



An
Bord
Pleanála

Inspector's Report

ABP-319949-24

Development	Construction of four/five storey building containing 32 apartments and all associated site works.
Location	Site at Station Road/Roske Road Junction, Dunboyne, Co. Meath
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	231026.
Applicant	Margrove Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Margrove Limited.
Observer(s)	Jenny Connolly and John McDonnell, and Daithí and Audrey Ó Dúil.
Date of Site Inspection	27 th November 2024.
Inspector	Ciarán Daly

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	8
5.0 Policy Context.....	8
5.1. Development Plan.....	8
5.2. Regional Strategy.....	143
5.3. The National Planning Framework	164
5.4. Section 28 Ministerial Guidelines	15
5.5. Natural Heritage Designations	15
5.6. EIA Screening	16
6.0 The Appeal	166
6.1. Grounds of Appeal	166
6.2. Planning Authority Response	18
6.3. Observations	188
7.0 Assessment	19
8.0 AA Screening.....	411
9.0 Recommendation.....	41
10.0 Reasons and Considerations	41
Appendix 1 – Form 1: EIA Pre-Screening	

Appendix 2 – Form 2: EIA Preliminary Examination

Appendix 3 – Appropriate Assessment Screening Form

1.0 Site Location and Description

- 1.1. The subject corner site within the urban area of Dunboyne consists of a triangular shaped overgrown site at the junction of Rooske Road (L2221-0) and Station Road (the L228) which leads into the retail centre area of Dunboyne c.200m to the north-west. The site area is 0.1365 ha and the site is largely flat with timber posts and fences located to its north and east with metal fencing along the south-west boundary. It directly fronts the public road on two sides and on the third side there is a pathway which separates the site from a detached single storey dwelling on an irregular shaped plot (Dunboyne Castle Gate Lodge (RPS no. 91546, NIAH ref. 14341004)). Overhead wires pass over the north-west end of the site.
- 1.2. There is a line of terraced two storey dwellings to the north-west of the adjacent dwelling which faces the public road. There is a school opposite the site, Dunboyne Senior Primary School and St Peter's College, across the road to the north with single storey prefabs set back from the road. To the east on the opposite side of the road there is a two storey housing block with a three storey gable element facing the corner. Opposite across the access road to the housing estate to the south of the area are areas of open space separating the site from the single storey community buildings to the south which are fronted by an area of surface parking. The two storey terraced houses of Castlevue are located to the south-east of the site which is to the side of the green space. Diagonally opposite the site on Station Road facing the junction is an area of open space that appears to be part of the Dunboyne Community Centre grounds to the north of this area.
- 1.3. The site is located c. 650m walking distance away from Dunboyne railway station and is within close walking distance of the town centre.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - A four/five storey building to accommodate 32 no. apartments (23 no. one bedroom units and 9 no. two bedroom units).
 - Terraces at ground floor level and balconies on the upper floors on the north-west elevation.

- Pedestrian access from Station Road.
- Vehicular access at the south-west end facing the Castlevue estate.
- 17 no. car parking spaces in an undercroft, 99 no. bicycle parking spaces, bin storage facilities, photovoltaic panels on the roofs and associated landscaping works.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council decided to refuse permission for two no. reasons:

1. Failure to incorporate design measures to support the specific objective (DCE OBJ 16) for the Dunboyne and Clonee pedestrian and cycle network scheme and the undesirable precedent this would set.
2. The failure to incorporate active street frontages particularly along Rooske Road renders the development substandard and contrary to national guidelines and standards.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Meath County Council Planner's Report recommended requesting further information in relation to 7 no. items including concerns related to overlooking from balconies to the west, lack of active frontage facing Rooske Road, roads and transportation technical issues including the provision of a layout for the cycle infrastructure at the road junction, technical details in relation to water drainage and treatment, telecommunications infrastructure details, a response to the third party submissions and potential revised public notice requirements.

The Planner's Report also notes that the site is listed on the Council's Vacant Site Register under VS Register Ref. No. VS-MH.0054 and is considered suitable for development on account of the siting, location and service availability.

The second Planner's Report, following receipt of significant further information, noted that the response had addressed the overlooking issue to the west, had failed to address the issue of active street frontage facing Rooske Road, failure to address issues raised by Transportation including not setting back the boundaries as required by the Active Travel Team, had addressed flooding and drainage issues subject to conditions, acceptable response in relation to broadband infrastructure subject to condition, the response to the third party submissions was acceptable and it noted the requirement to re-advertise given the design changes at F.I. stage.

3.2.2. Other Technical Reports

- Transportation Section: Further Information Required. Following F.I. significant issues noted.
- Environment Section: Further Information required. Following F.I. no objections subject to conditions.
- Broadband Officer: Further information required. Following F.I., no response received.
- Public Lighting: No objection subject to conditions.
- Housing Department: No objections subject to condition.
- Fire Officer: No objection subject to conditions.
- Conservation Officer: No comments received.

3.3. Prescribed Bodies

Uisce Eireann: No objection subject to conditions.

3.4. Third Party Observations

34 no. third party submissions were received by the planning authority, including one from a local councillor. The issues raised within the observations are summarised as follows:

- The proposal would result in overdevelopment of the site.

- The development would negatively impact on the protected structure adjacent to the site and on the architectural conservation of the town.
- The development is out of keeping with the character of the area.
- The density is vastly excessive and there is only capacity for a very small number of dwellings on the site.
- Loss of sunlight and daylight for adjacent residences.
- The close proximity to the school is excessive.
- The height would be out of scale and excessive for the area.
- Negative impacts from overlooking and overshadowing.
- Anti-social behaviour in and around the site will be an issue for residents.
- An increased setback similar to the development to the east is required to avoid excessive visual dominance.
- Severe traffic congestion in the area from schools and other uses and lack of capacity for increase.
- Construction disruption will be severe for vehicular and pedestrian access and for school access.
- The lack of car parking on the site will result in overspill to adjacent residential estates, particularly Castlevue and a traffic hazard will also result.
- The number of units in the development description is misleading.
- The size of site is incorrect.
- There is a failure to comply with the Apartment Guidelines.
- There should be no apartment type development.
- Anti-social behaviour in and around the site will be an issue for residents.
- The design is without architectural merit.

4.0 Planning History

Appeal Site

DA60051: Application withdrawn for 7 no. apartments in a three storey building.

971007: Application withdrawn for 6 No. two bed apartments in one No.2/3 storey block 1 no. single storey heritage centre, associated open spaces.

VS-MH-0054: Site entered on to the vacant site register.

Site on south-east side of Rooske Road

96294 (Hamilton Hall) Permission granted by the Planning Authority for residential development of 65 no. units total consisting of 21 no. 2 storey houses, 8 no. dormer bungalows (revised to 27 no.) and 36 no. apartments

Sites in the vicinity

21642 (Woodlawn, Summerhill Road): Permission refused by the Planning Authority and on appeal (ABP ref. ABP-311643-21) for the construction of 6 no. three bed houses, construction of a road from Summerhill Road and new perimeter walls.

ABP Reason for Refusal related to a failure to design car parking bays and internal road consistent with the Design Manual for Urban Roads and Streets (DMURS), traffic hazard and overdevelopment of a restricted site.

5.0 Policy Context

5.1. Meath County Development Plan 2021-2027 (as varied) (the CDP)

The subject site is zoned under zoning category 'A1 - Existing Residential' with an objective to "*To protect and enhance the amenity and character of existing residential communities*". 'Residential' is a 'permitted use' under this zoning objective. Lands to the east, west and immediate south are zoned under category A1.

The site across the road to the north is zoned as category 'B1 – Commercial / Town or Village Centre' with an objective to "*To protect, provide for and/or improve town and village centre facilities and uses*". Lands slightly further south are zoned under

category 'G1 – Community Infrastructure' with an objective *"To provide for necessary community, social, and educational facilities"*.

The adjacent site is listed on the Record of Protected Structures (Dunboyne Castle Gate Lodge (RPS no. 91546)).

Dunboyne is a town located within the Dublin metropolitan area. It is designated as a Self-Sustaining Growth Town in the CDP (Table 2.4). Such towns are described as *"towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more Self Sustaining"*. The primary settlement strategy for the County is for the growth of the metropolitan settlements including Dunboyne.

Section 3.4.8 of the CDP relates to Self-Sustaining Growth Towns.

Policy SH POL 2 is *"To promote the consolidation of existing settlements and the creation of compact urban forms through the utilisation of infill and brownfield lands in preference to edge of centre locations"*.

Chapter 2 of the Development Plan sets out the core strategy, chapter 3 sets out the settlement and housing strategy, chapter 5 sets out the movement strategy, chapter 6 sets out the infrastructure strategy, chapter 8 sets out the cultural and natural heritage strategy, chapter 10 sets out the climate change strategy, chapter 11 sets out the Development Management Standards and Land Use Zoning Objectives. I note the following sections to be of particular relevance to this assessment:

- Section 3.8.9 Design Criteria for Residential Development

"Well-designed residential developments can make a significant contribution to the creation of an attractive urban environment where people want to live, work, and socialise. Applications for new residential developments should strive to create a sense of place by responding positively to local surroundings. This can be achieved by taking into account local building types and styles, landmark buildings, and any important views or features in the local landscape. Innovative designs that would not compromise the local environment are encouraged".

- Section 3.8.10 Densities
- Section 8.7.1 Record of Protected Structures
- Section 8.8 Natural Heritage
- Section 8.9 Biodiversity
- Section 11.3.1 Public Realm

“DM OBJ 2: To enhance the visual amenity of existing town and village centres, minimising unnecessary clutter, and provide guidance on public realm design, including wirescape, shopfront design, street furniture and signage”.

- Section 11.4.1 Energy Efficiency

DM POL 2: Appropriate energy conservation strategies should be employed in location, design, mass, orientation and the choice of materials of all new and renovated developments.

- Section 11.4.4 Trees and Hedgerows
- Section 11.5.2 Urban Design

- DM POL 4 is *“To require that all proposals for residential development demonstrate compliance with the Sustainable Residential Development in Urban Areas - Cities, Towns & Villages (2009) and the Urban Design Manual- A Best Practice Guide, 2009 or any updates thereof”.*

- Section 11.5.3 Density

DM OBJ 14 states that *“The following densities shall be encouraged when considering planning applications for residential development:*

- *Residential Development Beside Rail Stations: 50 uph or above...*
- *Self-Sustaining Growth Towns: (Dunboyne, Ashbourne, Trim, Kells): greater than 35uph....*

- Section 11.5.4 Plot Ratio

“DM OBJ 15: As a general rule, the indicative maximum plot ratio standard shall be 1.0 for housing at edge of town locations with an indicative maximum plot ratio of 2.0 in town centre/core locations”.

- Section 11.5.5 Site Coverage

“DM OBJ 16: Site coverage shall generally not exceed 80%. Higher site coverage may be permissible in certain limited circumstances such as adjacent to public transport corridors; to facilitate areas identified for regeneration purposes; and areas where an appropriate mix of both residential and commercial uses is proposed”.

- Section 11.5.6 Building Line

- Section 11.5.7 Separation Distances

“DM OBJ 18: A minimum of 22 metres separation between directly opposing rear windows at first floor level in the case of detached, semi- detached, terraced units shall generally be observed”.

- Section 11.5.9 Building Height

“DM OBJ 25 ...In all cases all proposals for buildings in excess of 6 stories at these locations shall be accompanied by a statement demonstrating compliance with the Urban Development and Building Heights, Guidelines for Planning Authorities (2018), or any updates thereof”.

- Section 11.5.16 Light and Overshadowing

Daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011), and any updates thereof.

DM POL 11: New residential development should be designed to maximise the use of natural daylight and sunlight. Innovative building design and layout that demonstrates a high level of energy conservation, energy efficiency and use of renewable energy sources will be encouraged.

- Section 11.5.17 Apartments

DM POL 14: All planning applications for apartments are required to demonstrate compliance with ‘Sustainable Urban Housing; Design Standards

for New Apartments’, Guidelines for Planning Authorities (2018) and any updates thereof. While these Guidelines set out minimum design standards, the Council strongly encourage the provision of apartments above these standards, in the interest of creating attractive living environments and sustainable communities.

DM OBJ 39: Apartment development proposals will be assessed under a number of headings and an appropriate mix shall be provided.

- Section 11.5.19 a) Infill Sites in Urban Areas

DM OBJ 42: Infill development shall take account of the character of the area and where possible retain existing features such as building line, height, railings, trees, gateways etc.

- Section 11.9.1 Parking Standards

DM OBJ 89 states that “Car parking shall be provided in accordance with Table 11.2 and associated guidance notes”. Under the guidance notes section for this section, it states that “Residential car parking can be reduced at the discretion of the Council, where development is proposed in areas with good access to services and strong public transport links”.

Table 11.2 Car Parking Standards

Dwellings: 2 spaces per conventional dwelling. Apartments: 2 per unit. 1 visitor space per 4 units.

“DM OBJ 93: New residential development should take account of the following regarding car parking:

- *Vehicular parking for detached and semi-detached housing should be within the curtilage of the house;*
- *Vehicular parking for apartments, where appropriate, should generally be at basement level. Where this is not possible, parking for apartments and terraced housing should be in small scale informal groups overlooked by residential units;*

- *The visual impact of large areas of parking should be reduced by the use of screen planting, low walls and the use of different textured or coloured paving for car parking bays;*
- *Consideration needs to be given to parking for visitors and people with disabilities; and*
- *Provision of EV Charging points”.*

Table 11.3 Car Parking Bays

- Section 11.9.3 Cycle Parking

Table 11.4 Cycle Parking Standards

For apartments, these are 1 space per bed space, minimum 2 spaces. 1 visitor space per two housing units.

- Volume 2: Dunboyne-Clonee-Pace Written Statement
 - DCE Objective 1 is *“To support and encourage residential development on under-utilised land and/or vacant lands including ‘infill’ and ‘brownfield’ sites, subject to a high standard of design and layout being achieved”.*
 - DCE Objective 15 of the CDP is *“To support and facilitate the implementation of cycle lanes and associated cycle infrastructure upgrades as identified within the Greater Dublin Area Cycle Network Plan, within the town centre in partnership with the National Transport Authority and other relevant stakeholders”.*

5.2. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES)

- 5.2.1. The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people’s quality of life through the creation of healthy and attractive places to live, work, visit and study in.
- 5.2.2. The site is located within the ‘Dublin Metropolitan Area’. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development

in an integrated and sustainable fashion. The following RPO is of particular relevance:

RPO 5.4: *Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the ‘Sustainable Residential Development in Urban Areas’. ‘Sustainable Urban Housing; Design Standards for New Apartment’ Guidelines, and Draft ‘Urban Development and Building Heights Guidelines for Planning Authorities’.*

5.3. The National Planning Framework

5.3.1. The National Planning Framework seeks the ‘making [of] stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place.

5.3.2. Relevant Policy Objectives include:

National Policy Objective 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.*

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.*

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

National Policy Objective 35: *Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*

5.4. Section 28 Ministerial Guidelines

5.4.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (the Compact Settlement Guidelines).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2023).
- Sustainable Urban Housing: Design Standards for New Apartments (2022) (the Apartment Guidelines).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (the Building Height Guidelines).
- Quality Housing for Sustainable Communities: Design Guidelines, (2007).

5.4.2. The following planning guidance and strategy documents are also considered relevant:

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Cycle Design Manual, Department of Transport (2023).
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018).
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009).

5.5. Natural Heritage Designations

5.5.1. The site is not located within or adjoining a European Site. In relation to designated conservation sites, the subject site is located:

- c. 4.2km north-west of the Royal Canal Proposed Natural Heritage Area (PNHA) (site code 002103).
- c. 5.2 km north-east of the Rye Water Valley / Carton Special Area of Conservation (SAC) (site code 001398).
- c. 5.8km north of the Liffey Valley PNHA (site code 000128).

5.6. EIA Screening

- 5.6.1. See Forms 1 and 2 appended to this report. The proposed residential development is located within an urban area on serviced land that is zoned for residential development. Having regard to the nature and scale of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received from Margrove Limited care of Jim Brogan Planning and Development Consultant, Laurel Lodge Business Centre, Castleknock, Dublin 15. The grounds of appeal can be summarised as follows:

- The setback of the site from the eastern boundary is not required as demonstrated by the consulting engineer's submissions, including at F.I. stage.
- Since the Decision, a new Preferred Route Option has emerged which is compatible with the proposed development, subject to minor amendment.
- The emerging layout is materially different from the layout previously presented by the Council and a compatible road layout is submitted with only the verge reduced in width which is of no material significance.

- The applicant has made a submission in support of its revised road layout in respect of the Emerging Preferred Route Option.
- A consulting engineer's supporting submission is included.
- The DC3 OBJ 16 objective of the Development Plan applies to the town centre only and the site is not within this area of within the commercial town or village centre.
- There are no grounds to uphold refusal reason no. 1.
- The level of car parking required can only be accommodated via an undercroft car park part of which is adjacent to the site frontage with Rooske Road.
- The design response presented at appeal stage to enhance the Rooske Road frontage represents a reasonable and acceptable response to the Council's concerns. There are no Development Plan provisions in relation to active streetscapes.
- There is a lack of detail and planning rationale provided in relation to the number of appropriate car parking spaces.
- National guidelines cited to support the changes for Rooske Road.
- The volume of street activity in the area supports the surveillance of the public realm and will be supported by the Dunboyne Pedestrian and Cycle Scheme.
- The frontage onto Rooske Road is relatively short at 27 metres long and could be distinguished so as not to be a precedent.
- Higher densities are sought in appropriate locations such as this intermediate location beside railway stations and close to community facilities. The Council found the density acceptable.
- The Building Height Guidelines are supportive at this location including for a landmark building.
- The development complies with the standards of the Apartment Guidelines except in relation to the number of one bed units and this is compensated for in larger apartment sizes. Dispensations are allowed on sites of less than 0.25 ha.

- No overlooking issues arose following the F.I. assessment.
- The car parking provision is adequately justified.
- The planned pedestrian and cycle network will be immediately accessible from the development and national guidelines support a reduction in car parking at such locations.
- The Development Plan car parking standards (32 no. spaces) are incompatible with the development of the site.
- Any works required for public infrastructure should be offset against the development contributions proposed.
- The impact on the protected structure to the west would be minimised.
- The appeal is accompanied by revised proposals.

6.2. Planning Authority Response

The P.A. reiterated that its decision to refuse permission should stand for the two reasons for refusal cited in the decision.

6.3. Observations

Two third party observations were received from Jenny Connolly and John McDonnell of 26 Castlevue, Dunboyne, Co Meath, and from Daithí and Audrey Ó Dúil, the Castle Lodge, Main Street, Dunboyne, which can be summarised as follows:

- Overlooking of a protected structure and other houses, and issues with height and scale remain in terms of impacts on homes in the vicinity and on the school.
- The development would negatively impact on the attractiveness of the area and the creation of a positive urban realm at the junction.
- The design would not accord with DMURS.
- Significant issues raised in the Transport F.I. request have not been addressed and the triangular parking area for Castlevue will be blocked.

- There will be overspill parking and the front houses on Castlevew have no alternative parking.
- There is a risk in relation to access for service and emergency vehicles for Castlevew, particularly during construction.
- The density is excessive for the location and a precedent for overdevelopment would be set.
- The development is out of scale and would have a negative visual impact in this context.
- There is no precedent for development over three storeys. The height and scale would be overbearing and result in overshadowing.
- There is no daytime shadow analysis in the sunlight report and there would be loss of natural light. There are major concerns in relation to quality of life impacts.
- The development will make current parking and congestion issues worse in the vicinity.
- The development will impede access, including for emergency vehicles, to Castle Lodge including the back gate used for parking and located in front of the proposed entrance.
- The adjacent pathway is heavily trafficked during school hours and construction vehicles will be a hazard.
- There is a potential for 87 cars requiring parking and public transport provision is not suitable and is unreliable.
- The use of the triangular area of Castlevew for emergency vehicles to turn is unsuitable given its use for residents parking and this is contrary DMURS.

7.0 **Assessment**

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows (example):

- Principle of Development
- Setback from the south-east boundary.
- Active Streetscape and Layout.
- Density.
- Visual Amenity.
- Internal Residential Amenity.
- External Residential Amenity.
- Heritage.
- Transportation.
- Drainage.

7.2. Principle of Development

- 7.2.1. The principle of development was considered acceptable to the Planning Authority (P.A.). Under the CDP the site is zoned under category 'A1 - Existing Residential' with an objective to "*To protect and enhance the amenity and character of existing residential communities*". 'Residential' is a 'permitted use' under this zoning objective. Accordingly, I consider the principle of residential development on the site to be acceptable subject to normal planning criteria which will be examined below.

7.3. Setback from the South-East Site Boundary

- 7.3.1. In order to address refusal reason no. 1 to facilitate the cycle infrastructure along Rooske Road adjacent to the development, the appeal documentation includes a plan showing a revised road layout, taking into account the Emerging Preferred Route Option for the Dunboyne and Clonee Pedestrian and Cycle Scheme currently the subject of public consultation by the Council.
- 7.3.2. CDP DCE Objective 15 of the CDP is "*To support and facilitate the implementation of cycle lanes and associated cycle infrastructure upgrades as identified within the*

Greater Dublin Area Cycle Network Plan, within the town centre in partnership with the National Transport Authority and other relevant stakeholders”.

- 7.3.3. The road layout submitted prepared by Pinnacle Consulting Engineers shows that it is possible to achieve a layout that includes two no. 2m wide footpaths, a 6m wide carriageway, 2.5m wide grass verge and a 3.7m wide two-way cycleway. By comparison with the drawings of the Emerging Preferred Route Option for Rooske Road, the difference between the two is the reduction of 0.5m of the area of grass verge. The core elements of the widths for the cycle track, footpaths and carriageway would all be provided in addition to a 2m wide grass verge close to the junction with Station Road.
- 7.3.4. I note that the carriageway and cycleway widths required under the draft active travel scheme are less than the widths required by the Council’s Transportation Department in relation to its consideration of the subject application. It required a 9m carriageway width, for example, in contrast to the 6m width for the active travel scheme. While the active travel scheme layout for Rooske Road is only at consultation stage, for the purposes of this assessment, I am considering whether such a scheme is capable of being implemented on Rooske Road without requiring a setback of the subject development and in the absence of a rationale for the greater 9m corridor. I consider this to be a reasonable approach having regard to the planning policies in relation to infill development and densification with residential development of this type generally encouraged by CDP policies, including specifically for Dunboyne per DCE Obj 1 of Appendix 2.
- 7.3.5. I note the submitted Engineer’s report states that *“the Atkins drawing...provides for a 16.7m wide carriageway, Pinnacle Consulting Engineers are of the opinion that a 16.2m wide carriageway resulting in slight reduction of 0.5m (half a metre) in the verge on Rooske Road at its widest point from 3.0m to 2.5m. That is the only change required in the...scheme from that on public display. This change will have no material impact on the delivery of the proposed pedestrian and cycle infrastructure at Station Road/Rooske Road. This minor amendment would allow the delivery of the Pedestrian and Cycle Network and the proposed residential development”.*

- 7.3.6. I concur with this assessment, and, consistent with the Transportation Department assessment at F.I. stage, I note no concerns in relation to setback from Station Road (L2228). Other transportation issues are dealt with further below in this report.
- 7.3.7. Based on the submitted drawings and reports from Pinnacle Consulting Engineers I am satisfied that no setback from the south-eastern boundary is required to ensure the cycle and pedestrian scheme is capable of implementation independently of the development of the subject site.

7.4. Active Streetscape and Layout

- 7.4.1. I note the design response provided at F.I. stage in relation to the building design as it interacts and faces Rooske Road and I also note the associated reports submitted from STAC Studio Ltd including for the subject appeal. The design is for a largely L-shaped block that would face Rooske Road and Station Road and with mainly undercroft parking adjacent to the two streets along Rooske Road and deck access provided for the units facing Rooske Road. I note no significant concerns in relation to the *position of the building line* from an urban design perspective which seeks to enclose the street and provide an urban edge. I am also satisfied in relation to the use of the deck access for many of the apartments with no significant negative issues noted in relation to same. The use of undercroft parking can be problematic from an urban design perspective if parking areas are not screened and if it prevents the creation of a streetscape at ground floor level. I also note that no robust rationale has been put forward as to why other design options are not feasible except that car parking has to be accommodated.
- 7.4.2. The design responses at F.I. stage emphasised the importance of natural surveillance with reference to the Urban Design Manual. Reference to active street edges per DMURS was also made. The design includes a new pedestrian entrance along Rooske Road at its mid-point and which will link with the car park, seating areas along the south-eastern frontage to mirror the activities associated with commercial frontage, planter boxes to separate the seating areas, visual backdrop including vertical slats to replace the 1.5m high railing and reference is made to natural surveillance from the busy street including from vehicles queuing at the

junction. It is suggested that a high degree of natural surveillance to the street already exists.

- 7.4.3. I note that DM POL 4 is *“to require that all proposals for residential development demonstrate compliance with the Sustainable Residential Development in Urban Areas - Cities, Towns & Villages (2009) and the Urban Design Manual-A Best Practice Guide, 2009 or any updates thereof”*. These guidelines have been rescinded and replaced by the Compact Settlement Guidelines which have not been incorporated into the CDP although the policy refers to adherence of updates of the 2009 guidelines. I will rely on the provisions of the previous 2009 guidelines and Urban Design Manual, other than where the SPPR’s apply, for the purposes of this assessment per DM POL 4.
- 7.4.4. It is clear that there is a strong policy basis for active frontages and the use of high quality urban design principles (Section 11.5.2) based on these guidelines referred to in the CDP and also based on the Compact Settlement Guidelines (Section 4.4 (v)) where it states *“Responsive Built Form...is a key element in ensuring the creation of attractive and well-designed settlements. The following key principles should be applied...in the consideration of individual planning applications...buildings should generally present well-defined edges to streets and public spaces to ensure that the public realm is well-overlooked with active frontages”*.
- 7.4.5. I note the appeal case made in relation to the active frontage issue on the south-east side of the development including the assertion that the length of frontage is not long and the design changes made at F.I. stage. DMURS is also referred to specifically in the CDP in relation to Section 3.8.9 Design Criteria for Residential Development. It states, inter alia, that *“the principles of good urban design should be embraced. This includes the principles and recommendations set out in the Design Manual for Urban Roads and Streets (DMURS)”*. Section 4.2.3 of DMURS refers to active street edges.
- 7.4.6. While I acknowledge the design revisions, including the pedestrian access opening mid-way along the frontage and the seating, and the existing passive surveillance from the street and from the buildings opposite, and I note that there would be some

contribution to the creation of active frontages, I do not consider that this can be considered to make the same contribution as, for example, the location of ground floor apartment units with own door access along the frontage facing the street. I also acknowledge that there would be good passive surveillance from the upper floors of the development which face Rooske Road and that the scheme would deliver other urban design benefits including enclosure of the street and public realm enhancement via its links to the street and the inclusion of the seating areas.

- 7.4.7. However I agree with the Planning Authority assessment that the design changes are not sufficient given that there would be a long frontage facing south-east with slats to screen the undercroft parking and largely predominantly without windows and/or doors. This represents a poor urban design response to the street noting the absence of window and door openings directly facing the street. Per DMURS, designs should be avoided where parking areas dominate the interface with the street and the design effectively seeks to hide this interface given the location of the parking. I consider this to be an unacceptable design interface at ground level for Rooske Road which roadside frontage would not be sufficiently active or animated. I consider this to be a substandard form of residential development contrary to Section 3.8.9 of the CDP and Section 11.5.2, and contrary to the Compact Settlement Guidelines, the Sustainable Residential Development in Urban Areas guidelines and DMURS referred to therein and I recommend that the P.A.'s decision to refuse permission in relation to this issue be upheld.

7.5. Density

- 7.5.1. A number of third parties have serious concerns about the proposed density of development which many consider excessive. I note the site area of 0.1365 ha and the proposed number of units of 32 which gives a gross density of 234 units per hectare (uph). Section 3.8.10 (Densities) of the CDP notes that density of up to 35dph on all lands within self-sustaining growth towns (e.g. Dunboyne) will normally be required.
- 7.5.2. DM Obj 14 provides for densities for self-sustaining growth towns of greater than 35uph. However, under Section 11.5.3 (Density) it is stated that *“higher residential densities will be encouraged within walking distance of town centres and public*

transport infrastructure". The SH POL 9 is *"To promote higher residential densities in appropriate locations and in particular close to town centres and along public transport corridors, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009)"*.

- 7.5.3. I consider the site location to be just across from the town centre of Dunboyne as it is located less than 200m from the centre of the town and is located opposite a site zoned category 'B1 – Commercial / Town or Village Centre' with an objective to *"To protect, provide for and/or improve town and village centre facilities and uses"*. It is noted that the 2009 guidelines referenced in the CDP apply no upper density limit subject to qualitative design standards for densities within town centre locations. In relation to infill sites, these guidelines refer to the need to strike a balance between densification and protecting local amenities and the character of the area.
- 7.5.4. I also note the Compact Settlement Guidelines (CSG) are not directly applicable, other than in relation to the SPPR's, as they have not been incorporated into the CDP. I have had regard to these guidelines insofar as they are compatible with the above CDP policies. While noting that the CDP takes precedence, having regard to these guidelines, I note that Table 3.3 refers to areas and density ranges. The subject site is located opposite town centre zoned lands and within a two to three minute walking distance of the town centre. As below it can be considered to be *"lands around existing or planned high capacity public transport nodes or interchanges (defined in Table 3.8)." per Table 3.3 of the CSG*. The density range is recommended to be between 50 uph and 150 uph (net) for such locations. Following identification of the applicable density range, two steps are required.
- 7.5.5. Step 1 refers to assessing the location relative to accessibility to high quality public transport. While the site is located less than 1km from a railway station, I note that the peak hour frequency of services is not less than 16 minutes but regard can be given to the DART+ West published plans which are considered high frequency/capacity rail services (12 trains per direction per hour although split between Maynooth branch and M3 Parkway branch that would serve Dunboyne). Therefore Dunboyne station can be considered to be a high capacity public transport node. I also note Bus Connects route L64 to Dunboyne has a planned weekday

frequency of every 15 minutes. Step 1 notes that *“highest densities should be applied at the node or interchange and decrease with distance”*. Step 2 provides for considerations of character, amenity and the natural environment. Based on my assessments below in this report in relation to character, amenity and the natural environment, I consider the appropriate density for the site to be towards the lower end of the range of 50 to 150dph.

- 7.5.6. The proposed density, in my view, results in Dunboyne the issues in relation to the absence of ground floor street frontage facing Rooske Road as a result of the undercroft car parking. I note the proposed density is also influenced by the high proportion of one bed units. I also note my recommendation in this assessment to omit two apartments should permission be granted. This would have regard to the receiving environment and accord with the Compact Settlement Guidelines and to the CDP where limits on densities are subject to qualitative design considerations. In this context, I note that overdevelopment of the site is a significant issue mainly related to the requirement to accommodate car parking.

Plot Ratio and Site Coverage

- 7.5.7. Per Sections 11.5.4 (Plot Ratio) and 11.5.5 (Site Coverage), the plot ratio maximum for town centre/core locations is 2.0 and for housing at edge of town locations it is a maximum of 1.0. Site coverage shall generally not exceed 80%. Per the submitted documentation, I note the proposed plot ratio would be 1.6 and the site coverage would be 55% and I am satisfied that the proposal complies with the CDP standards in this regard for a location opposite town centre zoned lands.

7.6. Visual Amenity

- 7.6.1. I note the submitted drawings, including contiguous elevations, the Design Statement prepared by STAC Studio and the Visual Impact Study prepared by James Horan Architectural Illustration and the character of the receiving built environment which consists predominantly of two storey buildings in the vicinity set back from road fronts. I note the P.A. considered the site appropriate for a landmark building of this scale while noting the predominantly two storey receiving environment and Section 11.5.9 (Building Height) of the CDP. The Development

Plan only requires a statement demonstrating compliance with the Building Height Guidelines for proposals in excess of 6 storeys which is not the case in this instance.

- 7.6.2. I note that CDP policy and relevant guidelines provide for no blanket height limits for the site and in accordance with the policies of the CDP on visual and residential amenity, I will assess the height and scale, and visual impact, of the development accordingly. DM OBJ 2 of the CDP is to “enhance the visual amenity of existing town and village centres...” and DM Obj 42 for infill sites in urban areas states that *“Infill development shall take account of the character of the area and where possible retain existing features such as building line, height, railings, trees, gateways etc”*.
- 7.6.3. The CDP also lists key principles of good urban design including context and distinctiveness. I note that the Visual Impact Study includes a sufficient range of views to enable an assessment of the visual impact on the receiving environment. I note that Verified Photomontage View 01 shows a strong urban presence would be created when viewed from Rooske Road facing north. In this context the four to five storey eastern and southern elevations would predominantly have the appearance of four storey structures given the different design treatment at fifth floor level where the front columns and horizontal links are not provided which gives the appearance of a more limited stepped back scale at fifth floor level. This combined with the detailed vertical emphasis provided through the design of the facades is such that I consider the visual impact would not be excessive for the area.
- 7.6.4. While the trees appear to soften the impact in relation to View 02 from Station Road facing north-west, I also note View 03 from Station Road looking south-east, where the development would predominantly have the appearance of a four storey structure given the differing façade design at fifth floor level. In the context of the streetscape on Station Road the bulk impact of the building, broken down visually into vertical elements and softened through the use of brick elements, would not appear excessively visually dominant and would appropriately mark the significance of the corner site which would also provide distinctiveness and assist in way finding. It would serve to mark the site as a landmark site leading to the centre of the town as shown in View 04 from Station Road looking south-east. View 05 from Castlevue looking north shows a strong urban presence from the southern façade of the

building which would predominately appear four storeys in scale given the limited scale and setbacks at fifth floor level. I note the view from Hamilton Hall shows no impact.

- 7.6.5. In terms of streetscape impact and impact on the character of the area, I am satisfied that the development would be consistent with CDP policy and this would allow for the sustainable intensification of use of the site. The visual impact from the adjacent protected structure will be considered separately below.

7.7. Internal Residential Amenity

Dual Aspect

- 7.7.1. DM Obj 39 encourages the provision of dual aspect units. While all of the units would be dual aspect, I note that in respect of the majority units below 4th floor level, the deck access would create some shading for the single aspect rooms (bedrooms and bathrooms) facing the deck. However noting the views available through the deck and the type of rooms, I do not consider this to be significant and I am satisfied that the dual aspect standard is met.

Unit Mix

- 7.7.2. In relation to unit mix DM Obj 39 generally encourages an appropriate mix of units. The proposal is for 32 no. apartments in total, 23 no. one bedroom units (72%) and 9 no. two bedroom units (28%) on a site area of 0.1365ha. The Apartment Guidelines, incorporated into the CDP, SPPR 1 and SPPR 2 are directly relevant. SPPR 2 provides a partial dispensation from the requirements of SPPR1 as it relates to unit mix and the requirement for no more than 50% of units to be one-bedroom units. SPPR 2 provides no restriction on the first 9 units for sites such as this where the site is less than 0.25ha with SPPR 1 apply from the 10th unit onwards. Thus applying the 50% one-bed requirement to 23 units results in a requirement for no more than 11 units to be one-bed units. Therefore 11 + 9 units can be one bed units on this basis or 20 units (62.5%). However, the applicant has proposed 23 one-bed units.

7.7.3. SPPR 2 also states that *“all standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development”*. Given the limit of units proposed on the relatively small site with associated design constraints, I consider it reasonable to exercise this discretion such that I see no reason, should permission be granted, to require by condition an increased number of two bedroom units in the scheme. In this context, I note the significant proportion of existing standard three (plus) bedroom housing in the town.

Apartment Standards

- 7.7.4. In relation to the proposed floor areas, room widths and storage areas, I note the Housing Quality Assessment and Schedule of Accommodations submitted as part of the Design Statement with the minimum floor areas from the Apartment Guidelines (Appendix 1) (incorporated into the CDP (DM POL 14)) exceeded in all cases and with the minimum areas exceeded by greater than 10% for all of the apartments which is in excess of the majority requirement for this to safeguard higher standards.
- 7.7.5. In relation to the standards for private open space for the units, each apartment would have a balcony, or equivalent at ground level, that meets or exceeds the required floor areas.
- 7.7.6. In relation to minimum ceiling heights, the minimum requirement of 2.7m above ground level is met with 2.8m height achieved at ground floor level and I am satisfied that this accords with the Apartment Guidelines standards.
- 7.7.7. In relation to communal amenity space, the standard is a requirement for 7sqm per two bedroom unit and 5 sqm per one bedroom unit. This gives a requirement for 178sqm to cater for the units. I note the submission from the Planning Statement that states *“the primary area of communal open space being provided with the proposed development scheme covers an area of c. 171 sqm”* and this would be located south-west of the L-shaped apartment building. I concur with the submission that this space would be accessible, secure, and overlooked for the future residents.

However I do not consider it to be a highly useable space due to its limited dimensions and irregular form. I note that the Apartment Guidelines provide for the relaxation or non-application of the communal open space standard on urban infill sites of less than 0.25ha. In this context, noting the layout, quantity and position of the communal open space, which includes a mix of hard and soft landscaping and trees, hedging and shrubs, I am satisfied that it accords with policy.

- 7.7.8. In relation to the standards for number of units per lift core in the Apartment Guidelines, where a maximum of 12 apartments per floor per core is recommended. I am satisfied that the standard is met in this regard with a maximum of 8 units per lift core.
- 7.7.9. In relation to adaptability of the units, the Design Statement notes that 5% of the units are designed in accordance with the Universal Design Guidelines for Homes in Ireland. Noting this, and the scheme layout, with a lack of barriers to circulation, I am satisfied that this meets the CDP standards including per DM POL 14.

Daylight and Sunlight

- 7.7.10. In relation to daylight, sunlight and shadowing, Section 11.5.16 of the CDP is applicable and this states that “*daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011), and any updates thereof*”. DM POL 11 also provides that new residential should maximise the use of daylight and sunlight and seeks designs that provide for a high level of energy efficiency. I have no concerns in relation to the methodology used in the submitted study to assess daylight and sunlight given it follows best practice and CDP policy.
- 7.7.11. The application includes a Sunlight, Daylight and Shadow Assessment (Impact Neighbours and Development Performance) prepared by Chris Shackleton Consulting. This uses the BRE guidance ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’ (BR 209, 3rd Edition BRE 2022) in accordance with CDP policy.

- 7.7.12. I note Section 11.4.1 (Energy Efficiency) and I have no concerns in relation to energy efficiency, noting the submitted Building Life Cycle Report and given that the development, under the Building Regulations, would be required to meet the near zero building energy standards of Part L of same. In relation to daylight, target illuminance required values for room types were tested for bedrooms (100), living rooms (150) and kitchens (200). The higher standard of 200 is required for combined living/kitchen rooms. The report notes that *“100% of rooms comply with the BS/EN 17037 Annex NA room targets for 50% of the floor area tested. The average compliant areas achieving the relevant target Lx for all bedrooms is 96% and all Living/Kitchen spaces 94% both are well in excess of the required 50%”*. I am thus satisfied in relation to minimum daylight provision having regard to the compensatory design measures including in relation to room sizes and dual aspect provision in the scheme.
- 7.7.13. In relation to sunlight to rooms, the BS EN 17037 standard recommends that a space should receive a minimum of 1.5 hours of direct sunlight on 21st March with at least one habitable room, preferably a main living room, required to meet the minimum criterion. I note that 100% of all living rooms would receive 1.5 hours of sunlight on 21st March with many of the room achieving 3.5 hours and above. I am satisfied that this demonstrates an adequate provision of sunlight for the apartment units in the scheme per CPD policy.
- 7.7.14. In relation to sunlight on the ground (shadow), it is recommended that at least half of an amenity area should receive at least two hours of sunlight on 21st March. The results are that all of the amenity space for the scheme would be lit over all its surface. I am satisfied that this demonstrates an adequate provision of sunlight for the amenity space in the scheme per CPD policy.
- 7.7.15. In relation to internal separation distances within the scheme, I note that there would be no directly opposing windows above ground level given the L-shaped block layout and I am satisfied that no undue overlooking concerns arise within the scheme.

7.8. External Residential Amenity

Overlooking

- 7.8.1. I note Section 11.5.7 (Separation Distances) of the CDP, that per DM OBJ 18, a minimum of 22 metres between directly opposing rear windows at first floor level in the case of housing units shall be observed. This has effectively been over-ridden by SPPR 1 of the Compact Settlement Guidelines which provides for minimum separation distances of 16m in this regard. I note no directly opposing windows above ground floor level within 16m. The revised scheme design provided for partial balcony screening from the balconies of unit no.s 04, 05, 12, 13, 20 and 21 given the close proximity to the rear of the protected structure to the west. I consider that the balcony screening provided for should be required given the availability of views towards the adjacent property (private open space) in close proximity. This screening for these north-west facing units would avoid undue overlooking of the protected structure including its open space areas and given these rooms would be dual aspect I have no concerns in relation to daylight impact from this design restriction. Should permission be granted, I recommend this design feature be expressly required by condition for these units above ground floor level and that access to all green roofs only be provided for maintenance purposes only with no access for residents to prevent overlooking of surrounding property.

Daylight, Sunlight and Shadowing

- 7.8.2. I note the submitted Sunlight, Daylight and Shadow Assessment (Impact Neighbours and Development Performance) prepared by Chris Shackleton Consulting and the BRE standards incorporated into the CDP as previously referenced in this report. The report assessed impacts in this regard on the windows of groups of properties opposite the subject site in the vicinity including on residential property to the south-east at Hamilton Hall, the school to the north-east, property to the north-west including the protected structure and the nearest Castlevue house to the north-west and property to the west including the end house at Castlevue directly to the south-west of the protected structure.

- 7.8.3. In relation to impact on skylight, Vertical Sky Component (VSC) was assessed. Per the BRE standards where VSC is greater than 27% then enough skylight should still be reaching the window. The report notes that if VSC is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice a reduction in the amount of skylight. The report notes that 90% of the tested windows comply with the 27% standards or the 0.8 ratio requirement for habitable rooms. Of the 6 no. windows that do not comply, I concur that the failure is marginal. Balancing the strong policy provisions in favour of densification at this type of location, I am satisfied that these results comply with CDP policy in relation to skylight provision for surrounding occupants.
- 7.8.4. In terms of impact on probable sunlight hours, Annual Probable Sunlight Hours (APSH) was tested for windows located within 90 degrees of due south. Based on the BRE standard, sun lighting is not considered to be adversely effected if the centre of the window receives more than 25% of APSH and is not less than 0.8 times its former value where less than 25%. In the case of Winter Probable Sunlight Hours (WPSH), the requirement is for the centre of the window not to receive less than 5% of APSH between 21st September and 21st March or not less than 0.8 times its former value where less and that the reduction in sunlight received over the whole year should not be greater than 4%. The results demonstrate that 100% of the windows tested complied with the APSH and 100% complied with the WPSH requirements. I am thus satisfied that the scheme complies with the BRE guidelines in relation to annual and winter sunlight availability to neighbouring properties as it applies to living rooms and conservatories. I am thus satisfied of compliance with CDP policy in this regard.
- 7.8.5. In terms of shadow impact on existing adjoining amenity space, the applicable BRE standard is that at least half of an amenity area should receive at least two hours of sunlight on 21st March or where less, the change the area receives should be over 0.8 times its former value. I note that the results show that 100% of the tested neighbouring amenity space passed the two hours of sunlight on the 21st March or 0.8 ratio requirement. I have reviewed the images of the shadow impact and I am satisfied that CDP policy is complied with, with no significant impacts on adjacent residential amenities noted in this regard.

- 7.8.6. I note the separation distances from residential and other properties are generally such that I have no concerns in relation to visual impact except from the protected structure to the west which is located in close proximity to the proposed development. I note that it would be located close to the north-west end of the block which end would be 12.62 metres wide and 4 storeys high. In this context, I consider that this elevation would have an overbearing impact due to its excessive scale in close proximity to the protected structure. Accordingly, I recommend that, should permission be granted, the fourth floor level, unit no.s 20 and 21, be omitted by condition top avoid overbearing impacts to the north-west of the block.
- 7.8.7. In relation to boundaries and landscaping, I note the submitted Landscape Masterplan drawing. Other than in relation to issues concerning the south-east boundary facing Rooske Road and street activation, I am satisfied that the boundary details, including 1.5m high metal railings, would integrate the development with its surroundings and, should permission be granted, I recommend a compliance condition for agreement with the P.A. to ensure an appropriate mix between soft boundary treatments and other treatments, appropriate landscape planting and to specifically provide for a pedestrian gate to link with the internal path along the north-west boundary.

7.9. Heritage

- 7.9.1. Having regard to Section 8.7.1 (Record of Protected Structures) of the CDP, I note the adjacent site to the west is listed on the Record of Protected Structures (Dunboyne Castle Gate Lodge (RPS no. 91546)). Its NIAH (National Inventory of Architectural Heritage) appraisal describes it thus, *“This modest house is of apparent architectural design and detail. It retains many original features and materials, such as the segmental-arched openings, timber sash windows and carved timber eaves dentils. The setting of the house is enhanced by the cast-iron railings and gates. This gate lodge was formerly part of Dunboyne Castle demesne, which is located to the south-west”*.
- 7.9.2. The site is well screened at ground level from the public realm by trees and hedgerow such that public visibility of the house from the public road and pathways

is very limited from the south and east. I note the connection with Dunboyne Castle demesne has been broken by the intervening housing developments between it and the demesne. In this context, and in the context of the streetscape, I do not consider that the proposed apartment block would significantly impact on the character of the protected structure. I consider it appropriate to balance the conservation objectives of the CDP with the objectives in relation to densification and housing, and in this regard, I am satisfied that a modern intervention at the streetscape such as that proposed is reasonable and, subject to the modifications suggested in relation to a reduction in height by one floor at the north-west end of the block, there would be no undue negative impacts in terms of built heritage protection including on the curtilage of the protected structure.

- 7.9.3. I note Section 8.8 of the CDP in relation to natural heritage, section 8.9 in relation to biodiversity and the Planner's Report assessment in relation to natural heritage where it noted the overgrown site *"would support biodiversity through the nesting and roosting areas for birds and potential foraging areas for other mammals etc."*. While I concur that the development of the site would lead to a loss of biodiversity on the small site, I consider this loss to be negligible in the context of the current form of the site which includes only modest sized trees, its modest size in the town and having regard to the landscaping scheme which can somewhat replace lost vegetation and the over-riding policies of the CDP which seek densification of development on such zoned residential sites. Noting also the EIA Screening in this report, I am satisfied that no significant natural heritage concerns arise from the proposed development.

7.10. Transportation

- 7.10.1. I note the submissions made regarding the loss of the triangular area at Castlevue for parking purposes. Noting these concerns which I consider reasonable considering the lack of any parking to the front of the relevant houses, I recommend that, should permission be granted, a design solution be required by agreement with the P.A. by condition that provides the footpath as set out in the Combined Stage 1-2 Road Safety Audit measures while enabling access over part of this area for car parking purposes should permission be granted.

- 7.10.2. I note that the vehicular access would be via the Castlevue estate entrance and from the south-west end of the site and that there would be a pedestrian access from Rooske Road. I note that a pedestrian access would be provided to the laneway to the south-west and this would enhance permeability and surveillance of the laneway.
- 7.10.3. I have no concerns in relation to DMURS standards (revised site layout demonstrates sightlines of 23m either side from 2.4m back at the entrance) or in relation to the capacity of the local road network/junctions as demonstrated by the consulting engineers. For example, the report from Pinnacle Consulting Engineers at F.I. stage noted that *"Based on the flows on the L2228, extracted from the Traffic and Transport Assessment submitted under Reg. Ref. RA180561/0, the impact of traffic associated with the proposed development is approximately 0.9% in the AM peak and 1.26% in the PM peak of the estimated hourly flows through the Rooske Road/L2228 junction"*.
- 7.10.4. While the Transportation Department considered that further modelling based on potential developments in the area was required, I do not consider this necessary on the basis of the consulting engineer's F.I. response with which I concur. I also note that a Stage 1 / 2 Road Safety Audit was undertaken by Bruton Consulting Engineers and that its recommendations have been fully implemented as advised in the F.I. response. Changes to the footpaths outside the red line area, including those suggested in paragraph 7.10.1 above, suggested by the Council around the proposed site entrance can be agreed by condition, should permission be granted. I note no legal mechanism for a condition to be provided for by the Board that would specifically provide for a part or whole offset of the expense involved in providing these works against a Section 48 development contribution, where such is not provided for in the relevant development contribution scheme.
- 7.10.5. In relation to the capacity of the local road network and associated junctions, as noted above and noting the submitted reports from Pinnacle Consulting Engineers including the Traffic and Transport File Note as well as the F.I. response which I consider reasonable, I am satisfied in relation to local road network capacity and the access arrangements which have been subject to a safety audit and have demonstrated adequate sightlines in accordance with DMURS. I note that the

access provisions shown for waste collection and fire tender access were acceptable to the Council and I concur in this regard. In this regard, I have had regard to the Pinnacle Consulting Engineers reports and the design updates at F.I. stage notwithstanding the remaining concerns of the Council's Transportation section in relation to road junction capacity (L2228 and Rooske Road) and setback for the active travel scheme (see section 7.3 above).

- 7.10.6. I note TII Guidelines for Transport Assessments provide thresholds for junction assessments which are not met in this instance i.e. traffic exceeds 10 % existing, or 5% where congestion exists or residential developments exceeding 200 units, none of which is exceeded per the Traffic and Transport File Note. Should permission be granted, I recommend the inclusion of standard access conditions for compliance with DMURS and council standards.
- 7.10.7. In relation to car parking, 16 no. car parking spaces would be provided (or 14 no. on the basis of the minimum CDP dimensions) at a ratio of 0.5 spaces per unit (or 0.44). The Development Plan standard per Table 11.2 is for 72 no. spaces (two per apartment and 1 visitor space per 4 apartments). The "Guidance Notes" for these standards include the following, *"Residential car parking can be reduced at the discretion of the Council, where development is proposed in areas with good access to services and strong public transport links"*. I consider the town of Dunboyne to have good access to services and note that while current rail services are at less than 15 minute intervals, that Dublin Bus service no. 70 offers peak services every 10 and 15 minutes which I consider to constitute a strong public transport link, particularly when also combined with the rail service, both of which are in walking distance (no. 70 bus stop opposite the site and within 200m on south side of the road) of the site. I consider that the guidance note could provide for 0 spaces on the site and in this context, I do not consider that a material contravention arises. However, should the Board disagree, it is open to them per the provisions of Section 37(2)(a) to grant permission despite this and I draw the Board's attention to the criteria under Section 37(2)(b) that while not directly applicable may be useful in particular where *"permission for the proposed development should be granted having regard to...guidelines under section 28"*.

7.10.8. Table 11.3 also provides parking space dimensions which imply only 14 car parking spaces can be provided. DM OBJ 93 generally seeks vehicle parking for apartments at basement level and it should be screened where this is not possible. The Apartment Guidelines generally require 1 space per residential unit which would give a requirement for 32 no. spaces but the CDP takes precedence in relation to these guidelines, except for the SPPRs. These guidelines state that *“for ...urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location”*. However, I note that SPP3 (Car Parking) of the Compact Settlement Guidelines is directly applicable and that the site location conforms to the ‘accessible location’ classification.

7.10.9. For this type of location, SPPR 3 states that *“In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling”*. I note the location that it is served by good public transport provision and accessible to planned high capacity public transport provision. I note the intention for two car club spaces and that the proposed development will be served by enhanced planned public transport (rail and bus) provision. I also note the lack of robust justification for greater parking provision on the site presented, while noting concerns in relation to potential overspill parking. Given the modest size of the development and the accessible location, I am satisfied that the level of car parking provision on the site is reasonable. This is with or without adjustment in relation to space (dimension) size that may result in a loss of up to two no. spaces given the dimensions are marginally short in most cases, per SPPR 3 requirements. Should overspill parking become a significant issue, including in relation to emergency vehicle access, I note that on-street parking can be regulated by the Council such that I have no significant concerns in this regard. Should permission be granted, I recommend that it be subject to condition to provide for the Council's technical requirements such as in relation to dimension of spaces, EV parking and accessible spaces.

7.11. In relation to bicycle parking, while it is stated that 99 spaces would be provided, I note the P.A. considered that 63 spaces would actually be provided. These would be located in the southern end of the development at ground floor level and would be covered and screened from the street in accordance with Section 11.9.3 of the CDP. The submitted Planning Statement states that smaller cycle parks of 6 to 10 spaces would be located around the development to bring the number of spaces up to 99 which I can confirm is the case. I note the CDP standard requires 57 no. spaces per Table 11.4 and this is consistent with SPPR4 of the Compact Settlement Guidelines (1 space per bedroom and visitor parking). Noting the Proposed Site Layout, I am satisfied that the proposed location and quantum of bicycle parking spaces is acceptable.

7.12. Third parties have raised concerns in relation to construction related impacts, particularly in relation to construction vehicles and impacts in the immediate vicinity. I note the submission of the Outline Construction and Demolition Waste Management Plan prepared by Barina, the developer. I note this report is lacking in detail regarding methodology. Should permission be granted, I consider that this matter can be addressed via standard condition to require the prior submission of a construction traffic plan and a construction, environmental and demolition plan for agreement with the Council in order to avoid undue temporary negative impacts on adjacent residential amenities and in terms of traffic impacts.

7.13. **Drainage**

7.13.1. Uisce Éireann indicated no objection to the development which would be connected to the mains network and to the wastewater disposal network. The subject site is not located within a flood zone and the Council's Environment Flooding – Surface Water section, at F.I. stage, noted no objection to the development subject to conditions for prior agreement before commencement of development and I concur with this approach, while also noting the proposed green roofs and swails within the development which would reduce off-site drainage requirements, Technical requirements are capable of being met in this serviced urban location.

7.14. Other Issues

- 7.14.1. In relation to the development contributions due for the scheme, the appeal requests an offset to cover the costs of the works outside the site boundary such as in relation to footpath provision and associated public realm works. I note no provision in the standard condition for Section 48 contributions by which this can be facilitated.
- 7.14.2. In relation to broadband services for the development, I note the proposal shows ducts present in proximity to the site and it shows the location of the proposed access chamber and provides details of the ducting for the building. Noting Section 11.8.5 (Telecommunications and Broadband), I consider the approach of the applicant reasonable in this regard. Subject to the standard condition to carry out the development in accordance with the submitted plans and particulars, I am satisfied that this is in line with DM Obj 87 which is “to encourage the development of open access networks in all developments”.
- 7.14.3. In relation to Part V, the Council’s Housing section advised that the required housing units are to be delivered on site. Should permission be granted, a standard condition enabling this option is advised.

7.15. Conclusion

- 7.15.1. I note that the proposed density of development is high for the location and while in many respects the design response for the site is acceptable, the issue of excessive density manifests specifically in relation to the level of active street frontage facing Rooske Road which issues arises from the car parking provision. In its current form, I consider that the design as it relates to the street is not of sufficient quality as it would not sufficiently activate and animate the street and would fail to provide a quality urban edge in accordance with Development Plan and DMURS policies. For this reason, effectively relating to overdevelopment of the site, I recommend that permission be refused.

8.0 AA Screening

Appropriate Assessment Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

- 8.1. I have considered the proposed development in light of the requirements of Section 177S and 177U of the Planning and Development Act 2000 as amended. Please see Appendix 3 – Screening for Appropriate Assessment where I conclude that the proposed development (alone) would not result in likely significant effects on the Rye Water Valley / Carton SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

9.0 Recommendation

I recommend that planning permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to Section 3.8.9 (Design Criteria for Residential Development) and Section 11.5.2 (Urban Design) including DM POL 4 of the Meath County Development Plan 2021-2027 (as varied), the design is not compliant with national guidance, including the Design Manual for Urban Streets and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities which replaced the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, in relation to the provision of active street frontages as part of new residential developments whereby the ground floor façades and building frontage facing Rooske Road mainly consists of an undercroft car parking and cycle parking area screened by vertical slats and wall. This design would fail to sufficiently activate and animate the street as it would not provide a quality urban edge in the absence of room windows and doors facing the street for a significant section of building frontage. This would constitute a substandard form of urban development

at a prominent location within the urban area of Dunboyne and would be contrary to the proper planning and sustainable development of the area.

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

Ciarán Daly
Planning Inspector

12th February 2025

Appendix 1 – Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319949-24		
Proposed Development Summary	Construction of four/five storey building containing 32 apartments, car parking and vehicular entrance.		
Development Address	Site at Station Road/Rooske Road Junction, Dunboyne, Co. Meath.		
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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Schedule 5 Class 10(b)(i).	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X	Threshold is 500 dwellings or urban development on a site area of over 2 hectares.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10(b)(i): Construction of more than 500 dwelling units. (iv) Urban development which would involve an area greater than 10 hectares in the case of other parts of the built-up area outside a business district. The size of the development is for 32 residential units on an urban site area of 0.1365 ha.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 – Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319949-24
Proposed Development Summary	Construction of four/five storey building containing 32 apartments, car parking and vehicular entrance.
Development Address	Site at Station Road/Rooske Road Junction, Dunboyne, Co. Meath.
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	A four to five storey apartment block over a modest sized site, comes forward as a stand alone project, with 16 no. car parking spaces, vehicular access, hard and soft landscaping. Clearance of overgrown site required. The development does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is situated in an urban built-up serviced location adjacent to a protected structure and its grounds, Dunboyne Castle Gate Lodge.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity,	There would be no significant loss of trees or plants and no loss of species on the site with no demolition of buildings

duration, cumulative effects and opportunities for mitigation).	required. The development is removed from sensitive designated sites and landscapes of identified significance in the County Development Plan. Having regard to the nature of the proposed development, consisting of a four to five storey apartment block, landscaped area, car park and vehicular access, site layout changes, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act .	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No.
There is a real likelihood of significant effects on the environment.	EIAR required.	No.

Inspector: _____ **Date:** _____
DP/ADP: _____ **Date:** _____
 (only where Schedule 7A information or EIAR required)

Appendix 3

AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Construction of four/five storey building containing 32 apartments, car parking and vehicular entrance.			
Brief description of development site characteristics and potential impact mechanisms	The site consists of an overgrown area of grass, bushes, plants and trees. Total site area is 0.1365ha. The site coverage is 55%. The site is the subject site is located c. 5.2 km north-east of the Rye Water Valley / Carton SAC (site code 001398). The connection to the public water and wastewater treatment system is integral to the design.			
Screening report	None.			
Natura Impact Statement	None.			
Relevant submissions	None.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model (Only potentially relevant downstream sites listed below)				
Screening Matrix				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Rye Water Valley / Carton SAC (site code 001398)	Petrifying springs with tufa formation. Vertigo angustior. Vertigo moulinsiana.	c. 5.2km	Weak/indirect via water channels. No disturbance potential.	Y
Step 3. Describe the likely effects of the of the project (if any, alone <u>or</u> in combination) on European Sites				

No likely impacts or effects alone or in combination.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Site 1: Name (code) QI list	Impacts	Effects
As above in Step 2.	No pathway. I note that watercourses and surface runoff would be the main pathways for potential impacts to European sites and the Rye Water Valley / Carton SAC is located at a significant remove from the subject site and is separated from it to the south by a river that flows away from its direction. In the absence of mitigation, any silt or pollutants that may enter the local wastewater network will flow to the Ringsend wastewater treatment plant and not to the European sites in Dublin Bay. No impacts on water quality. No disturbance.	No effects given no impacts.
	Likelihood of significant effects from proposed development (alone): Y/N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Site 2: Name (code) QI list	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
N	Likelihood of significant effects from proposed development (alone): Y/N	
N	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.

Further Commentary / discussion (only where necessary)
Step 4 Conclude if the proposed development could result in likely significant effects on a European site
I conclude that the proposed development (alone) would not result in likely significant effects on the Rye Water Valley / Carton SAC (site code 001398). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.