



An
Bord
Pleanála

Inspector's Report

ABP-317280-23

Development

Construction of 71 no. residential units, vehicular access, communal bin stores, bicycle stores. The proposal includes all associated hard and soft landscaping, boundary treatments, footpaths, an ESB substation and all other ancillary works above and below ground.

Location

Ardmore Road, Mullingar, Co.
Westmeath

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

2360058

Applicant(s)

Shaston Construction Ltd.

Type of Application

Permission

Planning Authority Decision

REFUSE PERMISSION

Type of Appeal

First Party

Appellant(s)

Shaston Construction Ltd.

Observer(s)

1. John Paul O'Brien
2. Joan Mulvihill

3. Harry and Ann Dunne
4. Noel and Bernie Mc Cormack
5. Kieran and Ann Dardis
6. Ardmore Road Residents Assoc.
7. Derek Sheeran
8. Audrey Finnegan
9. Mark & Kelly Dunne
10. Tom Griffith
11. Dara O'Shea
12. Mladen Cobanin

Date of Site Inspection

20th of May 2024

Inspector

Caryn Coogan

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1.0 Site Location and Description

- 1.1. The subject site is located in the southeast suburban area of Mullingar town, approximately 1.5km from the town centre. There are mature and new residential developments located off and along Ardmore Road. To the south of Ardmore Road are detached dwellings on large curtilages. To the north of Ardmore Road, there are a number of greenfield sites, and a new in-depth residential development immediately west and north of the subject site. The general area is an established residential area of low-medium density housing.
- 1.2. Ardmore Road is accessed from the west over an old bridge, Saunders Bridge, crossing the railway tracks (Dublin to Sligo line) and the Royal Canal. To the east it links up with the R392 which links with the N52 and the N4 in close proximity to the subject site.
- 1.3. The site is 1.92 hectares, with a south facing orientation onto Ardmore Road. It is reverse L-shaped configuration. It is fronted by a new footpath and cycleway. The site slopes from south to north, with the highest point to the rear of the site (northern site boundary). It also slopes west to east, with the highest point of the site at the north-west extremity. There are mature natural boundaries along the eastern and northern site boundaries, with a more disperse planting along the western site boundary.
- 1.4. Notably there is an existing residential development to the west and north of the site. Along the western site boundary, there is a three-storey residential block located in close proximity to the western site boundary (Beech Crescent). There is also a two storey block, Beech Crescent backing onto the northern site boundary at an angle and at a higher ground level than the subject site.
- 1.5. The site is to be accessed from the access road off Beechlawn, where a segment of land within the site boundary protrudes alongside the Beech Crescent residential development. The proposed access road to the current proposal will come directly off a newly constructed access off Ardmore Road as seen in Plate 9 of the photographs attached to this report. Sightlines at the access are acceptable. The new access will be located to the rear of an apartment block in Beech Crescent as per photograph plate No. 7.

- 1.6. There are detached dwellings opposite the site on Ardmore Road. These dwellings are on large individual curtilages. There is a pair of semi-detached units directly opposite the subject site.
- 1.7. The site is fully serviced with public infrastructure. There is a large primary school within walking distance of the site located at the eastern end of Ardmore Road.
- 1.8. The Royal Canal is approximately 170metres west of the site. The proposed development is located within the River Brosna sub-catchment which is part of the Lower Shannon Catchment. The River Brosna is 700metres west of the site. There is a small drain on the southern boundary of the site which feeds into the River Brosna.

2.0 Proposed Development

- 2.1. The proposed development comprises of 71No. residential units on a site of 1.92Ha. The development consists of:
 - 30No. apartments in 1No. two storey block to include 20No. two bed apartments and 10No. one bed apartments;
 - 41No. two storey dwellings to include:
 - 13No. 2 bed houses
 - 28No. 3bed semi-detached dwellings
 - New vehicular access off Beechlawn
 - 2 No. communal bin stores
 - 2No.bicycle stores.
 - The proposal includes all site works, hard and soft landscaping, boundary treatments, footpaths, an ESB Substation.
- 2.2 The site area is 1.92Ha. The proposed density is 36.9units per hectare. The open space provision is 0.28ha or 15% of the total site area. The communal open space area associated with the apartments is 317sq.m. There are a total number of 95 carparking spaces proposed, with 24No. spaces included for shared/ visitor parking.
- 2.3 The following documentation was received with the planning application:

- Planning Statement
- Housing Quality Assessment
- Traffic and Transport Assessment
- Road Safety Audit 1 and 2
- Landscape Plan and Report
- AA Screening
- Services Design Report
- Masterplan for the lands to the east
- Daylight and Sunlight Assessment Report
- Archaeological Report
- Architectural Design Statement

2.4 On appeal, there were revised house designs and a revised design for the apartment block submitted by the First Party. In addition to the revised drawings and photomontages and 3D vistas, there was a:

- Preliminary Construction and Demolition Waste Management Plan,
- Preliminary Construction Environmental Plan and
- Preliminary Operations Waste Management Plan, and
- a Revised Appropriate Assessment Screening Report and Ecological Impact Assessment Report submitted with the appeal documentation.

3.0 Planning Authority Decision

3.1. Decision

Westmeath Co. Co. Refused the proposed development of 71No. units at Ardmore Road , Mullingar for TWO reasons:

1. The proposed development by virtue of its overall design and layout would result in a substandard development, most notable by reason of inappropriate design and urban form, with poor residential and open space

layout proposed within the subject site. Accordingly, the development if permitted would fail to integrate successfully into the surrounding area and would be contrary to the Urban Design Manual, a Best Practice Guide (2009), Sustainable Residential Development in Urban Areas (2009 and Sustainable Urban Housing: Design Standards for New Apartments (2020). To permit the development as proposed would be contrary to the provisions of the Mullingar Local Area Plan 2014-2020 (as extended) including local policies P-H1, P-APT3, P-APT4, P-RLD6, P-RD3, P-RD4, AD-SR8, would seriously injure the amenities of the surrounding area and depreciate the value of property in the vicinity. The development would therefore be contrary to the proper planning and sustainable development of the area.

2. In the absence of satisfactory details which demonstrate the proposal would not impact on o Natura 2000 sites and would not impact negatively on biodiversity, the planning authority cannot make a determination on Appropriate Assessment and the precautionary approach is therefore applied. Accordingly, the development if permitted would be contrary to Policy P-NH6 of the Mullingar Local Area Plan 2014-2020 as extended, which seeks to conserve and protect all designated sites within and adjacent to the plan area including the Royal Canal, Natura 2000 sites, Natural Heritage Area (NHA) and proposed Natural Heritage Areas (pNHA) and local biodiversity area, would be contrary to the Habitats Directive (1992) and the Wildlife Act (1976) and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Report*

The report is dated 9th of May 2023. The following is a summary of the key assessment issues:

- The proposed development complies with the zoning objective as per the MLAP and is in compliance with the County's Core Strategy (adopted May 2021) and the MLAP. The proposed development is permitted in principle as

per the zoning matrix subject to satisfying all development management criteria and environmental considerations to be considered.

- The development which will provide a net density of 36.9 units per hectare, with the gross area stated as 1.92 ha is acceptable and is in accordance with the proper planning and sustainable development of the area. It is considered that the unit mix comprising of apartments, semi-detached and terraced dwellings and the range of sizes will support a wide and inclusive community.
- Having regard to the Ardmore/Marlinstown Framework Plan, any new development within the area shall have to open up and provide linkages to surrounding developments. Junctions shall be designed to encourage lower speeds and allow safe movement of more vulnerable road users. It is noted that a shared road space will accommodate the cyclist within the scheme. The TTA states that footpaths are provided on both side of the proposed internal road, including raised tables and tactile paving across all junctions, with continuous pedestrian connections with the Ardmore Road. The close proximity of the town centre and amenities are in easy reach via bicycle, this will be facilitated by the 2-way cycle lane on the northern side of the Ardmore Road which is nearing completion. Notwithstanding the content of DE report, it is considered that further consideration should be afforded to the proposed internal road layout and the extent to which it complies with DMURS.
- 95 (no.) car parking spaces have been provided within the proposed development. The MLAP seeks the provision of 1 car parking space per dwelling unit and 1 visitor space for every 3 (no.) dwellings. It is noted that the scheme provides largely for in-curtilage car parking. 24 (no.) spaces. It is noted that 5 no. EV charging spaces have been proposed within the scheme. he proposed development provides for a total of 84 no. covered bicycle parking spaces.
- The planning authority has concerns regarding the overall design of the dwelling units, especially the terraced units, the front facades do not offer a high-quality design to create attractive places and high quality sustainable communities. The Planning Authority considers that the proposed development does not provide a high-quality overall layout, a limited number of units address the larger open space area. The majority of units are located

in the northern (rear) half of the site, and therefore provides a concentration of high-density development with substandard open space and soft landscaping which presents hard dominated streetscapes, limited amount of street planting, no grass verges are provided which would assist in soften the development.

- It is considered that having regard to the overall size and scale of the proposed development, that the layout as presented fails to provide provision of adequate open space.
- It concluded that the existing educational facilities could cope with the small quantum of student generated from the proposed development but that there is a need for additional educational facilities at both primary and post primary levels in Mullingar.

A Refusal is recommended.

3.2.2. Other Technical Reports

- Area Engineer: No objections to the development subject to conditions. Photographs included in the report. Sight Distance is acceptable. Connection to public water mains and sewer. Surface water to public sewer via hydrocarbon interceptor and combination of attenuation/ infiltration tanks and various SUDS solutions.
- It was also recommended a special condition be applied in order to assist in the construction/ cycleway bridge over the Royal Canal and Railway at Saunders Bridge.
- Environment Section: A preliminary flood risk assessment is required. A revised Appropriate Assessment report is required. All mitigation measures are to be included in a Construction Environmental Management Plan. There was no operational waste management plan submitted. No ecological impact or biodiversity impact report submitted.

3.3. Prescribed Bodies

The proposed development was referred to the statutory bodies. The following is a summary of the submissions received:

3.3.1 *Department of Housing, Local Government and Heritage:*

The proposed development is connected to Lough Ennell via drainage network. The Department is concerned regarding the lack of mitigation measures proposed particularly during the construction phase to protect the watercourse or drain which forms part of the boundary of the proposed site. This watercourse, which is a tributary of the Brosna River, is at a high risk from sediment laden or contaminated surface water runoff from any construction on the lands. We cannot find a Construction and Environmental Management Plan (CEMP) accompanying the application and there is no reference in the AA screening report to any such document. Therefore, the AA screening report appears to overlook the potential impacts caused during the construction phase.

In order to address some of the potential adverse effects, it is recommended that the following be requested as further information:

1. A CEMP should be completed, this should address water quality and mitigation measures required to protect the adjacent water course during the construction phase.
2. Appropriate Assessment Screening should then be revisited taking into consideration the CEMP.

3.4. Third Party Observations

There were 30No. objections received: A summary of the main concerns raised is as follows:

- Increase traffic volumes and impact on road safety and road users, especially on the Ardmore Road/Saunders Bridge.
- Lack of parking for the number of residential units.

- Existing road not suitable for current volumes of traffic and to increase traffic with 71 No houses is not safe.
- Building so close to the Ardmore Road prevents any future road-widening schemes.
- Existing infrastructure at Saunders Bridge is unsafe and dangerous as there is no pedestrian crossing. This bridge needs to be upgraded before any future development is permitted. Refusal on this site under Ref: PL25M.243830 Extract included "It is considered that the proposed development would endanger public safety by reason of traffic hazard because the site is accessed via the Ardmore Road and Saunders Bridge, which are substandard in terms of width and alignment.... The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area". Acknowledged recently installed new footpaths but considers the road has not been increased significantly to mitigate the reason for refusal.
- Council needs to construct an arterial link road from the Dublin Road at Gleann Pettit through lands to the new Curraghmore NS site and onto the N52 and no further development should be granted permission until this link road is built.
- Neighbouring properties are not indicated on the masterplan document. The provision of potentially 414 units in the masterplan area in a location where a traffic hazard identified by the Inspector for ABP, this remains unchanged and it is believed there are no plans to upgrade Saunders bridge which creates traffic congestion and impact on pedestrian road safety.
- Density is excessive and inappropriate to the character of the area.
- Design is not in keeping with surrounding development of 3- or 4-bedroom houses.
- Fails to protect amenities of value of existing residences.
- Scale, Mass and design of apartment block is not in keeping with character of existing developments and local grain. The large industrial style block of apartments has a footprint of approx. 10 times greater than any other residential dwelling along the road c.85m in length. The industrial shaped apartment block is not respectful of the rich historic context of Mullingar.

- Lack of social/community facilities within the area to support the increase in population.
- Schools are at capacity in the area.
- Removal of existing mature trees and open spaces will have an impact on wildlife and setting.
- Habitats and ecosystems will be destroyed.
- Bats forage in and around the trees.

4.0 Planning History

4.1 Planning Reference 05/5186

Planning permission was Refused to Taggart Homes (Ireland) on the subject site in 2005 for 64No. residential units, due to its prematurity and the scale of the development.

4.2 Planning Reference 13/6108 (Pl. 25M. 243830)

Planning permission refused in 2015 on the subject site, for 17No. dwellings on the site to the applicant, Shaston Construction Ltd:

- i) It is considered the proposed development would endanger public safety by reason of a traffic hazard because the site is accessed via Ardmore Road and Saunders Bridge, which are substandard in terms of width and alignment. The location of the site on the outskirts of the town, in conjunction with the lack of continuous, safe, pedestrian and cycle path connectivity to the both the town centre and to the lands to the east would endanger public safety by reason of a traffic hazard. The proposed development would be contrary to the proper planning and sustainable development of the area.
- ii) Having regard to the Mullingar Local Area Plan 2014-2023, and the Ardmore/Marlinstown Local Area Plan 2009-2023, specifically the location of the proposed site, and forming part of Character Area 3 and the lands in the ownership of the developer, it is considered the proposed development represents piecemeal development which does not make adequate provision for development to be co-ordinated with lands to the east in accordance with

an agreed plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1 *Westmeath County Development Plan 2021-2027*

2.10 Key Town Mullingar Mullingar is designated as a Key Town in the RSES, service and/or county towns that provide employment for their surrounding areas and with high quality transport links and the capacity to act as growth drivers to complement the Regional Growth

CPO 3.5: Ensure that a suitable variety and mix of dwelling types and sizes is provided in developments to meet different needs, having regard to demographic and social changes.

CPO 3.7: Apply higher densities to the higher order settlements of Athlone and Mullingar to align with their roles as Regional Growth Centre and Key Town, subject to good design and development management standards being met.

CPO 3.14: In developments of 20 units or above, the development should achieve, where possible, a minimum of 5% of units designed and built to facilitate occupation by persons with a disability without structural changes, in accordance with 'Universal Design Guidelines for Homes 2015'.

CPO 4.1: Support sustainable transport infrastructure, by developing mixed use schemes, higher densities close to public transport hubs, safe walking routes in developments, promoting alternative modes of transport and reduce the need to travel.

5.1.2 *Mullingar LAP 2014-2020 (as extended)*

The subject site is zoned:

O-LZ1 – To provide residential development, associated services and to protect and improve residential amenity.

Section 10.2.1 Residential: It is a priority of the Council to improve the quality of existing residential areas and to protect their amenities and to strengthen the provision of local community services and amenity. In both new and established residential areas, a range of uses will be permitted in principle, in addition to housing, which has the potential to strengthen communities and encourage the enjoyment of residential amenity.

2.6 Housing:

To facilitate the provision of high-quality residential development in sustainable communities and provide an appropriate mix of house sizes, types and tenures in order to meet the different household needs of the people of Mullingar.

P-H7: To ensure the provision of a suitable range of house types and sizes to facilitate the demographic profile of the town.

P-H9: To require diversity in the form, size and type of dwellings within residential schemes.

5.1.3 The proposed development is situated within the bounds of the **Ardmore /**

Marlinstown Framework Plan, as described in the Mullingar Local Area Plan 2014-2020.

The following policies and objectives as being relevant for the subject proposal.

P-FP1: To secure the integrated and phased development of the Robinstown, Ardmore/Marlinstown and Mullingar South areas.

P-FP2: To ensure that development of the urban expansion areas of Robinstown, Ardmore/Marlinstown and Mullingar South is guided by Framework Plans for these areas.

P-FP4: To support the principles of social inclusion and social integration and provide

for a diverse range of household types, age groups and a mix of tenures in the development of the Framework Areas.

P-FP6: To secure the development of areas designated for major employment creation within the Framework areas of Ardmore/ Marlinstown and Robinstown.

P-FP7: To provide for the establishment of an integrated movement network serving all modes with connectivity to the town centre and adjoining areas.

P-FP12: To provide an integrated and permeable network of routes and spaces, maximising linkages within the area and to surrounding areas.

P-FP15: To provide a new urban structure which reflects the role and position in the context of the area and the town as a whole.

P-FP16: To achieve sustainable densities of development in order to achieve a critical mass of households that will support local services and facilities.

P-FP17: To assess development proposals in accordance with the Planning and Flood Risk Management Guidelines 2009 and to have regard to the recommendations of the Strategic Flood Risk Assessment and addendum thereto into Development Management within the plan area.

O-FP2: To ensure that future residential development proposals are in accordance with the principles set out in the Department of Environment, Heritage and Local Government Sustainable Residential Development – Urban Design Manual : A Best Practice for Planning Authority: or any updated version of these documents published during the lifetime of the plan.

O-FP3: To ensure the development of sustainable residential communities through the promotion of innovative high quality building design and layouts, which provide for a high level of permeability, accessibility and connectivity to the existing built environment, services and facilities.

5.2. **National Policy Context**

5.2.1 ***National Planning Framework Project Ireland 2040***

The National Planning Framework is a strategic planning policy document prepared for the national tier of planning governance. It aims to improve the strategic planning of Ireland for both urban and rural areas to improve the economic performance and the quality of life of its citizens. We note the following National Policy Objective to be of particular relevance for the subject proposal:

NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban

places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

National Policy Objective 13

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.2.2 Regional Spatial and Economic Strategy

Mullingar is identified as a 'key Town' in the Gateway Region of the RSES Settlement Hierarchy to: "Provide for the sustainable, compact, sequential growth and urban regeneration in the town core of identified Key Towns by consolidating the built footprint through a focus on regeneration and development of identified Key Town centre infill / brownfield sites".

With regards to residential development it identifies that 'a range of well-designed housing types that meet the needs of a variety of households will help to sustain and enhance the settlement, contributing to the creation of a high-quality place'.

5.2.3 Section 28 Ministerial Guidelines

The following list of Section 28 Ministerial Guidelines are considered to be of particular relevance to the proposed development:

- Sustainable Development Residential Developments and Compact Settlements – Guidelines for Planning Authorities 2024
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual);
- Design Standards for New Apartments - Guidelines for Planning Authorities 2018;
- Urban Development and Building Heights - Guidelines for Planning Authorities, 2018.
- Design Manual for Urban Roads and Streets, updated 2019; (DMURS)
- Quality Housing and Sustainable Communities, 2007.
- Childcare Facilities – Guidelines for Planning Authorities, 2001.
- The Planning System and Flood Risk Management’ – Guideline for Planning Authorities, 2009 (including the associated ‘Technical Appendices’).

5.3. Natural Heritage Designations

The following European sites are within 15km of the subject site.

Conservation Site	Natura 2000 Designation	Site Code
Lough Derravarragh	Special Protection Area	004043
Lough Ennell	Special Area of Conservation	000685
Lough Ennell	Special Protection Area	004044
Lough Iron	Special Area of Conservation	000687
Lough Owel	Special Area of Conservation	000688
Lough Owel	Special Protection Area	004047
River Boyne and River Blackwater	Special Area of Conservation	002299
River Boyne and River Blackwater	Special Protection Area	004232
Wooddown Bog	Special Area of Conservation	002205

5.4. EIA Screening

Having regard to the criteria for EIAR as outlined in Schedule 5 to the Planning and Development Regulations 2001 (as amended) it is considered that part 2, sections 10(b)(i) and 10(b)(iv) are relevant. The application does not meet the thresholds of 500 houses or 10 hectares and therefore a mandatory EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The Planning Partnership has taken this First Party appeal on behalf of the applicant, Shaston Construction Ltd. The applicant requests a 'de novo' consideration of the planning application.

6.1.2 ***Part One: The Principle of Residential development is acceptable at the location.***

- The subject site is zoned for residential development;
- The proposed development complies with residential planning policy in the WCDP, MLAP and AMFP.
- The proposed development complies with the Development Management Standards of the County Plan.
- There is water, waste and surface water infrastructure at the site.
- There is social and commercial infrastructure available.

Part Two: based on the content of the internal reports a request for further information should have issued.

Part Three the applicant presents a response to the Further information

Part Four: The Board has the option to grant the original or revised scheme.

No material contravention of the development plan has taken place.

6.1.3 **Rebuttal of Reason No. 1**

Although the planning authority considers the proposal is prejudicial to the amenities of the neighbouring property, there is no evidence of conflicting policy presented.

The first reason for refusal is broken down into 4No. parts:

The proposed development by virtue of its overall design and layout would result in a substandard development, most notably by reason of inappropriate design and urban form, with poor residential development and open space layout proposed within the subject site.

The Planning Report on file states the proposed development complies with the zoning objectives for the area in the Mullingar LAP. The report states the proposed net density of 36.9 units per hectare within the gross stated area of 1.92ha is acceptable. Therefore, the planning authority considered the proposal complied with the density guidelines. The planning authority also indicated the proposal provided adequate pedestrian and cyclist infrastructure which integrates with the surrounding infrastructure in order to link the proposed development to the town and the surrounding area. The Area Engineer had no objections to the development and considered it to comply with DMURS and noted the applicant has followed the correct procedure in submitting Road Safety Audit 1 and 2 with the planning application. The Planning report indicated the layout was acceptable and it increased passive surveillance. The planning authority did take issue with two future connections proposed. The proposed design presents beneficial future connections for increased permeability. The issues that concerned the PA could have been dealt with by condition or further information. There is a turning area for emergency vehicles and refuse trucks at the north-eastern linkage. The critique of permeability and connectivity is difficult to take where the applicants have been prejudiced by previous neighbouring schemes which did not have the foresight or the regulatory control of the planning authority to deliver similar connectivity. The footpath link to the north of the scheme is presented as deliverable from the subject site but as may be prejudiced by the potential unwillingness of neighbouring developments to facilitate.

Open Space Design

It is acknowledged that 15% public open space is provided and this achieves minimum standards as set out in the Mullingar LAP. The open space design is presented in the context of a Masterplan for the wider area. The Design Strategy is

evident in the Architectural Design Statement and Masterplan Strategy with the planning application.

The location of Public Area 1 as referred to in the planning report was dictated to by the adjacent development to the west. The area contains buildings of substantial height which are located very close to the boundary between the two sites. The consequence is any proposed building at this location would be overlooked and overshadowed by the existing development to the west. Therefore this is why the open space is located in this area. The allowance of the prejudicial building format on the neighbouring site has dictated the form and layout of the proposed development. There is supplementary evidence presented in Report No. 1 page 11 prepared by van Dijk Architects. The open space is located centrally within the entire scheme.

The remaining two open space areas are small in size than the large centralised portion, they are active play areas. They are landscaped and seated to provide residents with social space for interaction and reflection. Revised Landscape Plan in Appendix D.

The proposed scheme is plan-led in conjunction with the presented Masterplan. The Mullingar LAP contains the Ardmore/ Marlinstown Urban Framework Plan, which may explain why the Planning Report requested the open space area to be located to the east. This approach by the PA demonstrates a lack of understanding of integration and consolidating residential development.

The footpath layout has been redesigned to take account of the functionality of the public open space area. The location of the 'play zone' has been repositioned to the north of Area 1 – Public Open Space. This removes any potential conflict with passing traffic.

The planning authority's critique of the proposed open space area does not consider the existing developments to the west and north of the site on a footprint of 2.8ha with insignificant, linear and no useable areas of incremental open space and where 2No. consolidated areas could be deemed useable in a total area of 0.142ha which represents little over 5% of the communal open space. The evidence would suggest substandard form and scale of open space has been previously accepted by the planning authority.

The proposed development meets the planning standards set out in national, regional and local planning documents.

- 6.1.4 The applicant's rebuttal of the inappropriate design and urban form and would be contrary to the Urban Design manual, a Best Practice (2009), Sustainable Residential Development in Urban Areas (2009) and Sustainable Urban Housing: Design Standards for New Apartments 2020, indicates the proposal meets with all relevant design standards. It would appear the contentious issue is the design. It is acknowledged there were no contiguous elevations submitted with the original planning application. The Architectural Design Statement features a number of 3D visualisations of how the proposed development will integrate with the surrounding development and surrounding topography.

The planning application is part of the Ardmore Infill (Area 3) and Ardmore Marlinstown Framework Plan and the design has directly responded to the existing and built environment of the adjacent Royal Canal development and presents in scale and massing to the housing on Ardmore Road and further predicts development to the east in the masterplan.

The proposed scheme scale, design and massing are in compliance with Plan standards in respect of heights and densities.

The applicants have presented Verified view montages to assist the determination by the Board. Report 1, pages 15-16 Appendix B

The planning authority considered the apartment building to be industrial in appearance. This is a subjective and unqualified opinion. The architect was trying to break away from the standard mundane apartment design as on neighbouring lands and create a building that had a unique sense of place. The proposed apartment block is only two storeys in height, therefore the scale of the building is similar to existing buildings. There is adequate separation distance provided between blocks, 37-41m between the south façade of the building and the north façade of the houses. The bold architectural design will have a tendency to divide opinion, but on the basis of compliance with the Development Management Standards, the original proposal could be granted without causing a significant impact on the surrounding building character or existing residential amenity.

The dwelling houses were designed to Universal Design standards, which are detailed in the Architectural Design Statement. This states:-

- A range of house types are provided, and the proposal complies with density standards;
- The typologies are based on affordable housing models, which provide efficient use of land and economic parking strategies;
- All typologies will be designed to provide a high quality environment, with active streetscapes on all sides of the urban block, and appropriate levels of privacy and amenity for all dwelling;.
- The materials are a contemporary and durable mix;
- All external materials are to be of a high thermal performance with minimal maintenance.

The Architectural Design Statement clearly highlights the design approach and rationale for suburban Mullingar is to be a contemporary approach, which is derived from the Urban Design Framework for Ardmore/ Marlinstown.

Area 2 of the public open space situated to the west of the proposed apartment block is to be landscaped so as to provide an accessible secure and useable outdoor space for families. 10 No. 1 bed roomed apartments require 10sq.m. and 20 No 2 bed apartments require 140sq.m. with 190sq.m. in total. Public open space 2 presents 206sq.m without considering the beneficial and usable open space.

The planning authority's concerns regarding the dwellings and apartments are subjective in nature. The Design Rationale was based on an intensive review of the Architectural Design Statement.

6.1.5 Rebuttal of to permit the development would be contrary to the provisions of the Mullingar LAP 2014-2020 (as extended) including local policies p-H1, P-APT3, P-APT4, P-RLD6, P-RD4 and P-SR8.

The proposal is in compliance with the Mullingar LAP. The cited policies are examined:

- ***P-H2 To facilitate residential development in Mullingar in line with its designation and to ensure the development and setting of the existing built form, in terms of structure, pattern, scale, design and materials with adequate provision of open space, and which also protects the amenities.***

The proposal complies with the density guidelines set out in the National and Regional Planning Policy Documents. As previously stated, the LAP and the Ardmore/ Marlinstown Urban Framework Plan call for a contemporary design response. The proposal respects the surrounding built form in terms of structure, pattern, scale, design and materials with adequate provision of open space. It also respects the residential amenities of the surrounding area and does not detract from the dwelling's.

- **P-APT3** *To restrict apartment developments generally to town centre locations are suitably located sites along public transport connections. Higher density schemes will only be considered where they exhibit a high-quality architectural design standard and create an attractive and sustainable living environment.*

The proposed apartment block is of a lower density than apartments located in town centres. The subject apartment block is two storeys in height compared to the standard of 4+ storey normally associated with town centres. The proposed apartment block has been carefully designed to a high architectural design standard and by enclosing a large area of public open space to the north creates an attractive and sustainable living environment.

- **P-APT4** *To required standards for open space provision to be met in all Apartment Scheme in accordance with Sustainable Urban Housing: Design Standards for New Apartments, DEHLG (2007) or may be as amended.*

It is submitted the proposed apartment block meets the required standards for apartment development as out in the Sustainable Urban Housing: Design Standards for New Apartments, DEHLG (2007)

- **P-RLD6** *To ensure that all new urban development especially in and around the town centre is of a high-quality design and layout quality and supports the achievement of successful urban spaces and sustainable communities.*

It is submitted that proposed development is of a high-quality design and layout and supports the achievement of successful urban spaces and sustainable communities. Please refer to the graphics prepared by van Dijk Architects which presents the architects focus and creation of character areas within the proposed development.

The proposed layout has a central open space and provides linkages for future development to the east in accordance with Urban Framework Plan.

- **P-RD3** *to require the new residential development proposals adhere to the urban design principles prescribed in Figure 2.12*

The proposed development demonstrates character and identity through contemporary design and use of materials that reference Mullingar's historic core. The proposed layout encloses a central open space that is landscaped to provide residential amenity and different functions. Permeability is the key design principle, and there are pedestrian links with existing and future development areas.

- **R-RD4** *This does not exist*
- **P-SR8** *to promote social inclusion by encouraging the provision of community facilities in new and established residential areas.*

We respectfully contend on the evidence submitted with the application the supporting Architectural Design Statement, Planning Statement, Landscape Masterplan, Sunlight and Daylight Assessment, the scheme has been thoroughly proofed during the design phases to ensure the development accords with local policies and objectives set out in the Mullingar LAP and the Ardmore/ Marlinstown Urban Framework Plan.

6.1.6 Rebuttal of the proposal *'would seriously injure the amenities of the surrounding area and depreciate the value of property in the vicinity.'*

It is acknowledged the balconies on the proposed apartment block would overlook third party properties and negatively impact on their amenities. It can be seen from the contiguous site sections submitted (Report 1 – page 7 Apartment Integration Section) that there is approximately 37-41metres separation between the front façade of the apartment buildings and the front façade of dwellings on Ardmore Road. There is landscaping and screening proposed that would ensure impact on residential amenity of existing residents would be negligible.

The perception that the apartment block would make Ardmore Road a less attractive place to reside as no basis in fact. There is a change approach in the National Planning Framework which advocates a more compact form of development in our regional towns and a more efficient use of urban land. The proposed development would provide a transition in scale from the existing 3 storey apartment block to the

north down to the two storey buildings on Ardmore Road. There would be no depreciation of property values associated with the proposed scheme.

6.1.7 A suggested request for further information is outlined by the applicant based on the reports on the planning file.

6.1.8 A response to an 'anticipated' Further Information request has been prepared by the applicant for consideration on appeal. A lot of the information provided has already been stated in the grounds of appeal. In order to avoid undue repetition I will summarise new relevant issues arising:

- There are photomontages given of the original design and the proposed revised design presented on appeal. Both designs are capable of integrating with the surrounding area without causing undue negative impact on the residential amenity of surrounding dwellings.
- The proposed house designs include a number of alterations including a variety of finishing materials incorporating render and brick which reference the historic core of Mullingar. The design of the dwellings is not monotonous but has a distinct character that will contribute to creating a sense of place.
- An Environment Impact Assessment has been submitted on appeal. The Assessment includes recommendations in the concerns of flora and fauna associated with the local area, in relation to Bat Surveys, Lighting, Ash Die Back, engaging an Arborist, Landscaping and selection of appropriate plants. The document concludes there is bat activity on site associated with foraging and feeding along the established hedgerow corridors. There are no likely bat roosts contained on the subject site, and the bat species identified are less light sensitive. It was observed the Ash Dieback fungal disease is present on the trees and in time will lead to the loss of mature trees on the site.

The site has been zoned for development in the preceding three development plans and last local area plans. They have been screened for Appropriate Assessment and strategic environment assessment on a number of occasions, which demonstrates there are no significant environmental concerns associated with the development of the subject lands.

The planning application as presented with an AA Screening Report (Dulra is Duchas) has suggested and confirmed that there were no likely significant effects on Natura 2000 sites.

The reason for refusal associated with any associated impact upon Lough Ennell (SAC/SPA) is concerning and could be presented as inconsistent with decisions locally and as referred and highlighted in originating AA Screening Report.

- The Appropriate Assessment Screening Report submitted on appeal has been reviewed taking into account the concerns regarding the construction phases of the proposal in order to protect the watercourse or drain which forms part of the boundary of the proposed site. The watercourse is a tributary of R. Brosna. The engineers have designated a specific area of the site for vehicle cleaning in the Construction Management Report. Any sediment in the surface water will settle in the zone and therefore will not be in danger of running into the watercourse which is a tributary of the Brosna River. The new construction management procedure has been considered by the Ecologist in the revised Appropriate Assessment Screening.
- The proximity of the 3-3.5 storey development adjoining the western site boundary limits the scope for construction of new units in this location, therefore the proposed development uses the primary open space as a buffer providing 60m separation distance between blocks 13-15 and the imposing existing adjacent development. Area 1 is located centrally and is overlooked by dwellings on all sides. It integrates with the development to the west. This was not adequately appreciated by the planning authority.
- There is a Construction and Environmental Management Plan prepared by SDS Engineers. This document anticipates the potential environmental impacts caused by the construction phase and recommends mitigation measures in accordance with standard practice. The CEMP has been incorporated into the AA Screening Determination also.

- There is a Construction Demolition Resource Waste Management Plan prepared by SDS Engineers submitted with the appeal. There is information regarding the management of construction and demolition waste at this site is undertaken in accordance with current legal and industry standards Waste management Acts 1996-2011.
- There is a Preliminary Operations Waste Management Plan (OWMP) prepared by SDS Engineers. The purpose of the documents is to ensure that wastes during the normal operation of the development are managed and disposed of in a way that ensures compliance with the provisions of the Waste Management Acts 1996-2008 and associated Regulations, and the Regional Waste Management Plan.
- A Preliminary Flood Risk Assessment has been prepared by SDS Engineers. There have been no flood risks identified either existing or in the future and that there is not potential flood risk issue on the lands.

6.1.9 Concluding Remarks – the Board has the option to grant permission for the original scheme or the revised scheme as presented with suggested FI request.

Reading the internal reports on the planning file it would suggest a Request for Further Information should have issued instead of a decision.

The proposed development is in line with *Housing For All* , delivering much needed housing in a compact form. The proposal is a plan-led development in accordance with landuse zonings and housing objectives contained in the developments plans for the area.

The proposed development of 71No. units, 95No. carparking spaces with 0.28ha(15%0 for usable open space is acceptable in principle. The proposed density of 37units per hectare is in accordance with the projected range for new developments on the edge of urban centres within a key town. The proposed development is the first phase of a wider Masterplan (Area3 Ardmore Infill) which provides for consolidation of existing and permitted developments to the west. An

AA Screening report is included to enable the Board to overturn the decision to refuse and grant planning permission for the development.

6.2. Planning Authority Response

There was no response from the planning authority to the first party appeal.

6.3. Observations

6.3.1 The following is a summary of the 12No. observations received on appeal, which raised the similar concerns throughout the submissions. In order to avoid undue repetition, I have summarised the relevant points collectively:

- 6.3.2
- (i) John Paul O'Brien, Woodlawn, Ardmore Road, Mullingar*
 - (ii) Joan Mulvihill, Glenvale, Ardmore Road, Mullingar*
 - (iii) Harry and Ann Dunne, Ardmore Road, Mullingar*
 - (iv) Noel and Bernie McCormack, Ardmore Road, Mullingar*
 - (v) Kieran and Ann Dardis, Ardmore Road, Mullingar*
 - (vi) Ardmore Residents Associations c/o Derek Sheeran, Ardmore Road, Mullingar*
 - (vii) Derek Sheeran, Ardmore Road, Mullingar*
 - (viii) Audrey Finnegan, Knockasheen, Ardmore, Mullingar*
 - (ix) Mark and Kelly Dunne, Ardmore Road, Mullingar.*
 - (x) Tom Griffith, 14 Beech Crescent, Royal Canal, Mullingar*
 - (xi) Mladen Cobanin, 7 Ash Lane, Royal Canal, Mullingar*
 - (xii) Dara O'Shea, Meadow View, Ardmore Road, Mullingar.*

- The proposal is out of character with developments on Ardmore Road. It is completely out of keeping with the existing streetscape and houses with their own entrances. The development contains a solid block backing onto the main road which is at odds with the existing houses in the area.
- There are balconies and social spaces overlooking residential properties.

- The new national school, Holy Family, cannot accept more children from Petitswood Manor or Glenmore Wood Housing estates due to increased populations. Neither of these estates are within the catchment area anymore. More land should be allocated to build new schools, allow more sport and recreation, future expansion of existing schools and community use.
- There are currently over 1000 residential units at planning stage or awaiting decisions which will completely overwhelm the capacity of the roads.
- Increased traffic on a heavily trafficked road and Saunders Bridge cannot cope with existing traffic. The bridge was built in the 1800s. The Bridge is 200metres from the site. It cannot cope with the level of traffic the development will bring. The bridge needs to be upgraded before any further development is permitted on Ardmore Road.
- The traffic report does not take into account increased traffic levels from reference PL25.239612 for 188No. dwellings. There will now be an additional 188No. housing units if the proposal is granted onto Saunders Bridge which is too narrow and has poor sightlines. There is another application at the eastern end of Ardmore Road for 245No. units under planning reference 2360192. The developer has not submitted any traffic management plan to mitigate the increased traffic.
- The proposed footbridge will not mitigate the danger from increased vehicular traffic crossing Saunders Bridge.
- The flora and fauna will be upset by the development.
- Ardmore Road included mainly detached homes on their own curtilages.
- The proposed development is disrespectful to the existing residential developments of the immediate area. The back of the proposed apartment block addresses the main road with balconies that will be used to hang clothes and satellite dishes. The back of developments inevitably end up looking like unsightly messes. The large block is too close to the road. There is no precedent for a building so close to Ardmore Road. The proposal creates a serious disjointed urban fabric. The footprint is 10times larger than any other residential building along Ardmore Road. There will be a large wall

of apartments between the existing and future Ardmore community. The setback of 25m along Ardmore has been blatantly ignored.

- The architectural detail of the proposed development is generic and unsympathetic to the existing site and development context.
- Ardmore Road includes family homes. One and two bedroom apartments are not family homes. Family homes need playgrounds and safe road infrastructure, which the proposed development does not provide for.
- The development should stand on its own merits and not be dependent on the future development of lands to the east, which is land not owned by the applicant.
- The revised design should go through due process of a new planning application.
- The proposal has a high density and tight living quarters that do not reflect the residential environment of the area. The layout does not meet with social criteria, it is overpowering and encroaches on existing privacy. The front elevation is 86m long, 15m deep with a ridge height of 11.75m with balconies. This is totally out of place along the streetscape and will provide cramped living conditions and negatively impact on the area.
- The Council should prioritize and build, as a matter of urgency, a link (arterial) road from the Dublin Road to the new Curraghmore NS on the Ardmore Road and onto the N52 is completed.
- The high density on the site is almost double what was refused on the same site by An Bord Pleanála. Under reference PI25.243830 An Bord Pleanála refused a previous application on the subject site. The Board considered the width of Saunders Bridge and Ardmore Road to be substandard in terms of width and alignment. The Road has been upgraded but not widened. Therefore, the previously reason for refusal still stands.
- The introduction of 90 No. new cars will increase carbon emissions in the local area.
- The site is located in a picturesque setting in close proximity to the Royal Canal. From the elevated section of road at No. 6 Ardmore Road, there are

good views east along Ardmore Road. There are also good views across Saundersbridge of Mullingar town. The proposed development would be so close to Ardmore Road there would be an obtrusive impact on the eastwards view down Ardmore Road.

- There are no facilities for children to play in the area. There is no access to the Greenway on the canal from Ardmore Road. Future and existing residents deserve and expect proper spacious houses and amenities, and not to be offered substandard and overcrowded accommodation at exorbitant prices with no amenities to cater for families.
- The applicants consider the reasons for refusal to be subjective, however the planning authority was very clear about the policies and objectives the proposal did not comply with. The fact Westmeath Co. Co. did not request further information speaks volumes for how inappropriate and poorly designed the proposed scheme is.
- The request for a 'de novo' application should be seen as a request to bypass the local authority and the well established due process. It is aggressive and dismissive of the local authority's decision and findings.
- Area left with vacant estates since the Celtic Tiger era, then new applications in the 2020s without consultations with the residents of the area.
- One parking space per dwelling is insufficient. Electric car charging will become more acute and lead to problems relating to allocated car parking.
- The proposal will work against the Baltransna Boreen Biodiversity community who have worked tirelessly to encourage biodiversity in the area.
- The proposed development is contrary to the design and housing policies of the Mullingar Local Area Plan.
- The first party's contention the proposed development is plan-led does not carry any merit. the developers do not own the adjoining lands and have not included the consent of the adjoining owners to their future proposals.

7.0 Assessment

7.1. Having inspected the site, considered the appeal file, the planning reports and all the parties' submissions, the assessment of the appeal will be under the following headings:

- Planning History
- Principle of the Development
- Quantum of Development
- Design Approach
- Residential Amenity
- Transportation and Car Parking
- Social and Community Infrastructure
- Other Matters

7.2 Planning History

- 7.2.1 There have been two previous planning applications for the residential development on the subject site, as outlined in Section 4 of this report. The two previous planning applications were refused. The first planning application was Refused in 2005 under planning reference 05/5186 for 64No. residential units due to the scale of the development and prematurity. The second planning application refusal was in 2015 under the same applicant as the current applicant, Shaston Construction Ltd. The Board refused planning permission for 27No. dwelling units on the subject site under reference ABP 25M. 243830 on the basis that Ardmore Road and Saunders Bridge were substandard in width and alignment, in addition to the lack of a public footpath and cycle path connecting the area to the town centre and wider area. Also, the proposed development was refused because it was considered to be piecemeal development because it did not make adequate provision for the lands to be developed to the east.
- 7.2.2 There has been a number of notable material changes since the previous refusals on the subject site.

- Ardmore Road has been improved in terms of alignment and surfacing;
- Footpaths and cycle paths have been provided to the front of the site;
- A new residential development has been permitted and constructed on the adjoining site to the west and north;
- There is a new Westmeath County Development Plan 2021-2027 adopted since the previous decision;
- New National Planning policy and the National Planning Framework have been adopted since the previous application, requiring higher densities and more compact residential development in urban areas.
- An access to the site has been constructed and completed without requiring a new additional access onto Ardmore Road.
- The proposed layout includes future access to the greenfield lands to the east and the proposed residential layout, respects the future development of the adjoining lands. The submission documents include an indicative scheme for the adjoining lands to the east.

7.2.3 The proposal now represents consolidated form of residential development. The compact growth of the serviced lands along Ardmore Road, allows for integration and linkages to be established for future undeveloped lands to the east. I believe the reasons for refusal under previous planning applications have been addressed, and the Board is in a position to consider this current proposal de novo.

I note the Observers submissions on appeal consider the request by the First Party appellant for the Board to consider the appeal 'de novo' as dismissive of the planning authority's assessment and decision. However, the Board is required to consider the appeal de novo under the terms of the planning legislation, this is normal practice under the appeals process.

7.3 Principle of the Development

7.3.1 The appeal site is zoned in the current *Mullingar Local Area Plan 2014-2020* (as extended) as Proposed Residential (MLAP Map No. 14). Furthermore, it is located within lands included in the Ardmore/ Marlinstown Framework Plan as per Section 8.2 of the MLAP. It is accepted in the plan that the Ardmore Road has traditionally attracted one-off houses seeking a rural setting. The proximity to the town centre and

the pace of residential growth has seen the immediate area become attractive for higher density housing. To the immediate west and north of the appeal site, there are new in-depth housing estates. The proposed residential use of the appeal site is in accordance with the zoning objective for the area and adjoining land uses.

7.3.2 Mullingar is a Key Town as designated under the Settlement Strategy for Westmeath. It is also recognised as a Key Town in the Regional Spatial and Economic Strategy for the area. The aim of the National Planning Framework and Regional Planning policy is to provide for sustainable, compact, sequential growth by consolidating the existing footprint of the town. It is obvious that Ardmore Road has historically been a low-density area. However, the area has been earmarked for residential expansion, according to Section 8.13.3 of the Mullingar LAP, the appeal site is located within Area 3- Ardmore Infill Development. This area is to the north of Ardmore Road and it covers a substantial area of 11.7ha. It is envisaged in the plan, that new residential developments should be medium density similar to surrounding developments, with a mix of typologies and dwellings sizes to accommodate a broad range of household compositions.

7.3.3 In 2016 Mullingar had a population of 20,928 which was similar in size to Athlone (21,349). In the 2022 census, Mullingar's population had grown to 22,667. The population projection for 2031 is 27,849. The town represents nearly 25% of the County's population. Westmeath County Development Plan policy **CPO 2.5** Supports the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES. In my opinion, the proposed development which provides for a variety of household types is in accordance with the core strategy of the county development plan and regional policies.

7.4 Quantum of Development

7.4.1 Concerns are raised by the third parties that the proposed density is excessive having regard to the character of the surrounding residential developments and that it does not comply with the Mullingar Local Area Plan 2014-2020. Since the adoption of the LAP, residential planning policy has been amended significantly in order to facilitate additional housing units nationwide in response to a chronic shortage of housing. Of note is the *Sustainable Residential Development Guidelines* were superseded by the ***Sustainable Residential Development and Compact***

Settlement Guidelines in 2024. It is acknowledged that these guidelines were published subsequent to the lodging of the appeal, however they are now valid and must be taken into consideration in the assessment of this case. Table 3.5 of the Sustainable Residential Development and Compact Settlement Guidelines sets out density range of 30-50 dwelling per hectare (net) for the suburban and urban expansion locations of Key Towns, and that densities of up to 80 dwellings per hectare shall be open for consideration at ‘accessible’ suburban/ urban expansion locations. Mullingar is identified as a Key Town in the RSES and the settlement strategy of the development plan. Therefore, this density range is considered applicable. The guidelines define the category of suburban/ urban expansion as the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. I am satisfied that the proposed density, is in accordance with the provisions of the guidelines.

7.4.2 Objectives 4, 13, 33 and 35 of the National Planning Framework, and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments. Section 4.5: Regional Growth Centres of the RSES states that growth of the key towns will realise a more consolidated urban form that will optimise the use of existing and planned services by increasing population and employment density in a sustainable fashion. The Strategy sets out a strategic development framework for their future growth to allow them to reach sufficient scale to be drivers of regional growth.

7.4.3 The proposed density is 37units per hectare which is well inside the range of 35-50 units/ha for edge of urban centres within a Key Town as recommended by *The Sustainable Residential Development and Compact Settlement Guidelines*. I acknowledge it is higher than the low density on the southern side of Ardmore Road. However, on serviced urban land in close proximity to the town centre, low densities are unsustainable. It is noted the planning authority had no objection in principle to the proposed density.

7.5 Design Approach

- 7.5.1 The appeal site is a greenfield site. There is a residential estate with houses and apartments to the west and north. There are detached houses on large curtilages on the opposite side of Ardmore Road to the appeal site. The southern side of Ardmore Road consist of a number of undulating fields. The design approach taken in the application was not acceptable to the planning authority or the third party observers. The first reason for refusal states the overall design and layout would result in a substandard development with an inappropriate design and urban form, with poor residential and open space layout, and it would fail to integrate successfully into the surrounding area, and be contrary to planning guidelines and local planning policy.
- 7.5.2 The overall proposed layout design includes for a two-storey apartment block along the Ardmore Road frontage, with the access service road to the proposed development from an existing housing estate to the west. The proposed apartment block backs onto the service road and fronts the Ardmore Road along the streetscape. The service road continues north into the site with two storey terraces and semi-detached units fronting it and two short cul-de-sacs of housing. A large open space area is provided to the rear of the apartments along the western site boundary. The open space is positioned where the site is inclining. The site inclines by 7metres from the southern (front) to northern rear boundary. The application and appeal documentation include detail design statements and photomontages, which I have noted.
- 7.5.3 The proposed deisgn response provides a building height of two storeys only throughout the entire scheme, in line with the Ardmore/ Marlinstown Framework Plan (Mullingar LAP 2014-2020). The overall proposed scale and massing of the entire scheme is in compliance with development plan standards. Therefore, I consider the density and height of the scheme to be acceptable.
- 7.5.4 The one of the most contentious issues of the proposed scheme is the proposed apartment block located along the Ardmore Road streetscape. The planning authority and the third parties both had strong reservations regarding the design and impact of the apartment block. The majority of the Third Party observers on appeal reside on the opposite side of Ardmore Road to the subject site. They submitted the apartment block is out of character with other residential developments on Ardmore Road. They also submit the overall design of the apartment block is completely incompatible with the existing streetscape and existing houses in the immediate vicinity. The original proposal contains a solid block backing onto the main road

which is at odds with the existing houses in the area. There are balconies and social spaces overlooking existing residential properties. I note, the original proposal includes for five two storey blocks in a stepped terraced line along the road frontage of Ardmore Road. The original design consists of a red brick elevation with gable fronted roof profile. I have studied the photomontages accompanying the appeal. The applicant states the design is innovative and the planning authority's negative assessment of the apartment block is subjective. I note from the Planning Report on file, the planning authority considered the original apartment building as having the appearance of an industrial building or emulates a wave motion. The planning authority considered the apartment block is not in keeping with the character of the area and it is visually dominant and intrusive at the location. The applicant has responded stating the original design was to create a unique sense of space within adequate height and separation distances.

7.5.5 I have considered the apartment design in the context of Ardmore Road. I have considered the concerns expressed by the third-party observations and the planning authority regarding the original design. I have also considered both the original contemporary design and the more traditional design presented on appeal providing a more standardised roof profile, with a mix of nap plaster finish and brick finish. In my opinion, the amended design provides a render finish which breaks up the block like appearance of the solid brick façade. The solid brick façade and irregular roof design is out of character with the area. I accept this is a subjective issue, however, in my opinion, the all-brick facade would create a dead or heavy appearance too close to Ardmore Road, and it would be an inappropriate design opposite the existing low density residential development on the southern side of the road. In addition, I agree with the third parties that the proposed original apartment design would be out of character with the area, and would detract from the visual qualities of the area by creating monolithic type structure along the streetscape at variance to the residential pattern of development in the area.

7.5.6 Following on from that conclusion, I examined the revised façade design presented on appeal. The revised design echoes the design of the existing detached dwellings immediately along the Ardmore Road frontage to the west. The revised design on appeal has a similar footprint, building envelop and internal floor plan to the original proposal. Having examined the contiguous elevations along Ardmore Road, and the 3D images, including comparisons between the original and amended scheme, I

consider the amended scheme to be more conservative in design but also in keeping with the character of the area. The amended apartment block complies with section 8.13.3 of the Mullingar LAP 2014. It provides a mix of building typologies and dwelling sizes to accommodate a broad range of household compositions. On balance, the amended apartment block is respectful of the neighbourhood design and streetscape and will make a positive addition to Ardmore Road.

7.5.7 I note from the assessment of the planning application by the planning authority, the design of the housing units throughout the scheme were not acceptable. The planning authority indicated the proposed front facades did not offer a high quality design to create an attractive place to live. The proposed front facades were considered to be bland and monotonous.

On appeal the applicant has submitted there was a design rationale underpinning the design of the dwellings.

I note House Types A and B (variations) are two storey semi-detached and terraced housing with nap plaster finish or all brick finish with a simple contemporary design. The overall external finishes are alternated and the roof profiles are changed to create a minimal yet effective design response throughout the scheme. The proposed house types are designed to be affordable and designed to minimise heat loss. On appeal, a number of minor changes to the elevations have been submitted for consideration. A variety of finishing materials are proposed on elevations. On balance, I consider the amended housing units design will integrate better with the amended apartment design. Overall, the design alterations submitted on appeal will contribute to the character of the area.

7.5.8 **Layout:** The planning authority's refusal cited the layout as substandard with poor open space layout and fails to comply with specified local policies in the Mullingar LAP 2014-2020. The appeal site is a regular reverse L-shape with ascending gradients, and contiguous residential developments to the west and north. The Ardmore Road forms the southern site boundary, and undeveloped greenfields to the east. These factors have ultimately determined the layout of the proposed scheme. Of note :

- There are future linkages indicated on the site layout to lands east of the site. The proposed development is served by a road link arising from the residential development to the west.

- There are adequate turning head provision for emergency services and waste collection vehicles.
- There is a 15% of the site area public open space provision which is in line with the minimum standards set out in the Mullingar LAP. The large Area 1 has been dictated by the adjacent development to the west where there are buildings of substantial heights located very close to the common boundary of both sites. As a consequence, if there were buildings proposed in this area of the site, they would be overlooked and overshadowed by the adjoining development to the west. I consider the dedication of the large Area 1 within the site to public open space is optimum design response to the constraints presented by the adjoining development to the west. I consider the location and design of the large open space to be reasonable and based on reasonable quantitative and qualitative design analysis.
- There are two smaller play areas proposed within the scheme to provide active play areas, and on appeal a revised active play area is included in the large open space area. All public open space areas are overlooked by residential developments.
- The private rear garden gardens broadly maintain the 11metre basic depth. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been revoked and are replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. The Compact Settlements Guidelines refer to separation distances and pertinently SPPR 1 requires the rejection of any objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. This requirement is fulfilled under the current layout.
- The proposed service road provides a straight access to housing and has been designed in accordance with DMURS principles. The street has a number of cul de sacs and some areas are provided as shared surfaces. Car parking is provided at one space per dwelling and this accords with the development plan and car parking standards set out in the Compact Settlements Guidelines, the arrangement of car spaces is in line with DMURS.

7.6 Residential Amenities

- 7.6.1 I note from the many third-party observations received they are concerned about their existing residential amenities been negatively impacted upon by the proposed development. This is particularly aimed at the apartment block with balconies located along Ardmore Road that would interfere with their privacy.
- 7.6.2 There is a main road and cycleways between the proposed apartment block and the houses south of Ardmore Road. In terms of separation distance it is approximately 37metres between opposing elevations. This is a considerable distance and the main living rooms will not be visible. In terms of the front garden areas, these are to the south of the development, therefore, no overshadowing will occur as a result of the development. Furthermore, there are footpaths, a cycleway and a main road acting as a buffer area between the existing and proposed developments. The observers have not presented any technical evidence to support their claims regarding loss of amenities.
- 7.6.3 I am satisfied the proposed development will not result in serious injury to existing residential amenities in terms of loss of privacy or overshadowing.

7.7 Reason For Refusal No.1

- 7.7.1 The First Reason for Refusal cites a number of policies from the Mullingar LAP, which the planning authority consider the proposed development contravenes. I will examine these cited policy statements individually.

P-H1 *To facilitate residential development in Mullingar in line with its designation and to ensure that this development and setting of the existing built form in terms of structure, pattern, scale, design and materials with adequate provision of open space, and which also protects the amenities of the existing dwellings.*

The proposed development accords with the density guidelines contained in national and local planning policy. The scheme is a contemporary design response, and the layout complies with DMURS and Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

- 7.7.2 **P-APT3** *To restrict apartment developments generally to town centre locations on suitably located sites adjoining public transport. Higher density schemes will be*

considered where they exhibit a high architectural design standard and create an attractive and sustainable living environment.

The proposed development complies with the National Planning Framework and by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. It provides a lower density than town centre sites, and the apartments are only two storey in height which is unusual for an apartment complex in suburban areas, where apartment blocks are normally three-five storeys in height at similar locations.

7.7.4 **P-APT4** The documents cited was published in 2007 and has been superseded by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

7.7.5 In my opinion, it has been demonstrated the proposed development, as amended on appeal, complies with policies P-RLD6 and P-RD3 in terms of urban design standards and sustainable communities.

7.7.6 As stated above under the Design Approach section, I see no issue in terms of the design and style of housing proposed. When the apartment block is viewed against terraced and other houses proposed across the site, it reads as a complimentary addition rather than a standout feature. I see no issue with its location at the southern portion of the site in terms townscape and general urban design principles.

7.8 Roads, Traffic and Access

7.8.1 Accompanying the planning application was:

- Road Safety Audit Stage 1 & 2
- Traffic and Transport Assessment Report (Alan Lipscombe Traffic and Transport Consultants)

The primary landuse along Ardmore Road is residential., with access roads for residential estates as well as individual houses. Ardmore Road functions as a key distributor road providing access between the south side of Mullingar Town Centre and Dublin Road. The site is accessed via the existing Ardmore Road/ Royal canal priority junction, followed by a new proposed junction that connects into the eastern side of the Royal Canal. There have been signifigant improvements carried out to

Ardmore Road in terms of resurfacing the carriageway, and new footpath and a 2 way cycle lane on the northern side of the road.

There were traffic surveys carried out for peak AM and PM hours on Thursday 13th of October 2022. The additional traffic movements that are forecast to be generated by the permitted development, are indicated in Tables 8 and 9 of the TIA report. At the existing junction over the Royal Canal to the subject site, there are 149No. existing dwellings been accessed via the junction, with an additional 142No. currently under construction. The proposed development includes 71No. dwelling units which equals an increase of traffic at the existing junction of 23% during peak times. The maximum impact the proposed development is forecast to have on the Ardmore Road is +4.0% which applies to Ardmore Road to the west of the Royal Canal Road during AM peak hour. The junction was established to operate within capacity up to the year 2041. The Area Engineer and relevant Roads Section of the planning authority had no objection to the proposed development. Furthermore, the planning authority was satisfied the proposed development was DMURS compliant.

7.8.2 The third-party observers expressed concern regarding provision of pedestrian and cycle bridge at Saunder Bridge under part 8 scheme. Saunders Bridge is narrow stone bridge located at the western end of Ardmore Road. I accept the bridge is narrow and under pressure from current traffic volumes. However, Ardmore Road is readily accessible to the wider road network and N4 to the east of the site. It crosses the Royal Canal and the railway tracks. Due to its narrow width a new pedestrian and cycle bridge is proposed beyond Saunder's Bridge, which will ultimately improve pedestrian and cyclist safety for those currently sharing Saunders Bridge with cars and larger vehicles.

I note, there will be 84No. bicycle parking bays providing in accordance with the development plan requirements. There is a limited local bus service in Mullingar. Possibly with more residents on the Ardmore Road, there will be a demand and the provision of future bus links to the town centre and wider area. The proposed development will contribute towards the critical mass that will enhance the viability of a bus route.

7.8.3 According to the Westmeath County Development Plan 2021-2027 there is a parking requirement of 95No. spaces (71No. spaces equates to one space per dwelling, visitor parking is 1No. space per 3No. dwellings). The proposed development also

complies with the parking standards set out in the Mullingar Local Area Plan 2014-2020. In the event of a favourable decision, a condition should be attached relating to electric car charge points.

7.9 Social and Community Infrastructure

7.9.1 There are seven childcare facilities in close proximity to the subject site.

1. Mullingar Montessori and the Den 5min walk
2. Noreens pre-school 10m walk
3. Mullingar Academy of Childcare 20m walk
4. Belvedere Little Nursery 20m walk
5. Scribbles and Giggles 30m walk
6. Grovelands 30m walk
7. Tir na Nog 30m walk.

7.9.2 Primary Schools

The Primary schools that are in proximity to the subject site are as follows:

Walking Distance

Holy Family Primary School 10 minutes

St Colemans National School 25 minutes

All Saints National School 20 minutes

Gaelscoil An Choilin 17 minutes

7.9.3 The Secondary Schools that are in proximity to the subject site are as follows:

Colaiste Mhuire 25 minutes walk 10 minutes drive

St Finians College 45 minutes walk 10 minutes drive

Loreto College 30 minutes walk 10 minutes drive

Mullingar Community College 15 minutes walk 5 minutes drive.

The submission documents include an aerial photograph of social and community facilities in Mullingar. These include shopping centres, schools, business parks, swimming pool, library, etc. I do acknowledge there are very few community and recreational facilities in close proximity to the residential developments along

Ardmore Road. The planning authority may have to examine this issue in more detail in a new Local Area Plan for Mullingar. On balance, the general area is an existing residential area with established social and community facilities. The site has been earmarked for residential development in the local development plan for ten years. The proposed development is plan-led.

7.10 Other Matters

- In order to satisfy the requirements of Part V of the Planning and Development Act 2000 (as amended) the applicant proposes to deliver 14 no. units, representing 20% of the total number of units proposed, to the Council for the purposes of social housing. The Council representatives indicated broad approval for the approach being taken by the applicant in relation to compliance with Part V.

8.0 AA Screening

8.1. I note on file A Screening for Appropriate Assessment was submitted with the planning application. This was prepared by Niamh Ni Bhrun. On appeal there is a revised Screening for Appropriate Assessment submitted.

8.2. *Description of the Project*

8.2.1 I have considered the proposed residential development of 71.No. dwelling units in light of the requirements of S.177U of the Planning and Development Act 2000 as amended.

The subject site is located on the Ardmore Road, within a suburban residential area south of Mullingar town centre. There are 9No. European Sites within 15km of the proposed development.

Conservation Site	Natura 2000 Designation	Site Code
Lough Derravarragh	Special Protection Area	004043
Lough Ennell	Special Area of Conservation	000685
Lough Ennell	Special Protection Area	004044
Lough Iron	Special Area of Conservation	000687

Lough Owel	Special Area of Conservation	000688
Lough Owel	Special Protection Area	004047
River Boyne and River Blackwater	Special Area of Conservation	002299
River Boyne and River Blackwater	Special Protection Area	004232
Wooddown Bog	Special Area of Conservation	002205

The subject site located on the northern side of Ardmore Road in Mullingar, is served by public water mains. Wastewater discharged from the proposed development, post construction, will discharge to the public sewer.

Surface water will consist of two main areas namely the northern section of the site and the southern section of the site. Both sites will overlap in the central area of the proposed development. SUDS features for managing surface water at the proposed site will consist of: Permeable paving into which surface water from the paving and roof water will be distributed through the stone void using a rain diffuser prior to infiltration to the ground. A swale combined will manage and treat surface water from impermeable surfaces. Surface water from access road will enter the swale by way of road gullies and infiltrate the ground. There will be a drained swale to collect water from the distributor road at the northern portion of the site. Perforated pipes under the drained swale will facilitate the infiltration of surface water to the ground. Surface water which does not discharge to ground will be directed to infiltration tanks. Infiltration tanks to manage larger volumes of surface water. Two infiltration tanks will be installed at the site. Surface water which is not infiltrated to ground from the two infiltration tanks will discharge to the public water system. All surface water generated on site discharging to the public surface water system will pass through a Class I interceptor to remove hydrocarbon particulates. A hydrobrake will control the rate of discharge. The existing open drain on the southern boundary will remain in situ.

The Department of Housing, Local Government and Heritage is concerned regarding the lack of mitigation measures proposed particularly during the construction phase to protect the watercourse or drain which forms part of the boundary of the proposed

site. This watercourse, which is a tributary of the Brosna River, is at high risk from sedimentation laden or contaminated surface water runoff from any construction on the lands. There was no Construction and Environmental Management Plan submitted with the planning application. However, I note such a plan has been submitted with the First Party appeal. I will examine this report to determine if water quality and mitigation measures are proposed and if adequate to protect the adjacent water course during the construction phase.

8.2.2 ***Protection impact mechanisms from the Project***

The following is a list of elements that may impact on the local Natura 2000 sites:

- *Discharge of untreated wastewater to surface or groundwater.*

All wastewater generated at the site will be discharged to the public sewer. There will be no discharge of untreated water to surface or ground water sources.

- *Absence of surface water management measures.*

The drain on the southern boundary flows in a west to east direction into a culvert on the eastern side of the proposed development site. In accordance with the Construction Environmental Management Plan, no untreated surface water will discharge to the drain on the southern site boundary during the construction period. The SUDS measures proposed, as described in the previous section will be implemented.

- *Discharge of inadequately treated surface water in an uncontrolled manner to surface water.*

Prior to discharge all surface water will pass through a Class I interceptor to remove hydrocarbon particulates. A hydrobrake attached to the infiltration tanks will allow controlled release of surface water from the site.

- *Water Abstraction to supply water to the proposed development.*

All potable water will be public mains supplied. The development is supplied by public water mains.

- *Discharge of untreated surface water to the existing open drain on the southern boundary*

Any surface water run-off into the rain from the proposed development will come from the grassed area around the apartments. There will be no run-off from impermeable surfaces entering the drain. Surface water from impermeable surfaces and all other surfaces the proposed SUDS system.

8.2.3 **Direct Impacts: None:** The proposed development is not within or adjoining a Natura 2000 site.

Indirect During Construction: None : A preliminary Construction Management Plan has been completed for the site. Measures proposed to protect the drain on the southern boundary during construction and consequently Lough Ennell include:

- (i) A settling lagoon/ holding pond to be used during the construction phase. This will enable water to be managed so there is no silt laden run-off into the drain
- (ii) Concrete mortar washout is proposed. A designated washout area will prevent uncured concrete entering the drain and consequently Lough Ennell.
- (iii) The central refuelling station will prevent hydrocarbons entering the drain
- (iv) Emergency response in case of accidental spillage will be contained and treated.

Cumulative Impact During Construction: None The following reports were prepared as part of the planning application and appeal process:

- Preliminary Construction Environmental Management Plan;
- Preliminary Construction and Demolition Waste Management Plan prepared by SDS Engineers
- Preliminary Operations Waste Management Plan prepared by SDS Engineers
- Flood Risk Assessment

Direct Impacts Operational Phase: None The proposed development is not within or adjoining a Natura 2000 site.

Indirect Impacts Operational Phase : None Wastewater generated on site will discharge to the public wastewater treatment system, and the water is from the public water mains. The existing surface water drainage pre-construction is within the River Brosna catchment. The proposed SUDS measures to be implemented will

enable most of the surface water to be discharged to ground. The drain along the southern boundary will remain, however only run-off from grassed areas around the apartments will run-off into the open drain in extreme weather conditions.

The proposed surface water measures as described in the previous section, are designed to slow surface water run-off and to increase surface water discharge to ground. Only during periods of heavy rain will excess water discharge to the public surface water system. All surface water will be treated with a Class I interceptor to remove hydrocarbons and will be released in a controlled manner using a hydrobrake reducing the probability of flooding downstream of the proposed site.

Cumulative Impact Operational Phase: None Wastewater generated on site will discharge to the public wastewater treatment system, and the water is from the public water mains.

The proposed surface water measures as described in the previous section, are designed to slow surface water run-off and to increase surface water discharge to ground. Only during periods of heavy rain will excess water discharge to the public surface water system. All surface water will be treated with a Class I interceptor to remove hydrocarbons and will be released in a controlled manner using a hydrobrake reducing the probability of flooding downstream of the proposed site.

8.2.4 European Sites at Risk

The drain along the southern boundary of the site connects to the River Brosna, which has a hydrological link to Lough Ennell SAC and SPA. There are no other links to the other European sites within the Zone of Influence (listed in section 8.2.1 above), therefore these sites can be ruled out.

Effect Mechanism	Impact pathway/ Zone of Influence	European Site	Qualifying Interest
Changes in water quality	There are no direct existing or proposed hydrological	Lough Ennell SAC (000685)	Hard Water Lakes [7230] Alkaline Fens

Drying out due to drainage	connections to the site. However, there is potential for an impact pathway via a hydrological link No direct habitat loss.		
Changes in water quality Drying out due to drainage		Lough Ennell SPA (004044)	Pochard, Tufted Duck and Coot Wetland and Waterbirds

Lough Ennell SAC (000685)

Lough Ennell SPA (004044)

Lough Ennell is a large, limestone lake, located 3 km south of Mullingar in Co. Westmeath. Much of the lake is shallow with a marl deposit. The River Brosna flows into the lake from the north at Butler's Bridge, and out from the south. Lough Ennell is a very good example of a marl lake with stonewort and cyanobacterial crust vegetation.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Pochard, Tufted Duck and Coot. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

Whilst there is a hydrological link between the subject site and Lough Ennell, having regard to the qualifying interests of this European Site, having regard to the main pressures and threats associated with the habitats and species, it is my view that the proposed development, individually or in combination with other plans or projects,

would not be likely to have a significant effect on this European Site, in view of the said sites' conservation objectives.

Having regard to the separation distances to Lough Ennell and to their qualifying interests, the absence of any direct hydrological connection and the mitigation measures proposed during and post construction, I consider that the development would not likely have a significant effect on these European Sites, alone or in-combination with other plans or projects, in view of the said sites' conservation objectives.

The possibility of significant effects on other European sites has been excluded on the basis of no hydrological link . The following European sites which have been screened out for the need for appropriate assessment include:

Lough Derravarragh	Special Protection Area	004043
Lough Iron	Special Area of Conservation	000687
Lough Owel	Special Area of Conservation	000688
Lough Owel	Special Protection Area	004047
River Boyne and River Blackwater	Special Area of Conservation	002299
River Boyne and River Blackwater	Special Protection Area	004232
Wooddown Bog	Special Area of Conservation	002205

8.2.5 *Likely Significant Effects on the European Site 'alone'.*

Could the proposed development undermine the conservation objectives alone:

European Site and Qualifying Features	Conservation Objective	Habitat Loss	Disturbance of Species
Lough Ennell SAC	To maintain the favourable	No	No

3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. 7230 Alkaline fens	conservation condition.		
Lough Ennell SPA 004044 A059 Pochard Aythya ferina A061 Tufted Duck Aythya fuligula A125 Coot Fulica atra A999 Wetlands	To maintain the favourable conservation condition.	No	No

Having examined the qualifying interests and conservation objectives for these European Sites, I am satisfied that the proposed development, due to its nature, proposed mitigation measures regarding surface water discharge during construction and operational phases, the location in an established urban and serviced area, that it would not result in potential for significant impacts on the integrity and conservation objectives of these European Sites.

Furthermore, the proposed source of water supply and method of wastewater management / surface water disposal would be via the public network or within the subject site.

I note that Applicant as part of their appeal submission, completed an AA Screening, which confirmed that there would be no material risk to any protected habitats and, therefore, no requirement for a Stage 2 AA.

In-combination effects

There are no likely significant in-combination effects identified for the purposes of AA. The only cumulative impact envisaged would be that of additional loading placed on the public sewage treatment infrastructure.

8.2.6 **Screening Determination**

- 8.1. In conclusion, having regard to the nature and scale of the proposed development on an urban and serviced property, the intervening land uses, the proposed comprehensive mitigation measures as described in the Construction Environmental Management Plan, to the distance from, any European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed 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**

I recommend that planning permission be granted for the proposed development subject to the following reasons and considerations.

10.0 **Reasons and Considerations**

Having regard to the provisions of the Mullingar LAP 2014-2020 (as extended), as supported by national policy as set out in the National Planning Framework (2018), and Ministerial Guidance, Sustainable Residential Development and Compact Settlements (2024) both issued by The Department of Housing, Planning and Local Government, according to which new residential development should be increased in density and directed into locations with existing built up serviced areas and the zoning of the site for residential purposes, to the location of the site in an established, to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not result in traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further

plans and particulars submitted and received on appeal on the 6th of June 2023, 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.

Reason: In the interest of clarity.

2. (i) The proposed apartment design shall be in accordance with the drawings submitted on appeal on the 6th of June 2023, Drawing Nos 2129-PA-01-200 and 2129-PA-01-100 respectively.

(ii) The house designs for Block 2 shall be in accordance with the drawings submitted on appeal on the 6th of June 2023 , Drawing No.s 2129-PA-2-100 and 2129-PA-02-200 respectively.

Reason: In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The areas of communal open space shown on the lodged plans shall be landscaped in accordance with a landscape scheme which shall be agreed in writing with the planning authority prior to the commencement of development, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first

planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.

Reason: In order to ensure the satisfactory development of the open space areas, and their continued use for this purpose.

5. The permitted development shall be landscaped and the final details of all boundary treatments shall be provided in accordance with a detailed comprehensive scheme of landscaping and boundary treatments, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

6. The areas reserved for open space as per Drawing No. 080522-LP-01 on the plans lodged with the appeal, shall be reserved for such and shall be soiled, seeded and landscaped in accordance with the submitted drawings. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure satisfactory development of public open space areas, and their continued use for this purpose, and in the interests of visual amenity.

7. Public lighting shall be provided in accordance with a scheme which shall include lighting of public open spaces, communal spaces and parking/servicing areas, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development. The design of the lighting scheme shall take into account the existing and

permitted public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

10. The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. All car parking spaces shall be provided with functioning electric vehicle charging stations/points. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To facilitate the use of electric vehicles.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

15. Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. (i) The proposed development shall be carried out in accordance with a Construction and Environmental Plan to be submitted and agreed in writing with the planning authority prior to the commencement of the development. All mitigation measures outlined in the Preliminary Construction and Environmental Plan submitted on appeal shall be carried out as specified.

(ii) In accordance with the mitigation measures as outlined in the Preliminary Construction and Environmental Plan and prior to the commencement of the development, the developer shall submit the following for agreement with the planning authority: a waste management plan, a surface water management plan, and an operational management plan.

Reason: In the interest of clarity and to mitigate potential environmental effects.

17. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

18. A plan containing details of the management of waste in particular recyclable materials within the development including the provision of facilities for storage, separation and collection of waste and in particular recyclable materials shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development. Thereafter the waste shall be managed in accordance with an agreed plan.

Reason: To provide an appropriate management of waste and in particular recycled materials in the interests of the environment.

19. Prior to the commencement of any house or apartment unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. The site entrances and junctions, raised tables, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. 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 roads, footpaths, watermains, drains, public open space and landscaping commitments 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.

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or

on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

23rd of July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317280		
Proposed Development Summary	71No. residential units and site works on 1.92Ha and all ancillary site development works		
Development Address	Ardmore Road, Mullingar		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: **Caryn Coogan** **Date:** **23/07/24**