section 3.2 of the Guidelines.

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

The Guidelines updated and revised the 1999 Guidelines for Planning Authorities on Residential Density and set out the key planning issues to be considered in the provision of new housing development in terms of sustainable development.

5.3. Natural Heritage Designations

- 5.3.1. No designations apply.

5.4. EIA Screening

- 5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.4.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.4.3. It is proposed to construct 71 apartments in three blocks. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The infill site is within an existing built-up area and is well within the applicable threshold of 10ha.
- 5.4.4. The site is located within the Ashbourne area and currently comprises two individual sites with single storey dwellings on each. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other).
- 5.4.5. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Uisce Éireann and Meath County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for 'Residential' uses under the provisions of the Meath County Development Plan, and the results of the strategic environmental assessment of the Meath County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.4.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal mainly address the reasons for refusal as set out in the decision of the PA and include the following,

- Regarding refusal reason no. 1, the applicant is of the view that the subject site has been incorrectly classified by the PA as a '*peripheral urban edge site*', which is assumed to mean 'peripheral and/or less accessible urban location', as defined in the '*Sustainable Urban Housing: Design Standards for New Apartments, 2020*', (Apartment Guidelines). The subject site is appropriately categorised as an 'Intermediate Urban Location' in accordance with the definition in the Apartment Guidelines, and the scale and density is based on this categorisation.
- The appeal states that the development was designed in consideration with the character of the surrounding area and streetscape. The development is cognisant of neighbouring lands in terms of scale and mass. A daylight/sunlight analysis was carried out to determine its impact on existing properties, which was found to be negligible.
- Ashbourne is also classified as a Self-Sustaining Growth Town in the Meath County Development Plan 2021-2027. Such towns are considered to be highly suitable for accommodating apartment developments of the scale proposed.
- The applicant does not agree with the PA's assessment that the proposal represents overdevelopment and argues that the site of 0.81ha is of sufficient to accommodate a development of its size. Two recent planning decisions granted developments of similar scale to the proposed development, (AA201286, and ABP 307457-20, PA Ref. AA190862).
- The applicant does not agree that the proposal materially contravenes Objective DM OBJ 20 of the Development Plan as the proposal includes good urban design principles and would not injure the existing residential amenity.
- In consideration of the Urban Development and Building Height Guidelines for Planning Authorities, 2018, (the Height Guidelines), it is the applicant's opinion that the proposal, in conjunction with the Daylight/Sunlight analysis report submitted, provides an evidence-based approach to demonstrate that the development will not negatively impact on existing residential amenity.

- The applicant requests that the proposal is considered within the context of SPPR 3 of the Height Guidelines, which allows for the approval of development if it is in accordance with national guidance even where specific objectives of the Development Plan or Local Area Plan may indicate otherwise.
- In response to refusal reason no. 2, the applicant argues that the development would integrate with the surrounding area and that the road upgrades will improve the road network in the area for all residents.
- The applicant is of the opinion that the PA did not consider sections 3.7 and 3.8 of the Height Guidelines in their assessment, which specifies that development on suburban edges of towns for infill development should not be subject to specific height restrictions.
- The subject site can be classified as both an infill site and a brownfield site. National policy, (NPF), seeks to maximise development potential of such sites in the interest of sustainable development.

6.2. Planning Authority Response

A submission was received from the PA on the 21st of March 2022 and includes the following,

- The appeal has been examined by the PA and they are satisfied that all matters outlined in the appeal were considered during its assessment of the application and as detailed in the report of the Planning Officer, (PO).
- The proposed development, as presented in considered not to accord with the policies and objectives as outlined with the Meath County Development Plan 2021-2027.
- The PA requests that the Board uphold the decision to refuse permission.

6.3. Observations

A total of 25 observations were lodged by third parties. I have reviewed all the submissions and the main issues raised are summarised below.

- Size, scale, and density incompatible with existing.
- Development does not comply with development standards regarding dual aspect units, car parking provision and open space.
- Overlooking of existing housing on Tudor Close, (No's 8, 22-28 & 14-15 are referenced).
- Properties on Tudor Close are at a lower level than the proposal.
- Overshadowing of No's 1-6 Rath Lodge.
- Unusable green space for the development as it will be in shadow.
- Flood risk not adequately considered.
- Question regarding adequacy of proposed surface drainage.
- Impact on the Broadmeadow River.
- Soil on site may be contaminated.
- No bat survey was carried out.
- Not in keeping with the character of the area.
- Would impact on daylight and privacy of 25 Rath Lodge.
- 5-storey height is unjustified.
- Link through Rath Lodge is not supported.
- Low parking provision could result in increased traffic and parking in Rath Lodge.
- Insufficient green space in development.
- Bin store would be too close to existing houses.
- Concerns about vulture funds buying the development.
- Queries regarding the validity of the planning application regarding fees, site notices and identification of properties.
- Delay between lodgement of the appeal and notification of third parties – infringement on public participation rights.

- Cala Bassa Properties Limited, (CBPL / the applicant), are not authorised under the Company Registration Office to carry out planning, development or construction work.
- Query re. sufficient interest to make the application and land ownership.
- Excessive height for the area.
- Impact on existing houses in terms of loss of privacy and light.
- Security issues regarding new entrances through estates.
- Unsuitable for emergency access vehicles.
- Insufficient green space.
- No EIA for Stonehaven which was a scrap yard.
- Lack of amenities and public transport in Ashbourne.
- Existing water quality, supply and drainage are insufficient in Ashbourne.
- Insufficient facilities in the independent living block.
- No sustainability proposals in the development.
- Inadequate response to further information request.
- No Part V details submitted.
- The development would result in a depreciation of property prices.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal can be addressed under the following headings:

- Principle of Development
- Future Residential Amenity
- Height, Scale and Density

- Existing Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The principle of the development is acceptable for the site, which has an 'A1 – Existing Residential' zoning objective and is a brownfield, infill site in an urban location. Development Plan policy also supports the provision of apartment developments in Ashbourne. DM POL 12 states that *'Apartment schemes shall generally be encouraged in appropriate, sustainable, locations, accessible to public transport in the following settlements: Drogheda, Navan, Dunboyne, Kilcock, Maynooth, Ashbourne and Dunshaughlin'*.
- 7.2.2. The applicant is of the view that the subject site has been incorrectly classified by the PA as a *'peripheral urban edge site'* in their wording of the first reason for refusal. In the grounds of appeal, an assumption is made by the applicant that the *'peripheral urban edge site'* referenced in the refusal reason refers to a *'peripheral and/or less accessible urban location'*, as defined in the *'Sustainable Urban Housing: Design Standards for New Apartments, 2022'*, (Apartment Guidelines). The applicant argues that the site should be categorised as an *'Intermediate Urban Location'* in accordance with the definition in the Apartment Guidelines, and the scale and density of the development on this categorisation.
- 7.2.3. In the assessment of the development by the PO in the first report, (dated the 23rd of February 2021), a reference is made to the Apartment Guidelines and the PO considers that, *'...due to the frequency of public transport at the location, which is greater than every 10 minutes at peak hour, Ashbourne is classified as a 'Peripheral and/or less accessible urban location'...*'. This clearly sets out the reasons for the site categorisation by the PO.
- 7.2.4. Section 2.4 of the Apartment Guidelines identifies the types of locations in cities and towns that may be suitable for apartment development. Elements which define a Peripheral and or / Less Accessible Urban Location include,
- Sites in suburban development areas that do not meet proximity or accessibility criteria;

- Sites in small towns or villages.

Intermediate Urban Locations are defined as -

- Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;
- Sites within walking distance (i.e. between 10-15 minutes or 1,000- 1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.

7.2.5. The site is approximately 500 - 600m from Ashbourne town centre, which is defined as a 'Self-Sustaining Growth Town' in the MCDP. Whilst the pattern of development surrounding the subject site is predominantly suburban in character, I consider the site to be more in keeping with the characteristics for an Intermediate Urban Location as set out in the Apartment Guidelines. The site is within reasonable walking distance of the principal town centre and is within walking distance of reasonably frequent inter-urban bus services to nearby towns, including Drogheda, Blanchardstown, Swords and Dublin City.

7.2.6. In the Apartment Guidelines, Intermediate Urban Locations are generally suitable for smaller scale, higher density development that may wholly comprise apartments. Densities may vary but will broadly be greater than 45 dwellings per hectare. Given the location of the infill site, its proximity to the town centre and the availability of public transport services, I do not consider the site is not in accordance with the definition of a 'Peripheral and/or Less Accessible Urban Location'.

7.2.7. I am satisfied that that the development proposal can be assessed as a site in an Intermediate Urban Location and that development should be within the general objectives for a site of this category.

7.3. Future Residential Amenity

Apartment Design & Layout

- 7.3.1. In terms of assessing adequate amenity for future residents, the relevant guidance is contained in Chapter 11 of the MCDP and the Apartment Guidelines. I am satisfied that the apartments have been designed in accordance with the standards set out in the Apartment Guidelines and in Section 11.5.17 of the MCDP.
- 7.3.2. The proposed unit type mix of 49% - 1 bedroom, 45% 2 – bedroom and 6%- 3 bedroom is in accordance with SPPR 1. The floor area of each unit exceeds the minimum standards set out in SPPR 3, and the floor to ceiling height is in accordance with SPPR 5. All units have been designed with the standards for private open space and internal storage as set out in Appendix 1 of the Apartment Guidelines. Single aspect units would comprise 33% of the development which is in accordance with SPPR 4.
- 7.3.3. Block 3 would provide 21 apartments for independent living, (14 x 1-bed and 6 x 2-bed). The application states that these units are geared towards catering for elderly residents. All of the apartments have been designed in accordance with the Apartment Guidelines, with additional space at ground floor level to include a common room, office and laundry. Section 3.8.8 of the MCDP supports the provision of housing for independent living for an ageing population and SH POL 6 seeks, *‘To support the provision of accommodation for older people and for people with disabilities that would allow for independent and semi-independent living in locations that are proximate to town and village centres and services and amenities such as shops, local healthcare facilities, parks and community centres’*.
- 7.3.4. Section 11.7.1 of the MCDP sets out the development management considerations for sheltered accommodation and step-down housing, which includes independent living. DM POL 67 sets out the criteria under which proposals for the construction of sheltered accommodation / step-down housing should be assessed. The proposed location and layout of the independent units would be acceptable within the criteria outlined. However, the applicant has not submitted any details regarding the proposed tenure of these apartments or how they would be managed and the issue was not raised by the PA. It is outside the scope of this report to attach any conditions regarding the operation and management of these units in the absence of

any information on these matters. I am satisfied that, based on the information submitted, the units would provide an acceptable level of amenity for residents.

- 7.3.5. The PO raised concerns regarding the proximity of Blocks 2 and 3 and the failure to achieve the required separation distances. In response to this the applicant revised the window design to provide saw-tooth windows to prevent overlooking. I am satisfied that this response is reasonable and would prevent overlooking.

Car & Bicycle Parking

- 7.3.6. Section 4.23 of the Apartment Guidelines state that PA's must consider a reduced overall car parking standard in 'Intermediate Urban Locations' that are served by public transport and or close to town centres and / or employment areas. In all locations, the Guidelines require the demonstration of specific measures that enable car parking provision to be reduced or avoided, such as spaces for car sharing vehicles, cycle parking etc.
- 7.3.7. The applicant was requested by the PA to review and increase the level of car parking through further information. The FI submission increased the level of car parking from 63 surface spaces to 84 by including a basement car park for 54 cars. Bicycle parking spaces and bin storage would also be provided at this level. Table 11.2 of the MCDP allows for 2 car parking spaces per apartment with 1 visitor space per 4 apartments. The Development Plan also states that residential car parking can be reduced at the discretion of the PA where there is good access to services and strong public transport links. I consider the level of car parking to be adequate to serve the development given the proximity of the site to the town centre and to the bus stops directly outside the site. A total of 143 bicycle parking spaces would be provided throughout the development, 107 for residents and 36 for visitors. The allocation and quantum of spaces is acceptable.

Daylight & Sunlight

- 7.3.8. A Daylight and Sunlight Assessment was prepared for the amended development and submitted as part of further information. The assessment was carried out using the standards and methodologies contained in the BRE guide 'Site Layout Planning

for Daylight and Sunlight', (2nd Edition) and British Standard BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. An updated British Standard (BS EN 17037:2018 '*Daylight in Buildings*'), was published in May 2019, to replace the 2008 BS. This updated guidance does not have a material bearing on the outcome of the assessment.

- 7.3.9. The apartments were assessed using the 'Average Daylight Factor', (ADF) methodology, (as set out in the BRE Guidelines 2008), using a 1% ADF target for bedrooms and a 2% ADF target for the combined kitchen/living/dining areas. All of the rooms were in excess of the minimum recommended levels of ADF with some of the combined living and kitchen areas significantly above the recommendations. Based on the report findings, the orientation, and design of the development, I am satisfied that the apartments would be well lit and would receive sufficient daylight.

Public open space

- 7.3.10. The MCDP requires that 15% of the site area, (approximately 1,215m²), be provided as public open space. Based on the unit type mix and the standards set out in the Apartment Guidelines, the development would require 452m² of communal amenity space. The application states that 1,670m² of public open space / communal amenity space would be provided in the development. This is in excess of the standards set out in the Development Plan and the Apartment Guidelines.
- 7.3.11. Planting and landscaping would be provided along the circulation routes and between buildings. This would provide some passive public space. However, the main allocation of open space is provided at the back of the site and along the eastern boundary. This space would have some passive supervision from the units in Block 2, although only one unit on each floor would directly face onto the space. The same applies to Block 3, which also has just one apartment on each level facing onto the area. The area would also function as a through route from the adjoining housing estates which may increase the level of passive surveillance.
- 7.3.12. I would have a concern regarding the functionality and attractiveness of the open space to residents as it would be located along the rear boundary and away from the main entrances to the blocks. Concerns were also raised by the PA and third parties about the quality of the public open space and the level of play space available for

children in the development. The applicant responded to the concerns of the PA by stating that the proposed play space is in accordance with Sections 4.13 and 4.14 of the Apartment Guidelines. I consider the play space shown to be adequate.

However, should the Board be minded to grant permission for the development, details of the final landscaping plan can be agreed through planning condition.

7.3.13. The public open space was assessed for sufficient levels of daylight/sunlight using the BRE Guidelines, which recommend that 50% of any amenity area should be able to receive at least 2 hours of direct sunlight on the 21st of March. In the assessment, all the open spaces throughout the site were tested. However, I consider the main area of open space to the rear of the site to be the most relevant for the purposes of the assessment.

7.3.14. The results of the technical assessment are shown in Figure 16 of the submitted Daylight/Sunlight Assessment and clearly show that the majority of the area of open space to the rear of the site will receive more than 2 hours of sunlight on the 21st of March. Therefore, I am satisfied that the public open space will be adequately lit. Whilst the functionality of the public open space is questioned, I acknowledge that the quantum provided is over and above the minimum requirements. A comprehensive landscaping plan has also been provided for the development. On this basis, I consider the public open space to be acceptable.

7.4. Height, Scale & Density

7.4.1. The grounds of appeal reference some recently permitted planning applications in Ashbourne. It is argued by the applicant that these applications demonstrate precedent for developments of a similar scale and size to the subject proposal. All the grounds for appeal have been reviewed and the proposed scheme will be assessed on its merits and within the context of the site.

7.4.2. Concerns were raised in third party objections regarding the height, scale, mass and density of the development. Overdevelopment of the site also formed one of the main grounds for refusal by the PA.

Density

7.4.3. The proposed development would have a density of 92 uph. Section 11.5.3 of the MCDP states that the number of units on a site should be determined with reference to the Guidelines for Planning Authorities on 'Sustainable Residential Development in Urban Areas' (2009) or any update thereof. DM OBJ 14 encourages a density greater than 35 uph for Ashbourne, whilst also noting that SPPR 1 of the Building Height Guidelines shall be considered. The Apartment Guidelines recommend that Intermediate Urban Locations should broadly have a density in excess of 45 dwellings per hectare. SPPR 4 of the Height Guidelines states that in planning the development of greenfield or edge of city/town locations, 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 (2007)" or any amending or replacement Guidelines;*
- *a greater mix of building heights and typologies in planning for the future development of suburban locations.*

7.4.4. Within the 'Sustainable Residential Development in Urban Areas Guidelines, the subject site would be categorised as an Inner Suburban / Infill site within a large town. A density of 30-40+ uph is recommended for such sites.

7.4.5. Based on local and national planning guidance, the site is suitable for densities of 45 uph or above. The proposed density is very high for a location of this nature but other factors such as urban form, amenity for future residents and impact on existing residents are also important considerations.

Height & Massing

7.4.6. Volume 2 of the MCDP sets out the written statement for the development of Ashbourne but is not prescriptive about building height. DM OBJ 19 requires a minimum separation distance of 22 metres between opposing windows in the case of apartments up to three storeys and DM OBJ 20 requires that adequate separation distances are provided for proposals of three or more storeys in height. National

policy on building height is set out in the Urban Development and Building Heights, Guidelines for Planning Authorities, (2018), (the Height Guidelines). The guidelines support the principles of providing compact urban growth by considering general building heights of at least three to four storeys, with appropriate density, in town centres and suburban areas. Assessment of development is based on performance criteria and how the development relates to the immediate and wider environments.

- 7.4.7. Section 3.6 of the Height Guidelines notes that development in suburban/edge locations in cities and towns can accommodate buildings of up to four storeys, *'alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets'*.
- 7.4.8. The proposed development ranges in height from three to five storeys, with the five-storey element towards the centre of the site and the outer blocks stepping down to three storeys. Whilst planning guidance for infill sites supports higher densities and building forms with three to four storeys as a standard height, the Height Guidelines also acknowledge that context is important. The subject site is approximately 600m from the town centre but is in an established residential area where the prevailing pattern of development is suburban in character. The western site boundary faces onto the R135 and has a length of c. 125m. This would allow enough space for the development to establish its own streetscape and would allow for an increase in height towards the centre of the site. The existing three storey development on the opposite side of the road is noted and the ridge height is matched by the proposed 3-storey blocks.
- 7.4.9. However, the five storey elements would be excessive within the context of the existing development around the site. The height of Blocks 1 and 2 would present an overly dominant built form within the low-rise streetscape along the R135. This impact would be particularly pronounced when viewed from the eastern boundary with Tudor Close and would result in an overbearing impact on the existing housing. In order to reduce the impact of the development and to better integrate with the surrounding environment, I recommend that the fifth-floor level be removed from the scheme and that a condition be attached to the permission should permission be granted by the Board.

7.4.10. I consider the mass of the buildings to be acceptable. The blocks are off set from each other, and the main elevations are staggered to avoid long uninterrupted façades. I note the issues raised by the PA regarding inadequate separation distances and overlooking within and outside of the site. I am satisfied that these issues can be addressed through the implementation of specific design features and do not represent a reason for refusal.

7.5. Existing Residential Amenity

7.5.1. The closest houses to the site are No's 1-4 Rath Lodge to the north of the site and, No's 13 & 14, and 24 & 25 Tudor Close to the east and south. The houses on Rath Lodge back onto the site. There would be a minimum separation distance of 20.7m at the closest point which is between the rear elevation of No. 4 Rath Lodge and the corner of the four-storey element of Block 1. This is not in accordance with MCDP objective DM OBJ 19, which states that, '*A minimum of 22 metres separation distance of between opposing first floor windows should be observed...*'. There are no directly opposing windows between the proposed development and the houses on Rath Lodge and the main contributor to overlooking would be from the projecting balconies on the northern elevation of Block 1. The applicant has proposed that 'artificial planter screening' be applied to these balconies to prevent overlooking. Details of the screening has not been provided but this design feature would block views from the balconies. Overlooking will not be an issue to the east of the site due to the existing houses at No's 13 and 14 Tudor Close and the separation distances proposed.

7.5.2. Block 3 would be the closest building to existing housing. At its closest point, the side elevation would be just 6.6m from the rear garden wall of No. 25 Tudor Close. Windows serving the circulation corridors in Block 3 would face onto the gable elevation of No. 25 and would not result in any overlooking. The most westerly corner of Block 3 has the potential to impact on the amenity of No. 25 in terms of overlooking as it would face onto the rear garden and is just 6.6m from the site boundary at its closest point.

7.5.3. The southern corner of the balconies for Apartments 6 and 12 and the secondary glazing to the living areas face onto the rear garden of No. 25 and could result in

overlooking. This could be addressed by installing opaque glazing to the windows and balconies. The impact of these measures would have to be considered in terms of ensuring adequate levels of daylight and sunlight to the living areas of the apartments. However, I note that the ground and first floor apartments at this location in Block 3 were above the recommended 2% ADF in the Daylight / Sunlight Assessment at 6% and 7% respectively.

- 7.5.4. Although the impact of overlooking could be addressed through implementation of specific design measures, I have serious concerns regarding the proximity of the block to the private amenity space to the rear of No. 25 and the impact on the attractiveness of this space. A Landscape Masterplan was prepared for the revised development and submitted as part of further information. The Masterplan shows three trees, (Ref. T19), to be planted along the site boundary with No. 25 Tudor Close and to the rear of No's 2 and 4 Rath Lodge. These trees are not listed in the planting schedule on the drawings and the species is not detailed. Some tall specimen trees at these locations would help to soften the impact of the buildings on the existing houses and would also provide screening for privacy. I recommend that a condition is attached to ensure that specimen trees of a suitable scale and type are provided at these locations to protect amenity.

Daylight & Sunlight Assessment –

- 7.5.5. Numbers 1 to 5 in Rath Lodge and 13, 14, 24 and 25 Tudor Close were identified as sensitive receptors regarding impacts from loss of light or overshadowing due to their proximity and orientation. These properties were assessed in the Daylight Sunlight Assessment submitted by the applicant.
- 7.5.6. The BRE Guidelines recommend that loss of light to existing windows need not be assessed if the distance each part of the new development from the existing window is three or more times its height above the centre of the existing window. It also states that the diffuse light to an existing building may be adversely affected if part of a new building measured in a vertical section perpendicular to the main window wall of an existing building, from the center of the lowest window, subtends an angle of more than 25° to the horizontal. If a window falls within a 45° angle both in plan and elevation with the new development in place, then the window may be affected and

should be assessed. No. 4 Rath Lodge was found to be the only sensitive receptor where the proposed development subtends the 25° angle. However, tests to measure the Average Daylight Factor (ADF), and the Vertical Sky Component (VSC) were carried out on all the windows in the adjoining properties.

- 7.5.7. VSC is a measure of the amount of sky visible from a given point and is expressed as a percentage. BRE guidance suggests that if the VSC is less than 27%, and is less than 0.8 times its former value, then the neighbouring buildings will experience a noticeable reduction in the amount of skylight they receive. The results of the Daylight and Sunlight Assessment show that there will be a minor reduction in skylight to some of the windows. All but five windows would retain either a VSC in excess of 27%, or if less than 27% initially, they would not be reduced to below 80% of their former value. Windows 39 and 40 are located at ground floor level to the rear of No. 4 Rath Lodge. Both windows would experience a reduction in VSC of 77.2% and 77.5% respectively. However, even after the reduction, both windows would still experience a VSC in excess of 27%. The same applies for windows 46, 50 and 51 which are on the rear elevation of No. 5 Rath Lodge.
- 7.5.8. All of the windows in the Tudor Close development were found to meet the required levels of VSC post construction. Any reduction was minimal and was within the parameters for VSC as set out in the BRE Guidelines.
- 7.5.9. The BRE Guidelines also recommend assessing window walls that face within 90 degrees of due south for Annual Probably Sunlight Hours (APSH). This parameter would apply to No's 1-6 Rath Lodge and No's 13, 25 and 14 in Tudor Close. The APSH represents the sunlight that a window may expect over a year and is expressed as the percentage of direct sunlight hours divided by the number of hours when the sky was clear with sun. The APSH received at a given window should be at least 25% of the total available, including at least 5% in winter. If the value is either below this to start with or is reduced below this, then it should not be reduced below 80% of its former value. Only the main living areas need to be assessed. All windows assessed exceeded the target values set out for annual and winter probable sunlight hours. The report concluded that the proposed development meets the recommendations of the BRE Guidelines, and any potential loss of sunlight will be negligible.

7.5.10. The private amenity areas for the existing houses were also assessed for the potential impact of the development on light to these areas. The BRE Guidelines recommend that 50% of any qualifying amenity area should be able to receive at least 2 hours of direct sunlight on the 21st of March. If as a result of a new development, the garden area that cannot receive 2 hours of direct sunlight on March 21st is reduced to 0.8 times its former size then the further loss of sunlight is significant. The amenity spaces to the rear of the properties on Rath Lodge, to the north of the proposed buildings, were assessed as these would be the ones most likely to be overshadowed. The results were shown in radiation maps in Figures 14 and 15 of the report and in graph form in Table 8. The results demonstrated that all of the private amenity spaces to the rear of No's 1-6 would receive the recommended 2 hours of sunlight to an area of 50% of the amenity space. Any reduction in sunlight to the amenity space will be imperceptible.

Traffic

7.5.11. I do not consider that there will be any significant traffic impacts on existing development from the proposed development given the scale of the proposed development. The level of car parking has been minimised and all traffic would be directed onto the main road and only pedestrian and cycle routes would pass through the adjoining developments.

7.5.12. Concerns were also raised by residents regarding overflow parking in the neighbouring estates because of the reduced level of car parking provided. When I carried out the site inspection, I visited both estates. All the houses have off-street parking for one or two cars. There is some space for short-term parking along the internal roads, but this space is limited and would be an unattractive option for ongoing or long-term use. In my opinion this would act as a deterrent for use by non-residents.

Connections

7.5.13. Concerns were raised by third parties that the pedestrian connections would lead to antisocial behavior and would impact on existing residential amenity. No evidence

has been submitted to support this argument and I do not consider that the proposed pedestrian and cycle connections would lead to antisocial behavior. Well-connected neighborhoods are one of the principles of good urban design and encourage walking and cycling through quieter routes. The connections would be of benefit to existing communities as well as new ones.

Additional Concerns

- 7.5.14. The location of the bin stores was raised as a concern by third parties. When the proposal was amended through further information, the main bin store was moved to the basement car park with a second bin store to be located beside the car parking spaces along the northern boundary. The location of the bin store in the basement is acceptable subject to the provisions set out in the Apartment Guidelines and the Development Plan. The secondary bin store would be approximately 6m from the site boundary to the rear of No. 5 Rath Lodge and would be in an open and landscaped area. I am satisfied that this store will be of sufficient distance and scale to prevent the existing houses from experiencing any significant negative impacts such as odours or nuisance.
- 7.5.15. Potential contamination from the former use of the site as a scrapyards was also raised as a concern. Any pollution from such uses would most likely be from oil or hydrocarbon spills onto the soil. No information has been provided by the applicant as to historical uses on the site and the area which may have been used for a scrapyard appears to be quite small. The requirement for an EIA has been screened out based on the nature and scale of the development. However, should permission be granted for the development, a Construction and Environmental Management Plan (CEMP) would be submitted to, and agreed with the PA. This plan would include details on how the site preparation works would be carried out and how waste from the site would be removed and disposed of.
- 7.5.16. Concerns were raised about the delay between the appeal being made and the notification of third parties and that the applicant has sufficient interest to lodge the application and develop the site. A large number of observations were received during the consultation period, and I am satisfied that third party rights were not prejudiced in this instance. The application states that the applicant is under contract to buy the site and letters of consent were submitted from the owners, which

is sufficient information to lodge the planning application. Any other issues raised are not within the remit of this report. However, Section 34(13) of the Planning and Development Act states that, *'A person shall not be entitled solely by reason of a permission under this section to carry out any development'*.

- 7.5.17. A Flood Risk Assessment was submitted with the application. There is no history of flooding on the site, and it is not at risk from tidal or fluvial flooding. The surface water from the development will be attenuated within the site and piped to outfall at a restricted rate to the existing surface water network on the R135. SUDS measures will be provided within the site which can store water for the 1 in 100-year storm event with a 20% allowance for climate change. The Flood Risk Assessment noted that any risk of pluvial flooding would be from faults or blockage within the public system. Mitigation measures were outlined to deal with this should it happen. pluvial flooding within the site. I am satisfied that sufficient measures have been included in the development to minimise the risk of flooding both within and from the site. I note that the PA were satisfied that the proposal broadly met their requirements and recommended that planning conditions be attached to any grant of permission. The site is approximately 350m to the southwest of a stream that flows into the Broadmeadow River. Given the location of the site within a serviced urban area I am satisfied that there is sufficient distance and development between the site and the stream to prevent any surface water runoff from the site into the stream and into the Broadmeadow River.
- 7.5.18. Concerns were raised that a bat survey was not carried out on the site. There are some mature trees within the site which could provide roosting sites for urban bats. This was not addressed in the tree survey which was carried out for the site. Given the location and nature of the site, the likelihood of bats roosting on the site is low. However, this issue can be addressed through a planning condition which requires a bat survey to be carried out prior to any work commencing on the site or the removal of any trees.
- 7.5.19. Deficiency in existing water supply in Ashbourne was also raised by third parties. Uisce Éireann had no objection to the proposal but site-specific comments on the pre-connection enquiry noted that the *'Connection is subject to upgrade in Ashbourne due to be completed in 2020/2021 but subject to change'*. The applicant was advised to contact Uisce Éireann prior to submitting a connection application

and the issue was not raised by the PA. The wording of the pre-connection enquiry indicates that that any upgrade works are scheduled to be carried out and are imminent. In this instance, I recommend that a standard condition be applied to any grant of permission that requires the applicant to engage with Uisce Éireann prior to the commencement of development.

7.6. Appropriate Assessment

- 7.6.1. A Stage 1 Screening for Appropriate Assessment was not submitted with the application. In accordance with obligations under the Habitats Directives, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.6.2. The proposed development is for the demolition of two houses and the construction of three blocks of apartments, a basement car park, landscaping and ancillary development. The development would be connected to the mains water and wastewater services.
- 7.6.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.6.4. The closest European sites are the Rogerstown Estuary SPA & SAC, (Site codes, 004015 & 000208), which are approximately 15km to the south-east of the site and, the River Boyne and River Blackwater SPA & SAC, (Ref. 004232 & 002299), approximately 18km to the north-west of the site. Any potential impacts on European sites would be limited to the discharge of surface waters during the construction stage of the development. However, the development site is within a serviced urban area, at some remove from the European sites. There is also no direct or indirect hydrological connection between both sites.

7.6.5. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, having regard to the nature and scale of the proposed development within a serviced site, and the separation distances to the nearest European site, no Appropriate Assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission is granted for the proposed development.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed infill residential development comprising 71 apartments in three blocks on an infill site with zoning objective A1 - Existing Residential, it is considered that, the proposal would be in accordance with the Meath County Development Plan 2021-2027, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23rd day of December 2020, as amended by the further plans and particulars submitted on the 22nd day of November 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	Reason: In the interest of clarity.
2.	<p>The proposed development shall be amended as follows,</p> <p>The fifth storey / fourth floor level of Blocks 1 and 2 shall be omitted from the proposal.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<p>a). The living room windows on the southern elevation of Apartments 6 and 12 in Block 3 shall be glazed with obscure glass.</p> <p>b). Privacy screens shall be fitted to the northern corner of Apartments 12, and 23 in Block 1 and to the southern corner of Apartments 6 and 12 in Block 3.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: To prevent overlooking of adjoining residential property.</p>
4.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interests of sustainable waste management.</p>
5.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply</p>

	<p>with the detailed standards of the planning authority for such road works.</p> <p>. Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
6.	<p>. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>. Reason: In the interest of public health.</p>
7.	<p>. The developer shall engage with Uisce Éireann prior to the commencement of development and shall comply with their requirements with regard to the proposed development.</p> <p>. Reason: In order to ensure a proper standard of development.</p>
8.	<p>. Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>. Reason: In the interest of visual amenity.</p>
9.	<p>. Proposals for the development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>. Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.</p>
10.	<p>. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p>

	. Reason: In the interest of visual amenity.
11.	. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan. . Reason: In the interests of residential amenity and proper waste management.
12.	. The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works and shall be agreed in writing with the Planning Authority prior to the commencement of development. . All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 0% of spaces to be fitted with functional electric vehicle charging points. . Reason: In the interests of amenity and of pedestrian and traffic safety.
13.	. A bat survey shall be carried out on the site prior to the commencement of development and the results of the survey shall be submitted in writing to the Planning Authority. Should the presence of bats or bat roosts be found on the site detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

	<p>. Trees to be removed on site shall be felled in late summer of autumn.</p> <p>. Reason: In the interest of nature conservation and wildlife protection.</p>
14.	<p>. The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>. Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
15.	<p>. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs</p> <p>(ii) Details of screen planting which shall not include cupressocyparis x leylandii</p> <p>(iii) Details of roadside/street planting.</p> <p>(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation.</p>

	<p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
16.	<p>The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design.</p>
17.	<p>The developer shall comply with the requirements of the Transportation Department of the Planning Authority.</p> <p>Reason: To ensure a satisfactory standard of development.</p>
18.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 20% of spaces to be fitted with functional electric vehicle charging points.</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p>

19.	<p>. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.</p> <p>. Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
20.	<p>. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>. Reason: In the interests of residential amenity and public safety.</p>
21.	<p>. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p>. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
22.	<p>. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>. Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
23.	<p>. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>. Reason: To protect the residential amenities of property in the vicinity.</p>

. Elaine Sullivan
 Planning Inspector

29th of May 2023