



An
Bord
Pleanála

Inspector's Report ABP-300243-17

Development

Construction of 21 no. houses and 26no. apartments, with associated parking spaces, bin stores, switch room, new boundary treatments, hard and soft landscaping with vehicular access from the Beaufort Place Housing development and new pedestrian entrances on Beaufort Road and Proudstown Road, new foul sewer and surface water drainage and associated site works.

Location

Beaufort Place, Navan, Co. Meath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

NA/170485

Applicant(s)

JA Mannion Construction Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Stephen & Yvonne Dillon
Cellie & Kathryn Mullen

Observer(s)

John Callaghan & Others

Date of Site Inspection

26th of February 2018

Inspector

Angela Brereton

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1.0 Site Location and Description

- 1.1. The site is a linear strip of land located at the junction of the Proudstown Road and Beaufort Road/N51 Inner Relief Road. It is to the north of the N51 national road and to the west proximate of the roundabout and the R162 regional road. The proposed development site is located at the south-eastern corner of the Beaufort Place a residential estate and is c.0.62kms north of Navan town centre. The site (area c.1.1ha) is bounded to the north and west by existing residential properties, to the east by the R162 and to the south by the N51. The existing residential streets of Ivy Court and Juniper Avenue are cul-de-sacs to the north that terminate at the site boundary. There is a 3 storey apartment block 'Bective House' immediately to the west of the site. A Montessori school adjoins the site to the north on Proudstown Road and the 'Round O' public house and associated parking is opposite at the roundabout to the east. There are three storey apartment blocks facing on the southern side of the Beaufort Road.
- 1.2. The eastern section of the development appears greenfield; although there is some piling of grassed over topsoil/rubble and limited foundations from previous works on the western section which is brownfield, some unfinished development having previously been undertaken. The boundary treatment along the Proudstown Road consists of an old stone wall over 3m high and a blocked up gateway. A modern stone faced concrete block wall turns the corner at the junction. The boundary along Beaufort Road comprises a concrete split block wall type wall approx.2m high and c.23m long, a concrete post and rail fence runs along the remainder of the site. The character of the boundary to the south is dominated by a band of well established, dense planting comprising deciduous trees and dense hedgerow which generally assists in obscuring views into the site from the road. The northern (rear) of the site fronts the green area in Juniper Avenue and this is currently bounded by a 1.8m timber hoarding around this part of the site.
- 1.3. The application site is elevated and is located c.0.32km north of the River Boyne and River Blackwater cSAC and c.0.34km north of the SPA. It is also 0.2km south-east of the Meath Women's Refuge, Former Flower Hill National School which has a

regional architectural interest rating and 0.2km south-west of Abbeyland enclosure (ME025-051 SMRS).

2.0 Proposed Development

2.1. This is to consist of the following:

- The construction of 21 x 3 bedroom houses of 2 storeys plus dormer in terraces of three and four, all with private back gardens;
- 26no. apartments comprising 17 x 2 bed units and 9 x 3 bed units in a block ranging from 2 to 5 storeys; all apartments will have balconies and the apartment block includes 339sq.m of shared roof terraces;
- 87no. surface parking spaces, 26no. bicycle parking spaces, bin stores, switch room;
- New boundary treatments, hard and soft landscaping;
- Vehicular access from the Beaufort Place Housing development and new pedestrian entrances on Beaufort Road and Proudstown Road;
- New foul sewer and surface water drainage and all associated site works.

The application form provides that the area of the site is 1.0995ha, and the g.f.a of the proposed works is 6559sq.m. It is proposed to provide a new connection to the public sewer and the public mains.

Collins Maher Martin Architects have submitted the application on behalf of the applicants JA Mannion Construction Ltd and have included details regarding the proposed development scheme.

The following have also been submitted:

- A Traffic Impact Assessment by CS Consulting Group
- An Engineering Services Report by CS Consulting Group
- 12 Point Design Appraisal & Design Impact Assessment in accordance with 'Urban Design Manual -A Best Practice Guide' 2009 (Neighbourhood/Site/Home) – Collins Maher Martin Architects
- A Screening for Appropriate Assessment Report by NMECOLOGY

Drawings including A Site Layout Plan, Floor Plans, Elevations and Sections have been submitted.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 26th of October 2017, Meath County Council granted permission for the proposed development subject to 31no. conditions. These include relative to construction, infrastructure services including roads and drainage and development contributions and the following are also of note:

- Condition no.2 – The development permitted is for 45 no. residential units (21 houses and 24 apartments). Apartment nos. 17 and 18 not to be constructed.
- Condition no.3 - Revised plans to be submitted showing these apartments omitted and some revisions to the design and layout. A phasing scheme to be included.
- Condition no.4 – External finishes, boundary treatment and the pedestrian access joining the public open space.
- Condition no.5 - Roads, cycleways, bike/bin storage and pedestrian links to be completed prior to the occupation of the units.
- Condition no.7 – Part V provision.
- Condition no.11 – Landscaping
- Condition no.12 – Archaeology
- Condition no.13 – Development of open spaces

3.2. Planning Authority Reports

3.2.1. Planner's Report

This has regard to the locational context of the site, planning history and policy and to the submissions made. The detailed Planner's Report concluded that the subject site is located on appropriately zoned lands and as such the principle of residential development at this location is reasonable. However, the Planner considered that a

number of matters had arisen in the assessment of this application, that require further attention and recommended that further information be sought to include the following, as summarised below:

- Clarification of site boundary issues
- To address the third party submissions
- To address fire safety issues
- Revised plans to show a minimum of 2.3m between dwellings in accordance with DP standards.
- Revised plans to show dormers at mid roof level and a high quality dual-aspect design for the rear elevation of the proposed dwellings facing the N51.
- Floor areas in accordance with the Appendix of the DOECLG (2015) *Sustainable Urban Housing: Design for New Apartments: Guidelines for Planning Authorities*.
- Revised plans to show the solid construction of the proposed structure to house the bicycle parking, a sub-station and bin store.
- Proposals for the provision of screening and landscaping for the proposed roof gardens/communal areas. Also, proposals for boundary treatment alongside the existing Montessori where a pedestrian way is proposed.
- To submit a revised site layout which correctly identifies adjoining developments (e.g location of the Montessori School).
- To address traffic issues in the proposed design and layout, having regard to the impact on the road network and cyclists and pedestrians. It was requested that a Traffic Impact Assessment and a Mobility Assessment be submitted.
- Revised proposals for a functional public open space within the development.
- Revisions to provide for a high quality landscaping scheme for the development.
- To address the areas of private open space for the proposed new dwellings.

- Revised plans to provide a high quality design for the end of terrace houses and to ensure that the pedestrian access along the western boundary is overlooked.

Response to Further Information

Collins Maher Martin submitted a response on behalf of the Applicants to include the following:

- Alterations to the site boundaries to be referenced in revised public notices.
- They believe that the development as proposed and revised by the alterations made in response to the Council's F.I request adequately addresses all of the main issues including boundary issues raised by the third party observations.
- They have regard to Fire Safety and note that a Fire Safety Certificate will be required.
- The revised plans show increased separation between the terraced dwellings and revisions to the dormer windows at the rear. The rear of these houses will be almost entirely screened from view of the roadway by trees.
- They attach a Table setting out a full breakdown of the development's compliance with the minimum floor areas of the Apartment Guidelines 2015.
- They include revised drawings for the outbuilding containing the Bicycle Store, Bin Store and Sub Station.
- Revised landscape drawings have been submitted, having regard to screening of roof terraces and boundary treatment.
- Detailed responses to the roads and engineering concerns raised are set out in the Report by Cronin & Sutton Consulting.
- A revised site plan has been submitted in which the Montessori School and private residence on the same site have been correctly labelled.

- Further details are submitted relative to the provision of public open space. They believe that the open space is appropriately located, south facing, well designed and fully in accordance with the requirements of the DP.
- A revised landscaping plan has been submitted. This includes regard to the layout and planting strategy along the boundary with the N51 pedestrian link and to the communal roof gardens.
- Details are given relative to the configuration of the terraces for the dwelling houses and diversity in private back gardens.
- Regard is had to the design of the end terraces to provide passive surveillance of the existing space.
- The layout of the landscaping and rear garden wall has been revised to reduce the risk of anti-social behaviour.
- The revised proposal takes account of the Council's plans to create a cycle lane and to upgrade the road and paths on Proudstown Road.
- They provide that this proposal represents a planning gain and satisfies all relevant national standards and is in keeping with the provisions and intent of the Meath CDP.

Planner's Response

The Planner had regard to the F.I submitted and considered the proposal would be generally acceptable in accordance with the revisions made to the design and layout. They considered that apartment units nos. 17 and 18 should be omitted due to their potential to overlook the Montessori and dwelling to the north and recommended that these be replaced with roof terraces. They noted that the revised layout identifies the adjoining the developments correctly and that the Roads Section had no objections subject to conditions. It was generally considered, subject to conditions in relation to altered design, layout, finishes, access, boundary treatment, water services, Part V, public lighting, property management, landscaping and screening, that the proposed development is consistent with the policies and objectives of the Navan DP 2009-2015 as varied. The Planner recommended that permission be granted.

3.3. Other technical reports

Road Design Office -Transportation Section

They had concerns that the proposed development would add to traffic volumes and further congestion in the area and recommended that F.I be requested to include a Traffic Impact Assessment and a Mobility Assessment and revision of the site boundaries along the R162 Proudstown Road to allow for the provision of footpath/cycleway routes and to accommodate traffic calming measures.

Subsequent to the F.I submission the Roads Section had no objection to the revisions proposed in relation to traffic impact analysis and details submitted and access arrangements to required standards, subject to recommended conditions.

Public Lighting - Transportation Section

They recommend that the development be designed and installed as per '*Meath County Council's; Public Lighting Technical Specification & Requirements.*

Fire Officer

They recommend adherence in design and layout to the fire safety standards.

3.3.1. Prescribed Bodies

Transport Infrastructure Ireland (TII)

Their official policy should be relied on in relation to development on/affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). They advise that the proposed development be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. Any recommendations arising to be incorporated as Conditions (if permission). Also, that the developer be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer.

3.4. Third Party Observations

3.4.1. A large number of submissions have been received from local residents, this includes the Beaufort Residents Association and the subsequent appellants and local representatives. Their concerns are summarised as follows:

- The planning application is invalid.
- Concerns about design and layout including the height of the apartment block and impact on the streetscape.
- Overdevelopment of the site, having regard to the scale, bulk and height of the proposed development.
- Issues of overlooking and overshadowing.
- Lack of and quality and distribution of open space.
- Negative impact on the character of the area and on this prominent gateway location at the entrance to Navan. Lack of architectural merit and environmental design.
- Impact on traffic, increasing traffic congestion and leading to traffic hazard.
- Concerns about right of way and pedestrian entrances to the Proudstown Road and Beaufort Road.
- Concerns about security and anti-social behaviour and devaluation of existing residential properties.
- Adverse impact on the proximate Montessori creche.
- Drainage issues, concerns about impact on foul and surface drainage. Also about capacity of the water main.
- Impact on Archaeology in the area.

4.0 Planning History

The planning history indicates that previous applications were refused permission on this site by both Meath County Council and Navan Town Council and subsequently the Board as noted below:

- Reg.Refs.NA/900403 & NT900009 (A concurrent application to Navan Town Council). These applications on a larger site that incorporated the lands in the subject site sought permission for 97 apartments in several blocks ranging from 3 to 6 stories with underground parking. This application was refused by the Council for 2no. reasons to include relative to design and layout on this highly prominent gateway site setting an undesirable precedent and being in material contravention of objectives GS OBJ1 of the Development Plan, lack of public open space, impact on residential amenities and being contrary to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- Reg.Ref. NT/900009 was subsequently refused by the Board (PL32.236303 refers) for reasons of lack of quality of urban design and layout and being in material contravention of Objective GS OBJ1 of the Navan DP 2009. Also the density proposed would constitute overdevelopment of the site, being seriously injurious to the amenities and proper planning and development of the area.
- Reg.Refs.NA/70462 & concurrent NT70041 – permission was refused by the Council and subsequently by the Board for the construction of 36no. apartments on part of the subject site, having regard to the highly prominent nature of the site, poor design and layout and being contrary to the Navan DP 2003-2009.
- Reg.Ref.01/5189: Permission granted for residential development (105 houses and apartments) and creche on lands to west of appeal site. On appeal to the Board (Ref. PL17.131460) permission was granted subject to conditions in January 2005.

Recent Board permissions in relative proximity:

- PL17.247839 – Permission granted subject to conditions by the Board for the construction of 218no. units comprising 135no. dwelling houses and 83no. apartments, including 13no. apartments within the restored Black House and Stables. The development included the provision of a creche and the widening of the protected entrance to Blackcastle House from the N51. The site is accessed from a laneway off the N51 Donaghmore Road and from

Blackcastle Demense to the north of the site as amended by the further public notices submitted.

- PL17.246025 – Permission granted subject to conditions for demolition of existing school buildings, and the provision of a new 32 classroom primary school with all associated and ancillary works with gated vehicular access from the Ratholdren Road and associated landscaping at Saint Paul’s Primary School, Abbeylands.

Copies of these decisions are included in the history section of the Report.

5.0 Policy Context

National Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) 2009
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DECLG, 2015)
- Design Manual for Urban Roads and Streets 2013
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)

5.1. Meath County Development Plan 2013-2019

Section 2.3.3 notes: *The former Town Development Plans for Navan, Trim and Kells are to be read as part of the County Development Plan pursuant to Section 11(c) of the Planning and Development Act 2000 as amended.*

Section 3.4.2 describes Navan as a Large Growth Town 1 where the policy of the Development Plan is to promote economically active towns supporting the

surrounding area and maximising their location on multi modal corridors. They also seek to support critical mass.

Objective SS OBJ 8 seeks: *To develop Navan and the Drogheda Environs as the primary development centres in Meath and to ensure that the settlements grow in a manner that is balanced, self-sufficient and supports a compact urban form and the integration of land use and transport.*

Section 4.1.1 seeks to develop Navan Core Economic Area and development objectives include: *The significant intensification of employment opportunities in Navan to serve the large resident population is a strategic objective of the Development Plan;*

Section 11.2 provides the Guidelines for Residential Development and this includes relative to Houses and Apartments.

5.2. Navan Development Plan 2009-2015 (as varied)

Note: The Navan Development Plan 2009-2015 incorporating Variation 1 relative to the Core Strategy is still enforce as per Section 11C of the Planning and Development Act 2000 (as amended).

Section 1.5.3 refers to Variation No.1 of the Plan which includes criteria for the release and development of residential lands.

Chapter 3 sets out the Housing Strategy and relevant Policies and Objective include:

POL 1 - *To ensure the provision of a suitable range of housing types and sizes to facilitate the changing demographic structure of modern society, and in particular, the increasing trend towards smaller household sizes.*

POL 2 - *To encourage the development of mixed and balanced communities to avoid areas of social exclusion.*

POL 3 - *To have regard to the “Quality Housing for Sustainable Communities” (DoEHLG 2007).*

POL 4 - *To integrate new social housing into the existing social and urban fabric of Navan.*

OBJ 7 - seeks to ensure that 16% of land zoned for residential development be made available for the provision of social and affordable housing.

POL 14 requires developers to comply with Part V of the Planning and Development Acts 200-2014, as amended and provides options.

Section 3.10 refers to the Treatment of Gateway/Landmark Sites.

Objective GSOBJ 1 seeks: *To ensure the high quality design and architectural treatment of key landmark sites as identified on the Development Objectives Map.*

Chapter 8 provides the Development Management Guidelines & Standards and seeks to encourage the establishment and maintenance of sustainable residential communities within the County. This also notes the requirement for the submission of a Design Brief for developments such as that proposed. This is required to:

- To ensure that the key characteristics of the local context are taken into account from the outset;*
- To establish the overall form of the development, based on the density and layout of buildings and spaces;*
- To indicate how the layout of roads, streets and open spaces contribute to the spatial hierarchy, as well as linking the development to the rest of the vicinity;*
- To indicate how the quantitative and qualitative criteria, which inform the design have been adhered to.*

Quantitative criteria refer to density, private open space, public open space, roads, footpaths, car parking standards and internal space standards. Qualitative criteria refer to consideration of safety, privacy, sense of place, variety functions, convenience and aesthetics.

Section 8.1.2 refers to Qualitative Criteria including regard to the design and layout of Public Open Space.

Section 8.1.3 provides the standards for Houses including regard to separation distances between dwellings and public open space.

Section 8.1.4 includes regard to the standards for Apartments and refers to issues of density, height, design and layout and public, communal and private open space and car parking.

Section 8.1.10 refers to parking in front gardens and off street parking.

Section 8.2 to Residential Site Development Standards and includes regard to Services, Art Work, Screen Walls and Boundaries and Parking Provision.

Section 8.12 refers to Archaeology.

Section 8.14.1 has regard to Building Height Control and issues such as overshadowing and overlooking. Section 8.14.2 refers to Building Lines.

6.0 The Appeal

6.1. Grounds of Appeal

Two separate Third Party appeals have been submitted from local residents. Their concerns are summarised separately below, and include the following:

6.1.1. Stephen & Yvonne Dillon

John Callaghan has submitted a Third Party Appeal on their behalf to include the following:

- The proposed 5 floor apartment block is completely out of character with its surroundings in terms of height, massing and character. It will impact adversely on privacy and the residential amenities of the area.
- The requirements of the Department's Design Guidelines for Public/Community Consultation have not been complied with.
- A landmark building at this location can be accommodated with a building of 3 floors or less or by designing conventional housing that would be more compatible with the area.
- There is concern that external finishes be durable and long lasting.

- The housing mix in terms of the area of the units proposed is such that it cannot meet affordability criteria laid down in the Development Policy by the absence of smaller affordable units.
- The Site does not meet any criteria for a brown field site.
- The arrangement of the Houses which face the rear gardens to the busy road is contrary to the Design Guidelines. A different layout could overcome this limitation.
- They are concerned that issues of Taking in Charge be dealt with.
- The open space for the apartments is inadequate in terms of location and quality and will add to the deficiency of open space in the area. The open space is inadequate in terms of the requirements of the CDP.
- The developer has not demonstrated any legal interest in the existing open space which adjoins the site.
- Concerns about Fire Safety and Certification issues.
- The proposal will result in substantial intensification of estate roads and have implications for congestion and road safety.
- Navan needs an Orbital Relief Road and this proposal will result in an increase in traffic in the area.
- The Cumulative impacts of this development along with other development relative to issues such as traffic impact, sewage, water supply etc has not been looked into.
- The layout arrangement for the terraced blocks is overcrowded and roadside trees will overshadow their rear garden areas.
- The scheme including the housing units are not designed to be energy efficient, or include solar panels. Reasonable alternatives for supplying the building with energy should be considered.
- Design should reasonably provide for the working life of the buildings and avoid retrofitting upgrades.

- No adequate provision is made for a safe play area in accordance with National Design Guidelines or National Play Policy.
- The car parking provision is generally inadequate and will result in additional car parking pressure on existing Development.
- More information needs to be submitted relative to whether the proposed boundaries can accommodate future road design and alignment requirements.
- The question of boundary treatment between this development and the green space in front of Juniper Avenue has not been addressed. This area is under private management.

6.1.2. Cellie & Kathryn Mullen

Frank Burke & Associates has submitted a Third Party Appeal on their behalf which includes the following:

Invalid application

- They consider the application to be invalid and have regard to the description of development, issues of legality and ownership.
- It is proposed to use lands over which his clients have a vehicular right of way – they refer to legal documentation.
- In the event that permission is granted this right of way should be excluded from any development works and adequately fenced off.
- Elm Court Developments Ltd, have acknowledged the right of way in question.
- They note that the roads in Beaufort estate are not public roads and some will have to be taken in charge. The documents lodged with the application do not include letters of consent from the owners and lessees of the roads that are not in charge.

- Issues of ownership, right of way and access over roads not in public charge were not addressed by the applicant in the F.I submission.

Planning History

- This indicates that previous applications on site were refused by Meath County Council and Navan Town Council (the site traversed the boundary between the 2 bodies) and they note the reasons for these refusals.
- They contend that the proposed development in particular the set back and 'wrap around' design of the apartment block does not constitute 'gateway type development', and consider the design of the 5 storey block inappropriate.
- The housing development proposed with back gardens facing the Beaufort Road also detracts from the 'gateway effect' as the boundary is existing hedgerow supplemented with additional boundary treatment.

Comments on the Suitability of the proposal

- They consider the location of the public open space adjacent to a major junction of two highways to be unacceptable.
- This open space is passive and remote from the 21no. houses.
- The only active space serving this development is located outside the site in the green area opposite Ivy Court and is not part of this development and is limited in size.
- The parking provisions submitted is inadequate to serve 87no. units. They note underground parking has not been provided.
- No provision has been made for service vehicles or adequate turning of vehicles within the development.
- Some of the parking backs onto the open space in Ivy Court, which is not part of this development and is limited in size and could lead to traffic hazard.
- The proposed road layout and design arrangement for walkways within the development represents a traffic hazard.

- It will lead to a conflict of pedestrian and vehicular traffic and they note the issues relative to right of way (including lack of consultation).
- The proposed boundary treatment between the site and the Montessori School would infringe on their right of way. They enclose legal documentation concerning land ownership.
- The proposed location of the bicycle shed/bin store will cause a potential nuisance, noise and anti-social behaviour adjacent to the Montessori School.
- The proposed development would impact negatively on the amenities of the Mullen family home and the environmental amenity of the Montessori school.
- They are concerned about negative impacts caused by the apartments and roof terraces overlooking of their property. They contend that the 2m high obscure panels do not address this issue.
- The proposed development will increase traffic on the 'Round O' roundabout, which as the TIA confirms is already over capacity in peak hours.
- The TIA has not adequately assessed the implications of other developments in the area including those permitted and not yet built.
- They request the Board to consider their points and contend that this application is invalid and should be refused.

6.2. Planning Authority Response

They have regard to and provide a summary of the points made in the Third Party Appeals. They provide that the Planning Authority considered the following:

- The principle of this type of development on the site, the zoning objectives as well as the specific objectives for this site as set out in the Navan DP 2009-2015 as varied, and the details submitted.
- The development management standards set out in the DP including those for design, layout, siting, density and residential amenity, public and private open space and landscaping, access, traffic impact and car parking, water/wastewater management, Part V and archaeological impact were considered.

- In addition, the internal report of Meath County Council, the issues raised by the Prescribed Bodies, the issues raised in the submissions received, a response received in relation to a further information request, further internal reports, flood risk assessment and management and the requirements of the Habitats Directive (Article 6(3)) were all considered by the P.A.
- The issues raised by the appellants were considered during the assessment of the application and they consider the proposed development is generally consistent with the policies and objective of the Navan DP 2009-2015 as varied, subject to the 31no. conditions set out by Meath County Council.
- They respectively ask the Board to uphold the decision of the P.A.

6.3. Applicant's Response

Collins Maher Martin has submitted on behalf of the applicant JA Mannion Construction Ltd a separate response to each of the Third Party Appeals, summarised as follows:

6.3.1. Stephen & Yvonne Dillon

- The proposed development satisfies the Development Plan criteria while fitting into its context and delivering a landmark gateway building.
- The 5 storey section of the development is to be located in the corner furthest from other residents and faces onto the main public thoroughfare.
- The development does not detract from the residential amenity of the area and will provide high quality external finishes and improve the character of the existing vacant and abandoned building site.
- The proposed development complies with DP requirements and is in keeping with the scale and type of accommodation in the immediate vicinity. Regard is had to separation distances and reducing the risk of overlooking.
- The density proposed is in keeping with and is in fact below the density requirements of Table 2.4 of the Meath CDP 2013-2019.

- The rear gardens will face onto a 4m wide strip of dense mature planting which entirely screens them from the road all year round. The frontage will face the existing green space in Ivy Square and complete the Square.
- The application is not an extension or an adjustment to previous applications on this site. Nor is it connected to previous developers or development. It is to be considered entirely on its own merits.
- It is not the intention to use the existing foundations on site.
- The open space has been carefully designed to suit the shape and orientation of the site and they refer to the landscaping plans submitted.
- The proposed development does not rely on the existing open space to satisfy the requirements of the DP or the Guidelines. It shares a boundary with the existing open space and the houses in the proposal will face this, which entirely appropriate and in keeping with good urbanism, planning and design.
- The applicant claims no ownership of the existing open space, nor is such ownership relevant to the subject application. The open space requirements for the proposal are entirely satisfied within the site boundary in accordance with standards and proper planning and development.
- They have regard to the comments of the Council's Fire Section and provide that the proposal has been designed in accordance with Technical Guidance Document B and if it should proceed will be subject to Building Control. They note that compliance with the requirements of Part B (Fire Safety) of the Building Regulations is not a planning matter.
- They have regard to the issues raised about traffic and note the detailed traffic analysis carried out. They provide that this relatively small scale development will not lead to a substantial intensification of traffic in the area.
- They also note that the development involves ceding land along the eastern boundary to facilitate road improvements and this will help offset the minor intensification in traffic arising.
- The proposed development satisfies the DP requirements for parking and is a continuation of the existing internal service road networks and has been designed in accordance with DMURS 2013.

- The traffic requirements for the greater Navan area are beyond the scope of this project and as set out in the F.I submitted the net additional traffic arising from this proposal will be minimal.
- They provide that while various options were considered the current proposal was considered to be viable and to best comply with issues of permeability.
- The development falls below the threshold for an EIS and these matters are beyond the scope of the application.
- The terraces of 3 and 4 units are 3.2m apart from each other in accordance with the development standard requirements of the DP. A single long terrace would be visually obtrusive and detract from the character of the area.
- The houses have been designed to comply with Energy Efficiency requirements and they provide details of this.
- Two play areas are to be provided within the proposal as set out in the F.I. landscaping drawings submitted and have been carefully thought out and designed.
- Parking provision is in accordance with the provisions of the DP.
- They note existing cycle routes in the area and that a direct link is provided to the site.
- The proposed 5 storey element of the apartment development is well set back and will not impact adversely on overlooking or the residential amenities of the area.
- There is an open boundary to the adjacent public open space which is entirely appropriate and in keeping with the proper planning and sustainable development of the area.
- They emphasise that the open space requirements of the subject development are in keeping with the requirements of the DP and are entirely within the site boundaries.
- They conclude that the proposal as submitted at F.I stage is in accordance with the proper planning and sustainable development of the area and offers the best high quality designed solution for this vacant site. They ask the Board

to uphold the Meath Co.Co. permission and to grant permission with appropriate conditions.

6.3.2. Cellie & Kathryn Mullen

While there are similarities to the issues raised by the other Third Party Appellants the following are also of note:

- They provide that the presence of the right of way does not invalidate the application. Access to the right of way and the existing gate accessing their property would be enhanced. They include photographs showing the existing overgrown nature of the right of way.
- The Appellant's contention that the right of way is changed or invalidates the application is incorrect, in fact the access is greatly improved by this proposal.
- They contend that the Appellant's statement of ownership is incorrect and refer to Folio nos. and attach a letter from the Applicant's Solicitor.
- The proposed boundary treatment is a requirement of an F.I request and they believe it will benefit the amenity of the appellant's property and right of way.
- Taking in charge of roads is a matter for Meath Co.Co. and they do not believe this is relevant to the planning merits of the case.
- Previous refusals have no bearing on the current application.
- The proposed scheme has been carefully designed to relate to its context and forms an appropriate gateway development.
- The rear gardens facing the Beaufort Road are well screened by a dense row of planting and the front of the houses will complete the green and compliment the square.
- The quantum of open space to be provided is in excess of standards. Communal open space is also provided on the roof terraces.
- In view of the shape of the site the design and layout of the apartment block and context of the housing with south facing rear gardens is entirely appropriate for this gateway site.

- They refer to the Traffic Impact Assessment submitted. Based on their findings they believe that the traffic generated will not have a significant impact on the existing traffic.
- A strip of the subject site along the Proudstown Road is to be ceded to the MCC for Path & Road upgrade works in accordance with the request for F.I.
- Roads, parking, traffic and turning provision have been provided for in accordance with standards including DMURS and all relevant standards.
- The proposed development will provide an alternative and improved route for pedestrian access to the N51.
- Parking provision is in accordance with standards and the road layout is suitable for services in accordance with the relevant codes and standards.
- The bike and bin storage will be secure and will not detract from the amenity of the area.
- The proposed development satisfies all the development plan criteria particularly those relating to separation distances and overlooking. They believe that it will be an improvement on the existing situation in terms of the amenity of the Mullen Family Home and the Montessori School.
- The proposed density is just under 41/ha and is entirely in keeping with the DP particularly for a gateway site within a large growth town.
- They conclude that the development is suitable for this location and entirely in keeping with the requirements of the DP and the proper planning and sustainable development of the area.

6.4. **Observations**

John Callaghan has submitted a submission made on behalf of and signed by a number of local Residents who oppose this development. This is largely based on the stated concerns in the Stephen Dillon Third Party Appeal (which was submitted on his behalf by John Callaghan and has been summarised above) and includes the 21no. points made. An additional two points made include the following:

- The Report of the Planning Authority does not adequately consider the existing sewage treatment capacity of the Navan Sewage Treatment Plant. The scale of planning commitments for the sewerage connection have not been identified in the application in terms of the cumulative impact with the practice by Irish Water of shipping sewage material from other treatment plants in Meath to the Navan facility. The Board are requested to evaluate in detail the exact spare capacity at Navan having regard to planning commitments made and not yet implemented and the issue of sewage material, transfer to the Navan Plant.
- They note the need for reductions in Ireland's CO2 Emissions is an obligation which arises under the direct effect of EU Directives. They consider that the proposed development does not demonstrate how the development can be constructed and operated during its life in a manner that will be compatible with the 2020, 2030 & 2050 Climate Objectives of the EU.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The Site is zoned 'A1' – *Existing Residential*, in the Navan Development Plan 2009-2015, where the Objective is '*To protect and enhance the amenity of developed residential communities*'. While residential development on residentially zoned land is acceptable 'in principle' of primary concern is the protection of the amenities of established residents i.e: *While infill or redevelopment proposals would be acceptable in principle, careful consideration has to be given to protecting amenities such as privacy, daylight/sunlight and aspect in new proposals.*
- 7.1.2. It is of note that as shown on Map 2 *Development Objectives* of the Navan DP, the eastern part of the site adjacent to the 'Round O' roundabout is shown as a 'Gateway Site'. Section 3.10 of the Navan DP provides: *The majority of the identified sites are situated at critical road junctions and intersections. The sites are highly visible and as such, it is essential that they are designed to the highest standards, as their development will set the town for the town, and influence the public perception*

of it. This also includes the Objective INFOBJ12 referred to in this Assessment below relative to traffic management issues.

- 7.1.3. The Third Parties are concerned that the proposed development is inappropriate in terms of scale and height for this 'gateway site' and does not conform with the zoning objective as existing residential is not protected or enhanced. They consider that in this context due to its scale and massing it would not be in keeping with the character of the surrounding area. Also that it would constitute an overdevelopment and would adversely impact on the scale, amenities and visual quality of existing development. Their considerations include that the proposed design and layout of the apartment block would have an adverse impact including the distribution of the open space. Also that the orientation of the terraces houses, the roads and parking layout and the distribution of open space does not provide an appropriate response for this visually prominent 'gateway site'.
- 7.1.4. The First Party contend that the proposal as revised at Further Information stage is in accordance with planning policy and guidelines and the proper planning and sustainable development of the area. They submit that this is the most sustainable, and best solution for this vacant and abandoned site and that the proposal is carefully designed, of high quality and appropriate scale, height and density for this 'Gateway' site. Also that it is suited to its context, will be in character and built in accordance with current standards and will not detract from the residential amenities of the area. They note, that the development allows for permeability and the increase in traffic generation will be negligible.
- 7.1.5. Therefore, while residential development is acceptable 'in principle' on this site, regard must be had as to the merits of the proposed development and to compliance with the wider policies and objectives which pertain to statutory land use planning including Development Management Standards and Guidelines and Ministerial guidance. In view of its elevated location this is a visually prominent gateway site. Consideration is had to the issues raised relative to the proposed development, including regard to design and layout, access, traffic and parking implications, boundary issues and right of way and to the impact on the character and amenities of the area in this Assessment below.

7.2. **Validity issues**

- 7.2.1. The Third Party have raised concerns about the validity of the application and regard is had to the Planning and Development Regulations 2001 (as amended). They have raised a number of issues in this regard, such as incomplete ambiguous information being submitted and misleading description of development on the public notices and relative to lack of clarity. They also have concerns relative to issues of ownership, right of way and boundary issues and consider the details submitted relative to the description of the development are flawed and question the validity of the application. They note that part of these roads and services in the Beaufort Estate are in charge of Meath County Council and part are still in the ownership of Elm Court Developments Ltd. No letter of consent has been provided by these parties giving the applicant permission to apply for planning permission. Also issues regarding the public open space to the north. They consider that as the applicant has no legal right to apply for permission, this application should be invalidated. These concerns have been noted and I am of the opinion that this is a procedural matter for the P.A. to address, a determination on whether the P.A decision is valid or not, would not be appropriate to make here. However, it must be noted that this application is now being considered on its merits de novo by the Board. Regard is being had to the documentation submitted.

7.3. **Boundary issues**

- 7.3.1. It has been noted that the current application alters the site boundaries from what was proposed under previous applications on this site PI. Ref.NA900403, PI.Ref.NA70462 and PI.Ref.015189 which was not completed. The F.I response submitted provided that the alteration to the boundaries of the relevant planning permissions for the existing Beaufort Place housing development were referenced in the revised Public Notices. The revised description includes that significant further information has been submitted to the Planning Authority in respect of this proposed development, (including adjustments to house type, redesign of bike & bin store, balcony and terrace screening, alterations to boundary treatment to Proudstown Road, alterations to landscaping, and the site boundaries associated with the current application have been revised from that of the previous permissions as referenced above.

- 7.3.2. It is of note that the First Party response to the Appeals provides that this application is not an extension, adjustment or variation of any previous application. They provide that the application stands entirely in its own merit and the applicant has no relationship with the previous developer or development. Also that the status of nearby development should have no bearing on the decision to grant permission for the subject site. Therefore, as previous permissions have expired and the site has not been previously developed in any substantial way, this application is being looked at de novo, having regard to current planning policy and objectives.
- 7.3.3. There is concern that the site as outlined in the site location map does not correspond with the site as outlined on the water-main or sewer drainage indicating that the applicant intends to encroach onto lands which are not in his ownership. The F.I submitted provides that discrepancies between the boundaries shown on the engineering and architectural drawings have been resolved, and also have regard to the right of way issue referred to below.
- 7.3.4. The First Party note that the boundaries are for planning purposes only to identify the location and extent of the development and have no bearing on legal ownership. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: “A person shall not be entitled solely by reason of a permission under this section to carry out any development”. Under Chapter 5.13 ‘Issues relating to title of land’ of the ‘Development Management - Guidelines for Planning Authorities’ (DoECLG June 2007) it states, inter alia, the following: “The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...”

7.4. Density, Design and Layout

- 7.4.1. The Design Approach submitted with this application provides that careful account has been taken of the issues highlighted in the previously refused applications on the subject site. The design layout includes a row of 21 no. 2 storey houses in terraces of three and four on the long, narrow portion of the site running west to east which is terminated by a 2 to 5 storey stepped apartment building on the wider east end of the site, which while well set back seeks to turn the corner on the Proudstown Road

side and provide a landmark building on what is described as a 'Gateway Site' opposite the 'Round O' public house.

7.4.2. There is concern that in effect the terraced housing and apartment elements could be seen as two separate not particularly well integrated parts to the overall scheme, separated by the central cul-de-sac parking area. Two separate vehicular entrances are proposed from the internal roads in the Beaufort estate housing development, one from the cul-de-sac Ivy Court and the other from Juniper Avenue cul-de-sac. A single roadway within the scheme is to access the parking spaces and proposes to complete a loop around the existing public green. The section of the site containing the houses faces onto the existing public green at Juniper Avenue and Ivy Court. It is proposed to provide pedestrian access via the right of way to the north of the site to the Proudstown Road and via a pedestrian gate to the south to the Beaufort Road. There is also an existing pedestrian access to the Beaufort Road to the west of the site adjacent to the 3 storey Bective House apartments.

7.4.3. Regard is had to the DOEHLG 'Urban Design Manual-A best practice guide 2009' and to the 12 criteria to promote quality sustainable urban design discussed in this document. Regard is also had to the application of these criteria, which are divided into three sections: Neighbourhood/ Site and Home reflecting the sequence of spatial scales and order of priorities that is followed in a good design process. In this respect the a '12 Point Design Appraisal & Design Impact Assessment has been submitted with the application which provides a description of the proposal relative to these criteria. This provides that the development responds appropriately to the form and density of the surrounding urbanity. Also that form has been informed by access, orientation, existing site conditions, adjoining development, topography and potential impacts on neighbouring properties. The First Party provide that the development has been designed to a high quality to relate to its context of the two and three storey development of Beaufort Place to the North and West and the public roadway to the Southern and Eastern boundaries, with the proposed apartment building rising gradually from two to five stories to provide a structure of appropriate architectural form and scale to create a sense of place and highlight this important area of Navan. It also includes a Table to show compliance of the proposed apartment development with the requirements of the 'Sustainable Urban Housing Standards for New Apartments' 2015.

- 7.4.4. There is concern that being proximate to lower density two storey development to the north and west that the density at over 40/hectare is unacceptable for a development that would at best form a density aspect be considered transitional between town centre and suburbs. Regard is had to Section 5.9 of the Sustainable Residential Development in Urban Areas Guidelines 2009 which provides: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*
- 7.4.5. The First Party provide that the density proposed is 41 units and in keeping with the DP and is below the 45units/ha set out in Table 2.4 of the Meath CDP 2013-2019 and noted in Section 1.5.3 of the Navan DP. In view of the surrounding two and three storey development it is considered that a higher density would not be in context and would be inappropriate on this site. Section 8.1.4 of the Navan DP includes: *Housing densities should be appropriate to the location of the development and have regard to pattern and scale of adjoining development.* It is noted that there are 3 storey apartment blocks on the opposite side of the Beaufort Road and the site is adjacent to the 3 storey apartment block 'Bective House'. Therefore, it is not considered that the proposed density is too high for this site.
- 7.4.6. There is concern that the proposed new build does not appear to be environmentally friendly or energy efficient. Section 7.16 of the Navan DP seeks to support Energy Efficiency and notes standards relevant to Residential Development. The First Party provides that the houses have been designed and will be constructed in full compliance with Part L of the Building Regulations (Conservation of Fuel and Energy -Dwellings) and to achieve an A3 energy rating. It is noted that this is not a substantive planning matter as the Building Regulations are dealt with under separate remit.
- 7.4.7. Also of concern is that the proposed external finishes will be out of character with the existing houses in the area and will not weather well as has happened with some other apartment developments in the town. It is provided that the finishes will predominately be brick finished, with aluminium cladding, aluminium framed windows, glass balustrades, and self-coloured rendering, requiring almost no maintenance. The First Party also consider that the proposed development complies

with the DP requirements and is in keeping with the scale and type of accommodation in the immediate vicinity. They provide that the development does not detract from the residential amenity of its neighbours, and provides a high quality project to replace a vacant and abandoned building site with a significant planning benefit to the area.

Apartment Block

- 7.4.8. The proposed apartment block is L shaped and steps up from 2 storeys at the outer ends to 5 storeys at the corner facing the 'Round O' roundabout, so that the central element will be seen as a taller landmark building on this elevated site. The details submitted provide that the 5th storey corner is defined by a large vertical section of glazing for the 5 floors with a projecting lantern feature rising above the parapet. Each step in the block is to have an accessible flat roof deck. It is provided that the entire block is set back from the southern and eastern boundaries to follow the established building line and also to allow the landscaped open space to be to the south and east of the building block, i.e adjacent to the road frontage. The west end faces the car parking area and the proposed new housing. The east faces the approach from the north along the Proudstown Road and rises in a stepped manner above the established scale of one and two storey buildings along this road. As shown on the elevations the building varies in height from c.7.6m for the 2 storey element to c.17m for the 5 storey element. Section 8.14.1. of the Navan DP and Section 11.1.1 of the Meath CDP refers to Building Heights. This includes reference to the need for high quality design and to make a positive impact on the surrounding area and if possible to provide a visual transition taking into account the scale of surrounding development. Section 8.1.4 of the Navan DP 2009-2015 provides that: *Apartment development should have a high quality of building design and site layout and have due regard to the character of the adjoining streetscape or landscape.* Such is also referred to is Section 11.2.2.3. of the Meath CDP 2013-2019 and the applicants consider that they have satisfied each of the items raised relative to design and layout.
- 7.4.9. Regard must now be had to the updated Apartment Guidelines 2015 and these provide minimum unit sizes of 45sq.m (1 bed), 73sq.m (2 bed) and 90sq.m (3 bed). These Guidelines also provide that the majority of apartments in all schemes must be larger than the national minimum standard (At least 50% of apartments must be

minimum of 10% larger than the minimum floor areas specified under the guidelines). In response to the F.I the applicants have submitted a Table setting out a full breakdown of the development's compliance with the '*minimum bedroom floor area/width*' and '*minimum aggregate bedroom floor areas*' consistent with the Appendix in the DOECLG (2015) '*Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities*. As shown on the Schedule of Accommodation the proposed new apartments exceed the minimum floor areas. They are predominantly dual aspect with the single aspect being south facing. It is provided room sizes, including living, dining, kitchen, bedrooms and storage and private open space provided as balconies or private roof terraces are in compliance with the development standards. The colour coded floor plans submitted at F.I stage show that it is proposed to provide 8 apartments on each of the ground floor and first floor levels. The step back either end is to start at second floor level with 6 apartments, 3 are proposed at 3rd floor and 1 large pent house apartment at 4th floor level. Photomontage and 3D views has been submitted.

- 7.4.10. The 5 storey section of the development is to be located in the corner furthest from other residences and faces onto the main public thoroughfares of Beaufort Road, Proudstown Road and the 'Round O' roundabout. The First Party note that the 5th floor of the proposal constitutes just 5.9% of the floor space of the apartment building. They note that the 5 storey element is more than 30m from the gable end of the nearest residence. In addition to which as per the F.I submitted 2m high screens will be provided to the terraces.
- 7.4.11. The Third Parties consider that the height of the apartment block and the design and layout of this proposal, including access arrangements are unsuitable for this site. That the proximity of the proposed 5 storey block of apartments to an adjoining children's creche is inappropriate and will contribute to overlooking and overshadowing. Also that previous refusals on this site were primarily on the grounds that the 'wrap around' apartment block does not address the location of this gateway site on the main northern access to Navan Town Centre. The adjoining premises to the north is a dwelling house with a Montessori childcare facility in a separate premises at the rear. As shown on the plans the two storey northern elevation of the proposed apartment block building is to be set back by 8.6m from this building.

7.4.12. It is noted that the Council's permission includes Condition no.2 which omits Apartment nos. 17 and 18. These are both two bedroom and adjoining in the south facing block at second floor level. Condition no.3 requests that they be replaced with a communal roof garden/terrace. The Planner considered that apartment units no.17 and 18 should be omitted due to their potential to overlook the Montessori and single storey dwelling to the north. They recommended they be replaced with roof terraces also with 2m obscure glazed panels. Condition no.3 also recommends that opaque/obscure glass screens to a height of 2m above floor level be installed along the northern elevation of all communal roof garden/terraces identified on the plans and particulars submitted at F.I stage. Also that the side elevations of the communal roof gardens/terraces feature a stepped down opaque/obscure glass screens. It is considered that a sizable area of communal open space would be acceptable and that a roof garden/terrace area accessible by the other apartments in this location would be desirable. This condition also provides for a phasing scheme. If the Board decides to permit I would recommend that Condition nos.2 and 3 be included.

Housing

7.4.13. The housing development has been designed relative to the orientation of the site so that the frontages of the 21no. 3 bed 2 storey plus dormer (c.9.5m to ridge height) in terraces of 3 and 4 terraced houses face the access road and the existing public open space. There is an issue in that the proposal has back gardens facing Beaufort Road, where there will be no active frontage and the gateway effect depends solely on existing trees and hedgerows. The First Party response provides that the rear gardens will face onto a 4m wide strip of dense mature planting which will provide screening all year round. Also that the front of the houses will face the existing public open space and complete the Square. They also provide that the rear south facing gardens will avail of maximum daylight/sunlight while screened from the road. As noted on site, these trees are deciduous and not fully mature that there are some glimpses of the site to be had particularly during the winter period.

7.4.14. In response to the Council's F.I request revised plans were submitted to increase the separation distances between the terraced dwellings, to show revisions to the rear dormer windows and to provide a more balanced dual aspect. The issue of proximity is also addressed, and details that the separation distances between the terraces are given as c.3.2m (taking into account the roof overhang). This would accord with

Section 8.1.3 of the Navan DP which provides for a minimum distance of 2.3m between separated dwellings. The revised plans also show that the end of terrace dwellings have been redesigned to improve passive surveillance particularly along the path to the west. This will allow for some variety in the house type. It is provided that the layout of the landscaping and rear garden wall has been adjusted to reduce the risk of anti-social behaviour.

- 7.4.15. The area of private open space to the rear of the proposed new dwellings ranges between 61-91sq.m. which is in accordance with Section 8.1.3 of the Navan DP. The applicant was asked to clarify the proposed range of garden sizes for the associated dwellings which have similar floor areas. In response they provided that the diversity in private back gardens for the houses is a result of the terraced configuration which results in the end units of each terrace having a wider garden to accommodate side passages despite the houses having a similar floor area. It is also noted that while the back gardens will be screened by the dense planting along the boundary with the Proudstown Road, they are south facing. It is noted that this planting strip is outside of the southern site boundary and is roadside planting in public ownership.
- 7.4.16. Section 8.1.3 of the Navan DP provides that a minimum rate of 15% of the total site area should be provided as public open space. Where residential developments are close to existing facilities or natural amenities the Planning Authority may require a financial contribution towards the provision of public open space or recreational facilities in the wider area in lieu of public open space. In this case it is noted that other than private rear garden areas there is no separate defined area of open space for the dwellings other than the existing area of open space which bounds the site to the north, or the use of the open space which appears more associated with the apartment development.
- 7.4.17. I would consider that while the proposed house types are acceptable, that the row of terraced housing when seen as an entity along with all the on-street parking along the frontage and external bin stores at this southern end of the Beaufort housing estate, adjacent to the existing public open space will provide a hard edge to the open space and appear rather regimented and crammed into the site, and will not particularly enhance the visual appearance of the area. It is also noted that there will be no boundary or footpath along the northern boundary with the open space, rather the parking area will abut the existing public open space.

Other issues

- 7.4.18. Revised proposals have been submitted for the proposed outbuilding containing the Bicycle Store, Bin Store and Sub Station. The external finish has been changed from timber to brick and the bicycle parking area has been fully enclosed for enhanced security. The First Party provide that the bike and bin stores will be in lockable fully enclosed buildings and are for the exclusive use of residents of the proposed development. These units will be subject to passive surveillance from the apartments, and will be well lit and maintained and they consider that the risk of anti-social behaviour is significantly diminished from the existing situation of an overgrown, vacant, abandoned building site. It is considered that the proposed location of the bike and bin store building adjacent to the northern boundary is not ideal relative to its proximity to the property to the north which includes a single storey dwelling and separate Montessori school.

7.5. Open Space and Landscaping

- 7.5.1. There is a need that the proposed open space be appropriately located, well designed and fully in accordance with the requirements of the development plan. It is provided that the quantum of public open space is 15% of the site area in accordance with the DP requirement and the area of communal open space provided exceeds the national and development plan standards by 500sqm. Communal open space for the apartments is also provided by shared garden space the roof terraces. As shown on the revised plans submitted, the location of the public open space seeks to ensure the optimum daylight and sunlight due to the south easterly aspect and it is provided that its location will complement the proposed upgrading of the public path and cycle lane by Meath County Council.
- 7.5.2. As part of the Planning Authority's F.I request the applicant was requested to submit a revised proposal for a functional public open space within the proposed development, considering an extension of the existing open space associated with the housing estate to the north of the site. In response they provide that this option has been considered and is not viable or practical as the width of the site is too narrow to accommodate additional space in addition to the rear garden, house, threshold planting strip, path, road and parking. They provide that the overall layout of the proposal follows the logical approach of completing the square of housing

around the existing green area. The public open space is located on the southern and eastern boundaries of the apartment block to maximise daylight and sunlight and to ensure that it is a visual and usable amenity for general members of the public, not just the residents of the existing and proposed housing. It also seeks to provide a landscaped south facing public open space.

- 7.5.3. The Third Party are concerned that the location of the open space provision between the proposed apartment block and the Proudstown and Beaufort Roads is unacceptable. This open space is passive with no active open space serving the development. Also the open space is remote from the 21 no. dwelling houses and the active and limited open space is associated with the existing development (opposite Ivy Court and Juniper Avenue). The First Party response provides that it is entirely appropriate for the proposed houses to face Ivy Square. They also provide that the open space requirements for the proposal are entirely satisfied within the site boundary in accordance with proper planning and development.
- 7.5.4. The F.I requested further details on landscaping, including that a high quality design be used throughout the scheme. Regard was also had to the proposed communal roof gardens and terraces and that planting along the western site boundary adjoining the existing N51 pedestrian link be identified. The landscaping scheme submitted identifies small informal play features and seating, together with a variety of planted areas. Revised drawings were submitted showing the proposed treatment of the roof terraces facing north to include obscure toughened glass screens to 2m in height and where appropriate planting in fixed containers to increase screening.
- 7.5.5. Section 8.1.2 of the Navan DP 2009-2015 refers to Qualitative Criteria which includes regard to Public Open Space within residential developments: *Public open space within residential developments should be designed so as to complement the residential layout and be informally supervised by residents. They should be visually and functionally accessible to the maximum number of dwellings...The design and layout of the network of public open spaces should take into account, and make provision for, the need for level areas of sufficient size to accommodate informal sports activities for children. Narrow tracts of open space, which are difficult to manage, are not acceptable.*

7.5.6. Section 4.15 of the Sustainable Urban Planning Guidelines is also of note in that it notes the positive impact of public open space within a development: *It needs to be appropriately designed, properly located and well maintained to encourage its use.* I would be concerned that despite the proposed boundary treatment and landscaping that the location of the open space between the apartment block and the road frontage with two major busy roads and the junction with the 'Round O' roundabout is not ideal for active public open space. The distribution of open space at the eastern end of the site, will mean that it will be more for the use of the apartment block. To provide improved linkages, I would consider that some of the public open space would be better located to the west of the apartment block in the area now shown for car parking. This would however, necessitate an element of underground parking within the site.

7.6. Right of Way issues

- 7.6.1. The Third Party to the north of the site is concerned that as shown on the plans the proposal will change a vehicular right of way to their property including to the Montessori School to the north to a pedestrian access to serve the proposed development. They provide that the applicant has no legal right to apply for permission and this application should be invalidated. They enclose legal documentation concerning this right of way. They strongly object to the proposal on the grounds of proximity, overlooking, impact on privacy and child safety, boundary issues, devaluation, traffic congestion and drainage issues. They note that the current boundary wall belongs to their property and consider that a 2m wall would be absolutely necessary should the proposal be developed
- 7.6.2. The F.I submitted notes that a revised site plan has been submitted in which the Montessori School and private residence on the same site have been correctly labelled. It is noted that specific issues have been raised concerning the site boundary and the right of way to the crèche at the rear. They provide that this boundary has been compared with the legal maps and the title deeds and has been set out in accordance with these. They note that the right of way from the existing gate to the Montessori School site to the north will be maintained. Also, the configuration of the new internal road and parking layout has been designed to provide direct access from the gate onto the road. It is proposed to provide a new 2m

high wall and enhanced planting along the boundary with the existing Montessori School. This wall is to have a painted plaster finish, brick piers and concrete capping.

- 7.6.3. The First Party contends that the existing right of way which is narrow and overgrown and not currently in use as a vehicular or pedestrian entrance (this was noted on my site visit) into the Montessori site will be maintained and significantly enhanced by this proposal. Arising from the F.I request the boundary to the site will be set further back from the roadway and the existing large stone wall demolished and replaced with new railings; allowing for a wider gateway and safer access to the Proudstown Road.
- 7.6.4. On consideration of these matters, issues arising relative to this right of way, which no longer appears to be in use, would more appropriately be dealt with as a private legal matter, similarly to concerns regarding the boundary issues referred to above.

7.7. **Archaeology**

- 7.7.1. Submissions made provide that the site contains upstanding and sub surface later Medieval remains of the historically important Beaufort House and associated farm buildings. This was once home to Francis Beaufort, inventor of the wind-scale and the historic property is referred to. It is contended that the site being on the crest of a hill overlooking the historic Boyne and Blackwater may have a higher than average potential for prehistoric remains. If the Board decide to permit it is recommended that a condition relative to archaeological surveying and monitoring be included.

7.8. **Access and Traffic**

- 7.8.1. Concerns have been raised by the third parties regarding traffic management issues including relative to traffic congestion and traffic hazard. In order to access the proposed site; vehicles will have to use the roads within the Beaufort Estate development. It is of note that Section 8.1.4 of the Navan DP includes relative to apartments: *They will not normally be permitted on sites surrounded by or gaining access through family occupied suburban housing estate development.* They consider there is the potential that it will further exacerbate the traffic hazard that frequently occurs at the entrance/exit where Beaufort Place meets the Proudstown Road. They note that there are limited road points for the numerous schools and

creches in the area for the traffic flow at present. They have regard to the recently announced proposed traffic/pedestrian modifications at the Round 'O' junction, and conclude that the vehicular entrance would not be permitted near these new roundabout modifications. In this respect INF OBJ 12 of the Navan DP is of note in that it provides: *The Planning Authority shall require that redevelopment proposals at the Round O Gateway site adequately address traffic management issues.*

- 7.8.2. A Traffic Impact Assessment has been submitted with this application, to examine the traffic implications associated with the proposed development, in terms of integration with the existing traffic in the area. This seeks to determine the impact of the proposed development on the existing road network, in particular at 3no. key junctions on the R162 and within the Beaufort Place estate. Vehicular access to the proposed development is proposed via Ivy Court, at the north-west corner of the site and via Juniper Avenue to the north. Vehicular traffic from either Ivy Court or Juniper Avenue must pass through the Beaufort Place estate, via Chestnut Grove and exit onto the R162. This gives access southwards to the N51 (via the 'Round O' roundabout) to Navan town centre; northward, the R162 continues in the direction of Kingscourt, via Wilkinstown and Nobber. The site is within the 50km/h speed limit. There are some Bus Éireann routes in the vicinity.
- 7.8.3. The TIA has regard to existing and predicted traffic conditions and to traffic generation and trip distribution. The TRICS database has been used to predict the trip generation to and from the proposed development for both the AM and PM peak hour periods. To determine the likely impact on proximate junctions TRANYST computer programme has been used. Details of these findings are included in the Tables and Appendices of the TIA. It is provided that without the development queues and delays on junction approaches during peak hour periods will remain limited. With the development traffic related to the proposed development will have a minimal impact on the performance of these junctions. The key existing junctions within the Beaufort Place estate and at its access from the R162 will not be significantly affected by the traffic generated by the development. These junctions will be able to operate within capacity and with minimal queues and delays when the development is completed and in the projected future years.
- 7.8.4. The Council's Road Design Office recommended that a Traffic Impact Assessment and a Mobility Assessment for the junction with the regional road (R162) and the

existing road network within Beaufort Place Housing Estate plus the 'Round O' roundabout be submitted. Also that the application site boundary be set back 4metres from the public road (R162) kerbing to facilitate future alignment of the footpath and cycleway. They recommended that revised plans be submitted showing this along with cycle/pedestrian routes and vehicular routes plus accommodating traffic calming measures.

- 7.8.5. The First Party response provides that further operational assessments of the N51/R162 roundabout have been conducted using ARCADY software and traffic courts carried out. They note that as per the detailed traffic analysis submitted any intensification for this small scale development of 47 dwellings will be minor and that the proposal will have a negligible effect upon the operational performance of the existing N51/R162 roundabout. It is concluded that the proposed development will generate minimal traffic flows during peak hour periods and will have a negligible impact on the surrounding road network.

7.9. **Permeability issues**

- 7.9.1. There are concerns that this proposal will add to traffic congestion in the immediate area, particularly for local residents including those in Bective House for an extended period of time. Also, that traffic from the proposed development will impact adversely and lead to traffic hazard for children on the green area in front of Juniper Avenue. There is concern that the proposed development does not have adequate turning area for vehicular traffic including services or emergency vehicles.
- 7.9.2. The First Party provide that having regard to the F.I submitted the roads, parking, traffic and turning provision have been assessed by suitably qualified engineers and comply with the provisions of DMURS and all other relevant legislation. They consider that the completion of the road around the green space is in keeping with good road design and the proper planning and development, it allows for easier circulation and permeability and reduces the risk of congestion. They provide the road layout is suitable for bin lorry access and is in full accordance with all the relevant codes and standards. Also that it is a continuation of the existing internal service road networks and has been designed in accordance with DMURS 2013.

- 7.9.3. It is of note that DMURS provides guidance relating to the design of urban roads and streets and seeks to promote permeability and an integrated street network in sustainable neighbourhoods. It also seeks to create an active street frontage and assign higher priority to pedestrians and cyclists, without unduly compromising vehicular movement. While active street frontage will be provided to the public open space at the southern end of Beaufort Place estate, the terraced houses will not provide this to the N51.
- 7.9.4. The First Party note that the development involves ceding land to the local authority on the eastern boundary arising from the F.I request to facilitate road improvements and that this will help offset the minor increase in traffic arising from the development. It is noted that there is an existing cycle lane along Beaufort Road immediately south of the site. A section of the site along the Proudstown Road is to be ceded to the local authority for road improvements including the provision of a cycleway and this is shown on the revised plans. It is proposed to provide a shared surface along the 6m wide east/west internal access road of the development, to incorporate a cycle track in accordance with DMURS. The First Party provide that a direct link is to be provided for cyclists to the proposed Proudstown Road route.
- 7.9.5. To improve permeability a pedestrian/cyclist access to the site from the R162 (Proudstown Road) is to be provided at the north-eastern corner of the site. This area has been discussed above relative to the right of way issue. Two other pedestrian accesses are proposed in close proximity to each other i.e from the R162, at the south-eastern corner of the site, and from the N51, at the south-eastern corner of the site. There is another existing pedestrian access outside but adjoining the western boundary of the site, that serves as a link from Ivy Court and Bective House to the Beaufort Road (N51).
- 7.9.6. The Council's Road Design Office has regard to the F.I submitted relative to the traffic modelling and to the conclusion that there will be negligible effect on the operational performance of the N51/R162 roundabout. They note the vehicular, cyclist and pedestrian permeability and considered that parking provision is adequate. Also that Meath County Council proposed upgrade works to this junction will enhance the performance of the junction. They have no objection subject to conditions that the proposed roads, cycleway, storage sheds and pedestrian links be provided prior to the occupation of the first unit, and that a mobility assessment be

provided. It is recommended that if the Board decide to permit that such conditions be included.

7.10. **Parking issues**

- 7.10.1. The First Party provides that the proposed development will be in accordance with the standards set out in Section 11.9 of the Meath CDP and satisfies requirements in the provision of car parking. Similarly, Section 8.7 Table 10 of the Navan DP provides the Car Parking Standards i.e: 2 per conventional dwelling, for apartments 1.25 per 1 & 2 bedroom unit and 2 per 3-4 bedroom unit. In all cases, 1 visitor space per 4 apartments. This Section also has regard to Cycle parking facilities. Therefore, in accordance with these standards the 21no. 3 bed houses proposed would require 42no. car parking spaces, the 26no. apartments i.e 9no. 3-bed (18no. spaces) and 17no. 2 bed (21no. spaces) i.e 81no. spaces plus 6no. visitor spaces i.e 87 spaces. The plans show that 42no. spaces are to be provided for the houses and 45 for the apartments so this would be in compliance with standards.
- 7.10.2. As per the F.I submitted detailed responses to the roads and engineering concerns raised are set out in the Report by Cronin & Sutton Consulting. This also provides that the proposed road follows the line of the existing road built under previously planning permission NA900222 & 0151889 (which was not carried out in full). Also that the previously granted permission included parking spaces along the edge of the existing green space as now proposed. The parking configuration follows the precedent set by the clustered parking on Ivy Court immediately adjacent. In that case it is noted that a footpath has been provided between the development and the public open space, so that a separation has been achieved.
- 7.10.3. As shown on the revised Site Layout Plan submitted, the parking spaces for the houses are to be provided primarily as perpendicular parking along the site frontage with the existing public open space, with some parallel spaces along the frontage of the houses. Parking for the apartments is to the west of the block and includes a cul-de-sac type layout. It is noted that there is to be an open boundary adjacent to the green area to the north at Juniper Avenue, therefore this parking will not be screened and will be highly visible from this existing public open space. It is considered that while the proposed number of parking spaces is in accordance with the DP requirements, that the surface parking layout will be a dominant feature on this site.

- 7.10.4. It is of note that underground parking has not been provided as part of this scheme. Regard is also had to Section 8.1.2 of the Navan DP 2009-2015 which includes: *Underground parking will also be an option subject to acceptable access, circulation and parking space dimension standards, provision of good ventilation and standards of personal safety.* The Planner's F.I request considered that underground parking proposal should be submitted as part of the overall proposal. The Cronin & Sutton Consulting response noted that no displacement of the proposed surface car parking shall be necessary. They considered that the provision of underground car parking is not required to the DP standards and would not be economically viable. They are concerned that the addition of a basement carpark to the proposed development would prolong construction and require the excavation and removal of larger quantities of spoil. Also that this in turn would result in an increase in construction traffic, and an increase in construction noise and vibration. Taking these issues into consideration they have decided not to include underground car parking within the development.
- 7.10.5. However, while regard is had to the above issue, I would consider that the layout of the scheme would be improved had an element of underground parking been included. This would allow for a more usable open space to the west of the apartment block and could also allow for services including bin storage etc. below ground level. Currently I would be concerned that the layout of the scheme is overly dominated by parking to the detriment of the distribution of the public open space and the visual amenities and character of the area.

7.11. Conclusion relative to Design and Layout issues

- 7.11.1. I would consider that the proposed apartment block will by its height and massing including its stepped approach on this elevated site have a visually dominant impact on this gateway site. As such regard is had to Section 3.10 and Objective GS OBJ 1 which seeks: *To ensure the high quality design and architectural treatment of key landmark sites...* While the proposed apartment block is of relatively high standard, provided quality external finishes are used, as noted in this assessment above there are concerns about the location and distribution of the open space and the layout being overly car dominated. It would be preferable if a scheme of this scale had an element of underground parking. There are also concerns about the row of terraced

housing not being well integrated with the apartment block part of the scheme. Of note is that they will appear crammed into the site and their parking will abut the existing open space. They will not provide active frontage to the Beaufort Road, rather are to be screened as a low rise development behind the existing planting. This contrasts with the 3 storey Bective House to the west and the more active frontage of the 3 storey apartment blocks on the opposite side of the N51 which provides a gateway route into Navan town centre.

- 7.11.2. Having regard to these issues I would not consider the design and layout of the scheme will add to the character and amenities of the area for existing or future occupants. While the Board may decide to permit I would be concerned about these issues and would consider that they would be best addressed in a revised scheme.

7.12. **Drainage**

- 7.12.1. The Engineering Services Report submitted provides drainage details including relative to the proposals for connection to the foul drainage infrastructure. It is proposed to connect to the public water main and public sewer and drawings including the proposed routing plan have been submitted. The Report includes calculations for the foul effluent, and connections to the drainage network. It is provided that the drainage network will be in accordance with Part H of the Building Regulations and to the requirements and specification of Irish Water (both under separate remit). Also, that the proposed foul effluent generated by the subject lands shall be completely separated from all surface water flows, including post-attenuation storm flows so there will be a minimal impact on the receiving drainage infrastructure.
- 7.12.2. Details including calculations are given relative to the proposed stormwater drainage including the incorporation of the principles of Sustainable Urban Drainage Systems (SuDS), and surface water attenuation. This includes an attenuation tank adjacent to the apartment block with a tank provided prior to out-fall to the existing storm network on Ivy Court. It is proposed to retain storm water volumes in underground tanks and to release restricted storm water into the surface water drain flowing north along Ivy Court. Details of the proposed surface water infrastructure and routing plan are shown on the drawings submitted with attenuation calculations included in Appendix A.

- 7.12.3. Details are given of proposed connections to the existing water main network, and it is provided that a new metered connection from the water main located in Ivy Court is proposed. 24 hour water storage is to be provided for the apartment block and house types. The proposed water main infrastructure and routing plan is shown on the services drawings submitted.
- 7.12.4. There is concern as noted in some of the submissions made that there is no confirmation as to whether the existing foul and storm sewer network or watermain has capacity to sustain such an increase in capacity from the proposed development. The Observation made includes concerns regarding drainage issues and the impact of the proposal on and the capacity of the existing sewerage treatment capacity at the Navan Sewage Treatment Plant. They ask the Board to evaluate in detail the exact spare capacity at Navan having regard to planning commitments made and not yet implemented and the issue of sewage material, transfer to the Navan Plant.
- 7.12.5. It is considered that this type of request is not within the scope or remit of the Board, who deals with individual planning applications that are the subject of an appeal on their merits on a case by case basis, rather it is a matter for the Local Authority. It is of note that Section 2.10.2 of the Navan DP 2009-2015 (as varied) has regard to the capacity of the Navan waste water treatment plant. Policy: INF POL 48 seeks: *To continue the development and upgrading of the waste water system serving Navan in conjunction with Irish Water to ensure that an adequate treatment capacity is available for the sustainable development of Navan as finances permit.*
- 7.12.6. It is also of note that the Screening for AA Report submitted notes that all foul water from the proposed development will be discharged to a local authority sewer and treated in the Navan waste water treatment plant at Farganstown. *It is understood that this plant is currently within capacity and providing an appropriate treatment before discharge to the River Boyne. It is the responsibility of the local authority to ensure the adequate treatment of foul water, and to assess any potential impacts on the Natura 2000 network in receiving waters.*
- 7.12.7. Regard is also had to the Planner's Report which notes that Irish Water has no objection to the proposal based on the plans and particulars submitted but provides notes in relation to any future connection. The Water Services Section of the Council

recommend that in the case of a permission being granted that a condition should be applied in relation to a detailed design for the proposed attenuation tank. Therefore, it has not been mentioned that there is an issue with capacity in the drainage network. If the Board decides to permit it is recommended that appropriate conditions relative to drainage be included.

Flooding

7.12.8. A Flood Risk Assessment has been carried out as part of the Engineering Services Report. This has regard to *The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009*. While residential dwellings are classed as 'highly vulnerable development' the site is elevated and approx. 500m from the River Blackwater and is deemed to be located in Zone C. A review of the OPW flood maps database, does not indicate historical flooding within the vicinity of the site. The site is not deemed to be at risk from tidal or pluvial flooding. It is provided that the attenuation tank will be sized for a 1 in 100 year storm event and will release the storm water in a controlled manner. By restricting the flow the likelihood of the proposed development adversely affecting the public drainage system or contributing to downstream is mitigated. There is no record of groundwater flooding proximate to the site and as there is no basement construction proposed, groundwater flooding of the development site is deemed negligible.

7.13. **Screening for Appropriate Assessment**

7.13.1. A Screening for AA Report has been prepared by NMEcology Ltd. This provides a description of the site and the proposed development, details of its environmental setting, and a Map (Fig.1 refers) and list of Natura 2000 sites within the potential zone of impact. It is noted that the proposed development site is located approx. 280m from the River Boyne and River Blackwater SAC (002299) and 300m from the River Boyne and River Blackwater SPA (004232). The Qualifying interests for the River Boyne and River Blackwater SAC are the Annex I habitats: *Alkaline fens, alluvial forests* and Annex II species: *river lamprey, salmon, otter*. For the SPA of Special Conservation interest, is the *kingfisher*. The standard conservation objective for all SAC's and SPA's is: *to maintain or restore the favourable conservation condition of the qualifying interest for which the SAC/SPA has been selected*. The river Blackwater flows to the east and converges with the River Boyne in the centre

of Navan town, and then continues to the east to reach the coast at Drogheda. There are no other Natura 2000 sites within a 5km radius of the proposed development.

- 7.13.2. It is provided the River Blackwater and River Boyne are currently of moderate status in the vicinity of Navan town and remain so with the exception of a short stretch between Slane and Drogheda that has good status (Water Framework Directive Status Assessments 2010-2015) then moderate, until they reach the coast. The River Boyne is at risk of not achieving good status by 2025. In summary it is provided that these rivers are currently moderately polluted, and would be vulnerable to additional sources of pollution.
- 7.13.3. The Screening Report provides that it is highly unlikely that any surface water runoff from the proposed development would reach the river as most rainwater would percolate to ground on-site (the soils are well drained), and because there are no surface water drainage features that connect the proposed development site to the river. Regard is had to the issue of construction related impact but it is noted that there are no potential pathways from this serviced site and that provided standard pollution prevention measure are implemented, considering the distance and dilution effect of intervening sewers, that the risk of the proposed pollutants to *The River Boyne and River Blackwater SAC and SPA* is thought to be negligible.
- 7.13.4. The Report has regard to the issue of potential changes in water quality (construction phase) and (operational phase) on this serviced site. It concludes that foul water and surface water treatment during the operation of the development would not cause any significant impacts upon water quality in any Natura 2000 sites. It also provides that no other developments or planning applications were identified that could act in-combination with the proposed development to cause significant impacts on the SAC/SPA or any other Natura 2000 sites. The Report provides that based on this information, they have demonstrated that there will be no risk of direct or indirect impacts on any Natura 2000 sites, so they conclude that Appropriate Assessment is not required.
- 7.13.5. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other or projects would not be likely to have a significant effect on the River Boyne and River Blackwater SAC (002299)

and the River Boyne and River Blackwater SPA (004232), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. It is recommended that permission be refused for the Reasons and Considerations below.

9.0 Reasons and Considerations

1. While the principle of residential development is acceptable in this 'A1 *Existing Residential* land use zoning, it is considered that the proposed development on this elevated gateway site, by reason of its design and layout would be out of character with the pattern of development in this established residential area and would result in the unsatisfactory juxtaposition of the house types and apartments, with the house types presenting a rigid crammed formation and providing an inactive frontage to the Beaufort Road (N51). It would also result in the poor disposition of public open space for the apartment and housing development, and a layout that would be overly dominated by surface parking, which would detract from the adjoining existing public open space. As such it is considered that the proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to Section 3.10 and Objective GS OBJ 1 (relative to gateway /landmark sites) and Section 8.1.2 (relative to public open space) of the Navan Development Plan 2009-2015 as varied, and to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

06th of March 2018