



An
Bord
Pleanála

Inspector's Report

ABP-307263-20

Development	The construction of an apartment and commercial scheme within two blocks with surface and basement car parking
Location	Former Irish National Forester's Hall , Brews Hill , Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	NA190965
Applicant(s)	Joseph Cosgrove
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	(1) Residents of Brews Hill. (2) Geraldine Curtis. (3) St Joseph's Mercy Secondary School.

Date of Site Inspection

18th June 2020

Inspector

Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.29 hectares, is located on the south side of Brews Hill, a regional road that runs through the centre of Navan. It is subject to a 50kph speed limit. There is a variety of retail, commercial and residential uses on the street. The site of the proposed development is on its southern side and is currently a pay and display car park operated by the local authority. The site is bounded to the south by the grounds of St. Joseph's Primary and Secondary Schools. A pedestrian/vehicular access to the schools adjoins the site. The site is bounded to the south-west by rear gardens of houses on Brews Hill. Navan O'Mahoney's GAA club is located further to the west.

2.0 Proposed Development

2.1. Permission is sought for the construction of an apartment and commercial scheme within two blocks with surface and basement car parking. Block A (front block) comprises a three-storey building with a setback third storey comprising 2 no. ground floor retail/office units (346sqm) with 11 no. apartments (1 no. three bed , 3 no.s two bed and 7 no. 1 bed units on the upper two floors). Block B (rear block) comprises five-storey building with a setback fifth storey comprising of 32 no. apartment (15 no. two bed, and 17 no. one bed units). 43 no. apartment in total with associated amenity space with 52 no. car parking spaces (21 no. surface car parking spaces and 31 no. basement car parking spaces(, cycle parking facilities, secure bin storage facility and communal open space at ground level together with connection to all services including all ancillary site works. The approved development has some amendments including omission of parking along the front elevation of Block A, omission of roof garden on Block B and provision 1.8m opaque screens for over a portion of balcony areas.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 39 conditions. Of note are the following conditions...

Condition no. 5: Amendments including provision for footpath of certain dimensions, provision of disabled parking as per the regulations and bicycle parking.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (09/09/19): Further information required including provision of a shadow analysis, cross section of site and adjoining school, a detailed landscaping scheme, the requirements of the Transportation section and increased ceiling height of ground floor required.

Planning report (23/03/20): The proposal was considered to be satisfactory in terms of design, scale and the visual amenities of the area, acceptable in the context of adjoining amenities, traffic safety and in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

3.2.2. Other Technical Reports

Irish Water (23/08/19): No objection.

Water Services (23/08/19): No objection subject to conditions.

Transportation (27/08/19): Further information required including demonstration of sightlines, provision of 2.5m wide footpaths, provisions of disabled parking to the required standards, provision of car parking cycle parking in accordance with CDP.

Architectural Conservation Officer (20/03/20): No objection.

Transportation (24/03/20): No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

3.4.1 Three submission were received. The issue raised can be summarised as follows...

- Overlooking and overshadowing, traffic impact, adverse visual impact/out of character and scale and issues regarding the wastewater network.

4.0 Planning History

4.1 PL17.244281 (NA/140893): Permission refused for construction of a cafe and drive-through. Permission was refused based on one reason...

1. It is a policy of the current Navan Development Plan to preserve, protect and enhance the architectural heritage of the town and to ensure that new development makes a positive contribution to the historic character of the town. Furthermore, in relation to take-away development, it is a requirement that the design of such outlets should respect the character of the streets in which it is proposed to be located. Having regard to the incongruity of the form, scale and character of the proposed development, the proposed contrasting finishes, the excessive fenestration of its street frontage, extensive corporate signage, and its independent and isolated appearance within a tight and compact long-established street frontage, in proximity to protected structures, it is considered that the proposed development would conflict with the Plan's policy and provisions, would not be acceptable in terms of the streetscape within the town centre and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2 PL32.242676 (NT/120082): Permission was refused for a drive-through restaurant. Permission refused based on one reason...

1. Having regard to the location of the proposed development on an infill site between and across from blocks of terraced buildings within the central area of Navan, the Board considered that the single storey design and the proposed steel canopy to the front of the building would not be acceptable in terms of the streetscape and would seriously injure the visual amenities of the area. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area.

4.3 NT/50001: Permission was refused for the demolition of an existing shop, petrol pumps and associated services and the construction of a two-storey apartment block due to scale, bulk, design, overlooking and traffic hazard.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Meath County Development Plan 2013-2019. Navan is designated as a Large Growth Town 1 in the settlement hierarchy.

The appeal site is zoned B1 with a stated objective 'to protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses'. Residential and retail use are permitted uses within the B1 zoning objective.

Chapter 11: Residential Qualitative Standards

5.2 National Policy

Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018)

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns.

SPPR1:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

SPPR3:

It is a specific planning policy requirement that where;

- (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme,

utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

Guidelines on Sustainable Residential Development in Urban Areas 2009

Appropriate locations for increase densities

Public Transport Corridors:

Walking distances from public transport nodes (e.g. stations / halts / bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance¹⁸ of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities.

5.3 Natural Heritage Designations

5.3.1 None in the vicinity.

5.4 EIA Screening

5.4.1 Having regard to nature of the development comprising of the construction of a mixed use development with 2 no. retail units and 43 no. apartments and associated site works, 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

6.1.1 A third party appeal has been lodged by...

Francis Reilly and Rosemary Reilly, 49 Brews Hill, Navan, Co. Meath.

Vincent McKiernan, 46 Brews Hill, Navan, Co. Meath.

Doreen Morris, 48 Brews Hill, Navan, Co. Meath.

G 48 Brews Hill, Navan, Co. Meath.

Matty Nally, 12 Brews Hill, Navan, Co. Meath.

The grounds of appeal are as follows...

- The proposal would be excessive in height, overdevelopment of the site and does not comply with the design criteria of the draft County Development Plan.
- The proposal is potential noise nuisance and does not include adequate measures to reduce noise levels to adjacent properties including the school.
- The provision of elevated open balconies is out of character with the area and will overlook the bedroom areas of dwellings on the opposite side of the road. The western orientated apartment will overlook the rear garden of dwellings along Brews Hill impacting on privacy and residential amenity.
- The loss of 88 public car parking spaces will impact negatively on the street and existing town centre businesses. The loss of the spaces will place pressure on existing on-street car parking which is essential for the existing residents in the area.

6.1.2 A third party appeal has been lodged by Geraldine Curtis, Navan School of Language, 'St. Annes', Brews Hill, Navan, Co. Meath.

- The appellant owns a structure that is in dual use as a language school and residence and is concerned regarding overlooking and loss of amenity as a residence and language school.
- The proposal would result in overshadowing due to the proximity of the proposed structure to the appeal site.
- The proposal may impact on the future development potential of the appeal site due to its proximity.
- The loss of car parking spaces will impact on applicants business and the vibrancy and vitality of the town.
- The proposed development would have an adverse impact on the street scape.

6.1.3 A third party appeal has been lodged by St Joseph's Mercy Secondary School, Navan, Co. Meath.

- The appellants are concerned regarding overlooking of the school from window and balconies on the facade facing the school and not that such is a child protection issue with an obligation on the school to protect the privacy of children under the Child Protection Act. The privacy and safety of the children is a major concern regarding the proximity and orientation of the development relative to the school.
- The proposal is considered to be excessive in scale and out of character at this location. It is considered that windows could be recessed and angled to deal with overlooking.
- It is considered that visibility would be restricted at the vehicular entrance by the building itself, car parking and vehicles loading and compromise safety. The appellants note such in addition to the fact the vehicular entrance to the

school is narrow and the proposal would exacerbate safety issues at the existing entrance.

- The provision of shop and commercial uses in close proximity to the gates of the school could pose issue with parking and traffic movements.
- The existing public car park is currently used by parents dropping off and picking up pupils with no access to the school grounds. The loss of this parking would result in traffic issues.

6.2. Applicant Response

6.2.1 Response Jim Brogan Planning & development Consultants on behalf of the applicant, Joseph Cosgrove. There were three separate responses, one for each of the appellants. These response are summarised together.

- The proposal is satisfactory in context of overlooking and overshadowing (shadow analysis was submitted in respect of the appellants' property (Residents of Brews Hill) and would have impact development potential.
- The existing car park is private car park accessible to the public for pay and display. The car park has not been identified by the Council as required for parking and is zoned for development purposes and not car parking.
- The proposal is satisfactory in the context of existing streetscape and visual amenity with consideration taken of pre-planning consultation in the final design proposed.
- In regards to overlooking concerns raised by St Joseph's Mercy Secondary School it is noted that overlooking the existing access way to the school is acceptable in the context that it functions as an access way and is not a dedicated pay area. It is noted that amendments were made to omit a roof garden on Block B to alleviate overlooking concerns. It is noted that the applicant is willing to use obscure glass blocks and that there is obscure screening on fourth floor level balconies meaning only angled views of play areas. It is noted there is adequate separation between windows and

balconies and the play areas of the school and that there will be no overlooking of classrooms.

- In regards to concerns regarding sightlines at the entrance to the school it is noted that the proposal was modified in response to further information to omit a loading zone to the front of the site and that the approved proposal has no impact on sightlines at the existing access point.

6.3. Planning Authority Response

6.3.1 Response by Meath County Council.

- The Planning Authority determined that the proposal would be consistent with the policies and objectives of the Meath County development plan 2013-2019 and would be in accordance with the proper planning and sustainable development of the area. The Planning Authority request that the decision to grant permission be upheld.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/development plan/national policy

Design, visual amenity, streetscape

Adjoining amenity

Traffic

Quality/apartment design standards

Appropriate Assessment

7.2 Principle of the proposed development/development plan/national policy:

7.2.1 The proposal entails the construction of two blocks (Block A and B) consisting of 43 no. apartment in total with associated amenity space with 52 no. car parking spaces (21 no. surface car parking spaces and 31 no. basement car parking spaces (, cycle parking facilities, secure bin storage facility and communal open space at ground level together with connection to all services including all ancillary site works. Block A has 2 no. ground floor retail/office units (346sqm). The site is currently used as publicly accessible but privately owned pay and display car park.

7.2.2 The appeal site is zoned B1 with a stated objective 'to protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses'. Residential and retail use are permitted uses within the B1 zoning objective.

7.3 Design, visual amenity, streetscape:

7.3.1 A number of the appeal raise concerns regarding the bulk and scale of the proposal noting that it is out of character with the streetscape at this location and would have an adverse impact on the visual amenities of the area. The appeal site at the moment is a large gap in the streetscape due to being a car parking area. The proposal entails the provision of two blocks with Block A running on a southwest northeast access along the front of the site and being a three-storey block with the second floor recessed and a ridge height of 10.047m. Block B is located to the rear of Block A and runs along a northwest southeast access along the north eastern boundary of the site and is a five-storey block with the fourth floor recessed and a ridge height of 17.028m. The street scape at this location consist of mainly two-storey terraced structures with pitched roofs. Immediate to the south west of the site is a terrace of such two-storey structures. To the north east there is a vehicular entrance and two way access road to a school premises and beyond this is a two-storey detached residence/language school.

7.3.2 Block A is the most visible of the two blocks and is fairly typical in design and external finish for an apartment/retail development. The proposal seeks to provide for a streetscape along the front of the site and features active retail uses at ground floor level. The flat roof design of the proposal means the ridge height of Block A is not significantly higher than the ridge height of the adjoining structures on either side of Brews Hill or on the opposite side of the street. I am satisfied that the overall design and scale Block A would not be out of character or detrimental to the visual amenities of the area and has adequate regard to the pattern of development and scale of existing structures at this location. In the case of Block B it may be significantly higher in ridge height than Block A and existing development along the street, however this Block is positioned to the rear of the site and the bulk of such is obscured in view from the public areas in the vicinity. I am satisfied that overall design and scale of this Block B is satisfactory and can be adequately absorbed into the urban landscape at this location.

7.4 Adjoining Amenity:

7.4.1 Adjoining amenity is one of the main issues raised in the appeal submission with concerns regarding overlooking and overshadowing of properties in the vicinity a common theme in all the submissions. A number of the residents express concerns regarding overlooking of their properties on opposite side of the public road in particular bedrooms from balconies and windows on the front elevation of Block A. There is adequate separation between the front façade of Block A and the dwellings on the opposite side of the road, the front facade overlooks a public area and the pattern of development proposed is consistent with the typical pattern of development in an urban area such as this. The proposal would have no adverse impact on any of the properties on the opposite side of the public road.

7.4.2 An appeal has been received from the owner/occupier of the Navan Language School, which is a two-storey structure used as a language school and residence to the north east and on the other side of the access road to St. Josephs School. I would note that there is a degree of separation between the appeal site and the appellant's property with such located on the other side of the access road serving

St. Josephs School. In relation to the overlooking I am satisfied that the measures proposed including the provision of 1.8m high opaque screen along part of the balconies would be sufficient to protect the amenities of the appellant's property. I would note that the appeal site is a town centre whose zoning permits such uses and that the proposal is for a form of urban development that would be out of character in such a setting. In this regard I would note that the retention of a complete level of privacy for a town centre site is not always achievable in a town centre context. I would consider that the proposal as permitted is satisfactory in the context of the amenities of adjoining properties. I am satisfied that there is adequate separation between the appeal site and the appellant's property so as to have no adverse impact on future development potential of the appellant's property. In regards to overshadowing, a shadow analysis was submitted and such demonstrates that the proposal would be satisfactory in the context of overshadowing in relation to all neighbouring properties including the appellant's property.

7.4.3 The issues of adjoining amenities and particularly overlooking was one of the main issues raised by the St. Josephs School in their appeal. The school site is located to the east/south east/south of the site. Immediately to the east of the site is an access road to the school from Brews Hill, which runs the entire length of the north eastern boundary of the site. The access road is a two way carriage way with a footpath along one side and there is existing block wall between the appeal site and the access road. The main grounds of the school and structures are located to the south east/south of the site. The appeal submission raises concerns regarding overlooking of school grounds and notes that maintaining privacy is child protection issue. Block B is located parallel to the boundary between the site and the schools' access road and the north eastern façade does feature a significant number of windows and balconies with on this elevation. I would be off the view that the relationship between the proposed development and the school site is acceptable. The north eastern façade of Block B does overlook the access road to the school, however I would consider that this is a circulation area and not a play area designed for congregation. In regards to the relationship of the proposed development and such areas, the south eastern façade has a limited number of windows and no balconies. Any windows on this elevation serve the central corridor and have opaque glazing. The

balconies at this level on the corner of the building are also recessed from the southern edge of the block. It is notable that in response to further information a few amendments were made including the omission of the roof garden on top of Block B and the provision of 1.8m high screens along part of the recessed balconies to prevent angle views to the south east towards the main areas of the school. I am satisfied that the design and scale of the proposal has adequate regard to the amenities of the adjoining property and would have no adverse impact in regards to privacy or security of such. I would consider that the applicant has made significant efforts to prevent overlooking of the main area of the school. I do not consider that the residential development overlooking the school represents diminished amenity and note that the adjoining use is an institutional use and the basis for the objection relates to a non-planning matter. I would note that the efforts the applicant has gone to prevent overlooking of the school compromises the design and quality of the apartment units. This issue is dealt with later in this report.

7.5 Traffic:

7.5.1 The site is currently in use as a car park. The site is privately owned and run car park accessible to the public for pay and display parking. Outside of the site the street is subject to pay parking and there are double yellow lines along the front of the site. The proposal is for a new vehicular entrance at the north western corner of the site and the provision of 21 no. surface car parking spaces and 31 in a basement car park (total no. 52). The original proposal provided for parking along the road frontage and a loading zone but omitted such in response to further information.

7.5.2 The appeal submission raise concerns such as loss of car parking and traffic safety issues. Firstly in relation to traffic safety I would note that the entrance is onto a town centre road within the 50kph speed limit zone. The level of sightlines available at the entrance is consistent with the requirements of the Design Manual for Urban Roads and Streets. I would note that the approved proposal would not interfere or reduce the level sightlines available at the vehicular entrance serving St. Josephs School. The residents of the area and the School indicate that the loss of parking would impact them in that it would reduce the level of parking available for school traffic

picking up and dropping off and the loss of parking would reduce the level of on-street car parking available for residents of the area. In response to this issue I would note that the existing car park is not a free car park and is private commercial operation and is not available for parking for residents or school users. I would also note that there is pay parking system in place on street at this location also. The appeal site is zoned town centre and the proposed use is consistent with this objective.

7.5.3 The proposal is for 43 no. apartments and 2 no. ground floor retail units. The proposal provides for 52 no. car parking spaces (21 no. surface car parking spaces and 31 no spaces in a basement car park) as well a cycle parking. The level of parking provision is more than sufficient and provides for in excess of 1 space per apartment.

7.6 Quality/apartment design standards:

7.6.1 The relevant and most up to date standards for apartment development are the Sustainable Urban House: Design Standard for New Apartments (March 2018). In relation to minimum apartment size the requirement is 45sqm and 73sqm for 1 and 2 bed apartment units respectively (SPPR3). All units proposed exceed the minimum standards and in a lot cases are well in excess of the minimum standards. It is noted that in order to safeguard higher standards that “the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%”. This is the case in regards to the proposed development.

7.6.2 The guidelines note that “it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design. Where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone

brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments. Ideally, any 3 bedroom apartments should be dual aspect". I would note that the percentage of dual aspect apartments in the proposed/approved development is 25% with 11 out of 43 apartment being dual aspect. This is a new issue and is not part of the grounds of appeal. The failure to provide enough dual aspect units is unacceptable and would not be in accordance with the guidelines leading to the provision of substandard development. As noted earlier the applicant has attempted to prevent overlooking to the school to the south and has provided for a scheme that is substandard in outlook with very few of the units availing of the south facing elevations for views and light. To permit the proposed development would be contrary to national policy/guidance and give rise to substandard residential development.

7.6.3 Appendix 1 contains minimum standards for private amenity space with a requirement of 5sqm, 6sqm and 9sqm for 1, 2 and 3 bed apartment respectively. A minimum depth of 1.5 metres is required for balconies, in one useable length to meet the minimum floor area requirement under these guidelines. These standards are met in all cases. The apartments also meet all relevant standards in relation of internal storage space, ceiling heights, room dimensions outlined in Appendix 1 of the guidelines.

7.7 Appropriate Assessment:

7.7.1 Having regard to the nature and scale of the proposed development and its 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 refusal based on the following reason...

9.0 Reasons and Considerations

1. The relevant and most up to date standards for apartment development are the Sustainable Urban House: Design Standard for New Apartments (March 2018). The guidelines note that “it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design. Where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments”. In this case the percentage of dual aspect units is 25% and is well below the required standard (33%) under the aforementioned standards. The proposed development would be contrary the required standards outlined under the Sustainable Urban House: Design Standard for New Apartments (March 2018) and would give rise to substandard residential accommodation. The proposed development would set a precedent for such substandard residential accommodation and would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

19th August 2020