



An
Bord
Pleanála

Inspector's Report ABP-300959-18

Development

Construction of 99 no. apartments, carpark, sports facility, 1 no. commercial hub, ESB substation, plaza and all associated site works.

Location

Site of 0.9697 ha at Metges Road, Johnstown, Navan, Co. Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

NA/170997

Applicant(s)

Hunt Capital Ltd.

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First & Third Party

Appellant(s)

Hunt Capital Ltd

Miriam Thornton

Glen Ling & Others

Johnstown Community

Cathal Mooney

Ballis Village Management Company

Observers

Julian Lee (residents of the Priory)

Cllr Sinéad Burke

M & A Kearney

Date of Site Inspection

3rd August 2018

Inspector

Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located in the southeast environs of Navan, in the Johnstown area, approx. 3km from Navan Town Centre, in Co. Meath. The wider area is characterised by low density suburban type dwellings with a more recent higher density apartment/neighbourhood centre development immediately north/adjoining the appeal site.
- 1.2. The site comprises a narrow strip of land contiguous to the western side of a local distributor road, Metges Road. The subject lands are 0.9697 ha in area and are generally overgrown with trees and shrubs. The site runs in a north-south direction and is approximately 260m in length, approximately 60m in width at the northern end, tapering to just over 30m at the southern end. There is a palisade fence and ditch/stream along the western boundary with a line of mature trees.
- 1.3. Metges Road, from which the site is accessible, is a local distributor road, comprising a footpath and cyclepath along both sides of the road. The site is within the 50km/h speed limits. There is a Bus Éireann bus stop at the southern end of the site, with a bus stop on the opposite side of the road. There is also a bus stop on both sides of the road north of the site at Johnstown Neighbourhood Centre.
- 1.4. Immediately to the north of the appeal site is 'Ballis Village' apartment development, 3-6 storeys in height and north of that is Johnstown Shopping Centre, which comprises SuperValu as the anchor, with a mix of other uses, including a bar and restaurant. SuperValu is located in a corner landmark building, 3-4 storeys in height, at the roundabout with Metges Road/Bothar Sion, with the neighbourhood centre predominantly 1-2 storeys in height.
- 1.5. To the east of the appeal site, on the opposite side of Metges Road, are established two storey housing developments known as the Priory and Boyne View. A large public open space associated with this residential area is located opposite the southern section of the appeal site. The roadside boundary is heavily screened, mainly by deciduous trees.

1.6. The lands immediately to the west of the site form part of the IDA Navan Business Park. Access to the Business Park is via a local road to the south of the site, which connects into the local distributor road network northwest of the site.

2.0 Proposed Development

2.1. The proposed development, as amended by Further Information, provides for 96 residential units (reduced from 99 units), a crèche, a sports facility and start-up office facility. The final scheme as approved by the planning authority can be summarised as follows:

- **Block A**, positioned at the northern end of the site, fronting Metges Road and the northern boundary of the site: 1 no. 4 storey mixed-use building (ca 15-15.5m high) including crèche (315sq.m), sports facility (325q.m), and start-up office facility (360sq.m). On the fourth floor are 3 no. apartments (1 x 1 bed and 2 x 2 beds).
- **Block B**, positioned at the northern end of the site, along the northern boundary, west of and connected to Block A: 1 no. 5 storey apartment building (ca 15.4m high), comprising 4 floors of residential use, including 12 x 2 bed apartments and 1 floor at ground level comprising undercroft parking.
- **Block C**, fronting Metges Road: 1 no. 5 storey apartment building (ca 14.8m high), comprising 4 floors of residential use, including 35 apartments (31 x 2 bed and 4 x 3 bed) and 1 floor at ground level comprising undercroft parking.
- **Block D**, fronting Metges Road: 1 no. 4-5 storey apartment building (ca 14.6-12m high), comprising 3-4 floors of residential use, including 31 apartments (24 x 2 bed and 7 x 3 bed) and 1 floor at ground level comprising undercroft parking.
- **Block E**, fronting Metges Road: 1 no. 4 storey apartment building (ca 12.4m high), comprising 3 floors of residential use, including 15 apartments (6 x 1 bed and 9 x 2 bed), and 1 floor at ground level comprising undercroft parking.
- 189 parking spaces are proposed at ground level across the scheme, with the buildings supported on columns over and between the parking spaces. The

exception to this is Block A, which has a crèche at ground level, and the entrance cores to the apartments which are also at ground level.

2.2. Two separate vehicular accesses are to be provided, to the north and south of the site, off Metges Road. The access road travels north to south under and between the proposed blocks along the western side of the site. The western boundary of the site at ground level comprises a 'low level retaining wall with selected metal/timber fence'. An access gate is proposed from this boundary at the northern end of the site into the wooded area for maintenance purposes. The eastern boundary to Metges Road comprises predominantly a low wall and railings with planting as a boundary to the car park level and accommodation starting at first floor level (apart from Block A).

2.3. Mix of Units:

- 78 x 2 bed apartments – 81%
- 11 x 3 bed apartments – 11%
- 7 x 1 bed apartments - 7%

2.4. Scale of Commercial Area:

- Office – 360 sqm
- Sports – 325 sqm
- Creche – 315 sqm

2.5. The planning application is accompanied by a Design Statement, drawings and a letter of consent from the owner of the lands. An Engineering Planning Report by Muir Associates Ltd. has also been submitted.

3.0 Planning Authority Decision

3.1. Decision

Permission was GRANTED for the proposed development subject to 31 conditions. These include regard to external finishes, infrastructure and construction related issues, archaeology, provision of social housing (Part V) and development contributions.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The report had regard to the Design & Siting, Creche, Layout, Access, Flooding, Part V and Services. The report concluded that the principle of the proposed development is accepted but required further information and clarification on a number of matters including:

- Alternative proposals required to address the location of residential use on E1 zoned lands, where residential use is not permitted.
- Demonstration of full compliance with unit mix required under the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.
- Alternative proposals for the balconies for apartments C & E.
- Details of proposed childcare facilities requested – Block A is the preferred location consistent with proposed community/commercial development.
- Request to provide a detailed justification for the under-provision of 30% commercial development at this C1 land use zoning location.
- Details of the external finishes of the proposed blocks.
- Request for an overshadowing analysis.
- Request for a detailed phasing plan.
- Request for a response to the matters raised by the National Transport Authority (NTA).
- Traffic and Transport Assessment requested.
- Water Services issues.

3.2.2. Further Information response

The applicant responded to the Further Information request as follows:

- No residential development is now proposed on the land zoned E1.
- Balcony access from bedrooms has been removed from Apartment types C&E.

- A crèche is now proposed in Block A.
- The revised commercial area within Block A represents approx.10% of the overall development site area. There is a lack of commercial demand in the area, therefore provision of 30% for commercial development is not justified.
- Appendix 1: External Finishes Schedule.
- Appendix 2: Assessment of Potential Overshadowing.
- Landscaping Plans have been submitted.
- Muir Associates Engineers have provided a response to the submission from the NTA and to other access/traffic issues raised.
- The Muir Associates Engineers submission also provides a response on water services.
- Appendix 5: Response to the Observations.

3.2.3. Planner's response

It was considered that the matters raised had in general either been addressed or justified and permission was recommended.

3.3. **Other Technical Reports**

Internal

Road Design Office: Following receipt of further information, no objection subject to condition. Report notes it is an objective of the council to upgrade Bothar Sion /Metges Road Roundabout to a signalised junction. The applicant is requested to pay a contribution toward these costs and also to provide and pay for a pedestrian crossing to facilitate access to the bus stops for the residents of the proposed development.

Public Lighting: No objection subject to condition.

Water Services Department: Following receipt of further information, no objection subject to condition.

Fire Service Department: A Fire Safety Certificate is required.

3.4. Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht: The proposed development is large scale in extent and in the vicinity of four souterrains discovered in Athlumney townland, Site Monuments Record. A condition pertaining to Pre-development Testing should be included in any grant of permission.

National Transport Authority (NTA): No objection to the principle of the development. However, it is advised that increased permeability for pedestrians and cyclists be provided. It is noted that the proposed plans, which propose an elevation of railings along the length of the development, provide no active frontage and passive surveillance at ground floor level (with the exception of Block A). A bus stop is located adjacent to the development and it is noted that the walking and waiting environment is important in supporting use of public transport. It is recommended that an active street front be created to provide passive surveillance and there is potential to create permeability across the site to access the employment lands to the west. There is under-provision of cycling parking on the site. Care should be taken in the design of the access/egress points and the existing cycle lanes.

Irish Water: No objection subject to condition.

3.5. Third Party Observations

- 3.5.1. A number of Submissions have been received from local residents, including on behalf of the Johnstown Community. These are noted and discussed in more detail relative to the subsequent grounds of appeal and observations made.

4.0 Planning History

The following is the relevant more recent planning history of the subject site:

PL17.221620 – Permission GRANTED (November 2007) subject to conditions for a mixed development, comprising 61 apartments and a crèche in 1 x 4 storey apartment block over basement car parking level, 2 x three storey apartment blocks over basement car parking level, and one x 4 storey office block over basement car parking. This permission has not been enacted and has expired.

Note: The rear building line, which was noted as an issue in the previous refusal on this site was increased to 7.8m and 14.8m with retention of the existing tree line.

PL17.213043 – Permission REFUSED (January 2006) for a mixed-use development comprising 70 apartments and crèche in four number blocks, 3 to 5 storeys over carparking and an office block.

The reason for refusal considered the proposal to constitute overdevelopment of the restricted site and would fail to provide an adequate standard of residential amenity for future occupants by reason of the proximity of development to boundaries and the lack of adequate quality open space.

Note: A Section 137 response, which was deemed inadequate, proposed a reduction in the number of apartments from 70 to 67 with minimum separation distances to the rear boundary ranging from 6-6.5 metres.

The following application relates to an existing vacant building north of the appeal site, adjoining the distributor road:

NA171319 – Permission GRANTED for change of use of ground floor gymnasium to a comparison retail shop, with community hall and community officer liaison room. Gymnasium at first floor level to incorporate a boxing club and fitness studios.

5.0 Policy Context

5.1. National Guidelines

- Project Ireland 2040 – National Planning Framework
- 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 (DHPLG, 2018)
- Design Manual for Urban Roads and Streets 2013
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)

5.2. Meath County Development Plan 2013-2019

- **Section 2.3.3:** 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:** Navan is classified 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:** 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:** to develop Navan Core Economic Area. 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.
- **TRAN SP 6:** To promote higher residential development densities within the Large Growth Towns I and II and Moderate Sustainable Growth Towns, as promoted by the Department of Environment Community and Local Government's 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' so as to support viable public transport services.
- **Section 11.2:** Guidelines for Residential Development.
- **Section 11.1.1:** Building Heights.

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

Following the dissolution of all 3 Town Councils in May 2014, Navan and Trim Development Plan is now deemed to form part of the County Development Plan 2013-2019 and is still in force as per Section 11c of the Planning and Development Act 2000 (as amended).

- **Zoning Objectives:** Zoning Objectives C1 and E1 apply to the appeal site.

- **Map 2, Development Objectives:** Stand of Trees to be preserved – this objective relates to an area along the western and northern boundaries of the appeal site.
- **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:** Housing Strategy and relevant Policies and Objective
 - 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.
- **Section 3.3** provides the Land Use Zoning Objectives, Table 4 refers.
- 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.
- **Chapter 8:** Development Management Guidelines & Standards
 - **Section 8.1.2** Qualitative Criteria
 - **Section 8.1.4:** Standards for Apartments.
 - **Section 8.2:** Residential Site Development Standards.
 - **Section 8.12.1:** Archaeology.
 - **Section 8.14.1:** Building Height Control.

5.4. **Natural Heritage Designations**

The River Boyne and River Blackwater SPA (Site Code: 004232) and SAC (Site Code: 002299) are located approx. 350m west of the appeal site, on the other side of the Navan Business Park. There are no other Natura 2000 sites within 15km of the proposed development.

6.0 **The Appeal**

Grounds of Appeal

6.1. **First Party Appeal**

The applicant's grounds of appeal relates to Council's condition nos. 2, 25, 26, 27, 29 and 30. The grounds of appeal is summarised as follows:

Condition 2

- The third floor plan for Block E is included as part of the F.I. submission.
- The revised commercial area within Block A includes a Creche, Sports Facility and Start-hub (1000sq.m total g.f.a).
- The area of the proposed start up hub has been misunderstood to be 1000sq.m whereas it is indicated on the plans as 360sq.m. Condition 2 should be omitted.

Condition 25, 26, 27

- These conditions require development contributions for surface water drainage infrastructure and social infrastructure. It appears that as noted in Condition 2 above, the contributions have been calculated on the basis that the application includes 1000sq.m. of office space instead of 360sq.m. This has resulted in an overcharging of €19,840 in total which is equivalent of 640sq.m at €31/sq.m. The total should be adjusted to take this reduction into account.

Condition no. 29

- This contribution has regard to 'Estate Monitoring' and on the contributions calculations sheet is based on a charge of €200 per unit. This contribution is to go towards the cost of monitoring during construction with a view to the taking in charge by the council of parts of the development on completion. Since this is a private apartment development, it is not proposed that common areas will be taken in charge by the authority. It is requested that this condition be omitted.

Condition no. 30

- This special contribution is on foot of a recommendation from the Council's Road Design Office where it is described as a 'special levy of €100,000 towards the costs to upgrade the roundabout on the Bóthar Sion/Metges Road junction to a signalised junction' and 'a special levy of €50,000 towards the cost of a pedestrian crossing to facilitate the development'. The total cost of the upgrade being €450,000 inc.VAT. The applicant would have to pay 22% of the total projected cost to upgrade the roundabout. There is no indication of how this has been calculated and it is considered unwarranted and unjustified given the roundabout will operate within capacity for each of the assessment years with or without the proposed development, as per the Traffic and Transport Assessment.
- Based on the conclusions of the TTA, the special contribution of €100,000 is unwarranted, since it has not been demonstrated that the proposed development necessitates any upgrade of the roundabout, nor would the proposed works benefit the proposed development to such an extent as to justify such expenditure by the applicant.
- €300,000 is already required by condition no. 26 (public roads and public infrastructure) and that this is a sufficient burden on the developer. It is requested that Condition no. 30 be adjusted to €50,000 towards the cost of the pedestrian crossing only.

6.2. Third Parties

Five separate appeals from Third Parties have been submitted from the following:

- Miriam Thornton
- Glen Ling & Others
- Johnstown Community
- Cathal Mooney
- Ballis Village Management Company

As these appellants all have concerns about issues relevant to the proposed development, and the impact on their residential amenities and the character of the area, for convenience these concerns are grouped under headings as below:

Material Contravention

- The proposed primarily residential development is in material contravention of both the C1 (less than 30% commercial/mixed-use provided) and E1 objectives for these land use zonings of the Meath CDP 2013-2019.
- There is no justification for loss of residential amenity in favour of mixed use development.
- Details have not been submitted as to how it is proposed to facilitate the E1 zoning on site.
- The Board is asked to take the issue of material contravention of both the Meath CDP and the Navan DP into account and to acknowledge the deficiency of information provided by the applicant.

Community Facilities

- Lack of Social/Community facilities in the area and exacerbated by the proposed development.
- There is no understanding of the needs of the local community. A survey has been carried out showing the need for such facilities in the Johnstown area.
- The demand for a start-up hub is questioned, taking into account that the proposed development is not in the centre of Navan. This is highly speculative and insufficient information has been submitted on such a use.

- There has been a recent application for a change of use of the ground floor gymnasium to a retail shop in the Johnstown Centre. (NA/171319 refers and a copy of the Council's decision is included in the Appendix to this Report).
- Local schools are filled to capacity and this proposal will worsen this situation.
- There are inadequate health care facilities including doctors and dentists in the area. There are no sports facilities in the area, playgrounds etc.
- Over time while housing developments have been allowed recreational or community infrastructure have not been invested in.
- The scheme would set a negative precedent for the Johnstown area and does not constitute proper planning and sustainable development and should be refused.
- The development would set an undesirable precedent for the erosion of social and commercial facilities on appropriately zoned lands in Navan and in the vicinity of the area.

Sequential Approach

- The proposal does not constitute a sequential approach to the proposed development. There is an abundance of zoned land closer to Navan town centre which could accommodate a development of this scale.

Procedural issues

- The application process, which comprised requests for F.I. and subsequent granting of permission for the proposed development, was contrary to the spirit and intent of the Development Management Guidelines for Planning Authorities 2007 which states that requests for further information may not be used to seek changes to aspects of the proposed development.

Design and Density

- The proposed density is excessive in this suburban location and is not in compliance with standards. The proposal represents an overdevelopment of this small narrow site.
- The proposed height of the apartment blocks is excessive in this location and contravenes planning policies.

- There is no demand for such a large increase in this type of property in the area, which would result in a large number of vacant unmaintained units in the future.
- The applicant has not demonstrated full compliance with the Apartment Guidelines and Standards (2015) and has failed to provide an adequate mix of apartment types. There is an exceptionally high percentage of 2 bed units.
- The report from the estate agents is not accepted as they have a vested interest in the sale of this land and the sale of the apartments thereon.
- Revised plans have not been submitted to show the extent of the reconfiguration in relation to Block E.

Character and Amenities of the Area

- The proposed scale, height and bulk will impact on the light and privacy of the properties in Ballis Village and on the opposite side of the road in The Priory.
- There is a lack of consideration for the residential amenities for existing residents in the apartment development in Ballis Village.
- Concerns are raised in relation to overlooking overshadowing, loss of daylight/sunlight and inadequate separation distances and significant negative impact on the existing residential units in Ballis Village.
- The owner and occupier of B2 Ballis Village is particularly concerned about impact on private amenity open space at the rear which will be overlooked and overshadowed by these blocks. Regard is had to The Human Rights Act 1998 and the proposal is considered to be in violation of his privacy and right to light and his human rights as a European citizen.
- The residents in Priory View are concerned that the proposal will be overly dominant and cause overlooking and overshadowing to their properties, which are two storey properties on the opposite side of the road.

Social Housing

- To locate all the social housing in one block, i.e. Block E, will lead to social segregation and potentially ghettoise future residents. This is in contrast to current government policy for affordable housing and social integration.
- Regard is had to the launch of Cluid's Housing report on Stigma in Social Housing, and social segregation should never be allowed.

Traffic

- Traffic is a major concern for the whole community with congestion and safety a huge factor with any future developments only adding to current problems.
- This development will add to the proliferation of access points in the area and increase traffic volumes and further hinder access to local estates including The Priory, particularly in the event of an emergency.
- The development will increase tail backs surrounding the junctions and Ballis roundabout in the morning and evening rush hours. Photographs have been submitted showing traffic congestion/implications.
- A Traffic and Transport Assessment has been submitted by Muir Associates but it is noted that there are some issues with this and it is misleading in parts.
- The Council's responses do not adequately address the traffic/congestion issues and the Board is requested to assess the entire development in an impartial and efficient manner to ensure that the principles of sustainable development are adequately implemented.

Environment

- The proposed development will necessitate the removal of c.1ha of woodland which will have an unfavourable effect on the aesthetics of the area and impact on wildlife.
- These trees have a special status in accordance with the Navan DP 2009-2015 and Meath CDP 2013-2019.
- Insufficient details have been submitted relative to the arboricultural implications of the proposal on the subject site.

- Regard is had to STP7 of Appendix III of the Navan DP (as varied) where it is noted that the stand of trees along the eastern boundary with the I.D.A Business Park are to be preserved.
- It is imperative to retain the mature trees along the western site boundary and the Board is requested to acknowledge the merit of the established tree stand and prevent an inappropriate and unacceptable precedent for the removal of established mature tree stands for residential development.

6.3. Applicant Response

OMS Architects has commented on to each of the Third Party's grounds of appeal. These are summarised relevant to the issues raised as follows:

Non-Compliance with Land Use Zoning

- Report commissioned from REA T&J Gavigan on Commercial Retail Space in Johnstown & Navan indicated an oversupply of both office and retail space in the area, but there was significant local demand for facilities and amenities and requirement for start-up type units. The number of existing unoccupied units vacant is evident in the area.
- The 10% commercial area, approx. 1000sqm in area, of crèche, sports facility and start-up hub is economically viable and sustainable. It is not economically sustainable to construct approx. 3000 sqm of office or other commercial space, which may have a high vacancy rate. The planning authority were in agreement on this issue.
- The residential element when completed will bring additional population to the area to support the expansion of local facilities, as well as encouraging new business.
- Permission was previously granted for a mixed-use development (Planning Reg. NA/60230 refers).

Design, Density and Impact on Amenities of the Area

- A 3D model was prepared at pre-planning stage to investigate the impact of the proposed development from several viewpoints and the design modified as a result.

- A Shadow Analysis was submitted at F.I. stage, which demonstrated that the proposal would cause minimal overshadowing for short periods during the winter months to the houses in Priory View.
- The development is c. 50m from houses in Priory View and Priory Park, therefore there will be no overlooking issues.
- With regard to issue of community facilities, the proposed development includes a crèche and sports facility. The increase in population in the area will support the expansion of local facilities and encourage new business.
- While the proposed development will have an impact on the amount of daylight received by the apartments in Ballis Village it will still be above the recommended guidelines.
- With regard to unit B2 Ballis Village, the south façade contains a kitchen window and back door only and none of the living spaces have windows on this façade.
- It is acknowledged that there will be some overlooking to the existing apartments in Ballis Village, however this could be mitigated by the introduction of some screening to access decks in Block B, if required by the planning authority.
- The buildings are at their tallest adjacent to Ballis Village and a step down towards the southern end of the site. The development reads as a continuation of the existing higher density development and it is noted that permission was previously granted for a similar density at this site.
- A justification has been provided for the predominance of 2 bedroom units in the proposed development and this was accepted by the P.A.
- A full set of drawings relative to Block E have been submitted.

Traffic

- The detailed Traffic and Transport Assessment submitted demonstrates that the proposed development would not cause an appreciable additional delay at any key junctions, nor is there any appreciable increase in traffic congestion.

- Details of traffic counts and modelling have been submitted which shows the roundabout operating within capacity.
- The TTA takes into account in its predictions schemes in the area recently granted and not yet completed.
- Condition nos. 26 and 30 require development contributions towards road improvements including the upgrading of the roundabout and the cost of providing a pedestrian crossing.

Social Housing

- The proposal is to provide Part V housing in a mixed block of Private and Social Housing.

Environmental impact

- A Tree Report and landscape drawings were submitted with the application. The wooded area is mainly self-seeded and less than 20 years old. The removal of more mature trees is kept to a minimum with the vast majority of the western treeline being retained. The development site should also be seen in the context of planting proposals, which will enhance the amenity of the site.

6.4. **Planning Authority Response**

- 6.4.1. Meath County Council's response (March 2018) has regard to the First and Third Party appeal submissions and considers the development contributions have been correctly applied. Should floor plans indicate a different floor area, then a revision of the figures will be examined.
- 6.4.2. The Council have submitted a further response (6th of June 2018) to the First Party Appeal relative to the development contributions conditions 25,26,27,29 & 30. They have also submitted a schedule of how these conditions have been calculated.

6.5. **Observations**

Three separate Observations have been received from local residents as follows:

- Julian Lee (on behalf of the residents of the Priory)

- Cllr Sinéad Burke
- M & A Kearney

It is noted that these observations reiterate many of the concerns raised in the Grounds of Appeal as noted above and are summarised as follows:

- Adverse impact on residential amenities of the area, in particular relative to issues of scale and height, overshadowing, overlooking, and proximity to the existing blocks in Ballis Village.
- Adverse impact on the residential amenities of the local residents in Priory View.
- Material Contravention of the Development Plan relative to the land use zonings.
- Traffic and road safety – regard to need to upgrade the pedestrian crossing.
- Lack of community facilities including green spaces.
- Poor visual impact.
- Previous refusals noted on this site.
- The height and scale of the proposed development needs to be radically reduced as the proposal is out of scale and character and contrary to the proper planning and development of the area.

6.6. Further Responses

Third party responses have been submitted which reiterate the concerns summarised under the grounds of appeal.

National Transport Authority (NTA): The NTA resubmitted their original submission to the planning authority. As noted above, it is recommended that an active street front be created to provide passive surveillance to Metges Road. It is also advised that the development allow for increased permeability for pedestrians and cyclists, and also permeability across the site to access the employment lands to the west. There is under-provision of cycling parking on the site. Care should be taken in the design of the access/egress points and the existing cycle lanes.

7.0 Assessment

- 7.1. The proposed development, as amended at Further Information (F.I.) stage, comprises 96 number apartments in five blocks, 4-5 storeys high, and one mixed use block, 4 storeys high, comprising 1000 sqm of commercial development (creche; floor for sports use; and a floor for office use), with three apartments at the upper level.
- 7.2. With regard to the orientation and layout of the site, the site is narrow with blocks orientated along the street edge and the northern boundary. Parking is proposed across the entire ground/surface level, predominantly in an undercroft arrangement, with columns supporting the buildings above. Two areas of communal space are located at the ground level and three at the first floor level. No basement parking is proposed, therefore the street edge comprises a parking level behind a low wall / railings and shrubs at the ground level. Two vehicular access/egress points are proposed to the site, one to the north of the site and one to the site and the internal access road traverses the western section of the site in a north-south direction, with parking off this route.
- 7.3. The southern section of the site is to remain undeveloped, with the access route to the entire scheme traversing this land. This undeveloped area is zoned for employment, and residential use is not permitted.

Previous Applications on the Site

- 7.4. Two relevant history permissions relate to this site.
- 7.5. The first application, dated 2006, was refused permission on appeal, ref PL17.213043, and comprised an office block, 70 apartments and a crèche, with the layout comprising four blocks ranging in height from 3 to 5 storeys over basement carparking. The density was 70 units per hectare. The reason for refusal considered the proposal to constitute overdevelopment of the restricted site and would fail to provide an adequate standard of residential amenity for future occupants by reason of the proximity of development to boundaries and the lack of adequate quality open space. It was also considered that other than in relation to the impact on the adjoining land zoned E2, the applicant's response to the section 137 notice did not adequately address the issues raised. Note: The said Section 137 response

proposed a reduction in the number of apartments from 70 to 67 with minimum separation distances to the rear boundary ranging from 6-6.5 metres.

7.6. Permission was subsequently granted for a lower density mixed use development in 2007, ref PL17.221620, comprising 61 units (reduced from 65 by way of FI), a crèche and office development, over basement car parking. The density proposed was 63 units per hectare. The height of the blocks was 3-4 storey, reduced from 4/5 storey in the previously refused permission. I note the planners report states that 30% of the site was given over to office development, as per the zoning requirement. The blocks were set back 8 metres from the edge of the carriageway and the setback to the rear boundary was to vary between 7.8m and 14.8m and the rear tree line retained.

7.7. The proposed development differs from that previously granted with regard to density of development (99 units per hectare proposed), overall height of the development (4-5 storeys versus previous permission predominantly 3 storey with some 4), provision of undercroft parking defining streetscape edge in place of basement car parking previously permitted, scale of commercial development, and closer proximity to northern and rear/western boundaries.

7.8. The primary issues for assessment include;

- Principle of Development and Planning Policy
- Density
- Layout and Design
- Impact on the Amenities of the Area
- Apartment Guidelines
- Landscaping
- Schools and Community Facilities
- Social Housing
- Traffic
- Development Contributions
- Appropriate Assessment

Principle of Development and Planning Policy

- 7.9. Two separate land use zonings apply to the subject site. The northern part of the site, adjacent to the Johnstown Neighbourhood Centre, is shown within the Mixed Use C1 zoning and the southern part of the site is shown within the E1 Strategic Employment Zone (High Technology Uses). The latter zoning is also applied to the lands to the west and south of the site.
- 7.10. Zoning objective C1 seeks 'to provide for and facilitate mixed residential and business uses'. The development plan states that C1 land use zoning objectives are only considered appropriate in the higher tier settlement centres (Moderate Sustainable Growth Town and upwards as identified in the Core Strategy). It is stated that C1 zones have been identified to encourage mixed use development and for this reason it will be a requirement to include at least 30% of a given site area for commercial (non retail) development. There shall be no restriction in the definition of office in C1 land use zones i.e. Office shall include Class 2 and Class 3 as referred to in Part 4 Exempted Development –Second Schedule of the Planning and Development Regulations 2001, as amended.
- 7.11. Zoning objective E1 seeks 'to facilitate opportunities for high technology and major campus style office based employment with high quality and accessible locations'. The development plan states it is envisaged that such locations are suitable for high density employment generating activity with associated commercial development located adjacent to or in close proximity to a high frequency public transport corridor. Residential is not permitted or open to consideration within this land use zoning.
- 7.12. The Third Parties consider that the proposed development materially contravenes the zoning objective for 'C1' lands, whereby it is a requirement to include at least 30% of a given site area for commercial (non-retail zoning) development. The proposal therefore materially contravenes the policies and objectives of the development plan as, following further information and the provision of a creche, only 10% of the site is proposed for commercial use. Block E (apartments) was removed from the E1 zoning at further information stage as it was contrary to the zoning objective, however concern is raised by the third parties that the apartment blocks would limit the usage of the southern part of the site and no provisional layout has been indicated to show development is feasible on the remaining land.

- 7.13. The applicant contends that given the lack of speculative office or other commercial space demand that vacant uses/premises would be to the detriment of the development and the area as a whole. The applicant considers that their proposal to provide a range of commercial and community facilities, equating to 1000sqm/10% of the site area, would be more beneficial and sustainable than providing 3000sqm of office space.
- 7.14. There is an acknowledgement by the planning authority that the proposal does not comply with the zoning objective, however it was considered that based on the applicant's assertion that there is no requirement for commercial development, that this is considered acceptable.
- 7.15. I have reviewed the 3 page report submitted by the applicant which was undertaken by a local property consultant. This document states there is little to no demand for retail/commercial development in Johnstown and also no demand for office development, with reference to 33 vacant office units in Navan. The report states that there is a demand for commercial space for service based business. There is no indication as to the scale of the vacant office units assessed, but from the photo images submitted with the report, they appear to be small in scale. The report does not comment on the availability/demand for larger purpose built office units.
- 7.16. A third party has submitted a document titled The Johnstown Community Survey, which was undertaken by Future Analytics Consulting on behalf of Meath County Council in October 2017. This documents indicates a lack of community facilities in the area. There is therefore a potential market, as acknowledged by the applicant in their report, for leisure/service type commercial developments and therefore the rationale for not providing for office and retail does not mean there is no demand for other types of commercial use.
- 7.17. On balance, I am not satisfied that a sufficiently robust analysis in terms of commercial development has been submitted. The proposal would, in my view, contravene the C1 zoning objective of the development plan and, furthermore given the significant level of under provision proposed, it would materially contravene the said zoning objective.
- 7.18. I am of the view that the development of this land bank is not of strategic or national importance. The local authority in adopting its development plan and core strategy

has had regard to the strategic needs of the county for a period of six years, identifying and quantitatively assessing locations and zonings to meet housing needs as well as commercial and community needs. There is no indication that there is underzoning in relation to residential or commercial uses within Navan, as outlined in the two year review document published in relation to the development plan objectives, and furthermore the same zoning objective was applied to this site under the previous development plan. The current development plan will be under review in the near future and it is perhaps more appropriate for the planning authority to examine the zoning of this site against the needs of the area as part of that process rather than via the development management process.

- 7.19. Section 37(2) of the 2000 Act provides the constrained circumstances in which the Board may grant permission for a development which contravenes materially a development plan. Should the Board be minded to grant permission, Section 37(2)(b) should be considered further.

Density

- 7.20. As shown on the revised plans, it is proposed to construct a total of 96 residential units on a land parcel of 0.9697ha, equating to an approx. density of 99 units per hectare.
- 7.21. The National Planning Framework seeks to increase housing supply and to encourage compact and urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. This is supported by Objective SS OBJ 8 of the Meath County Development Plan 2013-2019, which seeks to ensure growth which is balanced, self-sufficient and supports a compact urban form.
- 7.22. The Navan Development Plan (DP) notes that the pattern of development in the environs of Navan, including the area to the southeast where the appeal site is located, has been characterised by relatively low density conventional housing developments, with residential use separated from employment, shopping, education and recreational uses, with resultant reliance on private transport and urban sprawl. This has changed in the recent past with the development of Johnstown Neighbourhood Centre and Ballis Village apartments.

- 7.23. As Navan is identified in the Development Plan as a Large Growth Town 1, an improvement on heretofore low densities is therefore required to support the sustainable growth of the town. As per the guidelines on Sustainable Residential Development in Urban Areas, the appeal site can be identified as a suburban/greenfield site whereby net residential densities of 35-50 units are recommended. The guidelines recommend that along public transport corridors, ie within 500m walking distance of a bus stop (as is the case with the subject site), minimum net densities of 50 dwellings per hectare should be applied, subject to appropriate design and amenity standards. The apartment guidelines 2018 indicate that areas of cities and towns suitable for apartment development are those within 500m walking distance of a high frequency bus service, ie min 10 minute peak hour frequency.
- 7.24. The appeal site is located along a public transport corridor, adjoining a bus stop, and a high quality cyclist network. I note that the site is approx. a 35 min walk to Navan town centre. It is proximate to an existing higher density apartment development, neighbourhood centre and employment lands. There are a number of schools in the area and plans for school developments. I am of the view that the site is appropriately located for higher densities. While it is unclear as to the exact frequency of the local town bus service, the 109 from Navan to Dublin via Metges Road operations every 20 and the road/bus network and cycle network is designed to cater for use by various modes of transport. While the policy for higher density is in my view supported at this location, the density for this specific site has to be looked at holistically, with specific emphasis on whether appropriate qualitative standards in relation to design and amenity standards can be met. I have serious reservations in this regard, which is discussed further hereunder.

Layout and Design

- 7.25. The National Transport Authority (NTA) notes that the plans propose an elevation of railings along the length of the development site with no active frontage and passive surveillance at ground level. A bus stop is located adjacent to the development and it is noted that the walking and waiting environment is important in supporting use of public transport. It is recommended that an active street front be created to provide passive surveillance and permeability across the site to access the employment lands to the west should be supported. There is under-provision of cycling parking on

the site. Care should be taken in the design of the access/egress points and the existing cycle lanes.

- 7.26. The third party submissions also contend that the blank elevation to Metges Road will detract from the area in terms of safety and visual amenity. It is contended that the access points to the site will result in further peak hour delays on Metges Road. The southern section of the land zoned E1, which has no development now proposed on it, will be compromised by the proposed development.
- 7.27. The applicant considers that given the drop in level to the parking from the road, that the proposed metal railings along the street boundary will offer a view through the site to the trees at the western side of the site, with the parked cars out of view. It is contended that the type of metal screening proposed will provide the building with a dynamic expression while maintaining visual permeability. The Planning Authority did not refer to the issue of the design of the streetscape edge or permeability in their reports.
- 7.28. Having examined the appeal site, it is noted that it is linear in form and is constrained in terms of the narrowness of the site. The proposed development comprises five blocks, aligned along the street front, with undercroft and surface parking dominating the site at ground level, with limited landscaping. Blocks A, C, D and E address Metges Road, with the site having a road frontage of 300m.
- 7.29. Given the proposed undercroft and surface parking arrangement (versus the previously permitted basement arrangement), individual apartment accesses and three of the semi-private communal spaces are elevated to first floor level. The ground level street frontage to Metges Road comprises primarily of a wall and railings (approx. 1.8m/2m high), with the exception of Block A and the entrance cores. Behind the wall and railings are the undercroft parking spaces and 2 ground level pockets of open space. There is limited permeability from the site to Metges Road and no connection is proposed through to the employment lands.
- 7.30. To propose a development of 99 units per hectare with no basement parking, particularly given the narrow site configuration, has come at the expense of the streetscape and public realm. This arrangement of ground level parking facing Metges Road would result in a poor urban environment and a poor interface between the buildings and the street, resulting in little to no passive surveillance. While there

is a variation in the ground level and parking level, I do not accept the applicant's assertion that there will be no view of the cars or that the planting at the western and eastern edges of the scheme will dominate and the railings giving a dynamic expression. I consider the streetscape edge should comprise a predominantly active frontage. As currently proposed the development would impact negatively on the attractiveness of the area, with potential to impact on pedestrian and cyclist safety. This street is used by a significant number of pedestrians, which is set to increase with additional developments being constructed in the area, and any development proposed should therefore support communities on both sides of the road to access in a safe and secure way local neighbourhood shops, schools, employment areas and parks. The layout proposed would negate the existing positive urban realm which has been created to the north of this site whereby ground level windows to apartments and ground level units address the street. The proposal is in my view contrary to current guidance within the Design Manual for Urban Roads and Streets, where there is a distinct move away from inactive street frontages and blank walls along distributor roads to active streets connecting communities.

- 7.31. The ground level parking layout also impacts negatively on pedestrian permeability. Defined pedestrian routes/desire lines between the blocks at ground level within the scheme and from the ground level to the external street is poor and lacking, with the ground level dominated by 186 car parking spaces. The quality of the ground level open spaces proposed is also in my view poor in terms of amenity, usability and access to light. One larger block of semi-public open space is proposed between Blocks C and D. However this open space is bound partially at ground level to the north by Block C with the remainder of the boundaries defined by parking. Similarly, the block of open space between Blocks D and E is surrounded on three sides by parking, with no overall pedestrian route/desire line identifiable to allow residents to safely and easily access the amenity spaces or to move between the blocks. No provision for children's play equipment has been provided for within this large development at either the ground level or within the +1 spaces. I furthermore question the quality of two of the +1 communal spaces given their scale and dimensions. The design of the scheme at +1 level means permeability across the site and to the western employment zone is not feasible in the current arrangement.

- 7.32. With regard to the southern section of land, zoned E1, on which residential development is not permitted, I note that given the construction of Block E apartments at this boundary and the large windows serving apartments which face south into this landbank, in addition to the location of the access, the development potential remaining on this section of land would be limited by the proposed development.
- 7.33. On the basis of the foregoing, and notwithstanding the fact that residential development is acceptable in principle on the appeal site, I consider the proposal constitutes overdevelopment, with the proposed density, layout and design contrary to guidance set out in the Sustainable Residential Development in Urban Areas Guidelines, the accompanying Best Practice Urban Design Manual and in the Design Manual for Urban Roads and Streets. I do not consider that the design issues relating to the street elevation, permeability, parking and amenity can be adequately addressed by condition.

Impact on the Amenities of the Area

- 7.34. The grounds of appeal raise concerns in relation to loss of privacy, overlooking and overshadowing impacts from the proposed development on the apartments to the north and on existing housing to the west. The overall height of the development is considered excessive and the mix of residential units, as well as compliance with apartment guidelines, is of concern, as is the scale of tree loss proposed.
- 7.35. The applicant considers that while the proposed development will have an impact on the amount of daylight received by the apartments to the north, it will still be above the minimum levels recommended in the guidelines (BRE 209: Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011)). The applicant acknowledges that there is the potential for overlooking from the northern side of Block B to the existing apartments in the south-eastern block of Ballis Village. It is proposed that this could be mitigated by introducing screening to the access decks of Block B if required. The applicant considers given the distance of 50m between the blocks and the existing dwellings to the east, that there is no issue with overlooking or overshadowing.
- 7.36. In view of the context of the site, whereby a precedent of 4 storeys, with 1 storey set back, has been permitted in the adjoining development along Metges Road and 6

storeys has been permitted to the rear adjoining the E1 zoned lands, I consider a general height of 4-5 storeys to be in principle acceptable, however I have concerns in relation to the juxtaposition and height of the blocks relative to the existing development north of the site. This is discussed further hereunder. The proposed building line along Metges Road maintains the building line established by the development to the north and is considered appropriate.

- 7.37. The front section of Block A adjoining Metges Road has an overall height of 15m and is positioned 1.6m from the northern boundary and approx. 7 metres from the elevation of the existing block to the north and is higher than that block. While there is no direct overlooking from the proposed development, there would in my view be a significant impact on the amenities of the neighbouring property in terms of overbearance and outlook due to the height and juxtaposition of the blocks.
- 7.38. The side elevation of Block A, behind the front section of the building, is positioned at the northern boundary at ground level, with the first floor level staggered to be 3.6m from the northern boundary and 11m from the existing mid-block apartment building behind the existing block fronting Metges Road. This existing mid-block apartment building is 3 storeys in height with ground level windows and access to ground level private open space and no windows on the upper elevations facing the appeal site. Direct overlooking of living spaces is not an issue from the upper levels, however there are windows on the proposed Block A which would impact on the ground level private open space areas of the neighbouring development and would be overbearing given the limited separation distance from proposed Block A of 3.6m from the shared boundary. Furthermore, 'semi-public' open space for Block A/B is located at first floor level and positioned at the shared boundary above the neighbouring ground level private amenity space, which would have an overbearing impact on the adjoining private amenity space, have an impact in terms of loss of light, and would likely result in noise nuisance.
- 7.39. Should the Board be minded to grant permission, I would recommend amendments to Block A to mitigate impacts on the residential amenity on the apartments to the north. In this regard, Block A could be repositioned on site so that it is set off the northern boundary by approx. 10 metres, with its north facing elevation aligned with the north facing elevation of Block B, mitigating impacts in terms of overbearance, overlooking and loss of light. The movement would also allow for additional

landscaping at this boundary with replacement of trees, which I note have not been retained as per proposed in the previous permission on this site and as per an objective of the Navan Development Plan.

- 7.40. I note the movement of Block A would consequently result in the omission of the proposed plaza. I also note that given the resultant proximity of the relocated Block A to Block C, the proposed apartments C9, C18 and C27 (over the proposed vehicular access of Block C) would need to be omitted. These apartments, regardless of the location of Block A, are in my view poorly located over the access route to the scheme which compromises the private amenity space of these apartments and their omission is recommended regardless of whether the Board is minded to relocate Block A southwards.
- 7.41. Furthermore the upper floor apartment level of Block A should in my view be omitted (with the building becoming entirely commercial) and the overall height reduced so that it is relative to the shoulder height of the neighbouring building to the north, allowing for reduction in impacts in terms of overbearance and loss of outlook.
- 7.42. The private play area proposed for the crèche at the ground level of Block A is 5m wide x 7m deep, which given its restricted dimensions and recessed location with the building overhanging it, would receive limited light and would be of restricted amenity. I would suggest that the design of the crèche and associated play space should be re-examined should the Board be minded to grant permission.
- 7.43. Block B is orientated along the northern boundary to the western side of the site and south of the existing apartment building, which is 6 storeys high. Block B is approx. 10.8m from the shared boundary, with a distance of 15m between opposing windows in the apartments in Block B and the apartments in the neighbouring development to the north. The applicant proposes that screening along the access deck to Block B would sufficiently address any overlooking issue. I would support such an approach.
- 7.44. With regard to the scale of the blocks relative to the two storey housing on the other side of Metges Road, given the large separation distance of approx. 50m I am of the view that issues in relation to overshadowing or overbearance are not significant.

Apartment Guidelines

- 7.45. The Sustainable Urban Housing: Design Standards for New Apartments 2018 issued contain several specific planning policy requirements (SPPR) with which the

proposed apartments must comply. Schedules were submitted to demonstrate compliance with them which were amended in the further information submitted to the planning authority. The schedules are consistent with the drawings.

- 7.46. All the apartments are dual aspect. Ceiling heights of 2.7m would be provided for habitable rooms on all floors. The various areas required for particular rooms and balconies in the guidelines would be achieved. Communal open space of 580sqm is stated to be provided, however I note that no play equipment for children has been proposed in any of the proposed spaces. As discussed above, I have reservations in particular in relation to the quality of the ground level amenity spaces proposed.
- 7.47. The Board is advised that the proposed development would in general comply with the provisions of the guidelines, including its specific policy requirements.
- 7.48. The grounds of appeal contend that there is an excessive number of 2-bedroom apartments in the proposed development and the proposal does not comply with national guidance in relation to unit mix.
- 7.49. The proposed development comprises 7 x 1 bed apartments, 78 x 2 bed apartments, 11 x 3 bed apartments, i.e 96 apartments in total. It is of note that the majority of the apartments within the scheme will be 2 bedroom. Neither the development plan nor the national guidelines are prescriptive with regard to the mix of units provided in any particular scheme, other than to seek an appropriate range of types. Given the context of the site in close proximity to large areas of traditional suburban development, where three bedroom houses predominate, I would consider the mix of unit sizes proposed to be acceptable.

Landscaping

- 7.50. The third party grounds of appeal contends that this proposal will result in the removal of the majority of trees and shrubs from the site, which will have adverse impacts on wildlife and on the environmental amenity of the area. It is contended that insufficient information has been submitted regarding arboricultural implications of the proposal on the subject site and that the more mature trees along the western site boundary will be removed.
- 7.51. The applicant in response states a tree report has been submitted and it is of note that the area is mainly self-seeded and less than 20 years old. It is proposed to retain the western tree line.

- 7.52. Map 2 of the Navan Development Plan indicates as an objective along the western and northern boundary of the site 'Stand of Trees to be Preserved' and under STP7 it is described as: Mature hedgerow and individual deciduous trees along the eastern boundary of the I.D.A. Industrial & Business Park. I note that trees along the northern boundary of the site were to be preserved under the previous (now expired) permission, however having inspected the site, there appear to be no trees along that boundary.
- 7.53. The 'Review of Trees' carried out by The Tree File Ltd. and submitted with the application, is a five page report which gives an overview of the site, but does not include a tree survey. The report concludes that 'while there appears to be potential to retain trees on this site, it will be necessary that all such trees to be reviewed under the auspices of an Arboricultural implication assessment whereupon their current condition can be reviewed in conjunction with the change of site context and the context within which they might be retained'. A full tree survey or 'Arboricultural Implication Assessment' has not been submitted with this application or appeal. I acknowledge that the land is zoned for development and has as described in the report self-seeded given its undeveloped nature. However, as per the development plan objective, the western tree line in particular, which comprises mature trees, should be retained.
- 7.54. While the applicant states they will retain the western tree line, no assessment of the impact of the proposed development on the western tree line has been submitted and no indication has been given as to what tree protection measures would be required. Regard is had to the drawings submitted titled 'Existing Site Layout and Survey' and 'Landscape Plan Carpark Level', which show some trees to be removed from the western part of the site, however there is no indication as to why these trees have been selected. I note that apartment Block B is 1.3m from the western site boundary, part of Block C and the elevated car park structure is approx. 6m from the western boundary and Block D is 3-4m from the western boundary. The implications of the development, including construction of the surface car park, construction of new 'low retaining wall' along the western boundary with the trees, and construction of the buildings themselves, in terms of potential impact on the trees, has not in my view been adequately assessed.

7.55. The applicant has submitted insufficient information in relation to this boundary of important trees to allow for assessment of the trees, impact of the development or proposals for appropriate tree protection measures.

Schools and Community Facilities

7.56. The Third Party appeals question the lack of community facility uses within the overall development. A survey has been submitted, which was commissioned by Meath County Council and is titled 'Johnstown Community Facility, Summary of Community Survey Results (October 2017)', which notes that there is a demand for leisure and amenity facilities in the area. It is contended that the development as approved by the Council, would accentuate an erosion in the provision of much needed social and commercial facilities, schools, shops, employment and community facilities in Navan and in the vicinity of the area.

7.57. The applicant contends that the increase in population which will result from the development, will support the further development of community facilities into the future.

7.58. This south-eastern area of Navan has grown significantly in recent years and is continuing to grow with various developments under construction in the area. Meath County Council appear to recognise this in that they commissioned a survey in 2017 seeking to improve upon the recreation and community amenities in the area. However, there is no specific requirement for this site to deliver on community facilities or schools and therefore permission cannot be delayed on this basis. I note that the site is zoned for mixed use with the zoning objective requiring 30% of the site area be utilised for commercial (non-retail) development. Given the level of growth in the area, there may be an opportunity for commercial leisure type activities, however the type of units/uses proposed is a matter for the developer as there is no specific development plan requirement in this regard, other than the commercial element must be non-retail in nature.

Social Housing – Part V

7.59. It has been proposed to locate the social housing in Block E. There is concern that this is the furthest from the Neighbourhood Centre and that locating all the units in the one block at the periphery of the scheme would cause social segregation which would be contrary to current government policy to encourage social integration.

- 7.60. In response to the grounds of appeal, the First Party notes that as stated in the F.I. response, the proposal is to provide Part V housing in a mixed block of Private and Social housing. The Part V requirement is for 10 units (based on the overall provision of 96 apartments) whereas Block E contains 15 units. The intention is to enter into an agreement with a social housing provider to manage the 10 social units once built. The balance of 5 units could also be managed by the housing association as either social or private housing. It is stated that this was discussed and agreed with the housing department of MCC.
- 7.61. If the Board are minded to grant permission, it is recommended that a general Part V condition be included.

Traffic

- 7.62. Third parties are concerned that the local road network is operating above capacity with congestion at the junctions and Ballis roundabout at early morning and evening rush hours.
- 7.63. The applicant has submitted a Traffic and Transportation Assessment (TTA). This provides details of traffic counts and has regard to traffic volumes at the two signalised junctions and the roundabout in proximity to the site. Traffic modelling has been used to provide an estimate of traffic generation and distribution. Regard has also been had to adjacent developments and three significant schemes recently granted permission in the area are noted. As provided in Section 9, the main conclusions of the TTA are as follows:
- There are adequate pedestrian and cyclist facilities along Metges Road, directly adjacent to the proposed development with connections to the wider pedestrian and cyclist routes in Johnstown and Navan;
 - The area of the proposed development is served by existing bus routes providing public transport options to/from Navan Town Centre and Dublin;
 - Metges Road will operate within capacity for each of the assessment years with, and without, the proposed development.
 - The proposed development access junction will operate within capacity for each of the assessment years.

- Details are provided relative to impact on the local road network in the various assessment years and it is concluded this will not be significant, and will be within capacity. This includes regard to the Bóthar Sion/Metges Road Roundabout Junction and the R147/Metges Road Signalised Junction.

- 7.64. The TTA states that the forecast peak hour queuing at Bothar Sion/Metges Road roundabout and the R147/Metges Road signalised junction is considered to be representative of an efficiently operating urban junction, where it would not normally be considered economically viable to provide for a junction which would have significant excess capacity for most of the day. I note that while the TTA does not consider an upgrade of the junction economically viable, the Roads Design office has stated that it is an objective of Meath County Council to upgrade this roundabout to a signalised junction given the lack of capacity at this junction at the am peak.
- 7.65. Given the information submitted as part of the TTA, the plans by Meath County Council to upgrade the roundabout north of the site to a signalised junction, and wider public transport and pedestrian/cyclist plans for this area, I am of the view that the proposed road network can satisfactorily cater for the level of traffic increase envisaged and adequate measures are in place to support more sustainable modes of transport, including recent investments in the cycle and pedestrian network in the Johnstown area of Navan.

Bicycle Parking

- 7.66. 84 no. cycle parking spaces are proposed within the development car park. This is in accordance with the requirements of the MCDP (section 11.9.2 refers). The NTA consider insufficient bicycle parking has been provided for.
- 7.67. Appropriate provision for adequate secure cycle parking both for the apartment units and the commercial element of the scheme, are an important part of the scheme. It is recommended that if the Board decide to permit development, that this be conditioned.

Development Contributions

- 7.68. The Act stipulates that no appeal shall be made to An Bord Pleanála in relation to a condition requiring a development contribution to be paid in accordance with a Development Contribution Scheme. However, an appeal may be brought to the

Board where the applicant for planning permission considers that the terms of the Scheme have not been properly applied by the Planning Authority in attaching such a condition. Regard is had to the Meath County Council Development Contributions Scheme 2016-2021.

Conditions no.2, 25, 26 and 27

- 7.69. The First Party grounds of appeal requests that condition 2 be omitted, as the required floor plan has been submitted and there is an error stated in relation to the quantum of office space to be provided. The start-up hub equates to 360sqm of space and not 1000sqm as quoted. Consequently, reductions in the level of contributions should be applied and Condition nos. 25, 26 and 27 (contributions for surface water drainage infrastructure; public road & public transport infrastructure and social infrastructure) amended.
- 7.70. I note the planning authority has applied the contribution on the basis of 1000sqm office space and as stated above the office area is 360 sqm. Should the Board be minded to grant permission I would recommend that Condition 2 be omitted and Conditions 25, 26 and 27 should be adjusted accordingly.

Condition no.29

- 7.71. The First Party note that this contribution is to go towards the cost of monitoring during construction with a view to be taken in charge by the council on completion. It is contended that since this is a private apartment development, it is not proposed that the common areas will be taken in charge by the authority. It is requested that this condition be omitted.
- 7.72. The Council's response notes that the PA applies a charge of €200/unit towards expenditure incurred by the Council in monitoring the construction phase of the development. They attach a copy of the Chief Executive Order and a copy of a Report dated 28th of October 2015 in this regard.
- 7.73. I note the Chief Executive Order, which is titled 'Updating Bond and Surety amounts by the Wholesale Price Indices – Building and Construction (Capital Goods) in accordance with Section 48 of the Planning and Development Act 2000-2015'. I note the monitoring contribution cost outlined in the CE Order does not form part of the Meath Development Contribution Scheme 2016-2021 or subsequent adopted amendments of that scheme. In my view this condition should be omitted.

Condition no.30

- 7.74. The Road Design Office states it is an objective of MCC to upgrade the roundabout on the Bóthar Sion/Metges Road junction to a signalised junction. They note that the lack of capacity at this junction, particularly during the am peak hour, is acknowledged by the applicant. The estimated cost to complete the works is €450,000 incl. VAT. They recommend that the applicant should be requested to pay a special levy in accordance with Section 48(2)(c) of €100,000 towards the costs of completing the works. The MCC Road Design Office also provide that the applicant should be requested to provide a pedestrian crossing to facilitate access to the bus stop for the residents of the proposed development. They recommend a special levy in accordance with Section 48(2)(c) of €50,000 towards the cost of the pedestrian crossing to facilitate the development and that the location of the pedestrian crossing be agreed with the Council. Therefore, the amount of the special contributions as requested by the planning authority totals €150,000.
- 7.75. The First Party note that the applicant submitted a Traffic and Transport Assessment which concluded the Bóthar Sion/Metges Road Roundabout Junction will operate within capacity for each of the assessment years with, and without the proposed development. They provide that the TTA has demonstrated that the proposed development does not necessitate the improvement of the roundabout. Also, that the proposed works would not benefit the proposed development (which as per the TTA will only generate an extra 2.2% traffic at this junction) to such an extent as to justify such expenditure by the developer. They note that the proposed contribution represents 22% of the total projected cost of €450,000. They provide that the proposed upgrade does not constitute 'exceptional costs not covered by the scheme' and the contribution of over €300,000 already required by Condition no.26 (public roads and public transport infrastructure) is a sufficient burden to place on the developer. They also provide that there is no indication as to how this contribution has been calculated. The First Party request the adjustment of the contribution in Condition no.30 to €50,000 towards the cost of the pedestrian crossing only. Also, that if the Board upholds the Council's decision that a contribution towards the cost of upgrading the roundabout is warranted, then they request that the amount of such a contribution be adjusted to reflect the low percentage of additional traffic that will be generated.

- 7.76. The Council's response indicates that the upgrade of the roundabout is required to facilitate the anticipated increases in traffic levels following the completion of the developments that currently have planning permission in the area, including the proposed school, in addition to the significant volume of houses currently under construction. They note that there are already significant delays and queues, particularly during the am peak, experienced by all users of this junction and the proposed works will increase the capacity of same. They provide that the estimated costs to upgrade the roundabout to a signalised junction is €450,000 (inc. VAT), based on prices received in the past year for similar type works elsewhere in the county. They provide a table showing a breakdown of the Metges Road/Bóthar Sion Junction Improvement Costs.
- 7.77. I have reviewed the Meath Development Contribution Scheme and note Appendix A lists a range of projects which may be funded from the scheme. The table includes a list of roads and public transport infrastructure which may be covered under class 2 and states these are subject to ongoing review. 'Distribution Roads Navan' is listed under the Class 2 heading. I note the response from the planning authority states it is an objective of Meath County Council to upgrade the roundabout to a signalised junction and that this is required because of new developments in the area. I am not satisfied that in accordance with Section 48(2)(c) that the costs of the roundabout upgrade is a specific exceptional cost not covered by the development contribution scheme. Condition 26 of the permission as issued by the planning authority appears to cover this cost. The pedestrian crossing required is an exceptional cost arising specifically as a result of this development and has been applied in my view in accordance with the requirements of section 48(2)(c). Should the Board be minded to grant permission, a condition addressing this element of infrastructure only is warranted.

Appropriate Assessment

- 7.78. The River Boyne and River Blackwater SPA (Site Code: 004232) and SAC (Site Code: 002299) are located approx. 350m west of the appeal site, on the other side of the Navan Business Park. There are no other Natura 2000 sites within 15km of the proposed development. I note Athlumney Stream is located on the western boundary of the application site, with the existing surface water network discharging to this stream via the site. This stream is linked to the SPA and SAC.

- 7.79. The sole qualifying interest of the SPA is the Kingfisher (*Alcedo atthis*), while the qualifying interests of the SAC are as follows:
- River lamprey (*Lampetra fluviatilis*)
 - Atlantic salmon (*Salmo salar*)
 - Otter (*Lutra lutra*)
 - Alkaline fens
 - Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*.
- 7.80. Both the SAC and SPA have generic conservation objectives to maintain or restore the favourable conservation condition of the relevant habitats/species.
- 7.81. I consider that the principal adverse impacts that could occur to the qualifying interests of the Natura 2000 sites are related to disturbance to species and sediment/pollutant release.
- 7.82. Given the separation distance of the site from the SPA and SAC and the presence of existing development between the appeal site and the Natura sites, it is considered that there are no issues in relation to disturbance to species. With regard to surface water, it is proposed to discharge storm water runoff from the development to Athlumney Stream at the southern boundary of the site. It is proposed to eliminate the existing ditch within the site which discharges to the stream to the west. It is stated that regard has been had to the GDSDS and interception storage will be provided in an underground surface water storage facility to support greenfield runoff rates and petrol interceptors will be utilised on the surface water discharge from the site.
- 7.83. There are limited relevant pathways between the development and Natura 2000 sites and I am satisfied that standard construction management practices would be sufficient to avoid an indirect effect on water quality from surface water during construction. I consider that adequate attenuation is proposed within the site during the operational phase and therefore the potential for impact on water quality within designated sites is remote. In addition, the proposal for connection to the public foul network would ensure no potential for impacts from wastewater.
- 7.84. It is reasonable to conclude that on the basis of the information on the file, which I consider to be adequate in order to issue a screening determination that the

proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004232, European Site No. 002299, or any other European Site, in view of the site's conservation objectives, and that 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 set out hereunder.

9.0 Reasons and Considerations

1. Having regard to Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DECLG 2009) and the Design Manual for Urban Roads and Streets (DECLG and DTTS 2013), it is considered that by reason of the response to site context, the predominance of ground level parking, and elevational and boundary treatments to Metges Road, coupled with the proximity of development to the northern boundary and western tree line, lack of permeability across the site, and lack of adequate quality open space, the proposed development constitutes overdevelopment of a restricted narrow site and amounts to a substandard form of urban development, which is not in accordance with the design and layout guidance set out in the Sustainable Residential Development Guidelines or DMURS. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the zoning of the site under zoning objective C1, which states it will be a requirement to include 30% of a given site area for commercial (non-retail) development, it is considered that the proposed development, which proposes approximately 10% commercial development, would contravene materially the said zoning objective and

would be contrary to the proper planning and sustainable development of the area.

Una O'Neill

Senior Planning Inspector

31st August 2018