



An
Bord
Pleanála

Inspector's Report

ABP-315190-22

Development	Amendments to permitted apartment development.
Location	Emmet Street, Trim, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22/1176.
Applicant(s)	Bluehume Limited.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	First Party V Condition of Permission
Appellant	Dara McNeel Bluehume Limited.
Observer(s)	None.
Date of Site Inspection	12 th September 2023.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Emmet Street, Trim, Co. Meath. The application site is located, in a backland area to the rear of an existing mixed building on the western side of Emmet Street, within Trim town centre. The surrounding area is reflective of its town centre location, with the area characterised by a mix of retail, commercial, residential and recreational uses. The site has a general rectangular shape and to the east of the site and fronting onto Emmet Trim is a 3 no. storey building with commercial/retail uses on the ground floor with residential uses above.
- 1.2.** The site is accessed via a narrow gated entrance to the north of the mixed-use building. There is associated parking to the rear of this building. The rear portion of the site comprises the existing apartment building to which this application relates. The construction of the apartment development is at an advanced stage and has been substantially completed. With the exception of the metal cladding at the upper floor level, the remainder of the materials and finishes have not been applied to the exterior of the building. The topography of the site gently slopes eastwards towards Emmet Street with a slight fall north to south. Trim town carpark is accessed further to the north from the eastern side of Emmet Street.
- 1.3.** There is an existing protected structure to the immediate north of the site adjoining the entrance (RPS Ref. No. 91263). The site is also located within Trim Historical Core Area and Trim Zone of Archaeological Potential. The line of Trim Town Wall lies along the western (rear) site boundary. There is a path to the rear of the site to the established residential area of St. Patrick's Park and that leads to the rear of the OPW building. There is a gated Community Sensory Garden accessed by this pedestrian path which is located to the west of the site.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for amendments to a permitted residential development (Ref. 21/1907). This permission (i.e. Ref. No. 21/1907) was an amendment of planning application Ref. TA/190634 (ABP-306550-20) which amended planning application reference TT/800019. The proposed amendments include:

 - The revised location of the stairwell window.

- Alterations of Window Type 2, change of dimension from 3350mm to 2530mm wide to facilitate boiler and flue position.
- The inclusion of a lift shaft to provide the necessary 3450mm height between the finished 2nd floor level and the underside of the lift eye beam for health and safety purposes.
- A change to the northern façade comprising the change from stone effect cladding to painted render.
- The inclusion of a Roof AOV - TGD Part 8.
- The inclusion of approx. 48 no. PV panels in adherence to TGO Part L & BER.
- All necessary ancillary and site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission for the proposed development subject to compliance with 9 no. conditions.

Conditions of note include:

Condition No. 2.

The proposed change of stone effect cladding to painted render on the north facing facade shall not be permitted. A natural stone cladding shall be installed. Details of same shall be submitted to the Planning Authority for a written agreement.

Reason: In the interest of visual amenity and conservation within an architectural conservation area.

Condition No. 8.

The applicant shall lodge with the Planning Authority a cash deposit of €66,000.00 as a security for the satisfactory completion and maintenance until taken in charge by the Council of roads, footpaths, surface water drains, public lighting, open space, landscaping and any other services required with the development. In the event of the non-completion or maintenance of the services the Planning Authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as of or said of any part of the development.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Meath County Council Planning Report forms the basis for the decision. The report provides a description of the appeal site and surrounds and provides an overview of the proposed development, the planning history of the site and surrounds and the policy at local and national level that is applicable to the development proposal.

In terms of the principle of development, the Planning Authority noted that the site forms part of Master Plan Area (MP31) of the current CDP which has yet to be prepared. However, as the proposal relates to design modifications to a permitted development only, the principle of development was considered to be acceptable. With respect to design and amenity, the majority of works were deemed to be acceptable. However, concerns were raised with respect to the revisions to the northern façade of the apartment building which sought to replace the permitted stone cladding with a painted render finish. The Planning Authority noted that the original natural stone finish was considered to be more acceptable given the location of the appeal site within the Trim Architectural Conservation Area. It was stated that the northern and eastern elevations are most visible from the site entrance along Emmett Street and given the siting of the proposed development relative to the existing Protected Structure to the north, it was considered that the proposed natural stone cladding should be retained. A grant of planning permission was recommended by the Planning Authority and Condition No. 2 was included which required the retention of the originally proposed stone cladding.

3.2.2. Other Technical Reports

Transportation Department: Report received stating no objection.

Transportation Department (Public Lighting): Report received stating no objection subject to compliance with the original conditions.

Housing: Report received stating the Part V requirement are to be met by the Applicant.

Water Services: Report received stating no objection.

Broadband Officer: Report received stating no objection.

Conservation: Report received recommending a refusal of permission. Concerns were raised with respect to removal of the stone finish on the northern façade of the building. Additional concerns were raised with respect to amendments which did not form part of the current application.

3.3. Prescribed Bodies

Irish Water: Report received stating no objection.

3.4. Third Party Observations

None.

4.0 Site Planning History

21/1907: Planning permission Granted by the Planning Authority in June 2022 for amendments to permitted planning application reference no. TA190634 (ABP-306550-20) which granted permission for a three storey apartment building containing 11 no. apartments, which amended a previously approved apartment block under planning application reference TT/800019 at Emmet Street, Trim, Co. Meath. The proposed amendments included 1) Alterations to the northern wall of granted apartment No. 8 on the first floor and to decrease occupancy from a two storey 3 bedroom apartment to single storey 2 bedroom apartment, 2) alterations to granted apartment No. 09 on the second floor to increase the occupancy from a one bedroom to a two bedroom apartment, 3) Alterations of granted apartments No. 11 and No. 8 to accommodate 1 no. additional apartment to the north of the second storey, 4) an increase of an overall 800mm to the depth of the granted building to facilitate minimum 1.5m deep balconies, 5) An overall increase of 4 square meters to the internal gross floors area of the

building and 6) All necessary ancillary site works.

TA190634 (ABP-306550-20): Planning permission Granted by the Planning Authority and the Board in June 2020 for a 3 no. storey block containing 11 no. residential units to replace the block previously approved under planning ref: TT/800019, all to the rear of the existing apartment building constructed under planning permission (reg ref TT20004).

TA40519: Extension of duration of planning permission Ref. TT/800019 Granted by the Planning Authority in July 2014.

TT800019: Planning permission Granted by the Planning Authority in August 2009 for the construction of 2 no. 3 storey buildings (containing a total of 5 no. 2 bedroom duplex apartments over 5 no.1 bedroom ground floor apartments) to the rear of existing apartment building, constructed under Ref. TT20004. It is noted that the scheme was altered to a single three storey block during the course of the application.

TT20004: Planning permission Granted by the Planning Authority in September 2002 for the demolition of a derelict two storey dwelling including disused derelict shop and associated out buildings and for the construction of a three storey building being phase 1 (block A) of a development comprising three storey ground floor commercial/retail units, 2 no. 1 bed apartments and 1no. 2 bed apartment on first floor 2, 2no. 1 bed apartments and 1 no. 2 bed apartment on the second floor (6 apartments in total). Vehicular and pedestrian entrance, and provision of 6 car parking spaces and for connection to all public services.

It is noted that previous refusals for apartment development on this site included in the 2000s (Ref. Nos. TT70015, TT60025 (ABP Ref. no. PL82.221459)). In the case of the latter, permission was refused by the Board for 3 no. reasons. The Planner's Report also refers to other previous refusals on this site (Refs. TT30024, TT20005 (ABP Ref. no. PL82.130883)).

5.0 Policy Context

5.1. Meath County Development Plan (CDP), 2021-2027.

Trim is identified as a Self-Sustaining Growth Town under the Meath County Development Plan (CDP), 2021-2027. The 'Vision' for Trim as detailed in Section 3 of the town's 'Written Statement' is 'For Trim to be an attractive heritage town with a diverse modern economy and a vibrant centre complementing its nationally significant cultural heritage and picturesque setting adjacent to the historically significant Trim Castle and the River Boyne'.

Under Map 38(a) of the current CDP, the appeal site is attributed a B1 (Commercial Town or Village Centre) zoning, the objective of which is 'To protect, provide for and/or improve town and village centre facilities and uses.

The appeal site is located (Map 38(a)) within 'Master Plan 31'. Section 16.0 (Master Plans) of the Written Statement notes that 'Master Plan 31 relates to the development of Mixed use, Residential, Open Space, High Amenity and Town Centre zoned lands located to the west of the town centre, including the OPW site, the area incorporates both greenfield lands and existing buildings and uses'. The CDP notes that this master plan is awaiting preparation.

Relevant Town Development Policies and Objectives (Section 17.0) include:

- **TRM POL 1:** To continue to support the consolidation of Trim as an attractive heritage town with a diverse modern economy and a vibrant centre complementing its nationally significant cultural heritage and picturesque setting.
- **TRM OBJ 1:** To secure the implementation of the Core Strategy of the County Development Plan, in so far as is practicable, by ensuring the household allocation for Trim as set out in Table 2.12 of the Core Strategy is not exceeded.
- **TRM OBJ 4:** To facilitate infill and backland development within the town centre in the context of their contribution towards the enhancement of the existing streetscape, the ACA and the visual amenities of the central part of Trim.

The appeal site is located within the Trim town centre and Historic Core Architectural Conservation Area (ACA). There is also an existing Protected Structure (RPS Ref. No. 91263) to the immediate north of the site fronting Emmet Street. Regard is therefore given to Section 8.7 (Architectural Heritage) of the current CDP. Policy Objectives relevant to the development proposal include:

- **HER POL 14:** To protect and conserve the architectural heritage of the County and seek to prevent the demolition or inappropriate alteration of Protected Structures.
- **HER POL 16:** To protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate.
- **HER POL 18:** To require that in the event of permission being granted for development within the curtilage of a protected structure, any works necessary for the survival of the structure and its re-use should be prioritised in the first phase of development.
- **HER POL 19:** To protect the character of Architectural Conservation Areas in Meath.
- **HER POL 20:** To require that all development proposals within or contiguous to an ACA be sympathetic to the character of the area, that the design is appropriate in terms of height, scale, plot density, layout, materials and finishes and are appropriately sited and designed with regard to the advice given in the Statements of Character for each area, where available

5.2. National Policy and Guidance

Regard is had to:

- Project Ireland 2040 - National Planning Framework (2018).
- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, the Department of Housing, Local Government and Heritage, December 2022 (Last updated March 2023).

- Urban Development and Building Heights Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection - Guidelines for Planning Authorities 2011.
- Design Manual for Urban Roads and Streets (DMURS), 2019.
- Quality Housing for Sustainable Communities, 2007 (Department of the Environment, Heritage and Local Government).

5.3. Natural Heritage Designations

There are no European designated sites within the immediate vicinity of the site. The nearest designated site is the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), which is located c. 250m to the north of the site. The River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) is also located c. 250m to the north of the site.

5.4. EIA Screening

Having regard to the nature and scale the proposed development which consists of amendments to an existing apartment development, and its location on zoned land within the settlement boundary of Trim, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Applicant has submitted a First Party Planning appeal with respect to the Condition Nos. 2 and 8 which have been attached to the grant of permission. The grounds of appeal can be summarised as follows:

Condition No. 2.

It is contended by the Applicant that the inclusion of natural stone cladding on part of the north facing facade of the building is an inappropriate use of materials and will not enhance the visual amenity of the north facing facade for the following reasons:

- It is stated that the necessary site works as granted with the planning permission necessitates the inclusion of a boundary wall which runs in part, parallel to the

north facing facade, thereby obstructing any public view of the lower half of the facade.

- It is also stated that the access footpath between the building facade and the retaining wall allows for private access to Apartment No. 4 on the ground floor of the development, and necessary access only to ESB network equipment store under the external staircase. This external staircase provides private access to Apartment No. 8 on the second floor of the development. There is no public access and there is no public view of the lower section of the external northern facade.
- The appellant notes that the south facing facade has been granted permission to remain finished with a render system. This facade is partially visible from the public realm and there is no condition for it to have a stone finish. This decision is inconsistent with the Planning Authority's reasoning for the treatment of the northern facade.
- In the interest of the long term appearance of this northern facade, any north facing substrate is prone to lichen and fungal growth due to the lack of direct sunlight. Wherein a render finish can be cleaned effortlessly, a natural stone facade is harder to clean and provides the perfect natural breeding ground for these growths, discolouring and sometime damaging the stone.

Condition No. 8.

This condition stipulates the payment of a cash deposit of €66,000 to Meath County Council. The applicant is appealing the form of this deposit as a cash only deposit, which contradicts the previous condition (No. 17) that is applicable to this development which was made by the Board under ABP-306550-20 (TA190634). Condition No. 17 of ABP-306550-20 was detailed as follows:

- Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of watermains, drains and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development.

The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

This condition was then amended under Ref. 21/1907 and stipulated the payment of cash deposit of €66,000.00. The Applicant requests that Meath County Council accept the payment of the €66,000.00 in the form of an insurance bond which the Board previously provided as a potential option in an earlier condition (i.e. Condition No. 17).

6.2. Planning Authority Response

A submission was received on 12th December 2022 which requests the Board to uphold the decision of the Planning Authority as per the conditions attached.

6.3. Observations

None received.

6.4. Further Responses

None received.

7.0 Assessment

7.1.1. The First-Party Appeal relates to Condition Nos. 2 and 8 which are attached to the Planning Authority's Notification of Decision to Grant Permission. I am satisfied that the development is otherwise in accordance with the proper planning and sustainable development of the area, and that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of the Conditions in question, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended).

7.1.2. As part of the Applicant's proposals to amend the extant permission, permission is sought for revisions to the palette of materials and finishes. This included the replacement of the stone cladding on the northern elevation of the permitted apartment

building with a painted render finish. Within their assessment of the application, the Planning Authority formed the view that a stone finish was a more appropriate use of materials given the location of the appeal site within an ACA. The Planning Authority also had regard to the location of the proposed development relative to the existing Protected Structure to the north-east of the proposed building. The Planning Authority's Conservation Officer shared these concerns and formed the view that the stone cladding should be retained in this instance in order to integrate the development into this historic setting. The Applicant has now appealed this condition and has contended that the existing northern boundary wall will obstruct views of the proposed stone cladding and therefore questions the rationale for the inclusion of said condition if it is not readily visible from public view. The Applicant notes that the permitted southern elevation includes a render finish and purports that this decision is inconsistent with the Planning Authority's reasoning for the treatment of the northern facade. Further to this, the Applicant notes that any north facing substrate is prone to lichen and fungal growth due to the lack of direct sunlight. While a render finish can be cleaned effortlessly, it is stated a natural stone facade is harder to clean. For these reasons, the Applicant requests the Board to omit this condition in its entirety.

7.1.3. When comparing the submitted documentation with the documentation as approved under the extant permission (Ref. 21/1907) and the permission which preceded it (ABP-306550-20 (TA190634)), it is evident that the level detail depicted on elevations has been simplified in the context of the palette of materials and finishes. I note that notations have now only been included on the submitted documentation. From reviewing the previous iterations of the development, it is evident that the permitted stone finish is key design feature which wraps around the building and notwithstanding the commentary of the Applicant, will be visible on first and second floor level façade when viewed from various vantage points. I note that Policy HER POL 20 of the current CDP requires all development proposals within an ACA to be sympathetic to the character of the area in terms materials and finishes. In addition, the site is located within 'Master Plan 31' of the Trim Written Statement and this designation also applies to the lands to the north of the site. Given the potential visibility of the apartment building from these lands to the north (notwithstanding the current tree coverage), it is paramount that a high quality finish along this interface which responds to and is

sympathetic to the character of the site and surrounding area is maintained. Further to this, I do not accept the Applicant's arguments with respect to concerns surrounding the long term maintenance of the façade and I consider a stone cladding to be a more durable and robust finish to be applied in this instance. However, I do concur with the Applicant that views of the ground floor level northern façade are restricted due to the height of the existing northern boundary wall. In addition, views of the ground floor façade from Emmet Street are also obscured given the separation distances between the northern façade of the building and the existing northern site boundary. For these reasons, I am generally of the view that the Planning Authority's decision to include this condition is appropriate. However, I recommend that Condition No. 2 be amended so that the stone cladding be retained for the first and second floor level façade only and the Applicant should be requested to submit details of the finishes for the written agreement of the Planning Authority.

7.1.4. The Applicant has also appealed Condition No. 8 which stipulates the payment of a cash deposit of €66,000.00 to Meath County Council. The applicant is appealing the form of this deposit as a cash only deposit and refers to a previous condition (No. 17 of ABP-306550-20 (TA190634)) of an earlier permission which allowed either a cash deposit, a bond of an insurance company or other security to secure the provision and satisfactory completion and maintenance of the development. It is understood that the Applicant is now requesting the acceptance of an insurance bond in lieu of a cash deposit and a modified condition to reflect same. From examining Meath County Council's website, it is evident that the Meath County Development Contribution Scheme 2016-2022 remains in operation. The Contribution Scheme includes a 'Ready Reckoner' which provides a guide to calculate development contribution rates. Further to this, the 'Ready Reckoner' also includes a 'Bond Surety Calculation'. This calculation applies a rate of €6,000 per Unit for developments between 1-10 Units and a rate of €3,000 per unit between 11-20 Units. On the basis of 12 no. apartments being permitted under the current development, a cash deposit of €66,000.00 has been applied by the Planning Authority which in my view has been done so correctly and is in accordance with the Contribution Scheme's 'Ready Reckoner'. Although the Applicant has referred to a previous condition included by the Board, the Applicant has not put forward a strong rationale or justification as to why a cash deposit should not

or cannot be provided in this instance. For this reason, I recommend that Condition No. 8 be retained in its entirety.

8.0 Appropriate Assessment

Having regard to the nature of the proposed development to amend an extant permission and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1.** Having inspected the site and reviewed the drawings and documents on file, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Section 139 of the 2000 Act, as amended.

I recommend that Condition No. 2 be omitted and replaced with:

- The proposed change of stone effect cladding to painted render on the north facing facade shall apply to the ground floor level façade only. A natural stone cladding shall be installed at first and second floor level. Details of same shall be submitted to the Planning Authority for a written agreement.

Reason: In the interest of visual amenity and conservation within an architectural conservation area.

I recommend that Condition No. 8 be retained in its entirety.

9.2. Reasons and Considerations

Having regard to the nature and scale of the proposed development, the B1 (Commercial Town or Village Centre) zoning for the site, the location of the site within the Trim Town Centre and Historic Core Architectural Conservation Area, the provisions of the Meath County Development Plan, 2021-2027 and subject to compliance with conditions, it is considered that, the proposed amendments would be

sympathetic to the architectural character of the site and surrounds, would not seriously injure the residential and visual 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan
Planning Inspector

14th September 2023