



An
Bord
Pleanála

Inspector's Report

ABP-316054-23

Development	Construction of 5 townhouses, form entrance onto a laneway, parking area, connect to public sewerage system and all ancillary site development works.
Location	Church Lane, Castlepollard, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	22302
Applicant(s)	Richard O Dwyer
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Castle Heights Residents Group.
Observer(s)	None
Date of Site Inspection	21 st of September 2023
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. Castlepollard is a village in north Co. Westmeath. It lies west of Lough Lene, and northeast of Lough Derravaragh and Mullingar. The original layout of the village, which dates back to the nineteenth century, is preserved and is a central triangular green. There are a number of notable Georgian buildings around the square.
- 1.2. The subject site is approximately 0.122Ha and it is located on the western side of Church Lane in the centre of the village. The site is an undeveloped site. Church Lane is a narrow laneway leading from the square to a graveyard.
- 1.3. To the west, the site is bounded by the rear of residential properties, a post office and a shop. Killafree Church and graveyard are to the north of the site. To the east is a small cul-de-sac residential estate called Castle Heights. There is a stone wall fronting the site along Church Lane, and there is an opposing stone wall bounding Castle Heights.
- 1.4. Castle Heights is accessed from Water Street further east. It consists of a variety of house types. There is a pedestrian opening from Castle Heights onto Church Lane which leads into the square in the village.

2.0 Proposed Development

- 2.1. The original application was for 5No. dwellings in 2No. blocks to be accessed off Church Lane. 1No. block contains 2No. dwellings and the second block contains 3No. dwellings. The dwellings are orientated onto Church Lane, with a central access and parking area. The rear garden areas of each dwelling back onto the properties along the western site boundary.
- 2.2. Westmeath requested further information on 28th of July 2022, citing concerns regarding the access of Church Lane, and the applicant was requested to examine an alternative access possibly via Castle Heights housing estate. There was also concern regarding works and potential loss of the established stone wall which forms part of a historic boundary and setting to Killafree Church.
- 2.3. The further information submitted on the 23rd of January 2023 included ***a revised access to the development via Castle Heights***, with the consent of the relevant

landowner. There is a proposed removal of 12metres of the section of the existing wall at the end of the cul de sac in Castle Heights.

3.0 Planning Authority Decision

3.1. Decision

Westmeath County Council decided to grant planning permission for the proposed development by Manager's Order on the 21st of February 2023, subject to 16No. conditions. The proposed development granted planning permission was the revised proposals submitted by way of further information on the 23rd of January 2023 which included 1No. block of 3No. dwellings and 1No. block of 2No. dwellings separated by an access drive with access from Castle Heights residential estate.

The relevant conditions to the appeal area follows:

3. Roads

Prior to commencement of development, the developer shall submit revised plans and particulars for the written approval of the planning authority which provide the following:

- (a) The installation of traffic bollards on the L-57524 (Church Lane) is not permitted and shall be omitted from the plans and particulars submitted.
- (b) Details on the erection of 'no right turn' signage exiting this development such that vehicles access the town square via L-57524 (Church Lane) is restricted.
- (c) Submit a Stage 1 and Stage 2 Road Safety Audit. The developer shall submit a Stage 3 post construction Road Safety Audit following completion of the proposed development.
- (d) Apply to Westmeath County Council for a road opening licence and comply with conditions imposed relating to any works on the public roads and footpaths.
- (e) All road markings on public roads necessitated by the development shall comply with DN-GEO-03043 November 2011, Geometric Design of Major/ Minor Priority Junctions and Vehicular Access to National Roads.

- (f) All works to roads and footpaths shall be carried out in accordance with the standards set out in the '*Design Manual for Urban Roads and Streets*' (Department of Transport, Tourism and Sport and Department of Environment, Community and Local Government 2019 and the National Roads Authority '*Design Manual for Roads and Bridges*').
- (g) Road markings and signage shall comply with the Department of Transport 2010 Traffic Signs Manual (TSM) as amended.
- (h) All public lighting for this development shall be designed by a competent lighting design engineer and shall fully comply with the requirements as stated within the current version of Midland Counties Public Lighting Specification.
- (i) Wheel wash facility must be provided on site before commencement of any development on site. All vehicles leaving the site must use this facility. No dirt or debris to be dragged onto the public road.

The development thereafter shall be carried out strictly in accordance with approved plans and particulars.

Reason: In the interest of traffic management & safety and to ensure the proposal integrates appropriately with its setting.

14. Archaeological Investigation :

Unless otherwise agreed in writing with the Planning Authority, prior to commencement of the development, the applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site... Having completed the work, the archaeologist shall submit a written report stating their recommendation to the Planning Authority and to the National Monuments Service section of the Department of Housing Local Government and Heritage. Where archaeological material/ features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required. The development thereafter shall be carried out strictly in accordance with the approved with approved details.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest)

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. 27th of July 2022:

- **Principle of Development:** The site is zoned 'Existing Settlement Centre'. The proposal will integrate with the pattern of development within the town centre and provide for compact growth.
- **Siting and Design:** it is an infill development to the rear of an established building line of properties fronting Green Street. The gross floor area of each dwelling is 121sq.m. with a maximum height of 8M.
- **Impact to Protected Structures:** There are concerns regarding the loss of the wall which forms part of the historic boundary and setting of Killafree Church and the wider heritage of the town. Architectural Heritage Assessment is required.
- **Appropriate Assessment:** There are no potential for significant effects.
- *Further Information is recommended*

21st of February 2023

Following receipt of revised proposals and notices by way of further information and a number of third-party submissions, the further information was assessed as follows:

The access/ roads issue can be addressed by a condition.

The site is unsightly and the new development will enhance the visual appearance of the area and its heritage.

3.2.3. Other Technical Reports

Irish Water: the applicant must sign a connection agreement prior to the commencement of the development. All development to be carried out in compliance with Irish Water Standards codes and practices.

Housing Section: A Part V planning condition is applicable.

Area Engineer: Site is not at risk for pluvial or fluvial flooding. There is no scope of two way traffic on Church Lane due to restrictive widths and substandard visibility

splays onto the town square (R195). The applicant should be requested to explore access from Castle Heights housing estate.

Upon receipt of the further information there was a follow up report from the Area Engineer: An extensive list of conditions were recommended. There was no objection to the proposed development from an engineering perspective.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

No submissions during initial statutory period.

Following receipt of revised proposals by further information along with revised public notices there was an objection received from Castle Heights Residents Group.

- The integrity of Castle Heights will be compromised
- The properties will be devalued
- Increased traffic
- Not suitable for construction traffic
- There will be carparking spaces lost
- The turning area will be lost
- The estate is used as a short cut to St. Michael's school, it will no longer be safe
- Set an undesirable precedent.

Killafree Renewal Committee

Access along Church Lane cannot be compromised. The use of bollards should be prohibited

Access to the site is wholly unworkable and inadequate for both construction and post-construction traffic. There is no turning area for large vehicles. Trucks will have to reverse to Water Street.

4.0 Planning History

4.1 Subject site:

Reference **062347**

Planning permission granted to D.J.M. Properties permission to construct 2No. two storey blocks of townhouses (consisting of 6No. three bedroom units) at Church Lane, Castlepollard.

Reference **062040**

Planning permission was refused on the site for a two storey building consisting of a retail unit at ground floor level and a two bedroom apartment at first floor level. , and two storey block of townhouses with no. three bedroom units.

5.0 Policy Context

5.1. National Planning Policy

5.1.1 *National Planning Framework*

The National Planning Framework (NPF) 2018 sets out a high-level strategy for the planning and development of Ireland to 2040. The NPF forecasts that Ireland will continue to experience population growth above the EU average over the next 20 years, with an expected increase of around one million people above 2016 levels by 2040. The strategy to accommodate this growth in a sustainable way focuses on 10 national strategic outcomes that include Compact Growth, Sustainable Mobility, Enhanced Amenity and Heritage, a Low Carbon and Climate Resilient Society and the Sustainable Management of Water, Waste and Environmental Resources.

Compact Growth The NPF priorities for compact growth include an emphasis on the renewal of existing settlements, rather than continued sprawl. This priority recognises the impacts that our dispersed settlement pattern (including the dispersal of residential, commercial and employment uses within settlements) is having on people, the economy and the environment.

5.1.2 Housing for All (2021) Housing for All –

A New Housing Plan for Ireland 2021 is the Government's housing plan to 2030. The overall objective is that everybody should have access to sustainable, good quality housing to purchase or rent at an affordable price, built to a high standard, and located close to essential services, offering a high quality of life. The plan recognises the need to plan for a more diverse and socially inclusive society. It also recognises that a sustainable housing system requires infrastructure, including public transport and water services. T

5.1.3 Climate Action Plan 2023 (CAP23)

The Climate Action Plan 2023 (CAP23) is the first plan to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction of economy-wide carbon budgets and sectoral emissions ceilings in 2022. The plan implements these carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. Of particular relevance to these Guidelines, CAP23 notes that the dispersal of residential settlements, commercial zones and workplaces to peripheral areas instead of focusing on central areas and locations served by public transport, has led to an overreliance on the private car. The Annex of Actions to CAP23 includes an action to prepare sustainable settlement guidelines and to review planning guidelines to ensure a graduated approach in relation to the provision of car parking.

5.1.4 ***Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (January 2024)***

3.3.4 Small and Medium Sized Towns (1,500 – 5,000 population)

(i) Description of Settlement Small to medium sized towns outside of metropolitan areas vary considerably in terms of population, employment and service functions and the level of public transport provision. Some small to medium sized towns have a district-wide service and employment function and are largely self-sustaining. Others, particularly those within commuting distance of cities, have experienced rapid residential expansion in recent decades based on population growth that is generated by economic drivers in larger urban centres. Many of these 'commuter' type towns have a high population but are reliant on other centres for employment and services, and tend to be heavily car-dependent.

The strategy for all small to medium sized towns is to support consolidation within and close to the existing built-up footprint. The key priorities for compact growth in smaller to medium sized towns in order of priority are to:

- a) strengthen town centres,
- b) protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality,
- c) realise opportunities for adaption, reuse and intensification of existing buildings and for backland, brownfield and infill development, and
- d) deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement.

Table 3.6 Areas and Density Ranges Small to Medium Sized Towns Small / Medium Town - Centre

In many cases, the town centre comprises a main street and streets immediately adjoining, while the inner urban neighbourhood consists of the early phases of residential development around the centre, and may include local services and interdispersed commercial, industrial and institutional uses. Backland, brownfield and infill sites will generally be in the town centre or inner urban neighbourhoods. It is a policy and objective of these Guidelines that the scale of new development in the central areas of small to medium sized towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure (including public transport and water services infrastructure).

5.2. Development Plan

The relevant development plan is the Westmeath County development Plan 2021-2027. According to the Settlement Hierarchy of the development plan Castlepollard is classified as a Self-Sustaining Growth Town, with the role a *Self-Sustaining Growth Towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.*

A number of “consolidation sites” which comprise of a mix of both brownfield and greenfield lands have been identified in the settlements. The Council will favour and promote the development of such sites for residential, community, and, if deemed appropriate, mixed use purposes or a combination thereof. The scale and nature of development permissible for the settlement shall be commensurate with its position in the Settlement Hierarchy and shall be consistent with relevant Core Strategy Policies. Development proposals shall be required in their layout and design to respect and reinforce the character of the individual settlement.

Section 8.3.1 is the relevant Settlement Plan for Castlepollard

Volume 2 Maps 02,03 and 04 are associated with Castlepollard.

General Policy Objectives

It is a policy objective of Westmeath County Council to:

CPO 8.1 Promote the development of Castlepollard as a driver of economic growth for the North Westmeath region and fulfil its role as a designated Self-Sustaining Growth Town.

CPO 8.2 Support the expansion of a range of services and facilities available to residents and the wider rural hinterland.

CPO 8.3 Engage with the community and relevant stakeholder to promote and support the regeneration of Castlepollard through identification of significant regeneration projects along with associated funding streams including the Rural Regeneration and Development Fund.

CPO 8.4 Provide for the creation of sustainable communities in Castlepollard by identifying sufficient land for new development, in particular housing, enterprise and employment, community, recreational and tourism uses.

CPO 8.5 Continue to promote the tourism potential of Castlepollard by supporting tourist related development and enhancement of existing amenities.

CPO 8.14 Provide for new residential development in accordance with the requirements of the Housing and Core Strategy.

CPO 8.15 Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential developments to meet the needs of the population of Castlepollard.

CPO 8.16 Encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up area.

According to the relevant Mapping, 02,03 and 04 of Volume 2 of the Westmeath County Development Plan 2021-2027:

The subject site is zoned '*Expanded Settlement Centre*'.

The site is located outside of the Architectural Conservation Area.

5.3. **Natural Heritage Designations**

The nearest Natura 2000 site is Lough Lene SAC c.3km southeast of the site, and Lough Derravaragh SPA 3km southwest.

5.4. **EIA Screening**

With regard to environmental impact assessment (EIA) thresholds; 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 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha 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)

It is proposed to construct a residential development containing 6 dwelling units.

Therefore, the number of dwellings proposed is substantially below the threshold of 500 dwelling units. The site has an overall area of c.0.02ha and is also, therefore, significantly below the applicable site area thresholds, even if the site is deemed to be within a 'business district'.

The site is largely surrounded by residential development, community development and small-scale commercial uses. The introduction of a residential development will not have an adverse impact, in environmental terms, on surrounding land uses. It is acknowledged that the site is located adjacent to a Conservation Area and could be considered to be within the curtilage of a Protected Structure. It is also proximate to a Zone of Archaeological Interest (as per the Development Plan) and to the Zone of Archaeological Constraint for the Recorded Monument of Dublin City. I am satisfied that the issues of archaeological and architectural heritage can be satisfactorily assessed through the normal planning process.

The proposed development is not likely to have a significant effect on any European Site – as outlined elsewhere in this Inspector’s Report. 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 sensitive receptors).

The proposed development would not give rise to waste, pollution or nuisances that differ from those arising from other housing/mixed-use development in the area. It would not give rise to a risk of major accidents or risks to human health. The proposed development will connect to public water and sewer services, upon which its effects would be minimal.

Having regard to the nature and scale of the proposed development and the location and nature of the subject site, together with the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development would not be likely to have significant effects on the environment and that, on preliminary examination, an Environmental Impact Assessment Report (EIAR) or a determination in relation to the requirement for an EIAR, is not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

Castle Heights Residents Group has taken this third-party appeal against the planning authority’s decision to grant planning permission for the five dwellings on Church Lane, Castlepollard. A summary of the appeal is as follows.

6.1.1 **Planning Application:** The proposed development is to construct 5No. townhouses with carparking spaces, the demolition of stone walls on both sides of a narrow laneway (Church Lane) leading from the town square to the historic Killafree Church and graveyard in order to provide vehicular access to the proposed development.

6.1.2 **Further Information** In the request for further information the planning authority advised to consider the potential for providing vehicular access to the proposed development via Castle Heights housing estate. By granting planning permission for the development the planning authority failed to acknowledge it's own concerns regarding: *Loss of the established wall which forms part of a historic boundary and setting of Killafree Church and the wider heritage of Castlepollard.* If Church Lane is characterised by original stone walls on both sides, then by removing a portion of those walls, a part of historic character is lost.

The applicant responded stating he met with the Area Engineer with a view to an access via Castle Heights. The site layout drawing indicated two large breaches of the stone wall shall be removed on the eastern and western sides of Church Lane. This is very serious.

On the 17th of October 2022, the planning authority considered the works were proposed outside of the site boundary red line and there was no detail of consent for the demolition of the stone wall.

On the 17th of January 2023 the applicant responded with a letter of consent from Mr. Frank Bell to remove a portion of the wall to provide access onto Church Lane. The planning authority granted planning permission for the proposed development.

6.1.3 **The Residents Group**

Castle Heights consists of 14 No. dwellings. It is a cul de sac used by only residents. There has been a problem with kerbside parking of non-residents.

The without resulting in undue repetition of this report submission details the location of the proposed development, description of the proposed development, the development plan policies and objectives, and the regeneration policy of the plan.

6.1.4 **Conflicts Between the Proposed Development and the Relevant Policies of Westmeath County Development Plan**

The proposed development is not in accordance with a number of significant and relevant policies of the Westmeath County Development Plan:

1. The proposed development makes no contribution to the expanding the range of services and facilities (CPO 2)
2. The proposal conflicts with the tourism policy of the plan, CPO 8.5 because it will lead to conflict for pedestrians on Church Lane.
3. It is recommended a heritage interpretation and storey telling centre be developed in Castlepollard, CPO 8.13 and this would bring visitors to Killafree Church and graveyard using Church Lane.
4. The proposed development will contribute nothing to achieving a high quality design in line with policy 8.3.1.8
5. Policy CPO 8.16 is intended to encourage appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of existing built up areas, the car dependent proposal is in conflict with policy CPO 8.21 which is aimed at promoting cycling and walking within the community.
6. The proposed development fails to revitalise the core area of the town or provide any social or economic environmental benefits to the local community.
7. The proposed development would be in conflict with one of the objectives of the Plan, section 8.3.1.11 which aims to provide a pedestrian bias within the town.
8. The proposal is in conflict with the Heritage objectives for protecting character and retaining settings of protected structures.

6.1.5 There was no public consultation with the residents of Castle Heights regarding the revised proposal to access the site via their housing estate.

6.1.6 **Traffic**

Westmeath Co. Co. was concerned about the access to the site. Church Lane serves an old churchyard and graveyard. It is a pedestrian link to the town square to Castle Heights. There is no scope for two way traffic, and safe pedestrian access on the lane. The new access via Castle Heights poses serious problems as follows:

- Castle Heights estate is currently a cul-de-sac which gives the estate its safe mature character. The value of the houses would greatly reduced by the proposal.
- Vehicular traffic entering the proposed development, or exiting from it would conflict with existing uses of Castle Heights estate road, which was designed to provide only for the use of visitors and residents.
- Castle Heights will lose their turning area at the end of the estate.
- The proposed entry and exit to and from the applicants proposed development would involve two sequential left-hand and right-hand 90 degrees turns on a narrow lane; and while this might be possible for personal vehicles with some difficulty, it will not be possible for large commercial vehicles, such as those collecting refuse from the households in the proposed development.
- It is highly likely that the future residents of the development will leave their refuse bins at the end of Castle Heights cul-de-sac for collection and not in the space allocated within the proposed scheme. The space proposed is inadequate as it only provides for one bin per household instead of 2-3 per household which includes for general waste, recycling and organic waste.
- Access to the proposed development for vehicles could be extremely difficult.
- During the construction period it will be difficult for larger deliveries such as roof trusses to access the site and materials might be deposited in Castle Heights at the turning area of the estate road. The construction management has not been discussed by the applicant.
- There will be an adverse impact to the pedestrian access to Killafree Church and graveyard, and it will negatively impact on the public appreciation of these historic sites.
- In order to avoid difficult left-hand and right-hand 90 degree turns into and out of the site drivers will attempt to enter and exit directly to the town square and bollards were proposed as a control measure. This was seen as problematic by the planning authority and condition No. 3 was included

to prevent right turning onto the lane. The control mechanism will be totally ineffective from controlling traffic to and from the Square.

6.1.7 Adverse Impacts on Killafree Church and Graveyard

The church is a protect structure and the church and graveyard are both listed in the national inventory.

- **Killafree Church and Graveyard Reg. No 15302027 on the Niah**

Detached former Church of Ireland Church, built c.1670, consisting of a three-bay hall with attached four-stage tower on square-plan to the west end. Now a ruinous roofless shell. Constructed of rubble limestone, all detail is now obscured by heavy vegetation and ivy growth. Pollard Family vault, c.1679, under nave with finely carved blocking stone having inscription. Set in extensive graveyard with variety of eighteenth and nineteenth century gravestones, some with elaborate cast-iron railings. Site is enclosed by a rubble limestone wall with simple wrought-iron gate with central cross to top. Located in slightly elevated position to the north of the village. An historic church set within an extensive graveyard, forming a picturesque landmark to the north of Castlepollard. This church is the earliest structure still standing in the village, originally dating to the late-seventeenth century. It is quite possible that this graveyard marks the site of the early Christian monastic site of Killafree, associated with the monastic community at nearby Fore, which is mentioned in various annals. The pre-1700 fabric in the church, graveyard and sections of the enclosing wall are of archaeological importance. The cast-iron railings and carvings to headstones and Pollard Family Vault are of artistic merit, while the gateway and boundary wall to the perimeter of the site form an attractive feature in the streetscape. The site is of social importance due to its history as a burial ground and place of worship. A school is marked on the First Edition Ordnance Survey map (1838-9) just to the east of the church itself. No trace of this building remains today.

- The Conservation Architect recommended a potential visual impact assessment on the impact on the church and graveyard, but this was not requested by the planning authority.

- Access to the church and graveyard is and graveyard is via Church Lane a narrow-paved avenue leading northwards from the town square and bounded on each side by rubble limestone walls. At the northern extremity of the lane, an iron gate provides the principal entrance to the church and graveyard. There is a pedestrian opening to allow people to walk through Castle Heights especially to and from St. Michaels National School on Wafer Street. The graveyard is carefully maintained by the Killafree Renewal Committee. Church Lane is used by funeral corteges because it remains an active burial ground, and is restricted to a small number of local facilities. The proposed development should not be granted without a future plan for the church and graveyard. The proposed dwellings are too close to an important archaeological and historic site of regional and local importance, and it would adversely impact on the historical and cultural value and integrity of the site.

6.2. Applicant Response

The response to the third-party appeal has been responded to in different sections relating to development plan policy, public consultation, Access and Traffic, Impact on Killafree Church and graveyard, and consideration of alternatives.

6.2.1 *Compliance with Westmeath County Development Plan 2021-2027*

- The proposed development will provide a Road Safety Audit at Stage 1 and Stage 2, and once the development is complete a Stage 3 will be completed. The audits will ensure there is no conflict between the use of Church Lane for vehicles and the use of accessing Killafree Churchyard.
- **CPO 8.13** The proposed development will not affect the potential for a visitor services hub in Castlepollard. The laneway will continue to be used as access to Killafree Church and graveyard. The development plan highlights opportunity sites across the town for development. The existing site is located within a residential part of the town and it is deemed more appropriate for residential units than another use on the subject site.
- **CPO 8.21** The proposed development will support walking and cycling in the town and provide adequate parking spaces for new residents. There are 6no. car parking spaces for 5No. dwellings in line with development plan

requirements. The development is not car-dependent. The laneway is only 140metres long, and the town centre is easily accessible.

- **CPO 8.30** The site is considered to be vacant, infill and in need of regeneration. The proposed development would provide homes for families in the town centre, and boost the local clubs, businesses and schools. The proposed housing development is in line with national and regional policies. The development is in line with the National Planning framework providing a development within the existing urban footprint. The Regional Spatial and Economic Strategy for Eastern and Midland Region aims to support the NPF and its economic policies and objectives, promote consolidating and intensification of lands.
- **CPO 7.26** The development site is in a central location surrounded by existing residential units, and suitable for development in line with the objectives.
- **CPO 16.12** The proposed development uses various high quality architectural finishes so that the development will fit seamlessly into its surroundings without harming existing residential amenities or visual amenities. The dwellings facing onto Church Lane will enable a form of passive surveillance, and provide an active street frontage. The hard landscaping proposed will provide for hard and soft landscaping to contribute to the local character of the area.
- **CPO 16.13** The proposed development of two storey dwellings matches that of the two storey dwellings existing along Church Lane and Castle Heights. These are semi-detached and detached two storey and single storey units.
- **CPO 16.14** The development is situated c.22metres from any surrounding dwellings on Green Street or Castle Heights. There are no negative impacts anticipated concerning overlooking, overshadowing or privacy as the dwellings are situated on a greenfield site with adequate separation distances.
- **CPO 16.15** The design and location ensures there will be no undue overshadowing effects.
- **CPO 16.16** The proposed units are dual aspect.
- **CPO 18.18** The rear gardens are more than 11metres deep. The boundary walls situated behind the front building line are no more than 2metres in height.

- **CPO 16.20 Private Open Space**

Unit Number	Private Open Space
Unit 1	92sq.m.
Unit 2	74sq.m.
Unit 3	75sq.m.
Unit 4	85sq.m.
Unit 5	103sq.m.

- **CPO 16.22** The proposed bin storage and collection area is adjacent to the vehicular turning area, with sufficient space from the front and rear of the dwellings. Furthermore the proposal complies with *Quality Housing for Sustainable Communities -Guidelines for Planning Authorities 2007*. The subject site is 450metre from Tesco Metro and only 200metre from the town centre. All amenities and services are within a 5minute walk of the site. The living areas provide floor areas within the required standards.

It is considered the proposed development supports CPO 8.30 of the Development Plan and is compliant with national and regional policies and provides for a high quality housing in underutilised greenfield sites.

4.1.1 Compliance with Zoning Objective

The site is zoned *expended Settlement Centre*. It is proposed the development will ensure maximum land use of a vacant and underutilised site that requires regeneration. The site is located in close proximity to the town centre and should be utilised to its full potential.

6.2.2 Public Consolation

There is no requirement or obligation under the Westmeath County Development Plan 2021-2027 or the Planning and Development Regulations 2001 that requires a developer to engage with the public regarding planning applications.

6.2.3 Access and Traffic

- The proposed development includes a new space for a turning area and if necessary the residents of Castle Heights can use the new proposed turning space as shown in the figure below. The new turning space is situated less than 30 metres from the existing turning area. The existing turning area will also be usable to residents.
- It was the planning authority that suggested access via Castle Heights. In order to address the concerns of the appellants the planning authority has attached Condition No. 3. (as per Section 3.0 of this report Planning Authority's Decisions)

The applicant will comply with Condition No. 3 to ensure vehicular and access standards are met. Of note Section 4.4.1 'Carriageway Widths' in the Design Manual for Urban Streets (2023) states '*the standard carriageway width on local streets should be between 5.5.5m (with lane widths 2.5-2.75m)*'. The existing lane width is 5.25m and complies with this element of the DMURS Guidelines.

The proposed development will not impact on Church Lane as a pedestrian access to Killafree Church and graveyard. It will involve slow-moving traffic and low trip generation. As the width of the proposed turns is narrow, traffic will naturally slow down to manoeuvre. The proposed access will increase permeability within the town centre and allow for improved passive surveillance.

- The implementation of the 'No Right Turn' has been conditioned by the planning authority, the appellant's concern is alleviated by this condition.

6.2.4 ***Impact on Killafree Church and graveyard***

In response to sections 7 and 8 of the third party appeal. It is acknowledged Killafree Church and graveyard are listed on the National Inventory of Architectural Heritage. However, the proposed development will not impact negatively on the church or graveyard through noise or visually. The proposed development is outside of the Zone of Archaeological Area and the Heritage Officer required one condition on the granted of permission. Condition No. 14 is applicable and will be complied with in full. The subject site is currently overgrown, greenfield land with little no added value to the visual amenities of the area. The views of the site are currently

overgrown grassland and the rear of a large post office building situated on Green Street.

The addition of residential dwellings on the site will complement the existing homes along Green Street and Castle Heights and create a sense of place along the laneway. The proposed development will not be viewable from Killafree Church or Green Street. There will no adverse impact to the protected structures or the visual amenities of the area. The proposed development intends to improve the visual amenity of the adjacent dwellings and Castlepollard.

6.2.5 ***Consideration of Alternatives***

The planning authority advised the applicant to examine an alternative access, and it is the Castle Height access that is permitted under the Decision to grant. The appellants had suggested a vacant plot of land from Glenview to Green Street, however these lands are not in the ownership of the applicant and the suggestion is not viable.

6.2.6 ***Road Safety Audit***

The Road Safety Audits will be prepared in line with Condition No. 3 of the permission.

6.3. **Planning Authority Response**

There was no further response from the planning authority.

7.0 **Assessment**

7.1 Having inspected the site and examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the principal issues of this appeal can be addressed as set out in the sections below.

7.2 ***National Guidance & Development Plan Considerations***

Castlepollard is a medium sized town in north Westmeath. It has a hexagonal shape around a central square, with six main roads converging onto a central square

space. The site is fronting a laneway along its entire eastern site boundary, Church Lane, which is a cul de sac of the Square in Castlepollard. The site has a rectangular configuration and is located to the rear of properties, mainly the Londis shop on Green Road. The site is undeveloped and unkempt. I would describe it as a vacant infill site. To the west of the site is Castle Heights, a medium density housing estate, which includes a mixture of fourteen number houses serviced by a short estate road. Church Lane provides access to an old church and graveyard known locally as the Killafree Church and graveyard.

The proposed development consists of five townhouses, with two blocks of two and a half story dwellings addressing Church Lane. There is a central parking/ service road between the two blocks which provides a turning area, bin storage and parking to service the development.

I refer to Section 5 of this report which indicates there is extensive planning policy, national, regional and local which encourages this form of development. It is a residential development in the centre of a rural town, to the rear of existing properties. This is an infill site, located along a lane. The application site is zoned as '**Expended Settlement Centre**' in the Westmeath County Development Plan. According to the Settlement Hierarchy of the development plan, Castlepollard is classified as a Self-Sustaining Growth Town, with the role a *Self-Sustaining Growth Towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.* **Section 8.3.1** is the relevant Settlement Plan for Castlepollard. A number of the key objectives in the Plan for Castlepollard which are relevant to this proposal include:

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CPO 8.14 *Provide for new residential development in accordance with the requirements of the Housing and Core Strategy.*

CPO 8.15 *Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential developments to meet the needs of the population of Castlepollard.*

CPO 8.16 *Encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up area.*

On balance the proposed development complies with these specific objectives. Furthermore, the proposal complies with the essence of the National Planning Framework which prioritizes compact growth to include an emphasis on the renewal of existing settlements, rather than continued sprawl. The newly published Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (January 2024) recognises Small and Medium Sized Towns (1,500 – 5,000 population) where the key planning priorities in these towns is to:

a) strengthen town centres,

b) protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality,

c) realise opportunities for adaption, reuse and intensification of existing buildings and for backland, brownfield and infill development, and

d) deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement.

On balance, this proposal represents the compact growth implied in the new planning guidelines and the National Planning Framework. It is acceptable in terms of local and national planning policy.

7.2 Design and Layout

The original submission provided access to the five dwellings off Church Lane from the Square. The Engineer's Report on file considered the existing lane to be too narrow and requested the applicant to investigate a revised access via Castle Heights housing estate to the west of the application site. The planning authority received the revised proposals on the 23rd of January 2023. I will examine the revised proposal under this appeal, because I concur with the Engineers Report that Church Lane is not a viable access option due to the lane's narrow width and serious restrictions at the junction of the lane onto the Square in terms of width and visibility splays.

The section drawings submitted with the planning application illustrate the context of the proposed building envelop on the streetscape and within the existing built environment. The new streetscape created by the five town houses will create a

contemporary and well-proportioned addition to Church Lane. The site in its current unkept status provides nothing in terms of vitality or visual amenity to the town.

The dwellings are three bedroomed townhouses over two and a half floors. There is an attic room on the second floor. Each dwelling has a private rear garden, a parking space, and a wheelie bin. The garden areas and parking provision are in line with the development plan requirements. I consider one wheelie bin per dwelling is inadequate and does not comply with current recycling collection services.

7.3 Access from Castle Heights

This is one of the most serious concerns for the third-party appellants who are the Castle Heights Residents Group. As stated, Castle Heights is a small residential cul de sac to the west of Church Lane. The end of the cul de sac includes a turning hammerhead. There is an existing pedestrian access from Castle Heights onto Church Lane at the hammerhead area. It is proposed to remove 12 metres of the boundary stone wall to provide access onto Church Lane, then onto the short cul de sac serving the proposed development. The applicant has been given the written consent of the landowner/ and former developer of Castle Heights to carry out the necessary works to the stone boundary wall to provide vehicular access to the site. The applicant had proposed bollards across Church Lane vehicles utilising the Church Lane access off The Square, but the planning authority removed the bollards by condition (Condition No. 3). The local community group that maintains the and manages the graveyard were opposed to the bollards, and understandably, the graveyard is still in use.

The appellants are concerned they will lose their turning area at the end of the cul de sac in Castle Heights. They have also expressed concern regarding emergency and large vehicles accessing the site via Castle Heights, including construction traffic. They also believe there will be an adverse impact on pedestrian traffic along Church Lane because of the proposed development.

I refer to the Design Manual for Urban Roads and Streets, which states that narrow carriageways are one of the most effective design measures to calm traffic. Church Lane is not a standard local street and carries very limited traffic. Therefore, the bulk of any vehicular movements onto Church Lane as a result of the proposed

development will most likely be exclusively associated with the proposed development, which is five dwellings, a modest development.

I am concerned about the length of the new turning area within the proposed development. It is 11metres wide, and the carriageway is 6metres wide. The curvature is restricted due to the parking area. In my opinion, the private open space areas to the rear of the dwellings has been given priority over an adequate turning area to serve the development. I note the Engineering Report on file had no objections to the dimensions of same and requested a Stage 1 and 2 Road Safety Audit prior to the commencement of the development. I firmly believe given the limitations of the existing and proposed carriageway a swept path analysis is required from Castle Heights into and out of the proposed development for a large vehicle such as a refuse truck. I would be concerned that reversing from the proposed development may be required by larger vehicles, and given the short length and width of Church Lane into Castle Heights, this could result in a traffic and safety hazard. There is insufficient evidence on the file to make a definitive decision on this salient issue.

In terms of the principle of accessing the proposed development via Castle Heights, I consider the principle to be acceptable. Castle Heights is a short cul-e-sac serving only 14No. dwellings with a purpose built junction onto Wafer Street. There is an existing pedestrian access from Castle Heights onto Church Lane allowing permeability through the central urban streets and connectivity to the wider urban area. The access via Castle Heights is a much safer access than the one originally proposed via Church Lane for pedestrians and vehicles, because the distance travelled on the narrow Church Lane has been dramatically shortened by the revised proposal. In addition, the development of five dwellings is modest, it will not generate a high volume of traffic. The proposed access via Castle Heights is consistent in terms of landuse because both existing and proposed developments are residential.

7.3 Architectural Heritage

I refer to Map 04 of the County Westmeath County Development Plan 2021-2027, where it illustrates the subject site is located outside of the designated Architectural Conservation Zone in Castlepollard. There is an old church and a graveyard at the

northern end of Church Lane called Killafree Church and Graveyard (Reg. No 15302027 is on the National Architectural Inventory List). It is stated on the list it is a 'Detached former Church of Ireland Church, built c.1670, consisting of a three-bay hall with attached four-stage tower on square-plan to the west end. Now a ruinous roofless shell. Constructed of rubble limestone, all detail is now obscured by heavy vegetation and ivy growth. Set in extensive graveyard with variety of eighteenth and nineteenth century gravestones, some with elaborate cast-iron railings. Site is enclosed by a rubble limestone wall with simple wrought-iron gate with central cross to top. Located in slightly elevated position to the north of the village. An historic church set within an extensive graveyard, forming a picturesque landmark to the north of Castlepollard'. This church is the earliest structure still standing in the village, originally dating to the late-seventeenth century.

The appellants are concerned about the material negative impact the proposed development will have on the church, the graveyard, features and curtilage. I examined the lane and the approach to the graveyard. The subject site is overgrown and contributes nothing to the townscape or visual amenities of the area. I acknowledge the contribution the limestone wall makes to the approach to the graveyard. However, the section of the wall to be removed, 12m, was erected by the developer of Castle Heights, who has given his consent to its removal for accommodate access to the current proposal. Given the planning gain of the provision of a new active streetscape as opposed to an overgrown vacant site, I believe the proposed development will enhance the approach to the graveyard. The bulk of the wall approaching the graveyard on both sides of Church Lane will remain intact. The proposed development will not be visible from Killafree Church or the Castlepollard ACA.

7.4 **Water, Drainage & Flooding**

7.4.1. **Water Supply** The planning application was referred for comment to Irish Water by the planning authority. Irish Water responded stating the applicant must sign a connection agreement with Irish Water prior to commencing the development.

7.4.2. **Foul Drainage** The planning application was referred for comment to Irish Water by the planning authority. Irish Water responded stating the applicant must sign a connection agreement with Irish Water prior to commencing the development.

7.4.3. **Surface Water** All uncontaminated surface water, including roof water, shall be collected and discharged to the public drain. It shall be attenuated on site so that the discharge shall not exceed a rate equivalent 2l/s/ha via a hydrocarbon interceptor.

7.4.4 **Flooding** There is no indication given as to whether this site is subject to flooding. The OPW Preliminary Flood Risk Assessment maps indicate the site is not at risk to pluvial or Fluvial flooding.

7.5 Other Issues

- A condition relating to a Security Bond and development contributions is applicable.
- The Housing Section has stated the developer has to comply with Part V of the Act.
- Construction Impacts: There was no construction management Plan and Waste Management Plan accompanying the planning application. Detailed construction proposals would be required and waste management given the restricted nature of access to the site, and to ensure the amenities of Castle Heights are not seriously impacted upon during the construction phase. A certain level of disruption is inevitable during the construction phase, however the hours of construction can be restricted by condition.
- An first time occupancy condition is applicable to ensure the development would not be purchased in total by a corporate entity.
- A standard condition regarding archaeological assessment of the site.

7.6 Appropriate Assessment

The development was screened for appropriate assessment by Westmeath County Council. The nearest Natura 2000 site 3km southeast and south west of the site. They are both lakes Lough Lene SAC c.3km southeast of the site, and Lough Derravaragh SPA 3km southwest.

- 7.7 The site is not, therefore, located within or adjoining any Natura 2000 Sites, and there are no direct pathways between the site and the Natura 2000 network.
- 7.8 There are potential indirect connections to the Natura 2000 sites within wider surface water drainage network. However, the existence of these potential pathways does not necessarily mean that potential significant impacts will arise.
- 7.9 There are no surface watercourses in the immediate vicinity of the site that would provide a pathway to the Natura 2000 network. The foul water emissions from the development would result in marginal increased loading on the Castlepollard WWTP – regard being had to the fact this is a modest development of 5No. dwellings. Having regard to the limited scale of the development, I would be satisfied that there is no possibility that the additional loading, resulting from the development, would result in significant effects on European sites.
- 7.10 I am satisfied that any proposals incorporated within the development, including surface water management proposals, constitute standard best practice and that no mitigation measures are relied upon for Appropriate Assessment screening. Having regard to the above preliminary examination, I am satisfied that no Appropriate Assessment issues arise, and I do not consider that the proposed development, either individually or in combination with other plans or projects, would be likely to have a significant effect on a European site. Accordingly, a Stage 2 Appropriate Assessment is not required.

8 Recommendation

- 8.6 I recommend the Board request the applicant to provide the following further information, and give the applicant four weeks to respond:
1. The Board is not satisfied based on the evidence submitted on the appeal file, that safe traffic turning and manoeuvring is achievable from the Castle Heights onto Church Lane into the proposed development and back out by a large vehicles such as a refuse truck. You are required to provide a full Swept Path Analysis in this regard. It is acknowledged that a number of revisions may be required to layout of the proposed rear gardens in order to accommodate a satisfactory turning area within the proposed development.

2. You are required to provide a more realistic domestic refuse storage area for the proposed development which caters for current collection services involving a recycling bin, organic bin, general waste and glass bin.

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.

Caryn Coogan
Planning Inspector

07/02/2024