



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Report ABP-304840-19

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<b>Strategic Housing Development</b>	104 no. apartments, creche and associated site works.
<b>Location</b>	Metges Road, Johnstown, Navan, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Applicant</b>	Hunt Capital Ltd.
<b>Prescribed Bodies</b>	Irish Water Transport Infrastructure Ireland Inland Fisheries Ireland National Transport Authority Meath Childcare Committee
<b>Observer(s)</b>	1. Gerry Kenny

2. Cathal Mooney
3. Cllr. Francis Dean
4. Milginte Mikalauskaite
5. Angela and Julian Lee
6. Brid and Kevin Kelly
7. Carol Whelan
8. Celine and Wayne Lynch
9. Deborah Plunkett
10. John Donnelly
11. Joseph Plunkett
12. Miriam Thornton
13. Peter Heylin
14. Philomena and Eamonn Kelly
15. Salina and Paul McGuinness
16. Sandra and Vitalijas Masika
17. Anne Duffy
18. Cllr. Alan Lawes (Oral Hearing Request)
19. Cllr. Eddie Fennessy
20. Cory McCarthy
21. Glen and Jessica Ling
22. Mary Nolan
23. The Hammond Family
24. Albert Milne
25. Bernard Folan
26. Gordon and Audrey Irwin
27. Mena Folan
28. Sharon McCarthy
29. Joseph and Alice Kearney
30. Michael and Angela Kearney
31. Peadar Toibin T D
32. Sean Farrell
33. Bailis Village Management Co

34. Cllr. Emer Toibin

**Date of Site Inspection**

13 September 2019.

**Inspector**

Stephen Rhys Thomas.

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## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 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 an area known as Johnstown, approximately 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 from the proposed development site. Metges Road is a main road, comprising a footpath and cycle path 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 site comprises a narrow strip of land contiguous with the western side of Metges Road. The subject lands are much overgrown with trees and shrubs, forming a woodland. The site runs in a north-south direction and is approximately 260m in length, approximately 60m in width at the northern end, tapering to just over 30m at the southern end. There is a palisade fence and double ditch/stream along the western boundary with a line of mature trees.
- 2.3. Immediately to the north of the appeal site is 'Bailis Village' apartment development, 3-6 storeys in height and north of that is Johnstown Shopping Centre, which comprises SuperValu as the anchor, with a mix of other uses, including a bar/restaurant, gym and an HSE Community Care Services facility. SuperValu is located in a corner landmark building, 3-4 storeys in height, at the roundabout with Metges Road/Bothar Sion, with the neighbourhood centre predominantly 1-2 storeys in height and arranged around a surface car park.

2.4. To the east of the appeal site, on the opposite side of Metges Road, are established two storey housing developments with some duplex apartments known as The Priory and Boyne View. A large public open space associated with this residential area is located opposite the southern section of the subject site. The roadside boundary is heavily screened, mainly by deciduous trees. To the west of the site is located a well established and landscaped IDA Business Park, with new developments currently under construction. To the south of the of the site and to the east of Metges Road, new housing developments are currently under construction.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises the construction of 104 apartments, 1,536 sqm of commercial facilities to include crèche, sports club 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 (28 spaces) - 256 sqm Commercial offices - 985 sqm Sports Club - 295 sqm
Car Parking	218 (70 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 Planning History

ABP-300959-18

Permission REFUSED for 99 no. apartments, carpark, sports facility, 1 no. commercial hub, ESB substation, plaza.

The reason for refusal was as follows:

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 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. November 2007

PL17.213043

Permission REFUSED 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. (January 2006)

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.

## 5.0 Section 5 Pre-Application Consultation

- 5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 28 February 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-303504-19. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.
- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:
1. A report that addresses the proposed materials and finishes given the visibility of the site.
  2. A life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018)
  3. Specific drainage details required by the Council.



4. A Flood Risk Assessment in accordance with 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices')
5. A report that addresses residential amenity specifically with regards to overlooking, overshadowing, overbearing and noise, including relevant cross section drawings.
6. Daylight and Sunlight Analysis
7. Waste Management Plan
8. Schedule of accommodation
9. A detailed landscaping plan that includes details of the public realm along Metges Road. Additional detailed cross section/CGIs and visualisations should be submitted in this regard.
10. A Tree Survey.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

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

5.4. Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

5.5. **Applicant's Statement**

- 5.5.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

## 6.0 Relevant Planning Policy

### 6.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which:

Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 6.2. Section 28 Ministerial Guidelines

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- 'Urban Development and Building Heights - Guidelines for Planning Authorities' – (2018).
- '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 – Guidelines for Planning Authorities' (March 2018)
- 'Design Manual for Urban Roads and Streets'
- 'Childcare Facilities Guidelines for Planning Authorities'

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)

### 6.3. **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, the Navan and Trim Development Plans are now deemed to form part of the County Development Plan 2013-2019 and are still in force as per Section 11(c) of the Planning and Development Act 2000 (as amended).

Zoning:

The site is located on lands subject to two zoning objectives:

The majority of the site is subject to zoning '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'.

And,

A minor portion of the site at its southern end is subject to zoning '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.

## **7.0 Third Party Submissions**

7.1. A number of observations were received and most refer to similar issues such as residential density, traffic/parking, apartment buildings, height, visual impact and tenure. In addition, a large number of submissions are based around the same format and cover in detail the issues listed above. A summary of each issue, follows:

- Overdevelopment of the site – taken together with surrounding development recently constructed and the similarities with the previously refused application, the proposed development is too much on a narrow site. In addition, the proposed residential density is too high and impacts upon the rural and suburban character of the area. The calculation of residential density is questioned and considered to be inaccurate.

- Lack of local services – development of residential units has progressed without the delivery of necessary schools, social and community infrastructure. The lack of such facilities is leading to anti-social behaviour. Johnstown has grown too quickly and does not have the requisite facilities for the number of people living there at present.
- Local amenity – the area will be negatively impacted upon by the scale of development and the residential amenity of local apartments will be reduced. In particular the apartments at Bailis Village will be impacted upon by overbearing, overshadowing and loss of privacy. The heights proposed are contrary to the recent publication of height guidelines for tall buildings and the development fails to respect its surroundings.
- Apartments – the proposed development does not accord with the Development Plan objectives for apartments in terms of siting, height, open space and unit types proposed.
- Zoning – the proposed development does not comply with the C1 and E1 zoning objectives for the site.
- Traffic Congestion – the proposed development would lead to an increased volume of traffic in an area already subject to severe traffic issues. The construction phase will lead to local traffic disruption.
- Flood Risk – the proposed development will add to flood risk along the Metges Road.
- Natural Heritage – the loss of the woodland will reduce the habitat available to local wildlife and plants.
- The area of the site is challenged and discrepancies are seen between drawings.
- All the social housing is located in one location and this will lead to segregation in the community.

7.2. Some submissions are supported by photographs and aerial images together with press clippings and extracts from social media.

## 8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 4 September 2019. The report states the nature of the proposed development, the site location and description, planning history, submissions received and details the relevant Development Plan policies and objectives.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

8.2.1. Principle of Development - 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. The applicant states that 28% of the site area is designated for commercial non retail uses. The planning authority do not consider that this is a significant breach of policy, but wish the Board to consider whether it is a material contravention of the plan.

In relation to the E1 zoned land, the proposed access to the basement car park will not frustrate the aims of the plan to allow access to the E1 zoned lands and so can be considered as acceptable.

In accordance with an objective of the plan that trees be preserved along the western and northern boundary of the site, the Board is asked to be satisfied that the measures submitted by the applicant will be adequate to ensure tree protection.

A considerable quantum of residential development is available in the Core Strategy of the Plan.

8.2.2. Density, Urban Design, Layout, Phasing and Design

Density – the proposed density of 105 units per Hectare is considered acceptable given the location of the site along a public transport corridor adjoining a bus stop with a high quality cycling network linking the site with the town centre.

Urban Design – some design changes respond to the previous reason for refusal and include changes to the basement car park, ground floor units, increased communal space, reduced impact on trees and an active frontage.

Layout – in summary, the layout is described by the planning authority and extra attention should be directed by the Board on the impact of blocks A and B on existing residential amenity.

Phasing – new road infrastructure and open space should be delivered in the first phase of development and prior to the occupation of certain phases of development.

Building Design – the Board is requested to attach a suitable condition in relation to building finishes.

#### 8.2.3. Open Space, Landscaping and Boundary Treatment

Public open space – comprises 12% of the overall site and includes a public plaza off Metges Road and communal open space amounts to 24%. The open spaces are well located and overlooked satisfactorily.

Private open space – the guidelines have been followed and adequate private amenity space has been provided.

Landscaping – the retention of trees and vegetation is recommended; boundary treatments should be agreed.

#### 8.2.4. Other Issues included:

Traffic and transportation – site accesses comply with DMURS and the details of the re-positioned bus stop should be agreed. Local junctions should be upgraded and signalised, a pedestrian crossing should be provided, a special levy should be paid to cover these costs. The car parking provision of 219 spaces is adequate and public lighting should comply with the Council's requirements.

Water services – the surface water attenuation system is not acceptable and requires refinement.

Waste management – standard technical conditions are recommended.

Heritage – the Heritage Office is not satisfied that sufficient survey work has been undertaken regarding the impact on the habitat associated with the site.

Flood Risk – part of the site is located in an area detailed as flood zone A and B. The Site Specific Flood Risk Assessment (SSFRA) submitted by the applicant contains inconsistencies. The implications of infilling one of the drainage channels has not been included in the justification test or SSFRA report. Finished floor levels have not

been modelled in combination with floodwater flow from a blockage at the IDA entrance. A revised SSFRA is requested to rectify these inadequacies.

As competent authority, the Board is asked to consider AA and EIA.

The planning authority recommend standard conditions in relation to Development Contributions, Taking in Charge, Childcare Facilities, Artwork, Estate Name, Broadband, Archaeology, Natural Heritage, Flood Risk and Fire Safety.

In summary, the planning authority are not opposed to the development, subject to the addition of conditions in the event of a grant of permission. Such conditions have been included within the content of the planning authority's submission and internal departmental reports. The planning authority recommend standard conditions in relation to Development Contributions, Taking in Charge, Childcare Facilities, Artwork, Estate Name, Broadband, Archaeology, Natural Heritage, Flood Risk and Fire Safety.

## 9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water
- Transport Infrastructure Ireland
- Inland Fisheries Ireland
- National Transport Authority
- Meath Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 4 July 2019, and a summary of comments are included as follows:

- **Irish Water (IW)** - Based upon the information submitted and the Confirmation of Feasibility, that subject to a valid connection agreement being put in place the proposed development can be facilitated.



- **Transport Infrastructure Ireland TII** – regard should be had to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines.

## 10.0 Oral Hearing Request

10.1. There is provision within the Act of 2016 to hold an Oral Hearing in respect of a SHD application, section 18 of the Act refers. However, as the intention of the legislation is to fast-track SHD applications, the holding of oral hearings will be the exception. The legislation provides that An Bord Pleanála should have regard to the exceptional circumstances requiring the urgent delivery of housing and only hold a hearing where there is a compelling case for one. The case made by the submission requesting an oral hearing is based around the need to know who owns approximately a third of the lands the subject of the application. The applicant has answered question 6 of the application form and detailed the legal interest in the lands subject to the application. Parcel 1 is in the ownership of Long Island Capital Ltd and Parcel 2 is owned by Meath County Council. The applicant has enclosed letters of consent to make the planning application from both owners. I do not consider that there is a compelling case to hold a hearing and that the necessary information is held on the file.

## 11.0 Environmental Impact Assessment

11.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

*Construction of more than 500 dwelling units*

*Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.*

*(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)*

- 11.2. The proposed development involves 104 residential units on a site of 1.23ha. The site is located in a suburban location within the built-up area and is below the threshold of 10 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.
- 11.3. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

## 12.0 **Appropriate Assessment**

- 12.1.1. I note the Screening for Appropriate Assessment Report submitted by the applicant, dated July 2019. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites. However, the AA Screening Report identifies the following European sites, which are hydrologically connected to the development site via the Athlumney Stream, that runs along the western site boundary. The River Boyne and River Blackwater SPA (Site Code: 004232) and SAC (Site Code: 002299) are located approximately 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. The report identifies two designated sites that could be potentially affected by the development, detail as follows:

Site Name (Site Code)	Distance to Development Site	Qualifying Interests	Conservation Objectives
River Boyne and River Blackwater SAC (002299)	<0.4km west of the site	[7230] Alkaline fens  [91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno- Padion, <i>Alnion incanae</i> , <i>Salicion albae</i> )*  [1099] River Lamprey <i>Lampetra fluviatilis</i>  [1106] Salmon <i>Salmo</i> <i>salar</i>  [1355] Otter <i>Lutra lutra</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:
River Boyne and River Blackwater SPA (004232)	<0.5km west of the site	[A229] Kingfisher <i>Alcedo</i> <i>atthis</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

Appendix 1 of the screening report identifies additional designated sites (NHA and pNHA sites) in the wider area.

12.1.2. The Screening Report states that the proposed development site is hydrologically connected to these protected areas via the local drainage ditches to the Athlumney Stream and thence to the River Boyne and I agree with this statement. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site. The report goes to conclude that implementation of the surface water management design and attenuation system during operation will result in a net improvement to water quality discharged to the Athlumney Stream.

12.1.3. The Screening for Appropriate Assessment Report submitted by the applicant, ultimately concludes that significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to any SPA or SAC. I note the urban location of the site, the limited possibility of direct connections with regard to the source-pathway-receptor model in terms of hydrological connections, the nature of the development and the overall scheme design that I consider to be an intrinsic part of the work to be carried out. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 13.0 Assessment

13.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Residential and Visual Amenity
- Layout and Natural Heritage
- Car Parking and Traffic
- Drainage and Flood Risk Assessment
- Other Matters

### 13.2. Principle of Development

13.2.1. C1 Zoning Objective - The Navan Development Plan land use objective for the majority site area is supportive of residential development together with at least 30% commercial (non-retail) uses. A minor portion of the site at the southern end is subject to zoning objective E1 - Strategic Employment Zones, access to the basement car park is proposed here.

13.2.2. The planning authority accept that the principle of higher density residential development is appropriate at this location and note that the applicant has proposed 28% commercial uses on the site. Whilst not meeting the 30% target set out in the Development Plan, the planning authority do not consider this a material breach and note that it is significantly higher than the 10% proposed in the previously rejected planning application. I take the view that the subject site forms a smaller part of the overall C1 zoned lands in the area. The majority of C1 zoned lands have already been developed in the context of the Neighbourhood Centre at Johnstown, where a significant portion of lands are for commercial and retail purposes. The proposed development seeks to extend the commercial uses southwards by providing 28%

almost the 30% required by the local plan. I am satisfied that the proposed development does not significantly fall short of the plan objective to secure mixed use development on these lands.

13.2.3. With regard to the E1 zoning objective that seeks to facilitate opportunities for high technology and major campus style office based employment within high quality and accessible locations, the planning authority note that an access way to the development does not appear to fit any forms of development either permitted or open for consideration. However, the planning authority concede that the access way in itself will not frustrate plans to provide access to E1 lands to the south. I am in agreement, the proposed road access development on E1 zoned lands is entirely compatible with objective to facilitate opportunities for the E1 zoned lands and is therefore in accordance with the objectives of the Development Plan. The Board may wish to note that the applicant has indicated the outline of some future building on the E1 zoned portion of the site. This does not form part of this proposal and I have not therefore considered its merits or otherwise, that would be a matter for a future application.

13.2.4. Subject to meeting residential amenity standards, I am satisfied that the proposed residential accommodation and mixed use development is compatible with the stated objective for lands zoned C1 – ‘Mixed Use’ which seeks to ‘provide for and facilitate mixed residential and business uses’ and will not detract from Objective E1 to facilitate access to high technology office based employment lands.

### 13.3. Residential and Visual Amenity

13.3.1. Future Residents - The proposed development comprises 104 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in four blocks, though labelled blocks A, B, C, D and E, between four and five storeys in height. The apartments are provided with enclosed rather than protruding balcony spaces, all to an acceptable space standard. The unit mix of apartments are uniformly distributed throughout the site and are provided with adequately sized public or semi-private open space and play areas.

- 13.3.2. Section 3.1.6 of the applicant's Statement of Consistency deals with apartment design and compliance with the relevant standards and states that 92% of the apartments exceed the minimum area standard by more than 10%, i.e. 94 units. The applicant has also submitted an Accommodation Schedule, that outlines a full schedule of apartment sizes.
- 13.3.3. Apartment units are a combination of mostly dual aspect and a very small number of single aspect units. Single aspect apartments generally have favourable orientations, with none receiving north light alone. The proposed development provides 19% one bedroom units, which is less than the upward amount of 50% allowed for in the guidelines. All ground floor, floor to ceiling heights are over 3 metres (upper floors are 2.7 metres) in height and a maximum of 9 units are served per core. Specific Planning Policy Requirements (SPPRs) 1, 4, 5 and 6 are therefore met.
- 13.3.4. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90 sq.m. The applicant states that this has been achieved in all cases and has been demonstrated in the Accommodation Schedule for apartments submitted with the application. Apartments larger than the minimum standards by 10% amount to almost all apartments. The proposed apartments are therefore in excess of the minimum floor area standards (SPPR 3), with very few at or close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In broad terms, I am satisfied that the location and layout of the apartments are satisfactory from a residential amenity perspective.
- 13.3.5. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

- 13.3.6. The applicant's Design Statement outlines that the proposed materials for the new blocks are selected to provide a pleasing appearance and durability. All blocks are faced with textured grey/brown brick and monocouche self-coloured render finish is to be used to walls within balconies, where the surfaces are sheltered from the elements and are easily accessible for maintenance. Composite panels are to be used to access decks and contrast in colour with brick colour. The majority of the finishes proposed are durable, attractive and suitable for the area in terms of visual amenity, in broad terms the finishes proposed are acceptable.
- 13.3.7. On a matter of design detail, I note that the applicant has provided an external decked access way to all apartments. There is no design rationale behind the provision of decked access and it may be a function of the narrow plan of the site. I am not opposed to open deck access per se, and in this instance it provides a pleasant aspect to the west and a semi-industrial character to the rear elevation. However, my only reservation is that the communal access deck passes to the front of bedroom windows. In my experience deck access is usually presented along the front elevations of apartments in front of kitchens or dining spaces for example, this allows for neighbourly interaction and no real loss of privacy. This is may not be the same for bedroom windows, that in reality will probably rely on blinds and curtains remaining closed most or all of the time. Given that these open decks provide limited and controlled access to at most nine apartments, there is no real advantage in any drastic changes in design.
- 13.3.8. Local Residents – I note that local observers have expressed concerns about the development of the site at the scale envisaged, and some strong opposition in relation to direct residential amenity concerns to apartments at Bailis Village to the north. The planning authority have raised no significant issues in relation to impacts upon the residential amenity of neighbouring property. Three of the apartment blocks (C, D and E) are well located within the site and are some distance from existing residential units.
- 13.3.9. The most significant impact from the development will be experienced by residents of Bailis Village, located to the north. These apartments and townhouses are located close to their own boundary and provide outdoor private amenity space in the form of balconies and ground floor terraces. Blocks A and B are located to the south of two existing apartment blocks and a terrace of townhouses. At ground floor level a single



storey water tank and services building will be located on the boundary, 11 metres further south a two storey element associated with the sports hall and ultimately the upper floors of block A and B will be located more than 14 metres away. At the pre-application consultation meeting it was recognised that the impact upon neighbouring residential amenity should be addressed and the opinion that issued sought a report to address same. The applicant has prepared such a report that describes in detail the proposed development at its impact. In addition, a Daylight, Sunlight and Overshadowing analysis has been prepared.

13.3.10. Firstly, the Daylight, Sunlight and Overshadowing analysis provides a good depth of information with regard to the impacts within the proposed development but only provides a cursory analysis of neighbouring property. However, this deficiency in information is somewhat negated by the more specific analysis contained within the Residential Amenity Report. This report concludes that it is inevitable that there will be some impacts to neighbouring property. But that the proposed development has been designed to minimise the impact on the existing buildings as much as possible whilst achieving higher densities. The report goes on to state that the massing of the development is seen as a continuation of the existing apartment development at Bailis Village, privacy is maintained, sunlight levels are above recommended guidelines and visual/noise impacts are reasonable and appropriate.

13.3.11. Together with the drawings and reports submitted by the applicant and my observations of the site I am satisfied that there is enough information upon which to form a balanced view. With specific reference to Bailis Village to the north I find that there will be little or no loss of privacy by virtue of the offset window design and placement of high level windows on the northern elevation of Blocks A and B. There will however, be the tangible impact of overshadowing and the loss of direct sunlight and daylight at particular times of the day. In addition, there may be the more subjective impact of overbearing appearance. Whilst I am satisfied that the applicant has demonstrated a design that more or less combats the multiple impacts of lost light, shadow and appearance, I am of the opinion that more can be done to mitigate these impacts. To this end, amendments to the overall design of the site and blocks A and B in particular can achieve a design that better respects its context in terms of residential amenity. I recommend the following amendments; reposition Block C southwards by at least 2 metres, consequently move Blocks A and B southwards by

at least 2 metres off the site boundary; omit the office and associated accommodation located on the fourth floor of Block A. Though these changes may require setting out changes at basement level, they are not significant or unsurmountable.

13.3.12. Visual Amenity – Most observers are dissatisfied with the scale and design of the proposed development and are unhappy at the loss of mature woodlands. The proposed development will remove the existing sylvan character of Metges Road and replace it with a new urban streetscape more in common with Bailis Village and the Johnstown Shopping Centre to the north. Whilst this change in character is dramatic it is not unexpected given the land use zoning objective for the site. I am satisfied that the proposed street elevation is of interest and is sufficiently broken up so as not to present an impenetrable street wall. The choice of brick as the predominant building finish is suitably robust and attractive at this location. The new and improved public realm is responsive to the needs of pedestrians and cyclists, that it is hoped will avail of this route to and from locally available services. Though the existing mature woodland vista along Metges Road is attractive, I am satisfied that the proposed development will bring a more urban character to the area that will in turn improve the quality of Metges Road as an urban street rather than a vehicle dominated road.

#### 13.4. **Layout and Natural Heritage**

13.4.1. Layout - The proposed layout makes the best of what is a long and narrow site, hence the apartment blocks are set out in a linear fashion. This results in apartment blocks addressing Metges Road as a street with an improved public realm that invites greater pedestrian activity. Principal open spaces are located to the side and rear of apartment blocks and account for up to 36% of the overall site. The planning authority are satisfied at the quantum, distribution and design of the planned open spaces. I too am satisfied that an adequate level of open space has been provided. However, as I have set out at section 13.5 of my report below, car parking dominates this proposal. In terms of layout, most open spaces are designed at podium level or on a landscape deck. Proposed planting is low scale and as a consequence of largely podium level open spaces situated within raised planters, larger mature trees may not thrive. However, this impact is lessened by the number of trees that will be retained or replaced along the western boundary of the site. This compensation

measure is welcomed and conforms to an objective of the local plan to preserve the treeline at this location.

13.4.2. On the whole, the proposed layout is responsive to the site constraints and the result is an interesting and well configured design. Together with a landscape masterplan that seeks to retain trees where possible and the provision of pin oaks along the street frontage should satisfactorily integrate the proposed development and create a new urban character.

13.4.3. Natural Heritage - A number of observers note the loss of an extensive area of woodland at this site. In this respect the various reports prepared by the applicant, including an NIS Screening report that includes a Site Ecology Report, EIA Screening report and Tree Protection Report have informed my view. Firstly, the site is not designated for any particular environmental sensitivity but it is subject to an objective of the development plan to preserve a tree line at this location. The site is zoned for development and it is not surprising that the lands should be developed in some form or other. In this context, I note the detailed landscape plan that seeks to retain a large number of trees along the western boundary of the site and replace those lost where feasible. I am satisfied that the proposed development has satisfactorily addressed issues to do with the natural heritage of the site, such as it is. In my view, given the green networks in the wider area and the proposed landscape masterplan, the development will enhance and improve the urban character of the area.

### 13.5. **Car Parking and Traffic**

13.5.1. Car parking – The Sustainable Urban Housing: Design Standards for New Apartments 2018, provide detailed guidance in relation to car parking and apartment developments. Though not a city centre location, the site is well located and can be classified as an ‘Intermediate Urban Location’. In such locations and with a proposed residential density of 84.5 units per Hectare, the guidelines advise that a reduced overall car parking standard must be considered.

13.5.2. The site is located close to the town centre of Navan, employment opportunities are numerous in the immediate vicinity, there are excellent pedestrian and cyclist facilities adjacent to the site and a frequent and efficient bus service serves the site. All in all the site is well connected, well serviced and a very suitable location for

higher residential densities. Capacity problems have been highlighted by the Council at local junctions in the area and call for a special contribution to signalise same. Local observers have emphasised their concerns that traffic volumes in the locality are excessive and the local road network cannot support the existing or proposed development. The applicant disputes this and their Traffic and Transport Assessment dispels capacity issues.

13.5.3. There may be capacity issues and traffic loadings in the local network, but I am satisfied that this development is acceptable at this location. However, I do have concerns that the level of car parking will undo the substantial investment in sustainable transport modes that have been made in the area. To this end I find that the provision of 218 car parking spaces for an apartment scheme of 104 units and some commercial uses is entirely unwarranted. In addition, none of the spaces are designated for electric vehicle charging. To provide such a broad and unfettered availability to car parking will do little to encourage more sustainable modes of transport and provide the social dividend for the investment made by the Council in the excellent pedestrian and cyclist facilities provided to date. I find the applicant's Online Travel Plan report weak insofar as it aims for conservative modal split targets and this can only be a consequence of the availability of car parking. A connection that the applicant has not made, and this can be seen by the lack of any meaningful methods advanced by the report to switch from private car use to more sustainable modes.

13.5.4. I disagree with the planning authority's acceptance that the level of car parking is adequate for the development proposed, car parking is entirely overprovided for in my opinion. In addition, the provision of 70 car parking spaces at ground floor level diminishes the effectiveness of the 'new plaza' that extends from Metges Road between Blocks A/B and C. It appears that the main strategy of the applicant was to address the Board's concerns in relation to the preponderance of surface car parking by providing displaced and additional spaces in a new basement area. This is in my opinion a poor design choice and contrary to the Design Standards for New Apartments, that provide advice on car parking provision and design. Even if the Board were to apply the guideline advice in relation to 'Peripheral and/or Less Accessible Urban Locations', which this site is not, the resultant spaces would only amount to 130 with some additional for the commercial component of the scheme.

- 13.5.5. To address car parking quantum and design issues I suggest the omission of the surface car parking provision at this location entirely and replace with landscaped open space or for a use to be confirmed subject to a future planning application. A bolder and more material approach would be to eliminate the basement car parking provision of 148 spaces altogether, for a much better designed and reduced level of car parking at surface level.
- 13.5.6. Traffic – The applicant has submitted a Traffic and Transport Assessment (TTA), that concludes even taking into account the proposed and permitted schemes in the area Bóthar Sion/Metges Road Roundabout Junction will operate within capacity for assessment years 2020 and 2025. The proposed development will result in a forecast increase in que lengths of 2 vehicles in 2035. The planning authority note the contents and conclusions of the TTA, but seek special levies in the region of €150,000, to signalise junctions and provide a pedestrian crossing. Whilst I agree that signalising junctions is a good idea and will improve the pedestrian environment as well as possibly improve capacity, these types of works are already covered under the Meath County Development Contribution Scheme 2016 – 2021. I am satisfied that a Special Development Contribution is not warranted on this occasion.
- 13.5.7. In any case, the amendments I have recommended to significantly reduce car parking provision and marginally reduce office space may well impact upon traffic generation, though admittedly apartment numbers will remain the same.

### 13.6. **Drainage and Flood Risk Assessment**

- 13.6.1. The applicant has prepared a Site Specific Flood Risk Assessment (SSFRA). The planning authority have outlined deficiencies in this report and recommend the submission of a revised version. Local observers have also raised concerns with regard to flooding. Inside the western boundary of the site is located a drainage ditch, dry on the day of my site visit. Beyond the boundary of the site lies the Athlumney Stream, again not visibly wet at the upper reaches of the site. The applicant's architectural cross sections show an intention to bury a filter drain and infill the inner drainage ditch, no changes are planned to the Athlumney Stream.
- 13.6.2. The applicant's SSFRA states that the site, as located on the Navan Fluvial Flood Extents map of the OPW Eastern CFRAM Study, indicates flooding at a small portion of the southern end of the development site within the Athlumney Stream (also

referred to as the Priory Stream) with related flood levels of 44.55mAOD for the 10% AEP; 44.61 mAOD for the 1% AEP and 45.00 mAOD for the 0.1% AEP. The report goes on to state that CFRAM mapping indicates a small portion of the southern section of the development site falls within the predicted fluvial Flood Zones A and B.

13.6.3. The report outlines discussions that the applicant had with the planning authority and a list of specific requirements were required to be contained within any SSFRA.

These issues, according to the applicant have been provided and specifically a Justification Test has been carried out even though the Navan Development Plan Flood Risk Assessment and Management Plan did not require it. In this regard the report states that the proposed development is located entirely within Flood Zone C (with the exception of a small portion of the site at the southern end through which the proposed surface water discharge to the Athlumney Stream passes). There will be no modification to the existing ground levels in this area, thus the proposed development will not increase flood risk elsewhere. In addition, the report states that The lowest finished ground floor level is set at a level that provides a minimum freeboard of order 650 mm above the 0.1% AEP event which will provide protection for the property and its occupants. The surface water drainage system has been designed in accordance with the recommendations of the GDSDS and provides for surface water to be discharged to the Athlumney Stream. The discharge will be controlled to a rate equivalent to 2 litres per second per hectare for all storm events up to the 1% AEP event which is less than the calculated Qbar rate for the site.

13.6.4. The SSFRA considers different types of flooding and concludes that the most risk if any arises from fluvial flooding and detailed analysis has been submitted concerning the Athlumney Stream. The majority of the site is located on flood zone C and measures have been included in the design of the basement car parking to manage flood events. Finally, the report recognises that the blockage of a 1500 mm x 600 mm concrete culvert adjacent to the IDA Estate due to human/mechanical failure would result in flooding but that the overland route would be southwards across the IDA access road to re-join the stream.

13.6.5. SSFRA deficiencies - The planning authority suggest that Flood Zone A and B should extend upstream along either the Athlumney Stream or the channel lying alongside. In addition, the implications of infilling the existing channel have not been considered in either the SSFRA report or the Justification Test. The blockage of a

downstream culvert at the IDA entrance road has not been satisfactorily modelled. Finally, it has not been satisfactorily demonstrated that the finished floor levels and car park entrance ramp are situated above expected critical floodwaters. The planning authority require this information to be included in an amended SSFRA.

- 13.6.6. Regarding the Athlumney Stream, I note that drawing number D1866-C-08 details the proposed surface water drainage and CFRAM flood zone extents. This drawing shows that flood zone B extends into a small portion of the site adjacent to the proposed basement car park access ramp and at a point where surface water from the site and diverted surface water from Metges Road meets the Athlumney Stream. It is detailed that ground levels remain unaltered at the point where flood zone B extends across the site. A headwall and non-return valve are proposed at the outlet of the site development drainage system and the outlet for diverted surface water comprises two 600mm open pipes behind galvanise steel bars. I also note drawing D1866-C-12, that models the 1.0% flood zone. This drawing shows that for the most part flood waters are confined by the Athlumney Stream's east bank, and overtops the west bank at the northern end, profile 635 and 638 refers. All the profiles show the stream and inner drainage ditch as open channels and admittedly do not show or model the inner ditch as filled with a filter drain. In addition, I see that engineering and architectural drawings show an unconnected filter drain laid in the inner ditch, unconnected with the overall surface water arrangements on site and connecting with the Athlumney Stream.
- 13.6.7. In terms of basement car park design, finished floor levels and the modelling of a blocked culvert at the IDA entrance road, I am satisfied that the drawings submitted and modelled in the SSFRA are satisfactory. In terms of downstream blockages off the site, I note that drawings submitted by the applicant show an exceedance event flood route that re-joins a downstream 1500mm by 6000mm culvert across the IDA access road, that is assumed to be unblocked for the purposes of the SSFRA. Given the lack of a history of flooding in the vicinity and that the applicant has no control over downstream infrastructure I am satisfied that all reasonable steps have been taken by the applicant to model the proposed development and include the additional factors desired by the planning authority before the application was made.
- 13.6.8. I have based my assessment of the SSFRA on the details it contained and its supporting drawings and documentation. Whilst the general application engineering

drawings and the architectural cross sections show an infill of the inner ditch by filter drain, it did not form part of the SSFRA calculations and modelling. In that context I am satisfied that the site has been satisfactorily modelled for the purposes of the SSFRA and Justification Test, insofar as both drainage ditch and stream are left open. Therefore, the indicative infilling of the inner drainage ditch that has not been designed or modelled should not be filled as part of this proposal unless otherwise agreed.

### **13.7. Other Matters**

13.7.1. I am satisfied that there are no other aspects to the proposed development that present any conflicts or issues to be clarified, the documentation submitted by the applicant is sufficiently detailed and generally accords with the specific information required by the Board's opinion ABP-303504-18. The site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. The site is located close to bus services and there are no extraordinary traffic or transportation issues that cannot be dealt with by condition as necessary. The planning authority have recommended a number of conditions that should be attached in the event of a grant of permission. These conditions are of a technical nature or refer to development contributions. For the most part, I agree with the planning authority's recommended attachment of conditions where relevant.

### **14.0 Recommendation**

14.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

### **15.0 Reasons and Considerations**

Having regard to:

(a) the policies and objectives in the Meath County Development Plan 2013-2019 and the Navan Development Plan 2009-2015 (as varied);

(b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;



(c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

(d) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in March 2018;

(e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(f) the nature, scale and design of the proposed development;

(g) the availability in the area of a wide range of social, community and transport infrastructure,

(h) the pattern of existing and permitted development in the area,

(i) the submissions and observations received and

(j) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance

with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the Planning Authority:

(a) the omission of all surface car parking spaces (70 in total) and their replacement with open space or for a use to be determined by a future planning application.

(b) The omission of the vehicular entrance at the northern section of the site between Blocks C and D, and the extension of the pedestrian and cyclist facilities along the frontage of the site.

(b) the omission of the fourth floor office space and associated fourth floor services from Block A, so that Block A has a total building height of three storeys.

(c) reposition Block C a minimum of 2 metres and no more than 5 metres southwards, likewise reposition Blocks A/B a minimum of 2 metres and no more than 5 metres southwards. This shall achieve a minimum of 2 metres separation distance between Blocks A/B and the boundary of Bailis Village to the north, this newly provided intermediate area between sites shall be suitably landscaped and fenced.

Reason: In the interest of residential amenity of existing and future occupants and to encourage more sustainable modes of transport.

3. The internal street network serving the proposed development, including service bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

(b) To facilitate connectivity and permeability, the finished surface of all footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.

4. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

5. Proposals for an estate/street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

6. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs

(including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

10. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

11. Water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following specific requirements shall be submitted to and agreed

in writing with the planning authority prior to commencement of development, unless otherwise stated:

(a) Revised drawings shall show the inner ditch that lies alongside the Athlumney Stream to remain open and not be filled with a filter drain, unless otherwise agreed;

Reason: In the interest of public health.

12. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

13. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

15. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the

trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

18. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of sustainable transportation.

19. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

21. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste. The plan shall also identify measures to protect operational Luas infrastructure.

Reason: In the interests of public safety and residential amenity.

23. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity.

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.



The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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Stephen Rhys Thomas  
Senior Planning Inspector

01 October 2019