



An
Bord
Pleanála

Inspector's Report ABP-302567-18

Development	Mixed use development with 36 no. townhouses, 99 no apartments, 5 no. live-work units, 65 no. bed nursing home, petrol filling station with retail, 71 no. bedroom hotel, 1 no. fitness and wellbeing centre, 1 no. creche unit and 1 no. split level 4 storey car park and all associated site works
Location	Dublin Road, Enfield, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	TA171345
Applicant(s)	Urban Synergy Investments Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Rory Hannon; Ann Holmes, Carmel Kelly and Brendan Little; Tesco Ireland Ltd.
Observer(s)	None

Date of Site Inspection

26th January 2019

Inspector

Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the western side of Enfield town in County Meath. The site is accessed off the Dublin Road to the north and is bounded by the R148, Enfield bypass to the west, which connects to the M4. The Royal Canal and railway line bounds the site to the south/southeast. Enfield train station is located approx. 250m to the northeast, on the opposite side of the Dublin Road, across the railway/canal bridge. North of the site on the opposite side of the Dublin Road is a small housing scheme and undeveloped zoned lands currently in agricultural use.
- 1.2. The site, which has a stated area of 4.2ha, is a greenfield site in agricultural use, with a north-south hedgerow traversing the eastern portion of the site where an unoccupied house/derelict sheds are located. There are mature trees along the south/southeastern boundary of the site which define the boundary with the Royal Canal pNHA and which are identified on the zoning map for preservation. The adjoining access road on the site to the southeast serves the Royal Canal towpath 'Leisure Park and Boarding Centre', which is the primary public open space area in Enfield, and contains a small picnic area adjoining the river, with a slip for boats, toilets/shower block and access to a small woodland 'fairy trail' among the trees, with this small woodland area being within the development boundary of the site. The lands generally fall from the northern end to the southern end, with a hill/slope in the mid-western part of the site which falls to the east and south. There is an embankment along the boundary with the R148 to the west, which is at a higher level to the site. The embankment is at its highest at the southwestern corner where the road crosses the river and railway line. There is a vehicular access serving the house from the Dublin Road and an agricultural access serving the sheds. There is an additional agricultural access to the lands at the northwestern corner close to the R148 roundabout.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Mixed use development ranging in height from two storeys to eight storeys, comprising:

Residential

- 35 x duplex townhouses with 35 x apartments at ground level, and 2 end of terrace houses. These dwellings are 3 storey in form and are broken into 6 terraces, labelled A to F.
- 2 apartment blocks - Block H is 6 storeys with 21 apartments; Block I is 8 storeys with 34 apartments.
- 8 apartments in Block 1, adjoining the Dublin Road, over the supermarket.
- 5 no. live- work units, all 3 bed and 3 storey in form.
- 12 no. assisted living units in a 4 storey block, associated with the nursing home.
- Total of 152 residential units. The breakdown of units is as follows: 44 x 1 bed; 46 x 2 bed; 59 x 3 bed; 1 x 4 bed; and 2 x 5 bed.

Commercial

- 1 no. retail unit (trading floor area of 1558.17m²) with manager's office (49.68 m²) and associated ancillary areas. The following commercial uses are proposed above the retail unit in the same block (overall 3 storeys in height):
 - 26 no. offices (1396.56m²),
 - 1 no. fitness and wellbeing centre (526.27m²),
 - 1 no. crèche unit (345.33m²).
- 65 no. bed nursing home (4 storey) with 3 no. palliative care and overnight family suites.
- Petrol filling station (898sqm) with retail, hot-food sales and seating space.
- 71 no. bedroom hotel (4 storey), with 13 no. aparthotel units.
- 1 no. licenced bar/bistro unit 1073.93 sqm.
- 2 no retail units (118.38sqm & 89 sqm).
- 1 no. split-level 4 storey car park (217 no. spaces) and 263 no. surface parking spaces allocated to the various elements of the proposed

development. (This was increased to 5 storey following a further information request).

- Wastewater Pumping Station.
- New vehicular and pedestrian entrances serving the proposed development, including all necessary junction works, substation, all soft and hard landscaping including playground and shared surface areas; all ancillary site development and servicing works including lighting.

2.2. Significant further information/revised plans were submitted which resulted in the following amendments:

- Addition of new partial basement and upper level to the car park, providing for 305 spaces over 5 storeys.
- Increase in surface car parking to 297 spaces.
- Reduction in open space to facilitate parking.
- Amendments to the pedestrian access/plaza from the Dublin Road/Main Street to remove coach access for the hotel and make this a pedestrian only access.
- Provision of 320 cycle parking spaces across the site.
- Additional public lighting.
- Expansion of crèche and consequent reduction in office space to 23 units, ranging in area from 17.6 sqm to largest unit of 69.5 sqm, with total office floor area of 1112.13 sqm.
- Improved footpaths and cycleways.

The following additional documents were submitted:

- Retail Impact Assessment and Sequential Test.
- Archaeological Desktop Study.
- Revised engineering and architectural drawings.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 37 conditions, including the following:

C2: Written agreement with Irish Water.

C3: Retail floor area of petrol station to be limited to that identified on the plans.

C8: Developer to submit a full design for junction improvement works and bus stop.

C10: Prior to development geophysical survey and archaeological test excavations to be undertaken.

C12: Section 96(3) agreement.

C13: Testing and design of soakaways to be agreed.

C14: Soakaway sizes to be increased to include 10% increase in rainfall due to climate change.

C15: Stormtech design to be agreed.

C21: Existing trees to be retained unless their removal is agreed in writing. Adequate measures shall be put in place to protect trees adjoining the Royal Canal from any adverse impact during construction.

C22: Any alterations affecting Waterways Ireland property shall be subject to written agreement with Waterways Ireland.

C28: An art feature shall be provided.

C29: Signage strategy to be submitted and agreed.

C31: CEMP and WMP required.

C32-C34: Development contributions.

C35: Special Contribution for roads improvements.

C37: Contribution required towards monitoring in the construction phases of the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The applicant submitted their application to Meath County Council on 20th November 2017. Further information was requested on 22nd January 2018. The applicant requested an extension of time and was granted until 21st October 2018 to lodge their submission. Further information was received on 17th July 2018. The planner's report on file (17th August 2018) recommended refusal on the basis of a submission from Irish Water dated 2nd August stating there was no water or wastewater capacity. A following report from the Senior Executive Planner on 20th August 2018 states that a further response from Irish Water was received on 20th August 2018, which indicated no objection on the basis of a proposal in relation to additional ground water bore holes to address water supply and in relation to wastewater, which is part of Irish Water's current investment plan. There were no other issues/reasons for refusal raised in the planner's report in relation to the application and a decision to grant permission was issued on 21st August 2018.

3.2.2. Other Technical Reports

Transportation Section: Following receipt of further information, outstanding matters recommended to be addressed by way of condition. Concerns also raised in relation to the under provision of parking with consideration to be given to a reduction in scale of development.

Conservation Officer: No objection. Issue of archaeology raised.

Water Services: No objection, subject to conditions.

Fire Officers Report: A fire safety cert is required.

Lighting: No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water – Two reports were received from Irish Water. The second report stated no objection.

Department of Culture, Heritage and Gaeltacht – Potential for archaeology on the site highlighted. A significant find may result in a recommendation for a refusal. It is

recommended that geophysical survey and test trenching be undertaken prior to any final decision on this application. Following review of further information submitted, it is noted that only a desk study was undertaken. It is recommended that a geophysical survey and test excavations be carried out in advance of any grant of permission.

National Transport Authority – Recommendation that footpath/cyclepaths be provided along the entire length of the Dublin Road; a crossing facility be provided; and cycle spaces be provided within the scheme.

TII – No objection.

Waterways Ireland – Concerns raised in relation to works to site access wall being altered, proposals for 4 pedestrian accesses from the site which have not been agreed, and impact on existing trees on Waterways Ireland Property, a number of which are mature trees. Following receipt of further information, and meeting with the applicant, no objection subject to consultation prior to any work on trees and licence agreement required to agree access arrangements.

3.4. **Third Party Observations**

A number of third party observations were received, the main issues of which are summarised in the grounds of appeal hereunder.

4.0 **Planning History**

None.

5.0 **Policy Context**

5.1. **National Policy**

- Project Ireland 2040 National Planning Framework (2018).
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide (DEHLG 2009).

- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013).
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007).
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2018.
- Retail Planning Guidelines 2012.

5.2. Meath County Development Plan 2013-2019

- **Settlement Strategy:** Enfield is identified as a Small Town, however the development plan states that ‘Enfield has the potential to grow to a Moderate Sustainable Growth town over the lifetime of the County Development Plan having regard to its strategic location along the M4 “Knowledge Corridor” and on the Dublin/ Sligo rail line and its proximity to Maynooth University. An opportunity to provide capacity for high end land hungry employment and secondary education facilities exists at the eastern end of the town’.
- **CSA SP 2** To ensure that features of Meath’s natural heritage and green infrastructure that provide ecosystem services are protected; that biodiversity is conserved and where possible enhanced, and; that the character of landscapes are maintained and enriched, and that tourist and recreational uses are facilitated in a sensitive manner.
- **NH POL 5** To permit development on or adjacent to designated Special Areas of Conservation, Special Protection Areas, National Heritage Area or those proposed to be designated over the period of the plan, only where an assessment carried out to the satisfaction of the Meath County Council, in consultation with National Parks and Wildlife Service, indicates that it will have no significant adverse effect on the integrity of the site.
- **Zoning** Objectives applicable to the appeal site:
 - **E2 General Enterprise & Employment** - To provide for the creation of enterprise and facilitate opportunities for employment through

industrial, manufacturing, distribution, warehousing and other general employment / enterprise uses in a good quality physical environment.

B1 Commercial / Town or Village Centre - To protect, provide for and / or improve town and village centre facilities and uses.

D1 Tourism - To provide for appropriate and sustainable visitor and tourist facilities and associated uses.

F1 Open Space - To provide for and improve open spaces for active and passive recreational amenities.

- **Retail Hierarchy** – Level 3, Town and/or District Centres and Sub County Town Centres.
- **ED OBJ 4** To ensure that sufficient and suitable land is zoned for logistics, distribution and supply chain management industries at Ashbourne, Dunboyne / Clonee, Kells, Enfield and Stamullen and in addition to land zoned for large scale and general industry.
- **CH POL 6** To promote awareness of, and access to, the archaeological inheritance of County Meath.
- **CH OBJ 8** To seek to protect important archaeological landscapes from inappropriate development.

The following goal and policies from the Enfield Town and Village statement, consolidated into the Meath County Development Plan 2013-2019 are of relevance:

- **Goal** - To make a positive contribution to the development of Enfield as a Small Town along the M4 Corridor through the provision of a well-defined and compact town centre area, the promotion of a range of land-uses to support the residential population of the town and its role as a 'service centre' to the surrounding local area and by recognising the importance of conserving and enhancing the quality of the town's built and natural environment, while catering for the needs of all sections of the local community.

Water and Wastewater Services

- **WWS POL 2** To expedite the provision of the new waste water scheme and of an adequate water supply to allow development to proceed.

Land Use

- **LU POL 1** To regard the Relief Road as the southern boundary of the town of Enfield and to protect the strategic function of this road.

Commercial Uses - Policies

- **CER POL 1** To support the development of the lands identified for E2 “General Enterprise and Employment” land use zoning objective for employment creation purposes.
- **CER POL 2** To consolidate the central area of the town for commercial uses.
- **CER POL 3** To address the leakage of retail expenditure from the town and its catchment by facilitating the strengthening of the range and quality of its retail offer to allow Enfield to meet its local shopping needs.
- **CER POL 4** To maintain and improve the vitality and viability of Enfield’s Town Centre area as the focus of all commercial and retail activity, in order to ensure both a mixture and variety of local shopping to serve the shopping needs of the local community.
- **CER POL 5** To support proposals to further develop and strengthen the tourism potential of Enfield building on the proposed long distance Royal Canal Greenway from Dublin to Galway and strive to make Enfield a key destination along this route.

Heritage - Policies

- **HER POL 1** To protect wildlife corridors along streams, hedgerows, tree stands, wetland areas and railway and the Royal Canal.
- **HER POL 2** To have regard to the bio-diversity value of existing trees and hedgerows in areas that are liable to be developed.
- **HER POL 3** To seek to provide public access to the site of the Enclosure site which has been identified with an F1 “Open Space” land use zoning objective and identified as an Area of Archaeological Potential.
- **HER POL 4** To promote the protection and development of the Royal Canal area as an amenity to serve the local population and tourism needs.

Heritage Objective

- HER OBJ 1 To protect the following trees and hedgerow within the town as identified because of their amenity value:

...

5. Mixture of Birch, Cypress, Eucalyptus, Ash, Whitethorn, Sycamore and Beech trees.

5.3. Natural Heritage Designations

The Royal Canal, pNHA (002103) adjoins the south/southeastern boundary of the site. The pNHA designation is partially within the site boundary. The following SACs/SPAs are within 15km of the site:

- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SAC (004232)
- Ballynafagh Lake SAC (001387)
- Ballynafagh Bog SAC (00391)
- The Long Derries, Edenderry SAC (000925)
- Mount Hevey Bog SAC (002342)

5.4. Environmental Impact Assessment

- 5.4.1. The planning authority stated in the planner's report that it is satisfied that there is no requirement for an EIA or sub-threshold EIA in this instance.
- 5.4.2. I note that the site is of a class under Schedule 5, Part 2 of the Planning and Development Act 2000 (as amended), and it is subthreshold given the size of the site and the number of residential units proposed, however, having reviewed the file and the various site sensitivities, the proposed development is in my view of a significant size and nature relative to the existing environment and existing development in Enfield. The site adjoins the Royal Canal (pNHA) and there are unresolved archaeological issues arising on the site. Therefore, on the basis of a Preliminary Examination, I am of the view that a Screening Determination is required given the

significant and realistic doubt as to the likelihood of significant effects on the environment. However, given the substantive reasons for refusal recommended (as set out in the assessment hereunder) in relation to the zoning objectives, design and layout of the scheme, the Board may wish to proceed in its decision without the Schedule 7A information. However, any future application should be accompanied by Schedule 7A information to facilitate a Screening Determination.

6.0 The Appeal

6.1. Grounds of Appeal

Three third party appeals have been lodged by Tesco Ireland Ltd., Rory Hannon/Supervalu, and a joint submission from Ann Holmes, Carmel Kelly and Brendan Little. The grounds of appeal are summarised as follows:

Zoning

- The proposed development is a material contravention of the Meath County Development Plan 2013-2019.
- The development is on lands zoned E2, F1, D1. Supermarket and residential use is not permitted or open for consideration on E2 (employment and enterprise) zoned lands. The multi-storey car park, and residential use is not permitted or open for consideration on D1 (tourism) zoned lands. Residential is not permitted or open for consideration under F1 (open space) zoned lands.
- The only zoning category where residential is permissible on these lands is B1.
- The approach to the development undermines the land use zoning strategy of the development plan, removing certainty for residents, businesses and developers. The applicant and the Planning Authority has no right to re-consider the adopted land use zonings and their acceptable uses to suit the proposed development. The forthcoming review of the development plan is the appropriate avenue to change the current zonings and take a 'plan led' approach to the development.

- The development is partially on lands zoned E1, high technology uses as per the development plan book of maps. However it is identified E2 in the consolidated book of maps. The assessment has been inconsistent in referring to both zonings. The proposal is nonetheless a material contravention of the zoning.
- The proposal is contrary to CER Pol 1. The dominance of retail over the office element of the development limits opportunities for new enterprise and employment, contrary to CER Pol 1.
- The development is premature pending the publication of the Regional Spatial and Economic Strategy for the Eastern Region and subsequent review of the county development plan.
- The proposal constitutes overdevelopment and is inconsistent with the Core Strategy, the existing character and the established pattern of development of the Town.

Retail Impact

- CER Pol 2 and CER Pol 3 relate to the commercial development of the town centre. The proposal is west of the town core, segregated by the railway line and the Royal Canal. It is an out of centre, car dependent location which will have a negative impact on the vitality and viability of the town core. This is contrary to the Retail Planning Guidelines, Development Plan and County Retail Strategy and should be refused.
- The potential for the proposal to negatively impact on the existing retail market in Enfield Town Centre. The need or capacity for the retail element has not been demonstrated. The catchment area is car based. Spare capacity within Enfield town centre has not been considered.
- As outlined in the RPGs, it is not the role of the planning system to inhibit competition or preserve the interests of an individual retailer. The planning authority should however assess any adverse impacts on the vitality and viability of the town centre as a whole. This information was not presented to the planning authority.

- The Board is requested to review if there are more sequentially appropriate sites.

Impact on Amenity

- The proposed c17.5m high multi-storey car park is obtrusive in nature and inconsistent with the established 2 storey typology and will have an overbearing impact on the Royal Canal (pNHA), a vital piece of tourism infrastructure for the town.
- The provision of 6 storey apartments along the canal would be overbearing and this use is contrary to the zoning objective D1 as it does not constitute visitor or tourism use and will undermine the zoning objective adjacent a strategic tourism amenity of the Royal Canal Corridor.
- The proposal is excessive in height and scale, with 8 storeys proposed for the residential element. The evaluation in the development plan of the B1 land where residential is permitted indicated a yield of 30 units, as 15 units per hectare. The proposal for 116 units across the site constitutes overdevelopment. The application would deliver 48% of the core strategy on approx. 11% of the available residential zoned land.
- The lands to the north of the site are more appropriately zoned for development of this scale.

Water and Wastewater

- There is no existing spare capacity within the Enfield Wastewater Treatment Plant. The development is premature due to an existing deficiency in the provision of sewerage supply facilities to serve the proposed development.
- Irish Water recommended refusal on two occasions at original application and Further Information stage. Subsequently and prior to decision being made, Irish Water made a submission on 20th August stating no objection based on proposals for the upgrade of the programme being included in Irish Water's investment plan the scheduling of which they note 'may be subject to change'.
- There is no existing spare capacity within the Enfield Water Supply Scheme. The development is premature.

- Condition 2 of the permission relates to requirement for a written agreement with Irish Water in relation to water and wastewater supply. This is unenforceable as it is vague and imprecise in relation to the scope and extent of works required and is unenforceable as the infrastructure or water supply is not within the control of the applicant to provide.

Environmental Impact

- The AA submitted is inadequate as it does not assess the FI response by the applicant to proposal to a developer led solution such as onsite treatment.
- Water supply and waste water connection and the interim solution related to capacity constraints has not been assessed for its potential impact on the environment.
- The provision of a wastewater treatment/storage tank of 1205 PE with a foul discharge of 1.6l/s adjacent to the Royal Canal (pNHA) contravenes policy HER POL 1 due to potential for negative impacts adjacent to the Royal Canal.
- NH POL 5, OBJ2 and NH OBJ are not complied with as the National Parks and Wildlife Service have not been consulted.

6.2. Applicant Response

The applicant has responded to the grounds of appeal, which is summarised hereunder:

Zoning

- The proposed uses are not a contravention of the zoning objectives. There is leeway to independently review applications against the needs of the settlement, development management standards and policies and objectives. The development plan states that 'Uses not listed under the permissible or open for consideration categories are deemed not to be permissible in principle and such uses will be considered on their individual merits'.
- The development will secure the sites land use zoning objectives in a coherent way, recognising the characteristics of the site.

- E1 Zoning: MCC made their decision on the basis of the site being zoned E1 and it was on the basis of the E1 zoning that the application was lodged. The applicant queried the zoning with MCC who confirmed it was E1, however the online file was subsequently amended to indicate the site was zoned E2. E1 zoning requires a campus style setting, this is not possible given the size of the E1 section of the site. The mix of uses proposed will achieve the core objective of 'high technology' and 'office' uses. It is estimated the development will 289 jobs, with the retailer employer having the potential to employ 104, with 51 high technology and high value added jobs generated by the office and live work space.
- D1 Zoning: The small portion of residential development on the D1 zoning does not undermine the zoning objective or it's attainment.
- F1 Zoning: A large area of this zoning will be retained in lawned and landscaped rear gardens and mainly clear of development in compliance with the zoning objective to be retained for active and passive recreational amenities.
- Open space across the site will compensate for any perceived loss of F1 zoned lands. 16.8% of the site will comprise soft landscaping; 5.6% will be hard landscaped. The areas are well in excess of the 0.5ha F1 zoned lands.
- While there are some crossover of uses across the zonings, the result is a high quality mixed use scheme which does not undermine any of the zonings or prevent their objectives from being achieved.
- The proposal is not contrary to the core strategy and will not result in overdevelopment.

Retail Impact

- A thorough sequential test and retail impact assessment (RIA) has been submitted as part of the RFI response.
- The optimal location for the retail unit is as proposed. The site is within 300-400m of the town core, which is the distance referenced in the Retail Planning Guidelines and is walking distance of the train station.

- Policies CER POL 2 and CER POL 4 apply to the undeveloped B1 zoning, as much as to the existing town centre.
- The proposal is in line with CER POL 3, which seeks to address retail leakage from the town.
- The retail proposals are in line with the policies and objectives of the development plan and the Retail Strategy for the GDA 2010-2016.
- The proposal, as demonstrated in the RIA, will not affect the vitality or viability of the town centre. The proposal will enhance the competitiveness of the retail offer.

Impact on Amenity

- The density proposed maximises the efficient use of land in line with national and local policy. To build at a height of 2 storeys would not be sustainable. 3-storeys at the road edge and 8 storeys at southern edge respects the existing built form in the town.
- In terms of height, the apartments are at the lowest part of the site and will not undermine the canal. They will also be hidden by existing vegetation.
- The car park is wrapped on all sides by other development and its own design has been carefully considered so that it does not look like a traditional car park.

Water and Wastewater

- The applicant met with Irish Water during August 2018. Matters in terms of water supply had progressed with Irish Water securing a new borehole supply. In terms of wastewater, Irish Water noted the applicants timeframe for development, which outlines realistic timeframes in terms of the planning application process, planning compliance process, tender process, and appointment of contractors, with enabling works on-site not commencing before April 2020. Irish Water now has on its capital investment plans proposals in relation to Enfield Wastewater Treatment Plant. The proposal should not be considered premature.

6.3. **Planning Authority Response**

No further comment.

6.4. **Observations**

None.

6.5. **Further Responses**

A further response was received from Tesco Ltd which is summarised as follows:

- Certain elements of the development do not align with the Meath County Development Plan 2013-2019.
- ABP is requested to carefully review the following matters:
 - Whether the proposal is a material contravention given a number of uses proposed are not permitted within the zonings.
 - Potential impact of the proposal on the existing retail market in Enfield given the scale of retail development proposed.
 - Potential for the development to impact on the capacity of the local wastewater treatment plant and water supply scheme.
- A supermarket is proposed on high technology zoned lands; a multi-storey car park is proposed on lands for tourism.
- A rezoning of this land would be required to align the development to the zoning objectives.

7.0 **Assessment**

I consider that the relevant issues in determining the current appeal before the Board are as follows:

- Principle of Development and Compliance with Zoning
- Density, Layout & Design
- Sequential Approach and Retail Impact

- Archaeology
- Car Parking
- Water Services
- Other Matters
- Appropriate Assessment

7.1. Principle of Development and Compliance with Zoning

7.1.1. The subject site is influenced by four zoning objectives:

E2 General Enterprise & Employment - To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment / enterprise uses in a good quality physical environment.

B1 Commercial / Town or Village Centre - To protect, provide for and / or improve town and village centre facilities and uses.

D1 Tourism - To provide for appropriate and sustainable visitor and tourist facilities and associated uses.

F1 Open Space - To provide for and improve open spaces for active and passive recreational amenities.

7.1.2. The third parties contend that the proposed development materially contravenes the zoning objectives for the site, specifically the location of the supermarket on E2 (general enterprise and employment) zoned land; proposed petrol station on F1 (open space) zoned land; proposed residential use on F1 (open space) zoned lands; proposed residential use on D1 (tourism) zoned lands. It is stated that the uses proposed in each category are uses which are not listed as permissible or open for consideration.

7.1.3. The applicant contends that while not all uses are permissible within the various zonings, they can be considered on their merits and that the result is a high quality mixed use scheme, as envisaged by the development plan, which does not undermine any of the zonings or prevent their objectives from being achieved.

- 7.1.4. Section 2.9.5 of the development plan states ‘Uses other than the primary use for which an area is zoned may be permitted provided they are not in conflict with the primary use zoning objective’. This section set out permissible and non-permissible uses for each zoning objective. The plan states ‘Uses not listed under the permissible or open for consideration categories are deemed not to be permissible in principle and such uses will be considered on their individual merits’.
- 7.1.5. The location of the various elements of the development with an overlaid map of the zoning objectives is shown on Figure 15, page 28, of the document accompanying the application ‘Planning Application Report in Support of A Planning Application For A Mixed-Use Development’ by Future Analytics.

E2 Zoning – Block 1 (Mixed Use Building) and Block 4 (Petrol Station)

- 7.1.6. The development plan states that E2 lands constitute an important land bank for employment use which must be protected. The primary use zoning objective for E2 seeks ‘To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment / enterprise uses in a good quality physical environment’.
- 7.1.7. I note the first planners report (18/01/18) referred to the zoning on the site as E2, however a subsequent report (15/08/18) following the issuing of Further Information, which was written by a different planner, states the zoning is E1 and assesses it as such, indicating that a convenience outlet is permitted on E1 as are offices and indicating the proposal is acceptable from a use perspective. As noted by the third party, the scale of the retail unit proposed does not come within the definition of a convenience unit, as defined in the development plan, but a supermarket, and a supermarket is not permitted within E1. I note the decision of the planning authority was on the basis of the site being zoned E1.
- 7.1.8. The applicant states that upon submission of the application, the consolidated book of maps accompanying the Meath County Development Plan 2013-2019 indicated the lands were zoned E1 and it was on this basis that the application was submitted. E1 is suitable for high density employment generating activities with associated commercial development. The applicant states the development plan website was subsequently changed and the maps now read the site is zoned E2. Either way it is contended the site supports employment through the supermarket and 1,112 sqm of

office space, in addition to the five live work units proposed and other ancillary services.

- 7.1.9. The Meath County Council website under the heading Adopted Plan there are two documents, the Meath County Development Plan 2013-2019 Consolidated Version Written Statement December 2016 and the Book of Consolidated Maps December 2016. These consolidated maps, indicate the land is zoned E2. I note a secondary tab on the side of the page identifies 'Recent Posts', which includes a link to the consolidated maps dated January 24 2017 and under this link the lands are in the legend identified as being zoned E1, however the colour is as per the E2 colour and not the E1 colour. I have reviewed the maps dated 2014 published as part of variation 2 and the zoning then was E2. It would appear a mapping error has occurred on one set of interim maps, but that the correct zoning is E2 and it is on the basis of the E2 zoning that I have based my assessment.
- 7.1.10. Block 1 (three storeys), provides for a supermarket at ground level; at first floor level are eight offices, four apartments and a crèche (part of which is within the D1 and B1 zones); and at second floor level four apartments and a wellness centre (part of which is within the D1 and B1 zones). Attached to the supermarket block, facing northwest onto the entrance street is a three storey block comprising live-work units (partially within B1), the ground level of which is identified as the work unit element with apartment over.
- 7.1.11. A supermarket and residential uses are not listed as permissible or open for consideration categories within E2, therefore they are not permissible in principle. Childcare, offices, and leisure facilities are open for consideration. In my view the offices, residential and leisure elements are ancillary to the retail element in this development with the ground level retail unit being an anchor unit to this building. While the retail unit will generate some employment, it is a retail service. I note that the supermarket and residential uses are permissible in the adjoining B1 zoning objective, where, the development plan states, it is intended to accommodate the majority of new commercial and retail uses in towns and villages. I further note the scale of undeveloped B1 zoned lands on the opposite side of the Dublin Road to this site. The development plan acknowledges that, for Enfield, growth should not be solely on the basis of housing/outward commuting which is what has happened heretofore. It is recognised that it is important to create a balanced community with

local employment. The zoning intends for E2 to be primarily for enterprise and employment and I consider the provision of a supermarket, with apartments to be in conflict with the primary use zoning objective and is not in accordance with policy **CER POL 1** To support the development of the lands identified for E2 “General Enterprise and Employment” land use zoning objective for employment creation purposes.

- 7.1.12. The petrol station is located partially on E2, B1 and F1 zoned lands. The petrol station is open for consideration in E2 and B1 and is not listed for F1 lands, therefore it is not permissible in principle. While the overall location adjoining the road close to the roundabout with the R148 in zonings E2 and B1 is considered acceptable in principle, the construction of a large section of the service building and car parking on the F1 (open space) zoning is in conflict with the primary use zoning objective and is my view a material contravention of the F1 zoning objective, as discussed hereunder.

F1 Zoning – Petrol Station, Blocks C-E (duplex housing and apartments) and Block I (apartments)

- 7.1.13. The F1 zoning is located along the western boundary of the site adjoining the existing embankment to the R148 by-pass and links into the F1 zoned lands along the south/southeastern boundary, adjoining the Royal Canal amenity area, forming part of a green infrastructure network linked to the Royal Canal pNHA. The F1 zoned lands at the south/southeastern edge adjoin the D1 (tourism) zoned lands.
- 7.1.14. The development proposes to construct part of the petrol station, duplex house/apartments, the entire apartment Block I and part of apartment Block H on the F1 zoned lands. This in my view materially contravenes zoning objective F1 and is contrary to policies **NH POL 2** ‘To promote measures to protect biodiversity in the development management process by creating and improving habitats, where possible’; and also policy **HER POL 2** ‘To have regard to the bio-diversity value of existing trees and hedgerows in areas that are liable to be developed’. I do not accept the applicant’s assertion that compensatory open space is provided elsewhere on the site and that retaining part of the open space as gardens complies with the zoning objective. The section along the western boundary is residential in use and will include fences and in the future structures associated with rear gardens

such as garden sheds, patios, etc., all of which are unsupportive of the F1 zoning objective. The open space requirements for the site to meet the needs of the residential proposals is separate to the F1 zoning objective. The layout as proposed in my view detracts from the existing context of the site, does not support green infrastructure or maximise upon linkages to the Greenway route along the Royal Canal in support of zoning objective D1, and is overall a material contravention of the F1 zoning objective.

D1 Tourism – Blocks 1 (retail units and bar/restaurant), Block 2 (hotel and parking), Parking associated with Block A (housing), wastewater pumping station, and Block H (apartments)

- 7.1.15. D1 applies to the northeast/eastern/southeastern boundary of the site, alongside the F1 zoning and the Royal Canal.
- 7.1.16. In accordance with the zoning table, hotel is a permitted use, as is a restaurant/café. Public house is open for consideration. I consider the principle of these elements of the development to be acceptable and supportive of zoning objective D1.
- 7.1.17. Part of the footprint of the dwellings in Block A and a section of apartment Block H, with their associated parking arrangements are located on the D1 zoned lands. While parking and residential uses are not the primary use on the D1 zoned landbank, given the position of these land uses along the entire southeastern section of the D1 zoning, I consider the provision of these elements would be in conflict with the primary land use zoning objective of D1, 'To provide for appropriate and sustainable visitor and tourist facilities and associated uses'.
- 7.1.18. I note a wastewater pumping station is proposed as part of this development alongside the tree-lined canal walk on the D1 zoning. Water services/public services are permitted uses in D1 and it is therefore acceptable in principle, albeit I note its location is not justified or discussed within the application and it is located in a highly visible part of the site on public open space directly opposite housing Block A, adjoining a pNHA designation and amenity space associated with the Royal Canal. The overall layout of the scheme is discussed further hereunder.

Conclusion

- 7.1.19. The subject site is located west of the existing main street, with this land zoned B1 (town centre) alongside smaller areas of D1, E2, and F1 zonings. The site's location

alongside the primary tourist attraction in the town, the Royal Canal walkway, which will form part of the Dublin-Galway Greenway route, is a key asset adjoining the site which it is proposed to link into and is the stated rationale in the development plan for the provision of the D1 zoning at this location. While the lands proposed are in an appropriate and strategic location to support the growth of Enfield, the overall development is not in accordance with the zoning objectives for the land, with the overall mix proposed supporting town centre (B1) expansion to the detriment of the public open space, tourism and enterprise/employment generating zonings on the site. Overall, I consider the development as proposed materially contravenes the F1, D1 and E2 zoning objectives and I am of the view that permission should be refused on this basis.

7.2. Density, Layout & Design

- 7.2.1. The development proposed is mixed use in nature, with the retail/commercial element located on the northern and central part of the site fronting onto the Dublin Road and the residential element located toward the southern end of the site. Building heights range from two to eight storeys, with the tallest buildings being the two apartment blocks located on the south/southwest corner of the site, where the topography is at its lowest level.
- 7.2.2. Having reviewed the various elements of the design relative to the zoning objectives and qualitative standards, I consider the proposed development is significant in scale for the size of the site. This is evident in the approach taken to build duplex houses, apartments, and a petrol station on F1 (open space) zoned land; the extension of the uses permitted in the B1 (town centre) zoning objective into the three other zoning objectives on the site (D1, B2 and F1); the proximity of the hotel and apartment Block H to trees identified on the zoning map for preservation; the high level of surface parking required to serve the site which impedes pedestrian permeability and detracts from the public realm and amenity areas; and the scale of the multi-storey car park relative to other elements of the development and its proximity to the façade of the nursing home. The proposal in my view constitutes overdevelopment of a restricted site size. The issues of density, layout, design, pedestrian movement, and public open space are examined further in the assessment hereunder.

Density

- 7.2.3. The document Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DECLG 2009) provides guidance in relation to density in Small Towns and Villages (Chapter 6). In respect of centrally located sites, Section 6.10 states that there can be a marked variation in the development context which affects the density of development and that the emphasis should be on achieving good quality development that reinforces the existing urban form, makes effective use of centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets.
- 7.2.4. The grounds of appeal contends the development constitutes overdevelopment, is inconsistent with the core strategy and is contrary to the existing character and pattern of development in the area.
- 7.2.5. The applicant contends the scale and density is justified against national and local policy to make the most efficient use of land, is consistent with the core strategy and will not result in overdevelopment.
- 7.2.6. Residential density is stated to be 33 units per hectare, on the basis of the entire site area of 4.2ha and 140 residential units. If the 12 assisted living units are included, this brings the density to 36 units per hectare. The applicant states that based on the residential part of the site only, i.e. blocks A-F and Blocks H-I, the density is 72 units per hectare. In terms of residential density, given the sites strategic position at the edge of the existing town identified for expansion and in proximity to a train station, with a high quality road connection to the M4 motorway, I accept the principle of a higher density for the residential component of the development, however, this is subject to an assessment of other qualitative standards relating to the layout and design, including in this instance the incorporation of features important to the heritage and character of the town into the development, which is examined in more detail hereunder.

Layout and Design

- 7.2.7. Important in the development of a town is the integration/connectivity between the existing town centre and any expansion areas. This site is located at the western end of the town, with this site and the site opposite providing for a mix of zonings, including town centre. The zoned lands are within 300m of the existing town centre and adjoining the main open space/amenity area in the town. I consider this town

centre expansion area to be strategically located, within 300m of the existing main street, adjoining the main open space/amenity area in the town, in close proximity to the train station, and with good access to the R148 and M4 road network.

- 7.2.8. I consider the commercial buildings proposed adjoining the Dublin Road/main street edge are positive in providing a built edge and street level activity to this new development area (provided that the internal arrangements of the ground level units front the street), with additional cycle and pedestrian connectivity back to the existing main street. The location of the pedestrian only entrance/'public plaza' at the closest point to the existing main street will support pedestrian connectivity between the existing main street, the Royal Canal, the train station, and this expanded town centre area.
- 7.2.9. The proposed development provides for two accesses from the frontage with the Dublin Road, in addition to a pedestrian access. The two vehicular accesses are connected within the site along the rear of the supermarket building. The vehicular access to the northwest end of the site will serve mainly the petrol station, the majority of the houses and the apartments, with access also to the multi-storey car park building and the nursing home. The northeastern access will serve primarily the hotel, the supermarket/mixed use building, seven of the houses and also provide access to the multi-storey car park and nursing home.
- 7.2.10. The layout of the scheme is in my view unsatisfactory as one moves into the site, with the decision to provide for homezones/shared surfaces across large sections of the two main streets unsuccessful in my view in creating a pedestrian-friendly environment (see SS1 and HZ1, dwg no 1001.RFI.3010). As highlighted in the document Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, home zones are generally only used for developments of 25-50 dwellings, depending on whether one or two access points are proposed. The western most street serves 114 dwellings. The development is high density with a high level of traffic anticipated along the main access streets. There are a lack of designated pedestrian paths and connections between paths. Surface parking for the houses is on street and parking for the apartments is located around the blocks, with 88 spaces for the residential component located in the multi-storey car park. The dwellings to the west of the site are three storey in form, directly front onto the street, and are served by an external stair case. The design provides for no privacy strip to

the front of the dwellings and the footpath network is poor given the positioning of the stairwells, with no direct and continuous pedestrian path and pedestrians/mobility impaired required to move in and out around stairwells or alternatively use the public street for movement, which given the level of development and positioning of car parking spaces will be well trafficked and would in my view give rise to a conflict and traffic hazard (see dwg no 1001/RF1/3012).

- 7.2.11. Similarly the eastern most vehicular access point to the site does not provide for a pedestrian path along both sides of the street, with the path on the eastern side short with the parking spaces associated with the hotel built out to and forming the street edge, with no provision for pedestrians. Parking dominates this street into the scheme. While it is stated that the parking associated with the hotel can be converted into a market area, their everyday use is for parking and the lack of pedestrian connectivity arising from their positioning is in my view problematic. I note the transportation report issued by the council's engineer considers the provision for a home zone along the entrance to the hotel and retail area to be unsuitable.
- 7.2.12. The position of surface parking around the edges of the public open space, with no boundary identified, would also potentially result in a traffic hazard, particularly for children using the space.
- 7.2.13. I consider the east-west streetscape between Block 1 and the multi-storey car park to be poor in terms of passive surveillance at street level. The car park is located in the centre of the scheme at a visible location, and given its nature will result in a poor streetscape presence/natural surveillance, particularly given the opposing elevation to the supermarket.
- 7.2.14. Furthermore I note the design of the apartment Block 6l is t-shaped, with the building comprising a 16m rectangular section with no accommodation at ground level and accommodation over five floors above the ground level. No use is proposed at ground level. One entrance to the building is from under this undercroft area, with the bin storage beside the door and in front of a window to an ensuite in one of the apartments. Five parking spaces are located under two edges of the undercroft area, with parking also close to the ground level apartment on the eastern façade. The overall parking arrangement detracts from the apartments, with potential for vehicular-pedestrian conflict in the undercroft area.

- 7.2.15. Apartment Block 6H (21 units; 6 storeys) is positioned along the southern boundary and is within 2m of the boundary with the adjoining lands, abutting trees identified for preservation on the zoning map. No assessment of the impact of the proposed development on the south/southeastern tree line has been submitted and no indication has been given as to what tree protection measures would be required to ensure the retention of these trees. The implications of the location and construction of the buildings themselves, in terms of potential impact on the trees, has not in my view been adequately assessed and is required given their value to the Royal Canal amenity area/greenway route and to the biodiversity of the area. Furthermore the corner of the building is built on F1 zoned land and removes the potential for a green connection and pedestrian desire line along this boundary, where connections into the adjoining Royal Canal lands are proposed.
- 7.2.16. The Further Information request resulted in additional parking (spaces 40-48) being provided in the open space area adjoining Block 6H, along the boundaries of the dwellings proposed. The level of surface parking required to serve the apartments in this and the adjoining blocks detracts from the overall amenity of the scheme for future residents. Given links are proposed from the scheme to the adjoining canal walk/picnic area, I consider the interaction of the scheme to the existing tree lined boundary of the adjoining site to be poor with the overall lack of new landscaping proposed along this south/southeastern boundary detracting from the amenity of the neighbouring lands, which when considered in the context of the poor pedestrian linkages within the scheme, is overall unsupportive of this high quality amenity and tourist asset.
- 7.2.17. Overall the scale of the development proposed results in an overdevelopment of this site, with the level of surface parking and lack of incorporation of the F1 lands into the scheme resulting in a poor public realm, pedestrian environment and negative impact on the natural environment.

Height Strategy

- 7.2.18. The grounds of appeal contends the proposed development will be visually obtrusive, particularly the apartment blocks and the multi-storey car park. The transition in height to three storey along the street edge will detract from the character of the existing main street.

- 7.2.19. The applicant contends the height strategy works with the topography of the site, the multi-storey car park is of a high quality alternative design and the proposal is separated sufficiently from the main street so as not to detract from it in terms of its height.
- 7.2.20. The streetscape edge with the Dublin Road is three storeys, to a height of approx. 13m. Given the location of Block 1 close to but not adjoining the existing main street (approx. 250m from the site), I consider the step up in height at the street edge can be accommodated without detriment to the character of the existing main street.
- 7.2.21. The petrol station, which is on prominent corner at the existing roundabout into the town from the motorway, has a height of 17m, with the additional antennae on top increasing the height to 25.4m. I consider the upper elements of this tower to be excessive in scale and am of the view that an upper height in line with the height of the services building would be more appropriate.
- 7.2.22. The height of the multi-storey car park is 15m-17.5m. I consider the location and scale of the car park to be excessive relative to the buildings around it, namely Block A fronting the Dublin Road and the neighbouring nursing home (13.4m, with central core projections of 17.3m) and assisted living units (13.4m).
- 7.2.23. The duplex units proposed are three storey in height and the two apartment blocks are six and eight storeys, with the highest block positioned on the lowest point of the site, adjoining an existing embankment with the road at a higher level where it crosses the road and the river. While the applicant argues the scale of the apartments are appropriate given the site levels and context at this point, I consider their proximity to the boundaries will result in them appearing overly dominant and excessive in scale, impacting negatively on existing landscaped boundaries and open space zoned lands. Furthermore, the southwestern apartment Block 6I (34 units; 8 storeys) is located adjoining the highest part of the embankment with the R148. It is not clear from the cross section how high the embankment is, however, it would appear to be as high as the third storey of this apartment block. Given the distance of the block to the embankment (1m to 5.5m), I have serious reservations in relation to the impact of its location on the outlook and daylight/overshadowing of the apartments at the lower levels of this building, and note its location is contrary to zoning objective F1.

7.2.24. The height of the hotel is in my view acceptable, however, its proximity to the canal is problematic in terms of existing trees to be reserved. This is discussed further hereunder.

Apartment Guidelines

7.2.25. 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. The schedules are consistent with the drawings.

7.2.26. The Board is advised that the proposed development would in general comply with the provisions of the guidelines, including its specific policy requirements.

Royal Canal

7.2.27. The development plan indicates the Royal Canal and the associated Leisure Activity Area is the primary open space in Enfield. It is part of an attractive boating network and a long distance walking route. An area beside the Park has been zoned (west of the canal and south of the R148) D1, 'To provide for visitor and tourist accommodation and leisure facilities'. It is stated in the plan it is envisaged that the D1 zoned area would be developed for accommodation, boating, or such other uses as will be necessary for the long term development of the Royal Canal as a linear amenity corridor.

7.2.28. The grounds of appeal contends the proposed hotel and apartment blocks will have an overbearing impact on the Royal Canal (pNHA) which is a vital piece of tourism infrastructure for the town, while the applicant considers the proposal will support that amenity and tourism value.

7.2.29. The provision of a hotel fronting onto the Royal Canal amenity area is welcomed as it has the potential to contribute positively to the tourism and amenity value of the Royal Canal, as envisaged by the zoning objective. However, the zoning map includes an objective to retain trees along the boundary with the canal. No tree survey or impact assessment has been submitted with the application. The building is proposed within 1m at one point of the trees to be retained, therefore I have concerns in relation to the overall positioning of the building on the site.

- 7.2.30. Adjoining the southern end of the hotel and serving the hotel is a deliveries access road, store/bin storage/esb building for the hotel, and parking spaces for housing. A wastewater pumping station serving the site and wider area is also proposed. The positioning of these elements on this eastern/southeastern boundary of the site, omits the potential for the enhancement of the green nature of this boundary and creation of a linked green infrastructure network of biodiversity and amenity value, supportive of the Royal Canal and the D1 and F1 zoning objectives.
- 7.2.31. Overall the proposed development has not incorporated the distinctive features of this site and historic character of the town as it relates to the Royal Canal into the layout and design of the spaces. The layout is contrary to policy **CER POL 5** 'To support proposals to further develop and strengthen the tourism potential of Enfield building on the proposed long distance Royal Canal Greenway from Dublin to Galway and strive to make Enfield a key destination along this route' and is contrary to policy **HER POL 4** 'To promote the protection and development of the Royal Canal area as an amenity to serve the local population and tourism needs'.

Public Open Space

- 7.2.32. The applicant on drawing 1001.RFI.3010 has provided a breakdown of public open space provided for within the scheme. This is broken down into hard surfaced areas (homezone/shared surfaces) and soft landscaping.
- 7.2.33. I do not consider the homezone/shared surface areas as public open space for the purposes of complying with public open space requirements to serve the residential component of the development. Furthermore the inclusion of car parking spaces and public footpaths is also inappropriate within the soft landscaping open space calculations. Overall, the location of parking spaces within the edges of all the public open space areas is in my view a poor design approach and the overall impact of streets, turning heads, and the layout of the blocks relative to each other further impacts on the quality and safety of the proposed spaces. I consider further hereunder the quantity and quality of the soft landscaping spaces identified by the applicant on dwg no. 1001.RFI.3010.
- 7.2.34. The applicant indicates a soft landscaped area called S1 alongside the hotel is part of the open space network. From the layout plan, this space is connected into the pedestrian plaza area and connects across to the Royal Canal amenity area,

however it is not linked into the rest of the scheme being blocked at the southern end of the hotel building by the deliveries access road and bin storage area.

- 7.2.35. The area identified as S2 is proximate the residential units in terraced block A. This open space area comprises the bin storage area related to the hotel, 3 unassigned parking spaces, cul-de-sac road and parking associated with Block A, and the proposed wastewater pumping station. These elements have been included as part of the open space area calculation. I calculate the functional area of this S2 open space is approx. 520sqm and not 1168sqm as indicated. Furthermore I consider the location and design of this public open space to be poor, with the location of the pumping station in front of Block A instead of closer to the hotel building detracting from the usability, passive surveillance and amenity value of this space.
- 7.2.36. The area identified as S3 is located proximate to apartment Block H and is stated to have an area of 1809sqm. A large section of this is proposed to be planted to enhance vegetation in this area, with the remainder of the area accommodating parking, however the proximity of Block H 2m from the boundary omits the provision of an amenity corridor in accordance with the F1 zoning objective and would potentially impact on the landscaped boundary proposed/to be retained.
- 7.2.37. The area S4 relates to the apartment Block I and is stated to be 1049sqm in area. There are elements of open space included in the calculations which are no more than strips around the building and are not functional as active open space, with the positioning of car parking, bicycle parking and the layout of the blocks detracting from their amenity value. Furthermore the location of this block is on F1 zoned lands.
- 7.2.38. The largest area of usable, functional public open space is S5, which is an L shaped area located adjoining the nursing home and between blocks B and C-E. This space is deemed to be 3145sqm in area and has a total of 52 parking spaces incorporated along two of its edges. A playground is proposed against the boundary wall of the end of terrace units in Block A and opposite the nursing home. The location of the playground against the boundary of the residential units would give rise to significant noise for future residents. I consider the dominance of car parking in this area will detract from the amenity value and safety of this public open space.
- 7.2.39. I consider, overall, the lack of a connected green pedestrian route with landscaping along the entire boundary with the Royal Canal a missed opportunity in terms of

recreational and passive amenity value for future residents and existing residents of Enfield. The design and layout does not reflect the important amenity and biodiversity context of this site; is not supportive of the D1 and F1 zoning objectives; and is contrary to policies **CSA SP 2** and **HER POL 2**. The quantity of public open space presented is in my view inaccurate and the overall contribution of the public open space in terms of amenity and biodiversity value given its layout, design, and connectivity is contrary to principles within the document Sustainable Residential Development in Urban Areas.

Conclusion

7.2.40. In terms of the overall layout, design, movement strategy, response to context and zoning objectives, I am of the view that the proposed development constitutes overdevelopment of the site area and is contrary to guidance contained within the document Sustainable Residential Development in Urban Areas and the Design Manual for Urban Roads and Street.

7.3. Sequential Approach and Retail Impact

7.3.1. The grounds of appeal consider the proposal will detract from vitality and viability of the retail core of Enfield, the proposal is contrary to policies CER Pol 2 and CER Pol 3, the Retail Planning Guidelines and the County Retail Strategy. A sequential approach to retail development has not been applied.

7.3.2. The applicant contends the Retail Impact Assessment (RIA) demonstrates Enfield has the capacity to cater for the proposed supermarket development and its vitality and viability will not be adversely affected. The site is within 300-400m of the town core, which is the distance referenced in the Retail Planning Guidelines and is within walking distance of the train station. It is also stated that policies CER POL 2 and CER POL 4 apply to the undeveloped B1 zoning, as much as to the existing town centre.

7.3.3. Enfield has a population of 2929 (2011 Census) and is identified in the Meath County Development Plan 2013-2019 as a Level 3 Centre in the retail hierarchy. Level 3 Centres are described as incorporating a range of convenience and comparison retail facilities adequate to serve the everyday needs of the catchment population. I note that the main street in Enfield comprises a mix of small scale retail/service

functions within the centre of the Main Street, with the larger scale retailers of supervalu and tesco express located at the eastern end of the town on larger/amalgamated sites.

- 7.3.4. A Retail Impact Assessment (RIA) was submitted following a further information request. It is stated that a primary convenience retail unit of 1904sqm is proposed, of which 1525sqm is trading floor area. It is stated this retail unit will act as an anchor to support and attract other businesses. 2 smaller independent retail units of 104sqm and 89sqm are proposed fronting the Dublin Road and the retail space within the petrol filling space is stated to be approx. 100sqm, out of a total gross floor area of 898sqm which will provide for 'fuel sales and dining options' in the building.
- 7.3.5. The retail impact assessment focuses on the primary convenience retail unit proposed in Block 1. A retail catchment area is applied to Enfield, which includes 37 census small areas, with a total of 3881 households. It is stated that the provision of 1525sqm of retail space will bring the convenience retail floor area in the Enfield RCA to 4354sqm approx. It is stated that the scale of the proposed retail unit will not be to the material detriment of the other retail centres based on estimated turnover.
- 7.3.6. A sequential test has been applied, with 9 sites assessed in terms of suitability, availability and viability, as per the Retail Planning Guidelines, 2012.
- 7.3.7. There is a vacancy rate of 13.5% on the main street, which is on a par with national vacancy rates. There are 7 vacant sites, 4 of which appear to be in very poor condition. There are 7 take away businesses (13%) and 2 café/restaurants (4%). The two main convenience retail units are supervalu and tesco express located on the eastern end of Main Street.
- 7.3.8. Aside from the issues relating to the E2 zoning objective where the retail unit is proposed and which in my view constitutes a material contravention of the zoning objective, I am satisfied that the planned extension of Enfield Main Street to the western side of the town is appropriate and that a retail unit of the scale of 1500sqm can be accommodated within 300m of the existing town core, in support of **CER POL3** 'To address the leakage of retail expenditure from the town and its catchment by facilitating the strengthening of the range and quality of its retail offer to allow Enfield to meet its local shopping needs'.

7.3.9. I have concerns in relation to the scale of the petrol station proposed. The Board may consider this a new issue. A lack of information has been submitted in relation to the 'dining options' which appear to be significant in scale given the overall floor area of the building of 898sqm. The scale of the facilities appear to on a par with motorway petrol stations and services areas. I consider the provision of additional eateries/takeway/restaurant facilities at this location, proximity to the settlement centre of Enfield and at the edge of this B1 zoned land, inappropriate and contrary to local retail policy **CER POL 2** 'To consolidate the central area of the town for commercial uses'. Having regard to the existing food services within the main street, vacancy rate of 13.5%, and the fact that such services do not need as large a footprint as a retail multiple, I consider the provision of take-away/restaurant elements as part of the petrol station, which is at the western edge of this development site, would detract from services within the village core and those proposed in the café/bistro proposal on the eastern end of this site and would furthermore attract trips from the town centre/off the motorway for purposes other than the petrol station use and to the detriment of the town centre.

7.4. **Archaeology**

- 7.4.1. A report from the Department of Culture, Heritage and the Gaeltacht requested a geophysical survey and test trenching be undertaken. The site is located in the vicinity of a large ringfort of archaeological interest which is on the RMP and google earth imagery indicated there is a potential archaeological site within the footprint of the proposed development.
- 7.4.2. At further information stage an Archaeological Impact Assessment (AIA) was submitted however it was stated there was no time to undertake test trenching. The assessment states that there are no known archaeological features within the appeal site, however it is noted that a field inspection revealed that the possible subsurface enclosure visible on google maps is located on a southeast facing slope overlooking the surrounding landscape, which is a position that archaeological sites such as settlement sites favour. Potential cropmarks were also visible on some google map editions. It is stated that well in advance of the commencement of the development (should a permission be granted) that a detailed geophysical survey is to be carried out under licence to the Department of Culture, Heritage and the Gaeltacht.

Depending on the results, test trenching may be required to confirm the nature of any geophysical anomalies and that archaeological features should be excavated in advance of the development works.

- 7.4.3. The Department reported on 7th August 2018, following a review of the AIA submitted, that the desk based study was insufficient and recommended that given the nature and scale of the potential archaeological find indicated, and given this potential find occupies a significant portion of the footprint of the development site, a geophysical survey and test excavation be carried out in advance of any grant of permission.
- 7.4.4. Having considered the AIA, I am in agreement with the Department's finding that further investigation is required. The potential archaeology is located centrally within the land with potential to significantly alter any proposed development depending on the significance of the find being established and a determination by the department as to whether conservation in situ or excavation is the best solution. I do not consider that the attachment of a condition to a grant of permission would satisfactorily address this issue in this instance.

7.5. Car Parking

- 7.5.1. A total of 602 car parking spaces are proposed, of which 305 spaces are located in the 5-storey multi-storey car park and 297 spaces are spread across the site at surface layout, on street. The transportation report issued by the council's engineer states that following the receipt of further information in relation to parking that 277 car parking spaces have been provided for the residential use, including 88 within the multi-storey car park. Parking in line with the county development plan has not been met and it is recommended that if additional parking cannot be provided then a reduction in the size of the development should be considered. The applicant in the further information response states a parking accumulation study was undertaken which indicated a maximum parking demand of 351 spaces and the proposal for 602 is more than adequate to serve development needs.
- 7.5.2. The level of parking required to meet the needs of this mixed use development as set out by the development plan is significant, which is notable in the implications of this in the design and layout of the scheme. No parking for the mixed use building

Block 1 is provided in the form of underground or undercroft parking. Spaces for the apartment units in Block 1 are remote from the units themselves. The lack of in-curtilage parking for any of the commercial elements of the development has resulted in the requirement for a significantly scaled multi-storey car park in the centre of the scheme, which would in terms of design dominate visually the scheme given its scale and streetscape presence. There is no dedicated parking identified for the crèche or a specific set down/turning area provided for. Parking for all the residential units is at surface level across the scheme, with some parking spaces remote/not overlooked from the units they serve.

- 7.5.3. The drawings were amended by way of further information to address cycle parking. As can be seen on drawing 1001/RFI/3017, the cycle parking is problematic in certain locations, particularly with regard to Block D, where the spaces and bins proposed would be up against ground level windows in the units and would block side accesses to the gardens. The manner in which cycle parking and bins have been integrated into the residential element would result in a negative impact on the public realm and the lack of cycle parking proximate to the retail units, supermarket and proposed public plaza is questionable.
- 7.5.4. Overall, I am of the view that given the scale of development proposed on this 4 hectare site, the movement strategy results in a car dominant environment, with resultant hazardous arrangements for pedestrians/ cyclists and the mobility impaired, would result in a poor quality public realm and is overall contrary to the principles of the Design Manual for Urban Roads and Streets.

7.6. Water Services

- 7.6.1. The storm water is to discharge via 3 soakaways with stormtech units which will naturally percolate to the ground and which have been designed in accordance with BRE digest 365. Additional SUDS measures are proposed in terms of petrol interceptors to each of the 3 soakaways and water butts.
- 7.6.2. The foul sewerage from the site will drain by gravity to a new foul sewerage pumping station located along the southeastern boundary of the site. A foul rising main will connect into the existing R159/Dublin Road pumping station. This pumping station is substandard and is proposed to be removed. It is therefore proposed that a spur will

be put in place at the northeast of the subject site to take the gravity flow from the R159/Dublin Road pumping station and to cater for those flows within the proposed new pumping station on the subject site, which will be suitably sized. The rising main from the site will connect into the R159/Dublin Road rising main which will allow that pumping station to be removed. A foul catchment map indicates the pumping station is to cater for the subject lands, undeveloped zone lands on the north side of the Dublin Road and additional E2 zoned undeveloped lands to the northeast of the subject site. The pumping station for these lands appears to be intended to replace an existing pumping station and cater for a much wider catchment of development lands. I note no analysis has been submitted in relation to why this site has been chosen over other potential sites and whether other less obtrusive locations along the green linear corridor with the Royal Canal would be possible.

- 7.6.3. A new connection to the existing 150mm diameter watermain located to the north of the subject site on the Dublin Road is proposed to provide for potable water for the development.
- 7.6.4. The first report from Irish Water (IW), received 3rd August 2018, recommended refusal on basis of inadequate spare capacity in the Enfield Water Supply Scheme with no capital investment plan to undertake expansion works to facilitate the development and no date for the realisation of same; refusal was also recommended on basis of no capacity in the Enfield Wastewater Treatment Plant and insufficient data submitted on an interim solution of an onsite treatment plant proposed by the developer.
- 7.6.5. The second report from Irish Water, received 20th August 2018, following consultation with the applicant about the proposed timescale for development, advised of no objection as Irish Water has a groundwater advance works review project on its Capital Investment Plan to be completed by end quarter 2018. The outcome of this will determine the capital works required to serve the water supply zone up to 2033. Details of an additional groundwater source (borehole) have been submitted to Irish Water (not on the applicant's site) which indicates sufficient potential yield subject to additional treatment to serve the development. The delivery of the works is dependent on supply and demand. Should the developer wish to have such upgrade works progress, IW states that they will require a contribution of a relevant portion of the costs. A connection would be facilitated after completion of

the capital works. With regard to wastewater, Irish Water currently has a project on its current investment plan which will provide for the necessary upgrade and capacity at the Enfield Wastewater Treatment Plant, with the project scheduled to be completed by 2020/2021. If the applicant requires an interim solution this would have to be developer led such as onsite treatment which would discharge treated effluent to the foul water drainage network.

- 7.6.6. While there is currently no capacity, as noted above, the infrastructure upgrades required are stated to be on Irish Waters current Capital Investment Plan, therefore I am of the view that the issues are is likely to be addressed within a reasonable timeframe and could be addressed by way of condition with no development to be commenced prior to a connection agreement being entered into with Irish Water. In the event that a connection agreement on either water or wastewater is not forthcoming, the developer cannot proceed with the development. In the interests of clarity, while it is not proposed, I do not consider an onsite treatment plant to be a sustainable or acceptable solution.

7.7. Other Matters

Contribution Condition 37

- 7.7.1. Condition 37 is required to go towards the cost of monitoring during construction. I note the monitoring contribution cost outlined 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 not be attached, should the Board be minded to grant permission.

Premature

- 7.7.2. With regard to the issue raised as to whether the proposed development is premature pending completion of the RSES and a review of the county development plan, I note that the lands are zoned in the current development plan, which is the prevailing plan, and were also zoned in the previous development plan. The proposed development is not in my view premature pending the completion of a review of the development plan, which has been statutorily delayed pending the publication of the RSES.

7.8. Appropriate Assessment

- 7.8.1. An Appropriate Assessment Screening Report was submitted with the application which states that the proposed development will not give rise to significant adverse impacts on the integrity of any Natura 2000 sites.
- 7.8.2. There are a number of Natura 2000 sites within 15kms of the site. They are as follows:
- River Boyne and River Blackwater SAC (002299)
 - River Boyne and River Blackwater SAC (004232)
 - Ballynafagh Lake SAC (001387)
 - Ballynafagh Bog SAC (00391)
 - The Long Derries, Edenderry SAC (000925)
 - Mount Hevey Bog SAC (002342)
- 7.8.3. The River Boyne and River Blackwater SAC and SPA is located 9km to the north and west of the site; Ballynafagh Lake is 12.5km to the south and Ballynafagh Bog is 13.4km to the south; the Long Derries Edenderry SAC is 15km to the southwest; and Mount Hevey Bog SAC is 14.5km to the west. There are limited relevant pathways between the development and the majority of the aforementioned sites. The only sites where there is any potential for connectivity is Mount Hevey Bog SAC, which adjoins the Royal Canal to the west of the site, therefore there is a hydrological link adjoining the subject site to this SAC and this is examined further hereunder.
- 7.8.4. The qualifying interests relating to Mount Hevey Bog SAC are as follows:
- 7110 Active raised bogs (priority habitat)
 - 7120 Degraded raised bogs still capable of natural regeneration
 - 7150 Depressions on peat substrates of the Rhynchosporion
- The conservation objective for the site is to maintain or restore the favourable conservation status of habitats and species of community interest.
- 7.9. I would suggest that in terms of potential impacts, surface water and wastewater impacts during the construction and operational phases of the development are most relevant. I am satisfied that a standard construction management methodology is

adequate to ensure that no significant effect would arise during the construction phase in terms of surface water run-off. I consider that sufficient attenuation, which will reduce the run-off rate and ensure that discharges from the site do not contain hydrocarbons or any other pollutants, is proposed within the site during the operational phase and therefore the potential for impact on the water quality within the designated sites is remote. In addition, the proposal for phased connection to the public foul network, based on available capacity which it is part of Irish Water's Capital Investment Plan to improve, would ensure no potential for significant adverse effects from discharge arising from the proposed development. I am satisfied on the basis of the foregoing and given the distance of Mount Hervey SAC from the proposed development, that the proposal would not have any adverse effect on the conservations objectives of the Mount Hevey Bog SAC.

- 7.9.1. 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. 002299 (River Boyne and River Blackwater SAC), 004232 (River Boyne and River Blackwater SPA), 001387 (Ballynafagh Lake SAC), 00391 (Ballynafagh Bog SAC), 002343 (Mount Hevey Bog SAC), 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 is refused for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

1. Having regard to the zoning of the site E2, the objective of which is to provide for the creation of enterprise and facilitate opportunities for employment, it is considered that the proposed development of a large scale retail unit with residential use over, within this zoning objective, would contravene materially

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

2. Having regard to the zoning of the site F1, the objective of which is to provide for and improve open spaces for active and passive recreational use, it is considered that the proposed development of residential units and part of a petrol station on this space within this zoning objective, would contravene materially the said zoning objective and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the zoning of the D1, the objective of which is to provide for appropriate and sustainable visitor and tourist facilities and associated uses, it is considered that the provision of elements of residential units and their associated parking demands within this zoning objective would contravene materially the said zoning objective and would be contrary to the proper planning and sustainable development of the area.
4. Having regard to layout, scale, and design of this mixed use development, it is considered that the proposed development would produce a cramped and substandard form of development which would result in overdevelopment of the site and would result in:
 - a street layout, with a significant level of parking, which would not be conducive to pedestrian safety, would detract from the public realm and militate against an attractive pedestrian environment,
 - the poor disposition and quality of public open space,
 - the poor integration of the existing woodland and amenity characteristics of the site into the layout, contrary to policy CSA SP 2, NH POL 2, and poor integration with the Royal Canal green infrastructure amenity network, contrary to policies CER POL 5 and HER POL 4,
 - potential negative impact on the archaeological heritage of the site due to a lack of resolution of the archaeological analysis of the site.

The proposed development would thereby constitute a substandard form of development, which would generally fail to comply with the overall design

approach and requirements, as set out in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', 2009, and the 'Design Manual for Urban Roads and Streets' (DMURS), 2013. The proposed development would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

Una O'Neill

Senior Planning Inspector

5th February 2019