

An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
303504-19**

| | |
|--------------------------------------|---|
| Strategic Housing Development | 104 apartments, 1536 square metres commercial facilities including crèche, sports hall and office; basement and surface car parking, ESB substation and associated site works |
| Location | Metges Road, Johnstown, Navan, Co. Meath |
| Planning Authority | Meath County Council |
| Prospective Applicant | Hunt Capital Ltd |
| Date of Consultation Meeting | February 28 th 2019 |
| Date of Site Inspection | February 22 nd 2019 |
| Inspector | L. Dockery |

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The subject site, which has a stated area of 1.23 hectares, 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. Priory View residential estate is located on the opposite side of Metges Road. 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.
- 2.2 The subject site is a long narrow tract of land with a number of trees located thereon. The subject lands are generally overgrown with trees and shrubs.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the construction of 104 apartments, 1536m² of commercial facilities to include crèche, sports hall and offices, together with all associated site works.

3.2 The following details are noted:

| Parameter | Site Proposal |
|------------------|--|
| Application Site | 1.23 ha |
| No. of Units | 104 apartments |
| Other Uses | Childcare Facility-266 m ² Commercial offices-978 m ² Sports hall-292 m ² |
| Car Parking | 219 (71 surface; 148 basement) |
| Bicycle Parking | 248 spaces |
| Vehicular Access | Two accesses from Metges Road |
| Part V | 10 units |
| Density | 84.5 units/ha |

3.3 The breakdown of unit types is as follows:

| Unit Type | 1 bed | 2 bed | 3 bed | |
|-----------|-------|-------|-------|------|
| Apartment | 20 | 76 | 8 | 104 |
| % Total | 19.2% | 73% | 7.7% | 100% |

4.0 **National and Local Planning Policy**

4.1 National

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

4.2 Local

The Meath County Development Plan 2013-2019 is the operative County Development Plan.

Navan is identified as a 'Large Growth Town I' in the operative County Development Plan, 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.

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:

The site benefits from two zoning objectives:

'Objective C1'- 'Mixed Use' which seeks to 'provide for and facilitate mixed residential and business uses'.

'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'.

'Objective E1'-Strategic Employment Zones (High Technology Uses) which seeks to 'facilitate opportunities for high technology and major campus style office based employment within high quality and accessible locations'

Map No. 2 identifies a Stand of Trees predominantly along the western and northern boundary of the site to be preserved.

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.

5.0 Planning History

ABP-300959-18

Permission REFUSED for construction of five number buildings, three to five storey in height, together with a new car park at ground level will be accessible via two number vehicular egress points off Metges Road along with two number pedestrian entrances. Parking for 205 number cars will be provided at car park level while spaces for 94 number bikes will be provided between car park level and a new plaza. The development will contain eight x 1 bedroom apartments, 82 x 2 bedroom apartments and nine x 3 bedroom apartments along with a sports facility of 348 square metres and a commercial hub of 348 square metres both located in Block A, and all associated site works.

The reason for refusal is as follows:

1. Having regard to Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May, 2009 and the Design Manual for Urban Roads and Streets issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in March, 2013, it is considered that, by reason of the response to the 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 open space in terms of quality, nature and location, the proposed development would constitute a substandard form of urban development, which would not be in accordance with the design and layout guidance set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities or the Design Manual for Urban Roads and Streets. 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. (September 2018).

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.

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 car parking 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.

6.0 **Section 247 Consultation(s) with Planning Authority**

- 6.1 It is stated by the prospective applicant that pre-application consultations took place with the planning authority on 05th December 2018.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 100 no. residential units.

The proposed development, as assessed for the CoF, is standard connection requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place.

Therefore, based on the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

8.1 Documentation Submitted

- 8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency, Environmental Statement; Part V details, architectural drawings; Arborist Report; Engineering Planning Report; Letters of Consent; details of s.247 meetings; 3D views; Outline Construction Demolition Waste Management Plan; Outline Construction management Plan and Site Specific Flood Risk Assessment.

8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2 Planning Authority Submission

8.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 14th February 2019.

8.2.2 The planning authority's 'opinion' included the following matters: description of development, Section 247 consultations, site description and location, planning history, national and local planning policy, key planning considerations and conclusions. The following points are noted:

- Opinion of the PA that the proposed development is sufficiently in accordance with the zoning requirements of the CDP
- Satisfied that the development objective identifying the Stand of Trees to be preserved on the application site can be achieved
- No objection to density as proposed
- Proposed height considered to be in keeping with existing buildings to the north and sufficiently set back from The Priory housing estate on the opposite side of the road- design statement should be submitted—quality materials and finishes that are durable and easily maintained
- Details in relation to long term management of external fabric
- Proposed mix of residential units is acceptable
- Minimum floor areas are acceptable; appears proposal complies with section 3.8 and 6.2 of Guidelines in terms of floor areas
- All but eight apartments are dual aspect; none of single aspect units face north
- All floor to ceiling heights are at least 2.7 metres; should be shown more clearly on drawings

- Lift and Stair Core and internal storage in compliance with standards
- More detail required in relation to boundary treatments for all areas of private open space for all apartments to include vertical privacy screens between adjoining balconies/terraces if required
- Further details required in relation to metal rail proposed between residential blocks to separate from public areas
- Refuse storage identified at basement level
- Communal open space as demonstrated in acceptable
- Further details required on children's play space
- Clarification of proposed dedicated residential cycle spaces for Block B given its proximity to commercial and public areas
- Details on management and provision of and access to cycle storage facilities
- CDP car parking requirement for residential element is 162 spaces – figure has been provided
- Building lifecycle report should be submitted
- Although commercial element is below 30% requirement, PA is satisfied the development remains consistent with the zoning objective
- Additional Information requested in relation to transportation issues
- Additional information required in relation to surface water treatment and disposal
- Conditions recommended in relation to waste management/environmental protection
- Part V agreed in principle with Housing Department
- Identify car parking spaces associated with crèche facility
- Address requirement to provide 'art work' as per Development Plan policy
- Conditions should be attached to any grant of permission in relation to naming of scheme; broadband; signage
- No conservation comments

- Part of SW boundary of site is within Flood Risk A and B; SSFRA has been submitted; further information required; no Justification test submitted
- Development site is not within or directly adjoining any European site- Screening report for AA will be submitted at application stage
- Development does not meet thresholds as set out in Part 2, Schedule 5 of P&D Regs 2001 in relation to EIAR

8.2.3 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 28th day of February 2019, commencing at 11.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Development strategy for the site to include site history, layout, elevational treatment, connectivity, open space/public realm,
- Drainage- surface water; flood risk
- Transport and parking
- Any other matters

8.3.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Previous refusal on site, under Ref. ABP-300959-18, and need to address previous reason for refusal
- Layout of proposed scheme; interface with public realm along Metges Road; setback from tree stands along northern and western elevation; need to ensure that retained trees will not be damaged by proposed development
- Extent of proposed commercial development and the viability of proposed units; consistency with zoning objective;

- Given the location of the site at the entrance to Johnstown, together with the extent of its frontage along Metges Road, the quality of the proposed scheme in terms of elevational treatment; materials/finishes and interface with Metges Road is of critical importance
- Quality of elevational treatment; materials/finishes; submit additional cross sections/CGIs and visualisation in particular of western elevation when viewed from IDA lands; extent of render; need to examine blank elevations; achieving balance between blank elevations whilst protecting residential amenities
- Potential impacts on nearby residential development in terms of overlooking, overshadowing, loss of light; location of plant room and bin storage
- Connectivity achievable in the surrounding area
- Open space provision and the desire to ensure that it is functional and usable, passively supervised with good landscaping, with particular detail required in relation to open space at podium level

8.3.4 In relation to drainage, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Matters raised within section 7.3.6 Water Services of PA Opinion in relation to surface water treatment and disposal and section 7.13 in relation to flood risk
- Advised to liaise with PA prior to lodging any subsequent application

8.3.5 In relation to transport and parking, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Matters raised within section 7.3.4 Transportation of PA Opinion

8.3.6 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- submission of schedule of floor areas; materials/finishes; areas to be taken in charge, if any; proximity to designated sites noted and submission of AA details, ecological survey, management of proposed scheme; internal amenity to proposed residential units, submission of CGIS/visualisations, waste management and building lifecycle report

8.4 Conclusion and Recommendation

8.4.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

8.4.3 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**

8.4.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

9 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development.
2. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018)
3. Additional drainage details having regard to the report of the Drainage Division of the planning authority, as contained in section 7.3.6 and section 7.13 of the Chief Executive Report dated 14th February 2019
4. Additional documentation relating to appropriate flood risk assessment that demonstrates the proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices')

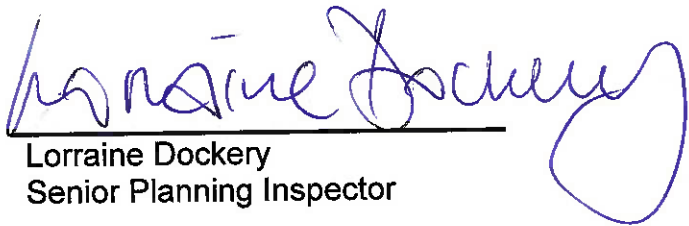
5. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development.
6. Daylight and Sunlight Analysis
7. Waste Management Plan
8. Schedule of accommodation
9. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed. Details relating to the materiality of the proposed first floor open space should also be submitted. Detailed proposals for the interface between the proposed development and Metges Road, together with details of the public realm along Metges Road should be submitted. Additional detailed cross section/CGIs and visualisations should be submitted in this regard.
10. A Tree Survey which clearly identifies all trees and planting on site and which clearly identifies all trees/hedgerows proposed for removal. In addition, a report which clearly identifies measures for the protection of trees during construction works should be submitted

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. Inland Fisheries Ireland
4. National Transport Authority
5. Meath Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

 11/03/19.

Lorraine Dockery
Senior Planning Inspector

11th March 2019