



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306328-20

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<b>Development</b>	Demolition of 4 derelict dwellings and construction and replacement of the 4 dwellings and construction of a 3 storey apartment block with 12 apartments
<b>Location</b>	58-61 Flower Hill, Navan, Co Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	NA190678
<b>Applicant(s)</b>	EGG, PT, Properties Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Split Decision – Grant & Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	EGG, PT, Properties Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> of May 2020
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The application site consists of a parcel of land (area c. 0.2505 ha) in the Flower Hill area of Navan. The site is to the east side of the public road and consists of 4 terraced properties along the road frontage which are vacant and in poor condition and an adjacent detached more modern building to the north. To the rear of these properties is an area of overgrown land that is accessed via a surfaced access road off Flower Hill. This area is c. 1.5m higher than the dwellings on the roadside boundary and is cordoned off from the access road.
- 1.2. The access road also serves 3no. single storey dwellings and associated rear garden/parking area of no.4 Flower Hill Grove. The boundary between the rear garden area of no.4 and the subject lands is presently open plan. To the rear (east) of the site is a development of duplex apartment units at 'Blackcastle Lodge' Flower Hill. These are generally 3 storey blocks and the rear windows of these face the site. There is a 2m high rendered wall along the boundary of the site with these apartments. This wall continues to mark the northern boundary.
- 1.3. The houses on this side of Flower Hill and the opposite side are of mainly more traditional town house stock and appear vacant and in derelict condition. There is limited pay and display on street parking in this area of Flower Hill and double yellow lines in front of the 4 town houses.

## 2.0 Proposed Development

- 2.1. This proposal comprises the following:
  - The demolition of 4 derelict dwellings nos. 58 to 61 (inclusive) Flower Hill, Navan;
  - The construction and replacement of the 4 dwellings;
  - The construction of a three-storey apartment block consisting of 9no. 2 bed apartments and 3no. 1 bed apartments over 3 floors;
  - All associated site works and connection to public services.
- 2.2. A Planning Rationale and Design Statement has been submitted by Paul Carroll & Associates Ltd. Architectural & Planning Services.

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

### 3.0 Planning Authority Decision

#### 3.1. Decision

On the 10<sup>th</sup> of December 2019, Meath County Council decided on a split decision to compromise the following:

- To Grant Permission for the demolition of 4 derelict dwellings Nos. 58 to 61 (inclusive) and replacement of the 4 dwellings subject to 19 no. conditions. These conditions in general refer to issues of design and layout, infrastructure (access, carparking and drainage), demolition and construction management, cash deposit and development contributions.

Condition no. 2 is of note and is as follows:

*The three-storey apartment block shall not be permitted. Prior to the commencement of any development on site a revised site layout plan shall be submitted for the written agreement of the Planning Authority which details the omission of the apartment building, associated parking area, bin storage and bicycle storage buildings.*

- To refuse permission for the construction of a three storey apartment block consisting of 9no. 2 bed apartments and 3no. 1 bed apartments over 3 floors for the following reason:

*It is the policy of the MCC DP 2013-2019 (as varied) To encourage and foster the creation of attractive mixed use sustainable communities which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities (HS POL 1) and To require a high standard of design in all new residential schemes that are built in a style and scale that is appropriate to the landscape setting (HS POL 2). The proposed three storey apartment block has not had due regard to the adjoining residential lands to the south of the site and, if permitted, will give rise to overlooking and over-dominance*

*of these properties and by virtue of the proposed sub-standard design and finishes would impact on the visual character and amenity of the area. Therefore, the development proposed would materially contravene these policies, seriously injure the amenities and depreciate the value of properties in the vicinity, would establish an undesirable future precedent for developments of this kind and would be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planner's Report**

The Planner had regard to the locational context of the site, planning history and policy and to the inter departmental reports. They noted the following:

- The subject lands are included in the Meath County Council vacant site register (VS-MH-0007). The lands were entered on the register of the 21<sup>st</sup> of August 2018.
- Meath Co.Co. were successful in funding application for the regeneration of the Flower Hill area of Navan under the URDF. This includes the preparation of a Public Realm Plan for the area.

Their Assessment included the following:

- The lands are zoned for mixed use in the Navan Development Plan and residential uses are permitted.
- They have no objection to this site being used entirely for residential uses. Such a use would assist in re-energising the area.
- A report from the Conservation Officer indicated no objection to the demolition of the existing properties.
- The consultants preparing the public realm plan for Flower Hill indicated their preference for restoration and refurbishment rather than demolition, however they did note the proposed dwellings were reflective of the scale of existing properties.

- It is noted that the floor to ceiling heights of the properties are substandard and considerable works would be required to bring them up to standard.
- There is no objection in principle to the demolition and replacement of these properties. They are satisfied that the location of the townhouses and the relationship with adjacent properties is such that it would not create any adverse impact on the surrounding area by way of overlooking or overshadowing.
- They have concerns with the general design of the apartment building as it is lacking any distinct architectural style or features and would result in substandard development and overlooking.
- They note Transportation concerns relative to access and parking.
- The site is not located within a Flood Risk Zone.
- They note that F.I is recommended relative to foul/surface water drainage.
- They are satisfied that the application and the works associated with the development would not be likely to have a significant effect on the River Boyne and River Blackwater SPA and SAC and therefore a Stage 2 AA (NIS) would not be required.
- They concluded that while the principle of a residential development is acceptable on this site, that they have concerns about the design and scale of the apartments and the extent of overlooking of the lands to the south as a result of their orientation and proximity to the southern boundary. They considered that further details would be required in relation to the design and finishes of the proposed townhouses and how they would integrate into the streetscape. Additional details are required in relation to access, parking and servicing arrangements.

*Further Information request*

The Council's F.I request included the following:

- They noted concerns regarding the design and layout and standard of the proposed development, in particular the apartment block.

- The applicants were requested to submit a design report outlining how the design of the proposed apartments would result in a high quality development that would positively contribute to the built environment of the town.
- They requested some redesign of the town houses and details of external finishes to integrate with the townscape.
- Further details on the entrance road into the development and to demonstrate the proposed access road and parking and turning area is in accordance with the requirements of DMURS.
- To carry out an analysis relative to the reduction in on site car parking.
- A full schedule of boundary treatments to be submitted.
- To submit a detailed surface water drainage design to comply with current standards.
- To submit revised proposal for the foul sewer ensuring individual connections do not pass through private gardens.
- To submit full details of the design of the proposed water supply.

*Further Information response*

- Revised drawings have been submitted to address the issues raised in the Council's F.I request.
- A Further Information Report relative to the proposed development has been prepared by Joseph O'Reilly Consulting Engineers, relative to surface water drainage and details of the foul and storm drainage.

*Planner's Response*

The Planner had regard to the F.I submitted and their response included the following:

- They have regard to the revised plans submitted and note the Conservation Officer's comments. They consider that the revised plans for the apartment block are not acceptable and would result in overlooking and in a large visually obtrusive feature that would be detrimental to future development of backlands and the visual and residential amenities of the area.

- They consider that the apartment building should be redesigned and recommend that permission be refused. They provide that to permit the building in its current format would set an undesirable future precedent for the development of adjoining sites within the Flowerhill Regeneration Area.
- They are satisfied with the amendments to the proposed townhouses and note the Conservation Officer is satisfied with the applicant's response in relation to item no. 2. They note concerns about the boundaries to the town houses.
- They have regard to Transportation comments and note concerns about the narrow width of the access and accessibility within the site. Also, that the parking requirements and cycle parking standards will not be met.
- They provide that the apartment block will not be permitted and the conditions relevant to the 4 townhouses can be attached to the permission.
- They refer to the F.I drainage response relative to surface and foul water drainage and water supply and note that the Council's Water Services Section and Irish Water do not object subject to recommended conditions.
- They provide that as the apartment block is not being permitted, no development contributions are applicable. They recommend a cash bond/deposit and monitoring conditions should be included.
- They recommended a split decision i.e permission subject to conditions for the demolition and reconstruction of the 4no. houses and that the apartment block and ancillary works be refused.

### 3.3. **Other Technical Reports**

#### Transportation Section

They noted concerns about the entrance/exit from the site onto Flower Hill Road, on site parking being below the DP standards and lack of permeable connections from the site. They recommended that a Traffic Management Plan be submitted, details regarding the entrance/exit in accordance with DMURS, circulation details, and an alternative parking layout.

They have regard to the revised plans submitted as part of the F.I and note a number of outstanding concerns relative to the access, on-site car parking provision, access for bin collection and note a swept path analysis has not been submitted. In the event of a permission they recommend conditions.

#### Water Services Section

They had regard to Surface Water Treatment and Disposal and provide that the proposed development does not meet their requirements with respect to the orderly collection, treatment and disposal of surface water. They recommended that F.I be sought on a number of issues, including a detailed surface water drainage design in accordance with current standards to be submitted. Also, the incorporation of SuDS including permeable paving.

Subsequent to the F.I response they provide that they had no objections subject to recommended conditions.

#### Conservation Officer

They raised concerns in relation to the design of the apartments at the rear. In response to the F.I submission they did not support the revised design.

### **3.4. Prescribed Bodies**

#### Irish Water

They requested F.I in relation to the design of the foul sewer and water supply. In response to the F.I submission they provide that they have no objections subject to conditions.

### **3.5. Third Party Observations**

None as noted in the Planner's Report.

## **4.0 Planning History**

As per the Planner's Report there are no recent planning decisions relevant to this site.



## 5.0 Policy Context

### 5.1. National Policy

It is submitted that the key policy and guidance documents of relevance to the proposed development are as follows:

- Project Ireland 2040 National Planning Framework (2018)
- Regional Planning Guidelines for the Greater Dublin Area 2010-2022
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) 2009
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DECLG, 2018)
- Design Manual for Urban Roads and Streets 2019
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)
- Habitats Directive - Appropriate Assessment

### 5.2. Meath County Development Plan 2013-2019

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

Section 3.4.2: Navan is classified as a Large Growth Town 1, where the policy of the Development Plan is to promote economically active towns supporting the surrounding area and maximising their location on multi modal corridors. They also seek to support critical mass.

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

Section 3.6.6 provides the policies and objectives relative to Design of Residential Development. Policies HS POL 1 – 11 and Objectives HS OBJ 1 – 5 are of note.

Policy HS POL 1 seeks: *To encourage and foster the creation of attractive mixed use sustainable communities which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities.*

HS POL 2 seeks: *To require a high standard of design in all new residential schemes that are built in a style and scale that is appropriate to the landscape setting.*

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

TRAN SP 6: To promote higher residential development densities within the Large Growth Towns I and II and Moderate Sustainable Growth Towns, as promoted by the Department of Environment Community and Local Government's 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' so as to support viable public transport services.

Section 11.2: Guidelines for Residential Development. 11.2.1: Residential Density.

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

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

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

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

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

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

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

*Zoning Objectives:* Section 3.3 provides the Land Use Zoning Objectives, Table 4 refers. The site is zoned C1 Mixed Use: *To provide for and facilitate mixed residential and business uses.* Residential developments are permitted on lands zoned for mixed uses. There is also a requirement that: *at least 30% of a given site area for commercial (non retail) development.*

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

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

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

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

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

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

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

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

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

Section 8.12 refers to Archaeology.

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

#### **5.4. Natural Heritage Designations**

The River Boyne and River Blackwater SPA (Site Code: 004232) and SAC (Site Code: 002299) are located approx. 110m south of the appeal site.

#### **5.5. EIA Screening**

Having regard to the nature and scale of the proposed development on a fully serviced site and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

Gabriel McGrath, Director EGG Properties Ltd, has submitted a First Party Appeal against the Council's decision to refuse permission for the construction of the 3 storey apartment block to the rear of 58-61 Flower Hill Navan. They note details of the planning history and context of the site.

- They consider that the proposed development will foster the creation of an attractive, mixed use sustainable community and will contain a variety of housing types and tenures as per HS POL 1 of the Meath CDP.

- The proposal will not lead to anti-social behaviour, the provision of one and two bed apartment accommodation concurs with the LA housing type audit of 2018.
- The total site was purchased in later 2016. They note pre-planning discussions that have taken place. They provide that consideration was given to the Urban Regeneration of the Flower Hill area.
- There are no applications for permissions to develop adjoining sites, nothing has happened in this section of Flower Hill for at least 15 years. This proposal will act as a catalyst for the regeneration of the area.
- It will not seriously injure the amenities and depreciate the value of properties in the vicinity. In summary they provide that there were no objections to the application.
- A higher density is of the utmost importance to make the best use of serviced lands on a town centre site.
- They consider that their revisions at F.I stage have improved the issue concerning overlooking and note that the lands to the south are already overlooked by the duplex units to the east which are on considerably higher ground.
- Irish Water has no issue with this proposed application for connection to the public services.
- Further Information from Paul Carroll & Associates Ltd deals substantially and completely with the concerns of the LA. They note that to reduce visibility, the height of the proposed apartment development has been lowered by 2.5m.
- Having regard to the on site parking issue they note that the site is located c. 500m from Navan Town Centre, with access to public transport, walking and cycling routes.
- Concerns of the Transportation Section will be addressed with regard to shared surface and sightlines at the rear of the town houses.
- They attach photographs of the random designs in the area (1930's to 1990's) and of a recently permitted development off Dunshaughlin's Main street.

- They have deliberately chosen a plain finish to this development to take account of the ‘vernacular’ of this area of Navan and not set any ‘future precedent’.
- The 1 and 2 bedroom accommodation is a design type that is not presently being catered for in Navan or across the country and is urgently required due to changing demographics in Ireland. This is recognised by the DoE Planners grappling with the housing crises. The proposed development will partially satisfy this requirement in Navan.

## 6.2. Planning Authority Response

They have regard to their split decision and to the issues raised in the First Party grounds of appeal and their response includes the following:

- The redevelopment of the site will form one of the first projects in the Flowerhill Regeneration Area and it is considered of the upmost importance that a high quality, design, finished with durable materials is proposed and permitted on the site.
- They consider that the apartment building fails to make a positive contribution to the area. It is lacking any distinct architectural merit and would form a large obtrusive feature in the streetscape to the detriment of the visual and residential amenities of the area.
- They note that the Conservation Officer did not support the revised design.
- They have serious concerns regarding the extent of overlooking to the south and the impact it would have on the development potential of the lands to the south.
- It is their opinion that the proposed development would set an undesirable future precedent for the development of adjoining sites within the Flowerhill Regeneration area.
- It is their view that a redesigned proposal sympathetic to the character of this unique area which addressed successfully the above mentioned issues would be acceptable.

- The PA is satisfied that all matters outlined in the submission were considered in the course of its assessment of the planning application as detailed in the Planning Officer's Report and the report received from the Conservation Officer.
- The design of the proposed apartment block is considered to be contrary to the policies and objectives as outlined within the Navan DP 2009 and the Meath CDP 2013-2019.
- They request the Board uphold their decision to refuse permission for the said apartment block. They have no objection to the proposed demolition of 4 derelict dwellings nos. 58 to 61 and the replacement of the 4 dwellings.

## 7.0 Assessment

### 7.1. Principle of Development and Planning Policy

- 7.1.1. As shown on the Land Use Zoning Map in the Navan DP 2009-2015 (as extended) the site is within the 'C1' mixed use zoning associated with the town centre. The Objective being: *To provide for and facilitate mixed residential and business uses.* Table 2.8 of the Meath CDP 2013-2019 refers to 'C1' mixed use and Section 2.9.6 refers to and provides guidance relative to Primary Land Use Zoning Categories. This includes that: *C1 zones have been identified to encourage mixed use development and for this reason it will be a requirement to include at least 30% of a given site area for commercial (non retail) development.* There are a number of permitted uses including residential and office. This is also stated in Section 3.3 relevant to the Land Use Zoning Objectives in the Navan DP 2009-2015.
- 7.1.2. Regard must also be had to Policies HS POL 1 of the Meath CDP which is referred to in the Policy Section above and this along with Policy HS POL 2 are quoted in the Council's reason for refusal relative to the design and layout of the apartment block. It is noted however, that this proposal is entirely for residential development and while there is some mix proposed relative to type of residential unit there is no mix relative to the 'C1' land use zoning.
- 7.1.3. On balance, I am not satisfied that a robust analysis in terms of the lack of consideration of any mixed use/ commercial development has been submitted. The

proposal would, in my view, contravene the C1 zoning objective of the development plan and, furthermore given the significant level of under provision proposed, it would materially contravene the said zoning objective.

- 7.1.4. I am of the view that the development of this land bank is not of strategic or national importance. The local authority in adopting its development plan and core strategy has had regard to the strategic needs of the county for a period of six years, identifying and quantitatively assessing locations and zonings to meet housing needs as well as commercial and community needs. There is no indication that there is under zoning in relation to residential or commercial uses within Navan, as outlined in the two year review document published in relation to the development plan objectives, and furthermore the same zoning objective was applied to this site under the previous development plan. The current development plan will be under review in the near future and it is perhaps more appropriate for the planning authority to examine the zoning of this site against the needs of the area as part of that process rather than via the development management process.
- 7.1.5. Section 37(2) of the 2000 Act provides the constrained circumstances in which the Board may grant permission for a development which contravenes materially a development plan. Should the Board be minded to grant permission, Section 37(2)(b) should be considered further.

## 7.2. Density

- 7.2.1. The National Planning Framework seeks to increase housing supply and to encourage compact and urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. This is supported by Objective SS OBJ 8 of the Meath County Development Plan 2013-2019, which seeks to ensure growth which is balanced, self-sufficient and supports a compact urban form.
- 7.2.2. As Navan is identified in the Development Plan as a Large Growth Town 1, an improvement on heretofore low densities is therefore required to support the sustainable growth of the town. As per the guidelines on Sustainable Residential Development in Urban Areas, regard is had to appropriate locations for increased densities. This includes residentially zoned lands in town centre areas. While a mix



of residential and other uses will often be desirable in town centres, particular care is needed to ensure that residential amenity is protected. The current site could be seen as a redevelopment site and the frontage as 'brownfield' and it is noted that it is within the Flowerhill Regeneration Area where the concept of sustainable redevelopment is to be encouraged.

7.2.3. The guidelines recommend that along public transport corridors, ie within 500m walking distance of a bus stop (as is the case with the subject site), but minimum net densities of c.50 dwellings per hectare should be applied, subject to appropriate design and amenity standards. The apartment guidelines 2018 indicate that areas of cities and towns suitable for apartment development are those within 500m walking distance of a high frequency bus service, ie min 10 minute peak hour frequency.

7.2.4. The application form provides that the area of the subject site is 0.25ha and the g.f.s of the existing buildings to be demolished is c. 298sq.m and c.398sq.m for the 4 replacement dwellings and c.1058sq.m for the 12 apartments. Taking this into account i.e.  $1,456\text{sq.m} / 2,500\text{sq.m}$  the plot ratio would be 0.58 and  $631\text{sq.m} / 2,500\text{sq.m}$  and the site coverage 25%. Therefore, including the apartment block of 12 units and the 4 replacement townhouse units this would be 16 units on a site of 0.25ha. which would result in a density of 64 units per hectare which would be in accordance with standards. However, it must also be taken into account, that the lands are zoned for 'mixed use' and not solely as 'residential'.

### 7.3. **Design and Layout**

7.3.1. Currently along the steep sloping street frontage there are 4no. existing terraced houses on site which are vacant, in poor repair and are boarded up. A report detailing their poor condition has been submitted. This notes their low ceiling heights and general lack of maintenance and advanced state of decay. It also notes that under the current Building Regulations it would be unfeasible and unsustainable to attempt to restore this terrace of houses to current habitable standard. It is therefore submitted that their restoration is unsustainable and economically unviable and that their demolition would be preferable, in order to provide modern living accommodation.

- 7.3.2. The backland part of the site is largely greenfield and undeveloped/overgrown and consists generally of associated former large garden areas to the rear of these properties which forms part of the subject site. The subject lands are included in the Meath County Council vacant sites register (VS-MH-0007) and are now in the Flowerhill area earmarked for regeneration. There is concern that any new development should be sustainable and set a desirable precedent, particularly in view of dereliction and as little urban regeneration development has happened in this area of Flower Hill over the last number of years.
- 7.3.3. The proposed development consists of the demolition of the 4no. terraced properties along the roadside boundary, the construction of 4no. replacement terraced dwellings to more current standards, and the construction of 12 no. apartments in a 3 storey block to the rear of the dwellings. A Design Statement has been submitted with this proposal. This provides that it is intended to use modern design principles to promote a high quality urban residential development of medium sized terraced houses, with a 3 storey apartment block to the rear of the site, on existing lands which are currently brownfield.
- 7.3.4. They provide that the design proposal is assessed using the 12 Criteria as set out in the Urban Design Manual – A Best Practice Guide, and that all the 12 headings will be addressed in the proposed development and they provide details of such. Also, that the principle of the proposed development complies with the Sustainable Residential Development in Urban Areas Guidelines. Therefore, that the design principles applied to the built form are to accord with the stated objectives as set out within the Development Plan. They provide that the proposed buildings have been designed using a combination of traditional and contemporary materials. In addition, that this will include a combination of high insulation standards, passive heat gain, solar water heating together with rainwater harvesting and use.
- 7.3.5. As shown on the Site Layout Plan access is to be from Flower Hill Road using the existing access to the single storey dwellings to the north of the site, which as shown on the Site Layout Plan is within the landholding, but outside of the red line boundary. Access to the proposed town houses and apartment block is to be from the rear. A parking layout has been included.

### *Town Houses*

- 7.3.6. The Site Layout Plan shows that it is proposed to provide 4no. two storey replacement town houses in a terrace and stepped fashion in view of the sloping nature of the site on Flower Hill. These are shown as similar type c.100sq.m in floor area with living accommodation on ground floor and 3no. bedrooms and bathroom on first floor. They are shown with pitched roofs and c. 7.6m to ridge height. No windows are proposed at the gable ends. As shown on the drawings originally submitted it was not proposed to provide chimneys.
- 7.3.7. The Council's F.I request considered that the chimneys of existing properties are an important feature in the local streetscape and advised that chimneys be incorporated into the design of these properties. Fake chimneys have been incorporated in the revised plans which will help to integrate the proposed dwellings into the varied albeit traditional format of the streetscape. Materials used in external finishes are to include blue/black slates and render, timber windows and doors.
- 7.3.8. Rear garden areas are shown as less than 60sq.m. which would not be in accordance with Table 11.1 is the Minimum Private Open Space Standard for Houses. It is noted that the garden areas to the rear are to incorporate one car parking space, so they would be less than the minimum private usable private open space required for a 3 bedroomed house.
- 7.3.9. The terrace of existing properties to be demolished currently abut no.62 to the south, which is a two storey property larger than the houses within the terrace. As shown on the Site Layout Plan unlike the existing scenario, the proposed dwellings would be detached from no. 62 to the south, with a separation distance of 4m. tapering to 1.5m at the rear. The reason for this separation gap appears to be to facilitate the connections to the surface and foul water sewers. While, this gap is not existing, I would not consider that this would have a detrimental impact on the streetscape and note it could perhaps be used for pedestrian permeability from the site.
- 7.3.10. I would have no objection in principle to the demolition of these properties subject to the scale and design of any replacement properties reflecting the existing properties. However, I would have some concern relative to the private open space and on site car parking not being in accordance with current standards and would consider that in the context of the overall new development scheme this is not desirable.

### *Apartment Block*

- 7.3.11. The proposed apartment block is to be 3 storey with as originally submitted a pitched roof shown 11.3m to ridge level. The roof as shown was to be constructed with Kingspan roof panels. The block is shown 'L' shaped, located to the rear of the site, the main elevations proximate to the southern and eastern boundaries. The gross floor area of the apartment block is given as 1057.6sq.m. This is to comprise 12no. apartments, 3 no. 1 bed and 9no. 2 bed. The floor plans include two separate foyers on ground floor level and the floors are to be linked two separate stairwells. As originally submitted the total floorspace of the 1 bed apartments was given as c. 45sq.m. and of the 2 bed apartments is 70-78sq.m. All apartments are dual aspect.
- 7.3.12. The Council's concerns regarding the proposed apartment context, design and layout of the proposed apartment block are noted in their F.I request. Also, their concerns about overlooking of adjoining lands and properties. In response revised plans were submitted and some revisions made. The First Party provide that the F.I submitted deals substantially and completely with the concerns of the Local Authority. The pitched roof has been omitted to be replaced by a flat roof and the height of the proposed apartment block has been lowered by approx.2.5m. As shown on the drawings it now appears c. 9.5m. They provide that this will render it invisible from the streetscape, from the front of the terrace of houses, and may facilitate a living roof, solar panelling or similar sustainable initiatives in the future.
- 7.3.13. Regard is had to the *Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018*. Appendix 1 provides the Required Minimum Floor Areas and Standards. The apartment floor areas are given on the revised floor plans. It is noted that the one bedroom apartment floor areas are considerably less than that given in the written descriptions on the plans (i.e. c. 55sq.m). However, these are in excess of the 45sq.m given for a one bed in the Guidelines. The two bedroom apartments vary between 3 and 4 person and are all in excess of the minimum standards. Having regard to private amenity space, the balcony areas appear below minimum standards in some cases i.e less than 5sq.m for a 1 bedroom and 6/7sq.m for a 2 bedroom. This is particularly the case relative to the 1 bedroom apartments.
- 7.3.14. As shown the proposal is lacking in communal open space. However, there are 3 small areas of open space shown i.e a narrow strip proximate to the southern site

boundary, and two other small areas shown adjoining the car parking area to the west and north of the apartment block. It is noted that public and private open space standards are set out in Chapter 11 Development Management Standards and Guidelines of the Meath CDP 2013-2019. This includes that relative to houses and apartment blocks public open space should be provided at a minimum of 15% of the total gross area of the site. I would be concerned that there is no significant usable area of public open space shown for the apartment development. Also, a landscaping plan has not been submitted. Further details need to be submitted of boundary treatment. However, if the Board decides to permit it is recommended that it be conditioned that a Landscaping Plan and details of boundary treatment be submitted.

- 7.3.15. The revised plans have included details of a bin store for the apartment block. While clarification is needed, a large bin store appears to be located close to the southern boundary i.e to the west of the green area adjacent to the parking area and to the rear of the access to the town houses. I would consider that rather than one large bin storage area, that in the interests of convenience of future occupants that there should be another covered bin storage area, sited to serve the northern part of the block. If the Board decides to permit it is recommended that a condition relative to bin storage be included.
- 7.3.16. As shown on the plans submitted at F.I stage, separation distances from the block to the rear of the proposed town houses is shown as c.36m, which is considered, to be acceptable. The proposed apartment block is shown sited c.3m from the eastern boundary and 4.5m from the southern boundary. Having regard to the overlooking issue, the First Party provide that they have located only bedrooms on the south side of the building. While this is generally the case, it is noted that as shown the 1 bed apartments have kitchen/dining/living room windows and balconies located on this elevation. They provide that the lands to the south are already overlooked by the duplex units to the East which are on a higher level. On site I noted that there is some overlooking towards the site, from the rear of the 3 storey apartment blocks in 'Blackcastle Lodge' to the east.
- 7.3.17. There are concerns about the extent of overlooking that would result from the proposed apartment block. Also, that it would hinder the development of adjoining backland sites. Having regard to these issues as noted above and having viewed the

proposal on site, I would be concerned that the while in general the principle of apartments/town houses are acceptable on this site, the design and layout of the proposed apartment block would result in a substandard and visually obtrusive form of development that would be contrary to policies HS POL 1 & 2 of the Meath CDP.

#### **7.4. Impact on the Character and Amenities of the Area**

- 7.4.1. It is of note that the Planner provides that the redevelopment of this site will form one of the first projects in the Flowerhill Regeneration Area and it is considered of the upmost importance that a high quality design, finished with durable materials is proposed and permitted on this site. There is concern that this proposal will set an undesirable precedent for the future development of these larger sites in the area.
- 7.4.2. There are existing buildings in the area constructed close to the site boundaries and overlooking is a concern. There is also concern that the scale and massing of the apartment block will appear overly dominant and overbearing in this context and will impact adversely on the development potential of undeveloped lands in the vicinity and on the character and amenities of the area. Consideration has not been given to breaking up the block and providing more variety in design and unit type. As shown, it will appear as a large continuous block on this backland site, dominated by parking and lacking in public/communal open space provision for future occupants. The scheme is also lacking in permeability for pedestrians and cyclists.
- 7.4.3. It is noted that the Council has made a split decision and granted permission subject to conditions for the 4no. townhouses. Condition no. 2 provides for the omission of the apartment block, associated parking area, bin storage and cycle storage buildings. While the former are the more acceptable element of the scheme, I would be concerned that their private amenity open space and on-site parking is deficient. Also, that to grant permission for these would result in a piecemeal development.
- 7.4.4. I would therefore consider that it would be preferable in the interests of proper planning and development to refuse permission for the proposed development as a whole. An improved revised scheme would be best addressed by way of a new application. This should also include some element of mixed use development as per the 'C1' zoning objective and be in accordance with policies HS POL 1 and HS POL 2 of the Meath CDP 2013-2019.

## 7.5. Access and Parking

- 7.5.1. Access to the lands is to be via the existing access road off Flower Hill Road. This is a busy one-way street that travels north. There are double yellow lines and no on street parking in front of the existing houses proposed for demolition on Flower Hill and limited pay and display on street parking in the area. There are concerns that the proposed development would add significant traffic to this road which currently only serves 4no. dwellings. Also, that while it is proposed to use an existing entrance it is not included within the red line boundary of the application site.
- 7.5.2. The Council's Transportation Section is concerned that the entrance/exit to Flower Hill Road at 4.3m wide including a 1.0m wide raised footpath with kerb on the northern side is narrow. The applicant proposes to provide a shared surface at this location. There is no kerb proposed on the southern side. They recommend that a verge should be created to reduce the risk of a vehicle siding with the existing dwelling alongside. They are concerned that the proposed access does not comply with DMURS. In this respect regard is had to Section 4.4.1 relative to Carriageway Widths. The F.I provides that the existing width of the access road is 5m in compliance with DMURS requiring a carriageway width of 4.8m from local streets with a shared surface.
- 7.5.3. The Transportation Section are concerned that no details have been submitted relative to sightlines from the site entering Flower Hill Grove or from Flower Hill Grove onto Flowerhill Road. They recommended that a drawing outlining the entrance and exit widths and details of the entrance onto the Flower Hill Grove and Flower Hill Road and compliance with DMURS be submitted. In addition, that it be demonstrated how it is proposed to deal with the narrow entrance/exit during construction and when the proposal is operational. Also, that this should include vehicle tracking data for a HGV which may be used as part of the day to day running of the development i.e bin lorry etc.
- 7.5.4. It is noted that the Transportation Section in response to the F.I submitted recommend that if permission is to be granted that prior to the commencement of development proposals for a DMURS compliant shared surface entrance roadway be submitted. Also, that a drawing showing a swept path analysis for the refuse vehicle serving the development and that this demonstrate how the bins are to be

taken from the bin store to the collection vehicle and that this not impact adversely on parking.

- 7.5.5. The Car Parking Standards in Table 11.9 of the CDP indicate that 1.25 parking spaces are required per 1 & 2 bed apartments and 1 visitor space per 4 apartments. It is proposed to provide 19 no. car parking spaces to serve the proposed apartments, which would appear to comply with standards. However, there is concern that some of the on-site parking spaces proposed to facilitate the proposed development are substandard in width and are less than required in the parking standards. Also, that the disabled parking space would not comply with current standards. As part of the Council's F.I request the applicant was requested to submit an alternative parking layout. This has not been submitted. In response the Transportation Section notes their concerns relative to the proposed parking layout being substandard have not been addressed.
- 7.5.6. It is noted that Table 11.9 of the CDP indicates 2 no. spaces for conventional dwellings. The proposed 3 bedroom town houses only show provision for 1 no. on site car parking space and there is no additional space available within the surface car parking area. The Transportation Section are concerned that it is unclear if sightlines have been provided from the said parking spaces where drivers could be reversing into a shared surface. They recommend that it be conditioned that prior to the commencement of development, that a drawing showing proposals for the town houses in compliance with the CDP be submitted to demonstrate sightlines for the parking areas.
- 7.5.7. In the interests of sustainability, the issue of cycle parking is also of relevance. The revised plans indicate a cycle parking area for the apartment block. However, the Transportation Section are concerned that this would not provide a secure unit or sufficient spaces and does not comply with current standards.
- 7.5.8. The First Party Appeal provides that the concerns of the Transportation Section will be addressed, with regard to shared surfaces and sightlines at the rear of the town houses. They also note, that having regard to the on-site parking deficit the site is c. 500m from the town centre, and that there are sustainable transport options available relative to access to public transport, walking and cycling routes.



- 7.5.9. Vehicular and pedestrian access is to be via the shared access to the north of the site. Having regard to permeability there is concern that there is no direct access to the street via a footpath for pedestrians which may impact on pedestrian safety. Therefore, there are a number of access and parking related issues to be addressed.

## **7.6. Construction Management**

- 7.6.1. There are concerns that this proposal involves the use of a narrow existing entrance onto a busy one way street proximate to Navan Town Centre i.e. Flower Hill Road, for entrance/exist purposes and that this unless properly managed may cause disruption for existing residents and pedestrians during demolition and construction process. If the Board decide to permit it is recommended that it be conditioned that a Demolition and Construction Management Plan to comply with current standards be submitted.

## **7.7. Drainage issues**

- 7.7.1. It is proposed to connect to the existing drainage system. It is of note that the Council's Water Services Section, had concerns about surface water drainage as originally submitted. They recommended that a detailed surface water drainage design which is in accordance with current standards, compliance with SuDS and details on permeable paving be submitted.
- 7.7.2. A Further Information Report relative to Drainage issues and revised drawings were submitted. This includes that on revision of the surface water drainage design attenuation storage has been added to the network. This is to be located beneath the green area proximate to the southern site boundary. Reference is made to the revised surface water drainage drawings submitted, to the location of the attenuation tank and to detailed calculations of attenuation storage required and greenfield runoff rate for the site (Appendix A Tables 3.1 and 3.2 relate). They provide that adjustments have been made to the design of the surface water networks to ensure that no surface water sewer run passes through any private properties. Regard is had to SuDS and locations of proposed permeable paving have been shown on the revised drawings.

- 7.7.3. It is provided that revisions have been made to the foul sewer network, adjustments have been made to the layout as with the storm sewer ensuring that no individual connections will pass through the private properties. They refer to the revised drawings that show the updated foul sewer layout. In response to the F.I submission Irish Water provide they have no objections subject to conditions.
- 7.7.4. In response to the F.I submitted the Council's Water Services Section provides that the proposed development broadly meets their requirements with respect to the orderly collection, treatment and disposal of surface water. They and Irish Water have no objections subject to a number of recommended conditions. It is recommended if the Board decides to permit that appropriate drainage conditions be included.

## 7.8. **Screening for Appropriate Assessment**

- 7.8.1. The site is located c.110m north of the River Boyne and River Blackwater SAC (site code:002299) and the River Boyne and River Blackwater SPA (site code: 004232). Regard is had to the Site Synopsis for each of these Natura 2000 sites on the NWPS website.
- 7.8.2. The features of Interest relative to the SAC are Alkaline fens, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, River Lamprey, Salmon and Otter. The overall conservation objective seeks: *To maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected.*
- 7.8.3. The Conservation species relative to the SPA is the Kingfisher. The overall objective is: *To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.*
- 7.8.4. An Appropriate Assessment Screening Report has not been submitted with this application. There are no potential pathways from the site. It is proposed to connect to the existing drainage system and provided best practice is followed relative to construction and operational phases in accordance with current standards it is not considered that there is likely to be a significant impact on these European sites.
- 7.8.5. Having regard to the nature and scale of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site, no

Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend that this proposal be refused for the reasons and considerations below.

## 9.0 Reasons and Considerations

1. Having regard to the Sustainable Urban Design Standards for New Apartments Guidelines for Planning Authorities 2018, issued by the Department of Housing , Planning and Local Government, the 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 2019, the policies and objectives in the Meath County Development Plan 2013-2019 and the Navan Development Plan 2009-2015 (as extended) it is considered that, by reason of the response to the site context, that the proposed development and in particular the design, scale and massing of the apartment block would result in a substandard and unsustainable form of urban development that would cause overlooking, result in a deficit of open space and on-site parking and detract from the character and amenities of the area. As such it would be contrary to policies HS POL 1 and HS POL 2 of the Meath County Development Plan 2013-2019, would set an undesirable precedent for the Flowerhill Regeneration Area and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the zoning of the site under zoning objective C1, of the Meath County Development Plan 2013-2019 and the Navan Development Plan 2009-2015 (as extended) which states it will be a requirement to include 30% of a given site area for commercial (non-retail) development, it is considered that the proposed development, which is solely for residential development, would contravene materially the said zoning objective and would be contrary to the proper planning and sustainable development of the area.

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Angela Brereton  
Planning Inspector

11<sup>th</sup> of May 2020