



An
Bord
Pleanála

Inspector's Report

ABP-316179-23

Development	Construction of 8 bedroom extension to detached two storey guesthouse, and associated site works.
Location	Trim Road, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2359
Applicant	Limestone Taverns Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Bernadette Nannery
Observer	None
Date of Site Inspection	10 th June 2023
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Trim Road (R161) and the L8010, c. 2 km south of Navan. The appeal site accommodates a bar/restaurant and a guesthouse. There is a large surface car park to the rear/west of the appeal site. Balreask Gardens, a narrow cul-de-sac, is located to the rear/west of the appeal site. There are a number of detached dwellings along Balreask Gardens, and detached dwellings along the L8010.

2.0 Proposed Development

- 2.1. The proposed development comprises a two storey (8 bedroom) extension to an existing guesthouse. The floor area of the proposed extension is stated as c. 203 sqm. The height and material finishes to the proposed extension match the existing guesthouse building. The proposed development also includes a reconfiguration of car parking west of the proposed guesthouse extension, a landscaped area and a concrete block wall with railings to match the existing roadside boundary. The southern boundary is set back in line with the existing boundary to provide for possible future road widening/footpath provision. The applicant indicated in the planning application form that the proposal will connect into the existing foul sewer.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to GRANT permission subject to 7 no. conditions on the 15th March 2023. The following conditions are of note;

C2 – use of extension restricted to guesthouse.

C4 - (a) verge of 2.5 metres in width to be maintained between edge of L8010 and southern boundary of development; (b) provision for electric vehicle charging; and, (c) provision of bicycle parking.

C5 – BRE365 results for the soakaway to be submitted.

Planning Authority Reports

3.1.1. Planning Report

The report of the Planning Officer notes; that the proposal entails an extension to an established use and as such the principle of the proposed development is acceptable; negative impacts on the visual and residential amenity of the area is not anticipated; car parking is considered acceptable, and that the proposed development accords with the Meath County Development Plan 2021-2027

The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

3.1.2. Other Technical Reports

Water Services – standard conditions recommended.

Roads Section – conditions recommended requiring EV charging, bicycle parking and a set back from the L-8010.

Fire Officer – requirement for Fire Certificate noted.

3.2. Prescribed Bodies

Irish Water (now Uisce Éireann) – standard conditions recommended.

Transport Infrastructure Ireland (TII) – no observation to make.

3.3. Third Party Observations

2 no. third party observations were received by the Planning Authority. Issues raised in the observations can be summarised as follows;

- Concerns regarding overlooking/loss of privacy.
- Flooding on road.
- Location of existing plant.
- Possible lighting in car park.
- Odours/back-up from sewer.

- Sewer survey should be completed and a solution found for the houses in Balreask Gardens.

4.0 Planning History

A number of planning applications relate to the appeal site, the most relevant and recent is PA. Ref. NA/190405 under which permission was GRANTED for a detached two storey guesthouse. This permission has been implemented and the current proposal is an extension to the structure permitted under PA. Ref. NA/190405.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Meath County Development Plan 2021-2027 is the relevant Development Plan, under which the appeal site is zoned 'RA' (Rural Area), with a zoning objective '*to protect and promote in a balanced way, the development of agriculture, forestry, and sustainable rural related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage*'. The provisions of the Meath County Development Plan 2021 - 2027 relevant to this assessment are as follows:

- ED Pol 42 – Tourism
- Section 11.14.2 Permissible and Non-Permissible Uses
- OBJ 94 – EV Charging Points
- Table 11.4 – Cycle parking Standards

5.2. Natural Heritage Designations

The appeal site is not located within or close to any European Site.

5.3. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended) and therefore is not subject to EIA requirements.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal by Bernadette Nannery on behalf of the residents of Balreask Gardens against the decision to grant permission. The grounds for appeal relate to concerns regarding the sewerage system serving the area. The appellant notes that during the summers of 2020 and 2021 there were ongoing issues with odours from a manhole situated along Balreask Gardens which Meath County Council reportedly stated was caused as a result of a back-up in a sewer pipe. The appellant contends that the back-up in the sewer may have been caused as a result of an overload of the system and damage caused to the pipework and road surface by tree roots. The appeal submission requests that a survey of the sewer is carried out, the source of the issue identified, and remedial works carried out.

6.2. Applicant Response

The applicant has submitted a response in respect of the third party appeal submission.

- Meath County Council or Irish Water (Uisce Éireann) have not contacted the applicant regarding issues with the sewer in the area, and would likely have done so should the issue raised by the appellant be connected with their sewer connection.
- Neither Irish Water nor Meath County Council's Water Services Section raised an objection with the proposed development.
- Any issue regarding the foul sewer should be directed to Irish Water as service provider, and as such the planning appeal process is being misused to leverage Meath County Council, the applicant, or both, into resolving a problem which does not directly relate to the proposed development.
- There is no evidence that the trees along the western boundary of the site have broken the road surface.

6.3. **Planning Authority Response**

A submission has been received from the Planning Authority stating that the issues raised in the appeal were addressed in the assessment of the planning application and refer to Condition No. 5 (a drainage condition) of the grant of permission which issued and also Informative Note vii (which concerns Irish Water requirements). The Planning Authority consider that the proposed development accords with relevant national, regional and local planning policy and that subject to compliance with conditions would not seriously injure the visual or residential amenities of the area.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Foul Sewer
- Other Issues
- Appropriate Assessment

Having regard to the scale and design of the proposal, and the separation distances to neighbouring property, I am satisfied that the proposed development would not result in any significant negative impacts on the residential amenity of property in the vicinity, or on the visual amenities of the area. As such, I am satisfied that the issues referred to above are those of most pertinence to this appeal.

7.2. **Foul Sewer**

7.2.1. The central issues raised by the appellant concerns the functioning of the foul sewer network in the vicinity of the appeal site. The appellant contend that odours emanating from a manhole located on Balreask Gardens became an issue during periods in 2020

and 2021, and that when contacted, Meath County Council stated that the issue was caused as a result of a back-up in a sewer pipe. The appellant contends that the back-up in the sewer may have been caused as a result of an overload of the system and damage caused to the pipework and road surface by tree roots along the boundary of the appeal site. The appeal submission requests that a survey of the sewer is conducted, the source of the issue identified and remedial works carried out.

7.2.2. Details of the proposed development were referred to Irish Water and the Council's Water Services Section for comment. I note that neither Irish Water (now Uisce Éireann) nor Meath County Council's Water Services Section have raised an objection to the proposed development in their reports. Furthermore, the reports received do not refer to any issues of capacity or ongoing maintenance issues in the foul sewer network in the area. Whilst this is not to say that blockages/back-ups have not/do not occur in the local sewer network, such issues have not been linked to existing or proposed development on the appeal site. I am satisfied that issues concerning the operation of the foul sewer network outside the appeal site are matters for Uisce Éireann, and fall outside the scope of this appeal.

7.2.3. The appellant contends that trees bounding the appeal site may have caused damage to the road and pipework along Balreask Gardens. I have visited the appeal site, including the roadway along Balreask Gardens and I did not observe any obvious significant damage to the roadway. That is not to say that the roots of the trees forming the boundary of the appeal site have not/are not causing damage to the substructure of the road, or pipes which may be located within the road, however I consider this issue to be civil in nature and therefore beyond the scope of this appeal.

7.2.4. Having regard to my assessment as set out above, I do not consider that the proposed development would warrant a refusal of permission based on this issues raised in this appeal.

7.3. Other Issues

7.3.1. OBJ 94 of the Meath County Development Plan 2021-2027 requires that all car parks shall include the provision of necessary wiring and ducting to be capable of

accommodating future Electric Vehicle charging points, at a rate of 20% of total space numbers. Condition 4 (b) of the grant of permission issued by the Planning Authority stipulates the provision of electric charging for car parking spaces in line with this requirement. I note that the proposed development entails the rearrangement of existing car parking spaces and as such I do not consider that such a condition would be reasonable.

7.3.2. Table 11.4 of the Meath County Development Plan 2021-2027 requires bicycle parking for development falling under 'other development' (which the proposal would fall under) at a rate of 1 bike space per car space, or 10% of employee numbers. Condition 4 (c) of the grant of permission issued by the Planning Authority stipulates the provision of bicycle parking in line with this requirement. As addressed above, the proposed development does not entail the provision of new additional car parking spaces, but rather the rearrangement of existing spaces. Furthermore I note that the proposal is an extension to an existing established bar/restaurant and guesthouse as distinct from a 'new' development, and details have not been provided in respect employee numbers. Having regard to the forgoing, I do not consider that such a condition is required to be attached should the Board be minded to permit the proposed development.

7.4. Appropriate Assessment

7.4.1. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

8.1. Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Meath County Development Plan 2021-2027, and to the character of existing development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development as proposed would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development the applicant shall agree details of the set-back along the L-8010 in writing with the Planning Authority.</p> <p>Reason: To facilitate the provision of road widening and/or a footpath along the L-8010.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>

5.	<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 amenities of property in the vicinity.</p>
6.	<p>All service cables associated with the proposed development shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
7.	<p>No advertisement or advertisement structure shall be displayed or erected (on the building) unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>

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.

Ian Campbell
 Planning Inspector

11th June 2023