



An
Bord
Pleanála

Inspector's Report ABP-309428-21

Development	Demolition of agricultural buildings, construction of a retirement village of 98 units, including car parking, communal waste & recycling area.
Location	Dublin Road, Enfield, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	TA201722
Applicant(s)	ATG Properties Enfield.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Observer(s)	None.
Date of Site Inspection	7 th April 2021.
Inspector	Barry O'Donnell

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	7
4.0 Planning History.....	7
5.0 Policy Context.....	9
5.1. Relevant Ministerial Guidelines	9
5.2. Development Plan.....	10
5.3. Natural Heritage Designations	11
5.4. EIA Screening	12
6.0 The Appeal	12
6.1. Grounds of Appeal	12
6.2. Planning Authority Response	16
6.3. Observations	18
6.4. Further Responses.....	18
7.0 Assessment.....	18
8.0 Recommendation.....	32
9.0 Reasons and Considerations.....	32

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.55ha and is located on the Dublin Road (R148), toward the eastern edge of Enfield. The site is currently greenfield in nature and is accessed from the Dublin Road, between two residential properties.
- 1.2. The site is adjoined to the east by a derelict house and to the west by a detached house. Lands to the north, west/north-west and north-east are currently greenfield, but permission has been granted for a development of 72 houses and for a 90-bed nursing home and there is also a proposed post-primary school. At the time of my inspection there were ground works ongoing to the east and north of the site.
- 1.3. The site is enclosed on all sides by a mix of trees and hedging and rises gently to the east.

2.0 Proposed Development

- 2.1. The proposed development described in the public notices entailed: -
 - Demolition of existing agricultural buildings,
 - Construction of a retirement village development of 98 houses (67 No. 2-bed units and 31 No. 1-bed units) in 2 and 3-storey designs,
 - Associated works, including car parking, communal waste and recycling facilities, communal recreational areas, open spaces and hard and soft landscaping.
 - The provision of a temporary wastewater treatment plant.
- 2.2. The proposed development is laid out in the form of a number of blocks, A-H, accessed from the Dublin Road. Blocks A and B would address the Dublin Road, with the remaining blocks addressing either the access road or areas of open space. Car parking would primarily be provided in a linear strip adjacent to Block C, with pocket parking provided elsewhere within the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 18th January 2021 Meath County Council refused permission, for 4 reasons as follows:

'1. It is considered that the proposed development, if permitted, would be contrary to policy CF POL 2 of the Enfield Written Statement at this location, as it is more reflective of a sub standard high density private residential development and not a retirement village on zoned G1 lands which seeks to facilitate and accommodate 'Community Infrastructure' as per the land use zoning objective. The development is therefore considered contrary to the above policy and the proper planning and sustainable development of the area.

2. Having regard to the prominent location of the site and to the established built form and character of the area, it is considered that the proposed development, by reason of the layout and form of development proposed, would be out of character with the architectural form of the area and that the proposed design is not in accordance with the guidance set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of Environment, Heritage and Local Government in May, 2009 or the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport in 2013. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development, as presented, which includes proposals to supply the development indefinitely with water from an interim private borehole and treatment plant is not considered to be in accordance with the proper planning and sustainable development of the area and, if permitted, is considered to have the potential to create an unacceptable risk to public health and will therefore create an undesirable precedent. The proposed development is therefore not considered to be in accordance with the proper planning and sustainable development of the area.

4. The proposed development, as presented, is considered to be premature having regard to existing deficiencies in the provision of appropriate waste water supply to serve the proposed development. The proposed development is therefore not

considered to be in accordance with the proper planning and sustainable development of the area.'

3.2. Planning Authority Reports

3.2.1. Planning Report dated 18th January 2021, which reflected the decision to refuse permission. The report noted the G1 zoning objective which applies to the lands, under which retirement home/residential institution/retirement village uses are open for consideration. Concerns were expressed regarding a number of aspects of the development, in particular relating to the proposed layout and density, with particular reference to the residential density of 63 units per hectare, the quality and quantum of proposed open spaces and the number of proposed parking spaces. It was noted that an areas schedule had not been provided as part of the application, to outline compliance with minimum requirements in relation to proposed private open space. The report also noted that the development included no supporting facilities, such as concierge service, communal building or medical services. It was determined that the development was inappropriate as a retirement village and did not meet the required standards for a residential development, which it was considered to be more akin to. Concerns expressed by the Transportation and Water Services departments and Irish Water were also noted. The report recommended that permission should be refused for 4 reasons, which were generally in accordance with the Planning Authority's decision to refuse permission.

3.2.2. Other Technical Reports

Transportation department report dated 14th January 2021, which requested that further information should be sought, to secure a revised layout which incorporated: -

- Sightlines from the site entrance in accordance with DMURS requirements,
- Car parking provision and bicycle storage facilities which should accord with the requirements of the 2018 Apartments Guidelines,
- A verge of at least 0.3m between the footpath and perpendicular car parking in accordance with DMURS requirements,

- A revised car parking layout, which reduces the number of parking spaces per bay to 3 parallel spaces and 6 perpendicular spaces in accordance with DMURS requirements,
- Relocation of parking adjacent to Block H,
- Connectivity to adjacent lands.

Water Services report dated 9th December 2020, which requested that further information should be sought in relation to surface water drainage proposals. The report outlined that the application did not provide sufficient data to make a determination on the application and that a detailed SuDS compliant surface water design should be provided.

Environment Section report dated 11th January 2021, which outlined no objection subject to 12 recommended conditions, which relate to control of the construction phase of the development.

Conservation Officer handwritten note dated 6th January 2021, which advised that the officer had no comments on the application.

Public Lighting emailed comments dated 4th December 2020, which advised that public lighting should be designed and installed as per guidance within the Planning Authority's public lighting document.

Emailed comments were also provided from an unnamed department, dated 12th January 2021, which advised that the site is situated within Flood Zone C and is at low risk of flooding.

3.3. Prescribed Bodies

- 3.3.1. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media submission dated 21st December 2020, which advised that the subject site is in an area of high archaeological potential and that a requirement for pre-development testing should be included as part of a grant of permission for the development.
- 3.3.2. Irish Water provided an undated submission, which requested that the proposed development should be revised, to eliminate the proposed pumping station and to include a gravity connection to the public foul water network. The submission also requested that the applicant should engage with Irish Water, through a pre-

connection enquiry, to determine the feasibility of connection to the public water and wastewater networks.

- 3.3.3. The application was also circulated to the Heritage Council, An Taisce and the Environmental Health Service, but no responding submissions were received.

3.4. **Third Party Observations**

- 3.4.1. 1 third party observation letter was received on the application, the issues raised within which can be summarised as follows: -

- The development was considered to not share a common goal to create a high quality place for the community, with preference placed on a high density development.
- The proposal represented overdevelopment of the site.
- The development would lead to overlooking of adjacent property.
- The development was considered to incorporate unacceptable building heights, which would have an unacceptable visual impact.
- The development would impact on the development potential of an adjoining site, due to the level of overlooking, with reference to Block G in particular.

4.0 **Planning History**

TA150626 - Permission refused on 11th August 2015 for the construction of two single storey houses and associated development. Permission was refused for 1 reason, relating to (a) material contravention of the G1 zoning objective which applies to the lands and (b) non-compliance with policy CF POL 2, which seeks to facilitate the provision of a post-primary school on the site zoned G1.

Nearby Relevant Planning History

TA201224 - *Lands to the north-east*. Current application for a post-primary school, including PE hall and special education unit. A request for further information was issued on 28th October 2020, relating to the proposed site access and site layout, traffic impacts, proposed street layout with

regard to DMURS principles and the proposed design. Available information on the Planning Authority's website indicates that a response to the further information request was received on 21st April 2021.

TA200058 - *Lands to the west.* (ABP Ref. ABP-308357-20) Permission granted on 17th February 2021 for a development of 72 houses, including temporary water supply and on-site wastewater treatment plant.

Condition 7(c) required that following completion of proposed upgrade works to the Enfield WWTP, foul effluent shall discharge to the public sewer and the onsite system shall be decommissioned.

Condition 8(c) required that the development shall be connected to the public watermain when available.

Condition 9 required the applicant to submit confirmation that the proposed temporary water supply would have no impact on existing water sources and abstraction points in the area.

TA160382 - *Lands to the north-east.* Permission granted on 31st January 2017 for the development of a 90 bedroom nursing home.

Condition No. 24 required the submission of an operation and maintenance plan and contract, to ensure that water supplied to the development is consistently compliant with parametric values as outlined in the European Union (Drinking Water) Regulations 2014 Schedule Part 1.

Condition No. 25 required that the development shall be connected to the public watermains when available and that the borehole shall be ceased as a source of water supply, within 1 month of connection to the public mains.

Permission was granted for amendments to the permitted development, under Reg. Ref. TA191820.

TA150633 - *Lands to the east.* Permission granted on 2nd October 2015 for renovation and extension of an existing house.

5.0 Policy Context

5.1. Relevant Ministerial Guidelines

Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities (2009)

5.1.1. Chapter 6 of the Guidelines sets out key planning principles to guide the preparation and assessment of planning applications for residential development in small town locations such as Enfield.

5.1.2. Section 6.8 outlines that the primary consideration for the design and layout of residential developments in small towns is that new development should relate successfully to the structure of the town or village. A number of design criteria are outlined, against which to consider such proposals. Such developments should:

- *'make the most effective use of the site, having regard to the criteria outlined below;*
- *make a positive contribution to its surroundings and take the best advantage of its location through the use of site topography, i.e. levels, views, context, landscape, design orientation (sunlight and daylight), to optimise sustainability;*
- *have a sense of identity and place appropriate to the character of the existing small town or village and a logical hierarchy of places within the scheme working from streets to semi-private and private areas;*
- *provide for effective connectivity, especially by pedestrians and cyclists so that over time, small towns and villages become especially amenable to circulation by walking and cycling rather than building up reliance on the car; and*
- *include a design approach to public areas such as streets, plazas and open spaces that is guided by the best principles of passive surveillance to encourage a safe sense of place, discourage anti-social behaviour and facilitate effective community policing.'*

5.1.3. In relation to the density of development on 'edge of centre sites', Section 6.11 outlines that the emphasis will be on achieving successful transition from central

areas to areas at the edge of the smaller town or village concerned. Densities of 20-35 units per hectare are promoted in these locations.

5.2. Development Plan

5.2.1. The subject site is zoned 'G1' Community Infrastructure under the Meath County Development Plan 2013-2019, with an objective '*To provide for necessary community, social and educational facilities.*'

5.2.2. Enfield is classified as a small town under the development plan. Development plan objectives SS OBJ 12-14 pertain to small towns, stating that it is an objective of the Planning Authority:

'SS OBJ 12 To ensure that Small Towns develop to cater for locally generated development and that growth occurs in tandem with local services, infrastructure and demand.

SS OBJ 13 To ensure that Small Towns grow in a manner that is balanced, self-sustaining and supports a compact urban form and the integration of land use and transport.

SS OBJ 14 To ensure that in Small Towns, no proposal for residential development should increase the existing housing stock (including permitted units) of the town by more than 15% within the lifetime of the Development Plan.'

5.2.3. The Enfield Written Statement, contained at Volume 5, also contains a number of policies, the following of which are relevant, stating that it is a policy of the Planning Authority:

SP 1 To promote the future development of the town as a compact settlement with a pedestrian friendly environment, a legible and coherent physical form, and a variety of land uses and amenities.

CF POL 2 To facilitate the provision of a post-primary school to the east of Enfield on the site identified for G1 "Community Infrastructure" land use zoning objective.

5.2.4. Policy SOC POL 30 relates to the provision of services for the aged population, stating that it is the policy of the Council:

SOC POL 30 To encourage, support and facilitate the provision of a range of services for the aged population. The Council is committed to accommodating the needs of older people in rural areas by the provision, or facilitation of nursing homes and sheltered housing developments. These facilities should be located within settlements in order to enhance overall quality of life, increase their links with, and accessibility to, local amenities, and therefore reduce the likelihood of social isolation.

- 5.2.5. Section 7.13 'Interim and Permanent Water Services Arrangements' is relevant, where the proposed development includes temporary potable water supply and temporary on-site wastewater treatment. It outlines that the Council will only consider such proposals where capital funding for a permanent solution has been included in the Investment Programme or where such funding will be included in subsequent investment programmes within the lifetime of the development plan and that such measures will only be considered in locations which accord with regional planning guidelines advice, as outlined in the settlement, economic and core strategies of the development plan. In instances where capital funding has not been identified, consideration will be given to proposals to provide a permanent solution, where they facilitate significant population or economic growth. Policy WS POL 12 is relevant to this issue, outlining that it is the Policy of the Council:

WS POL 12 To consider proposals in line with the Interim and Permanent Water Services Arrangements outlined in this Development Plan for centres lacking in adequate treatment facilities and where the provision of such a facility/system does not affect the quality status of the receiving water as required under the Water Framework Directive. Such temporary provision will generally only be considered in locations which accord with the Regional Planning Guidelines for the Greater Dublin Area as outlined in the settlement, economic and core strategies of this Development Plan.

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not located within or adjacent to any designated European Site.

5.4. EIA Screening

5.4.1. The proposed development falls within the category of '*Infrastructural Projects*', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

10(b) (i) Construction of more than 500 dwelling units.

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

5.4.2. The proposal is for 98 retirement housing units, on a site of 1.55ha. It falls below the above-outlined development thresholds and mandatory EIA is therefore not required.

5.4.3. In the case of sub-threshold development, 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.

5.4.4. No EIA screening report was provided as part of the application.

5.4.5. In this instance, where the subject site comprises zoned lands at the edge of the town, served by public infrastructure, and where the site is not located in or adjacent to any environmentally designated sites, I consider the development would not be likely to have significant effects on the environment. An environmental impact assessment report for the proposed development is therefore not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Grounds of Appeal can be summarised as follows: -

- Refusal reason No. 1
 - The Planning Authority's determination that the development is more reflective of a substandard high density private residential development is strongly disagreed with. The proposal has been designed to be a retirement

village and the applicant has a track record as a developer and operator of a retirement village.

- There is a need for such accommodation, for downsizing and as a transition between independent living and nursing home accommodation.
- A retirement village is a community of houses and facilities designed for over 55s, who are active enough to live independently. Residents benefit from added security, a community environment, community facilities and customizable services.
- The proposed units are of a high-quality design and finish and comply with relevant guidelines. Each unit is designed to have its own access, providing independence within a secure environment.
- Planning permission has been granted to the rear of the site for a nursing home development (Reg. Ref. TA160382 refers) and the developer has confirmed that a number of services, such as communal open space, food preparation and services, medical services and on-call services are feasible between both developments. The Board is requested to consider the proposal in conjunction with the approved adjoining nursing home, as it is the intention of both developers to deliver an integrated approach. That the developments are being developed separately is reflective of each developer having a track record and expertise in relation to their individual element.
- Retirement housing is a new and evolving housing typology, which accords with national policy and housing demand for this cohort. The development meets the criteria 'retirement village' and will not be built, sold or operated otherwise.
- Retirement village uses are open for consideration under the G1 zoning.
- The proposal should be viewed similarly to the approved nursing home development granted under Reg. Ref. TA160382, which was similarly open for consideration under the G1 zoning.
- Should the Board consider the development constitutes a material contravention, Section 37(2)(b) of the Act applies, with references to national planning framework objectives and Rebuilding Ireland, which seeks to

increase housing supply, and also having regard to the precedent established by the granting of permission for the nursing home development.

- The proposed retirement village is unique, where all housing units are proposed for occupation by the over 55s, and is in line with development plan policy SOC POL 30.
- The development is justified in the context of government guidance within *Housing Options for our Ageing Population Policy Statement* (Dept of Health and Dept of Housing, Feb 2020), *Thinking Ahead: The Financial Benefits of Investing in Supported Housing for Older People* (Housing Agency, Oct 2020) and the *Programme for Government 2020 – Our Shared Future*.
- Additional information has been provided, which lists the services the applicant intends to provide for residents. They include:
 - On-site superintendent
 - Provision of hot meals to residents
 - Provision of carers to those in need
 - Provision of cleaning services
 - Provision of minibus services
 - Provision of physiotherapy and similar medical treatments
 - Provision of maintenance service for communal areas and residential units.
- A letter from Revenue is provided, to demonstrate that the proposal is a retirement village and that it is similar to a nursing home.
- Refusal reason No. 2
 - The reason for refusal is strongly disagreed with. The Planning Authority has taken a blanket view of the overall development and design. The design is clever and resourceful, it is modern whilst respecting the character of the area.
 - The scheme has been designed as a single aspect design, to prevent overlooking.

- As an example of the layout, units within Block D are independently accessed from a communal covered access, which provides security and provides for social interaction and a sense of place and community. The internal layout is also considered, for example providing ambulant accessible stairs and a lift option to the second floor.
- The design of all units is fully compliant with relevant guidelines.
- The site is an area where 3-storey building heights have been permitted, with reference to the approved nursing home, the proposed school under Reg. Ref. TA201224 and also on the opposite side of Dublin Road, where existing and approved residential developments incorporate 3-storey heights.
- An urban design assessment has been undertaken, with reference to the criteria outlined at Section 11.1.7 of the development plan. The following aspects are discussed: character, enclosure, legibility and permeability, scale, public spaces, diversity, longevity, hierarchy and decoration.
- Regarding density, Enfield is considered to be a small town, with well-established public transport links where densities in excess of 35 net units per hectare should be utilised. Under national policies, high densities are sought to promote improved land usage and to benefit from public services and infrastructure.
- Regarding the Planning Authority's determination that the proposed design does not accord with guidance set out within *Sustainable Residential Development in Urban Areas*, an assessment of the proposed design has been undertaken, in the context of relevant aspects of the guidance.
- Refusal reason No. 3
 - The applicant's intention has been to link in with the permitted development to the north, Ref. ABP-304296-18, which has provided for its own borehole and which has the capacity to serve other developments in the area. The applicant has come to an agreement with the developer of this site, to provide water to the proposed development in accordance with Irish Water agreements.
 - The Planning Authority directed the applicant down this route as the only viable option for a potable water supply.

- It is contended that, subject to confirmation of design and details with the developer of permission Ref. ABP-304296-18 and Irish Water, the development can be serviced with a potable water supply.
- Refusal reason No. 4
 - The refusal reason is difficult to understand as the planning Authority advised the applicant that the installation of a temporary wastewater treatment system would be acceptable, until upgrades to the public network have been completed.
 - Other developments in the area have been permitted to incorporate a similar temporary arrangement, with reference to Ref. ABP-304296-18 and ABP-308155-20, which was refused on zoning grounds, not services.
 - A pre-connection enquiry response from Irish Water outlined that the public network upgrade works should be completed prior to the end of 2023 and stated that domestic treated effluent meeting discharge limits of BOD 20 mg/l and TSS 30 mg/l will be accepted onto the public network.
 - Regarding the means of transfer of treated effluent, the applicant refers to the pre-connection enquiry response from Irish Water, which advised that a gravity connection to the existing pumping station at the GAA grounds should be provided or, as an alternative, the applicant could provide a new pump station to service the subject site and lands to the west and decommission the pumping station at the GAA grounds. The applicant has proposed to discharge to the existing foul sewer and will, as necessary, enter into an agreement with Irish Water to extend the foul sewer from the subject site to the GAA grounds. It is contended that the matter of foul drainage can be dealt with through planning condition, with details of the proposed approach to be agreed with Irish Water prior to the commencement of development.

6.2. Planning Authority Response

- 6.2.1. A submission was received on 15th March 2021, the contents of which can be summarised as follows: -

- The public notices did not identify the nursing home approved on lands to the north, under Reg. Ref. TA160382, nor is it identified on the proposed site layout drawing and there is no clear indication to suggest a symbiosis between the proposed development and the nursing home.
- The proposed development was considered to be lacking, in terms of on-site services which are necessary to support a retirement village.
- The applicant relies upon the nursing home development to the north, which it is understood that they have no control over, to provide essential supporting services. Reg. Ref. TA160382 is due to expire on 30th January 2022 and no commencement notice has been received to-date.
- The supporting letter provided at Appendix B of the appeal merely relates to services which would be available from the nursing home development.
- Notwithstanding the appellant's intention to avail of essential services on the adjacent site, the proposal is not considered to be acceptable as a standalone proposal.
- In the absence of the necessary supporting services, the proposal is considered to be more reflective of a substandard high-density private residential development.
- The development would be contrary to Policy CF POL 2 of the Enfield Written Statement, owing to its appearance as a substandard high-density private residential development.
- The development is not considered to be in accordance with guidance set out in the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* or the *Design Manual for Urban Roads and Streets*. Consideration should also be given to the recommendations of the *Apartment Guidelines, 2020*.
- Regarding refusal reason nos. 3 and 4, it is noted that permission has been granted for a housing development on land to the north, under Reg. Ref. TA200058 (ABP Ref. ABP-308357-20), which establishes the principle for temporary water supply and wastewater treatment infrastructure on the site. The Board is advised to liaise with Irish Water in relation to these issues.

- The Planning Authority is satisfied that all matters raised within the appeal were considered in its assessment of the application. The development is not considered to be consistent with the proper planning and sustainable development of the area and permission should be refused.

6.3. **Observations**

6.3.1. No third party observations were received.

6.4. **Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;
- Proposed layout, density and residential amenity;
- Impact on the character of the area and neighbouring properties;
- Access and parking;
- Potable water and wastewater deficiencies;
- Flood risk and drainage;
- Other issues;
- Appropriate assessment

7.2. **Principle of Development**

7.2.1. The site is zoned 'G1' under the Meath County Development Plan 2013-2019, under which Retirement Home / Residential Institution / Retirement Village uses are open for consideration.

7.2.2. Having regard to the pattern of development in the area, in particular recent grants of permission for a housing development of 72 units on adjacent lands to the west and

a nursing home on adjacent lands to the north, taken together with the site's proximate location in relation to the centre of Enfield and the resultant accessibility of a range of services and amenities, I consider the site is suitable for the provision of retirement housing. However, in saying this, I have concerns regarding the scale of development proposed and the lack of detailed justification provided.

7.2.3. According to Census 2016 data, Enfield had a population of 3,239, with 305 people aged 55 and over. The proposed development of 98 retirement units contains 165 bedrooms and 323 bedspaces; it is a substantial development in the context of the target demographic in the local area. The units would be provided for people aged 55 and over, but they would be privately owned and would therefore be residential in nature. Whilst I accept that there is a need to plan and provide step-down or transitional housing, I am concerned that no assessment of the demand for such housing in the area has been provided, nor has any other form of justification been provided, which would justify the proposed scale. In the absence of a strong evidential basis to support the proposed scale the proposal is, in my view, unjustified and excessive. It is more akin to a high-density residential development.

7.2.4. The development plan Core Strategy outlines that there are adequate zoned lands available to accommodate projected household and population growth over the plan period and, further indicates that there may be an increased excess in the quantum of land zoned, as a result of a proportion of committed developments not being built out. Regarding the control of housing and population growth, the Core Strategy states: -

*'In order to ensure towns and villages grow at a suitable and sustainable scale, appropriate to their position in the settlement hierarchy and this core strategy, measures must be put in place to ensure that the quantum and scale of residential development that will take place in urban centres complies with that shown in Table 2.4.'*¹

7.2.5. The Enfield Written Statement identifies 8 sites which are available for residential development over the lifetime of the plan. A further 4 sites are identified as Residential Phase II lands and are not available for residential development over the lifetime of the development plan. The subject site is not one of the identified sites

¹ Meath County Development Plan 2013-2019 Section 2.3.3, Page 16

and, as such, its development for residential purposes would not conform with the Core Strategy.

7.2.6. The development contains no dedicated supporting services, such as medical or community facilities, which would be expected to be provided as part of a retirement housing development. In this respect I note that the grounds of appeal outline a range of services which are intended to be provided to residents, in particular medical, food and on-call services, but these services would be located within the approved nursing home development, which has not yet commenced construction and which is not under the applicant's control.

7.2.7. Regarding the appellant's request that the development should be considered in conjunction with the approved nursing home development, I would agree that there is ordinarily a synergy between retirement housing and nursing homes which are co-located, with the benefits of services within the nursing home also available to residents within the retirement housing. However, in this instance the two sites are separate, both in terms of ownership and operation, and the application documents provide no details or proposals in respect of connections between sites. Moreover, whilst it may be that some of the services provided by the nursing home development could be extended to the proposed retirement development, as the two developments are separate, no control can be exerted over the nursing home development as part of the proposed development. I have therefore given limited weight to the appellant's argument that the two developments should be considered together. I am also cognisant of the Planning Authority's advice that permission for the nursing home development will expire in 2022 and that the permission has not been implemented to-date.

7.3. Proposed Layout, Density and Residential Amenity

7.3.1. The proposed layout provides for a dense form of development, at approx. 63 units per hectare, in 8 blocks which are primarily 3 storeys high. Units are provided in the form of apartments, across each floor, with own-door accesses clustered around a series of enclosed hallways.

7.3.2. In terms of the block layout, whilst the majority of blocks are in accessible and surveilled areas, the east end of Block D and the north end of Block C in particular are in inaccessible and enclosed areas, which would have little or no surveillance. In

the case of Block C in particular, the area to the north is intended to become a pedestrian and cycling route to the planned school site to the east, so the north end of the block will likely become accessible from outside of the site. In order to improve the level of surveillance of all access points to the blocks and to guard against anti-social behaviour, both of the accesses should be relocated to the front elevation of the block, where they would be more integrated. Should the Board be minded to grant permission, I would recommend that a condition be attached requiring the access points at the north end of Block C and the east end of Block D to be relocated.

- 7.3.3. I have strong concerns regarding the road and perpendicular car parking layout within the site, which results in a carriageway/parking bay width of c.11m along the main section of the access route. This aspect of the proposed layout, which fails to accord with DMURS advice, results in an excessively wide carriageway, which will have a significant and detrimental visual impact. I note that in relation to perpendicular parking bays, DMURS advises that '*perpendicular spaces generally require a minimum carriageway width of 6m, which is generally too wide for Local streets.*' DMURS also advises that, where provided, perpendicular parking bays should be limited to 6 spaces in a single run, to reduce their visual impact.
- 7.3.4. The development incorporates a number of small open space areas, in particular adjacent to Blocks H and G. The appeal documents do not confirm the cumulative area of public open space proposed, but I am satisfied that they do not achieve the development plan requirement for 15% of the site area (2,325sqm). A number of the identified spaces incorporate areas which are also likely to be practically unusable, due to their restricted size.
- 7.3.5. I also have concerns regarding the applicant's indicative proposals for a pedestrian link from the subject site to the nursing home site (identified on Appendix E of the grounds of appeal), which is outside of the application site boundary and appears to be located on third party lands. The absence of a direct connection between the sites would be, in my opinion, a significant failing of the proposal, as it results in a high degree of separation between both sites, whereby the retirement village residents would be c.500m removed from the nursing home site. Setting aside my concerns regarding deliverability, the proposed link is also isolated, in the context of both the nursing home and proposed retirement village, and it would not be overlooked or

surveilled from either development. This link may therefore become a location for anti-social behaviour. Should the Board be minded to grant permission, they may wish to clarify the applicant's ability to deliver this proposed pedestrian link.

- 7.3.6. Regarding density, a proposed density of 63.2 units per hectare is high for this edge-of-centre location. Other residential developments in the area are of a much lower density, for example the development of 72 units to the west (Ref. ABP-308357-20) provides a residential density of c.26 units per hectare and the strategic housing development on the west side of the Enfield Relief Road (ABP-304296-18) provides a residential density of c.35 units per hectare. The *Sustainable Residential Developments in Urban Areas* guidelines also advises that, in edge-of-centre locations, densities of 20-35 units per hectare should be provided, in order to deliver a successful transition from central areas to areas at the edge of the town. In this instance, I consider the proposed density would be at odds with the overarching approach taken to density for other recent housing developments in this area of the town.
- 7.3.7. In conclusion, I consider there are a number of significant issues with the proposed layout, relating to the density of units, the road/parking layout, the quantum and quality of public open space proposed and the indicative pedestrian link from the site to the nursing home site to the north. For the reasons outlined previously, the proposed layout is, in my opinion, unacceptable, and a refusal of permission is recommended.
- 7.3.8. Regarding residential amenity, an areas schedule has not been provided as part of the appeal, nor have the floor plan drawings been dimensioned, and whilst typical floor plan drawings have been provided, they do not correlate to all of the individual units. I have therefore not been able to fully assess compliance with the requirements of the development plan and 2020 apartment guidelines. The grounds of appeal state that each unit complies with the requirements of the guidelines. Should the Board be minded to grant permission, they may wish to clarify this aspect of the development.
- 7.3.9. In terms of the quality of the residential environment provided to residents, ground floor residents within blocks A, B and C in particular would experience limited privacy

and noise within private open space areas, owing to the close proximity of the private open space area to the Dublin Road and the main section of the access road.

- 7.3.10. A number of the units would be a considerable distance from available car parking, for example the eastern-most units within Block D would be c.100m from the linear parking strip. Given the retirement village nature of the development, such distances between a resident's parking space and their home is, in my view, impractical.

7.4. Impact on the Character of the Area and Neighbouring Properties

- 7.4.1. Whilst the site is currently greenfield in nature, towards the east end of Enfield, it is located in an area of the town that is evidently undergoing change, with particular reference to recent grants of permission for 72 houses and a 90-bed nursing home on adjacent lands and a current application for a post-primary school also on adjacent lands. A number of these recent permitted developments on adjacent lands incorporate 3-storey building heights.
- 7.4.2. The proposed development incorporates primarily 3-storey building heights that are in-keeping with the height of these permitted developments and, in general terms, I consider the proposed building heights would not have any undue impact on the character of the area. However, in saying this, I would recommend that, should the Board be minded to grant permission, a condition should be attached requiring that Block B be provided as a 2-storey block, rather than 3-storeys as proposed. This part of Enfield, along Dublin Road, is characterised by single and 2-storey housing along the roadside and the provision of 2-storey blocks along the Dublin Road frontage would maintain an appropriate transition in scale at the eastern end of the town.
- 7.4.3. As I have outlined previously, the proposed residential density is out of character and at odds with the overarching approach taken to density for other recent housing developments in this area of the town. Given the edge-of-centre location of the site, I consider a reduced residential density, which is more in keeping with these other recent permitted developments, should be incorporated, to assist the achievement of a transition from the central part of the town to areas at its outer edge.
- 7.4.4. Regarding neighbouring properties, Block C is likely to overlook the rear garden of the detached house which adjoins the site to the west and the rear gardens of a number of the properties within the development approved under ABP Ref. ABP-308357-20.

- 7.4.5. In the case of the detached house, the rear garden would be directly overlooked by units at first and second floor level, whilst two first floor stairwells would also provide views over the garden. The block is very close to the shared boundary, set away from it by 4-5m, and in my opinion the adjoining occupier is likely to experience a high degree of overlooking.
- 7.4.6. In the case of the development approved under ABP Ref. ABP-308357-20, units 12-18 in particular would be overlooked by the block. Given the very close proximity of Block C to the shared boundary, affected properties are likely to experience a high degree of overlooking, which would, in my opinion, be significant and unacceptable, given the number of units which would overlook, across first and second floors.
- 7.4.7. Whilst units within Blocks B and F would overlook the east-adjoining property, I noted on my visit to the site that it is derelict.

7.5. Access and Parking

- 7.5.1. Access to the site is proposed from the Dublin Road, via a 6m wide carriageway and the public footpath will be extended into and to the east end of the site, with 2m wide footpaths provided throughout the site.
- 7.5.2. I consider the proposed access is more akin to the junction of two roads, rather than an access to a residential development, incorporating excessive corner radii and carriageway width. The Design Manual for Urban Roads and Streets (2019) (DMURS) outlines that the design of vehicle crossovers from streets should '*clearly indicate that pedestrians and cyclists have priority over vehicles*'. The proposed layout is likely to lead to conflict between motorists and pedestrians.
- 7.5.3. I have also previously outlined, at Section 7.3, concerns regarding the road and perpendicular car parking layout, which results in a carriageway/parking bay width of c.11m along the main section of the access route. The proposed layout fails to comply with DMURS advice and results in an excessively wide carriageway, which will have a significant and detrimental visual impact. Given its length (c. 100m to the right turn adjacent to Block D), the main section of the internal carriageway is unlikely to act as a self-regulating street, in terms of vehicle speeds, and may promote higher vehicle speeds resulting in vehicle/pedestrian conflict.

- 7.5.4. Sightlines from the Dublin Road access have not been outlined on the application drawings, however; I am satisfied that sightlines of 65m in both directions, which DMURS requires for roads subject to a 60 km/h speed limit, can be provided. The design statement provided as part of the application states that sightlines of 70m can be provided, in both directions.
- 7.5.5. Should the Board be minded to grant permission, I would recommend that a condition should be attached, requiring that the proposed Dublin Road access and internal carriageway be redesigned, to incorporate DMURS principles, in relation to traffic calming and placemaking measures. A further condition should be attached, requiring the provision of visibility splays and sightlines in accordance with the Planning Authority's requirements.
- 7.5.6. Regarding car parking, the development incorporates a very low parking ratio, of 0.52 spaces per unit (51 spaces total). I consider the site is in an 'intermediate urban location' in accordance with the 2020 apartment guidelines and, as such, consideration should be given to reduced parking provision. However, no justification has been provided to demonstrate the acceptability of such a low provision and I have concerns that the proposed reduced provision is likely to give rise to informal on-street parking. I note that the Planning Authority's Transportation department requested that parking should be provided at a ratio of 1 space per unit, with an additional element of visitor parking. The department also requested the provision of bicycle storage facilities, where none were proposed.
- 7.5.7. Should the Board be minded to grant permission I would recommend that a condition be attached, requiring that car and bicycle parking provision should be agreed with the Planning Authority prior to the commencement of development.

7.6. Potable Water and Wastewater Deficiencies

- 7.6.1. In its submission on the application, Irish Water requested that the applicant should engage, through the submission of a pre-connection enquiry, in order to determine the feasibility of connections to the public water and wastewater networks. As part of the appeal, the appellant has provided a pre-connection enquiry response, which was received from Irish Water following its submission on the application,

Potable water

- 7.6.2. Irish Water confirmed in its pre-connection enquiry response that a connection to the public network is not feasible. Irish Water advised that it is exploring the development of a new treated water source, which would be vested in Irish Water to own and operate at a future date, and that it may be possible to connect the development to this supplementary supply. I note, in this respect, that the response outlines that there is no programme for delivery currently.
- 7.6.3. There is an identified shortage of potable water in the Enfield area, where the existing Irish Water bored well is operating at capacity, and recent permitted developments in the area, in particular the housing development of 72 units on adjacent lands to the west, the nursing home on adjacent lands to the north and a strategic housing development of 133 units on the west side of the Enfield Relief Road have incorporated a temporary potable water supply due to the shortage of supply in the public network. There is therefore no in-principle issue with the proposed approach.
- 7.6.4. The grounds of appeal outline that the proposed development seeks to connect to the temporary water supply provided to the strategic housing development site (Ref. ABP-304296-18). I note, in this respect that the applicant identifies this strategic housing development as being located to the north of the subject site, whereas it is in fact located to the south. Details of the proposed connection have not been provided as part of the appeal, nor has any statement been provided to confirm that there is sufficient capacity within the approved temporary borehole, to serve the development. However, I note that Irish Water has indicated that it is exploring the development of a supplementary potable water supply, to which the proposed development could be connected. I also note that strategic housing development permission Ref. ABP-304296-18 included an additional supply which was to augment the town's potable water supply and the grant of permission required that the water storage reservoir should be connected to the existing public water supply network (condition No. 5 refers). Should the Board decide to grant permission, I would recommend that a condition be attached, requiring the developer to enter into a connection agreement with Irish Water prior to the commencement of development, in order to ensure there is a potable water supply available to serve the development.

7.6.5. Regarding the Planning Authority's concerns that the provision of a temporary water supply may be prejudicial to public health, detailed justification has not been outlined to substantiate the concerns. Consideration must also be given to the fact that the borehole itself has previously been permitted and Irish Water has indicated that it would own and operate the borehole. Having particular regard to the fact that the borehole would be under the control of Irish Water, I am satisfied that the provision of a temporary water supply would not create any unacceptable risk to public health.

Foul Water

7.6.6. Irish Water confirmed in its pre-connection enquiry response that the Enfield wastewater treatment plant is operating at its biological capacity and that upgrade works are to be provided under the Irish Water investment plan and are intended to be completed by the end of 2023, following which a connection can be provided. In the interim, treated effluent can be accepted and the level of treatment has been stipulated.

7.6.7. I note that Irish Water advised that it does not support the proposal to provide a new pump station to service the development and sought the incorporation of a gravity system, to drain to the existing pump station at the GAA grounds to the west. Failing this, Irish Water advised that the applicant should undertake an assessment for providing a new pump station to serve lands in the area, including lands to the west, and decommissioning the existing GAA grounds pump station. The appellant states within the grounds of appeal that they will, if required, enter into an agreement with Irish Water, in relation to extending the foul sewer from the site to the GAA grounds. Whilst the applicant has not stated that the desired gravity system can be provided, I am satisfied that the detailed design of the proposed foul drainage system can be agreed with Irish Water and can be controlled through planning condition.

7.6.8. Regarding the issue of prematurity, the Planning Authority's refusal reason No. 4 states that the development is '*premature having regard to existing deficiencies in the provision of an appropriate wastewater supply to serve the proposed development*', however; Irish Water has indicated that a temporary wastewater treatment system on the site would be acceptable, until such time as upgrade works to the Enfield wastewater treatment plant have been completed. Also, this temporary approach has already been established in the area, with reference to recent

permitted developments, in particular the housing development of 72 units on adjacent lands to the west, the nursing home on adjacent lands to the north and a strategic housing development of 133 units on the west side of the Enfield Relief Road, each of which incorporated a temporary wastewater treatment plant. I do not agree with the Planning Authority, that there is an issue of prematurity, having regard to Irish Water's advice as part of the pre-connection enquiry response and also having regard to the established pattern of development in the area.

7.7. Flood Risk and Drainage

- 7.7.1. Regarding flood risk, the northern-most part of the site, where the proposed surface water outfall is located, is situated within a flood zone (available flood mapping for Enfield does not distinguish between Flood Zones A and B). The main part of the site, where the proposed housing is located, is approx. 230m south of the flood zone and is thus deemed to be at low risk of flooding.
- 7.7.2. Surface water is proposed to drain to an attenuation tank adjacent to the north end of Block C, with attenuated run-off thereafter discharging to the drainage channel to the north. No details regarding existing or proposed run-off rates have been provided and it is unclear whether the proposed attenuation system is adequately sized to accommodate run-off from the development. I note that the Planning Authority's Water Services department's report on the application also outlined that insufficient data had been provided to make a determination on the application and requested that a SuDS compliant surface water drainage system should be submitted. Should the Board be minded to grant permission, they may wish to clarify this aspect of the development prior to making a decision.

7.8. Other Issues

- 7.8.1. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media advised in its submission that the subject site is in an area of high archaeological potential and requested that a requirement for pre-development testing should be included as part of a grant of permission for the development. Should the Board be minded to grant permission, I would recommend that a condition be attached in this regard.
- 7.8.2. The application documents include a letter from the agent, which indicates that the proposed development does not give rise to a requirement for social housing, in accordance with Section 96 of the Act. The letter indicates that this is on the basis of

housing being provided for the elderly. Whilst I note the argument made within the letter, I am satisfied that the provisions of Section 96 are applicable, should permission be granted. The exemption identified by the application (Section 96(14)) relates to the provision of housing by an approved body, for letting only.

7.9. Appropriate Assessment

7.9.1. The site is not located within or adjacent to any Natura 2000 site. The closest Natura 2000 sites are:

- River Boyne and River Blackwater SAC (Site Code 002299), approx. 10km to the north
- River Boyne and River Blackwater SPA (Site Code 004232), approx. 11.5km to the north
- Balynafagh Bog SAC (Site Code 000391), approx. 13km to the south
- Balynafagh Lake SAC (Site Code 001387), approx. 12km to the south

7.9.2. Balynafagh Bog SAC (Site Code 000391) and Balynafagh Lake SAC (Site Code 001387) also fall within the search zone but are a minimum of 12km upstream of the subject site. There will be no interaction between the proposed development and these SAC sites.

Stage 1 Screening for Appropriate Assessment

7.9.3. The River Boyne and River Blackwater SAC is of conservation interest for the following habitats and species:

• Alkaline fens [7230]
• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0]
• <i>Lampetra fluviatilis</i> (River Lamprey) [1099]
• <i>Salmo salar</i> (Salmon) [1106]
• <i>Lutra lutra</i> (Otter) [1355]

7.9.4. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks:

'To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and or Annex 11 species for which the site has been selected'.

- 7.9.5. The River Boyne and River Blackwater SPA is of conservation interest for the following species:

Kingfisher (<i>Alcedo atthis</i>) [A229]
--

- 7.9.6. Site specific Conservation Objectives have yet to be published for the site. A general conservation objective has been published, which seeks:

'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'.

Impacts on the River Boyne and River Blackwater SAC and SPA

- 7.9.7. Regarding construction phase impacts, there is potential for sediment and pollutants to enter the surface water system during the construction phase, which would then in turn be transferred to the drain to the north of the site, at the point of the surface water outfall. Available Office of Public Works drainage mapping indicates that this drain is part of a drainage network, which ultimately drains into the River Blackwater to the south, via the Ballycorron River. The River Blackwater flows in a north-east direction in this area, to its confluence with the River Boyne, north of Longwood.
- 7.9.8. I estimate that the drainage network routes for a distance of around 1.75km from the site before converging with the Ballycorron River and thereafter routeing south towards the River Blackwater. In the event that any sediment or pollutant were to enter the River Blackwater at this point, it is approx. 17km from the Natura 2000 site (measured in a direct line). Due to the level of separation between the site and the Natura 2000 site, I consider the potential for significant impacts on qualifying interests within the River Boyne and River Blackwater SAC and SPA is low.
- 7.9.9. At the operational phase, it is proposed that foul effluent would be discharged to a new wastewater treatment unit, which would in turn discharge to Enfield wastewater treatment plant situated beside the River Blackwater, near Johnstown Bridge. The wastewater treatment plant is operating at or beyond its biological capacity and the on-site treatment facility is required as an interim solution until such time as upgrade works are completed at the wastewater treatment plant, currently envisaged before end-2023.

- 7.9.10. Surface water would be stored within an underground attenuation tank and discharged to the drain to the north of the site.
- 7.9.11. Regarding the SPA site, I consider there is no potential for significant impacts on Kingfisher, which is the qualifying interest for which the site is designated. Its habitat is along waterways and its nesting habitat is within the banks of watercourses². There will be no interaction between the proposed development and the SPA and the application site does not contain any watercourses which would provide any suitable nesting or feeding habitat.
- 7.9.12. Regarding the SAC site, the potential impacts during the operational stage relate to wastewater and surface water discharges and increased water abstraction.
- 7.9.13. In terms of wastewater, as has been outlined previously, effluent is proposed to be treated on-site prior to discharge to the public network. As the public network discharges directly to the Blackwater River, there is a pathway from the site to the SAC site. The proposed system would discharge to the public network, rather than directly to the River Blackwater and, taken together with the significant downstream distance of c.17km to the SAC, I consider the proposed wastewater system does not have the potential to affect qualifying interests within the SAC site.
- 7.9.14. In terms of surface water drainage, similar to the construction phase, should any sediment or pollutant enter the drainage network, the separation distance between the outfall point and the SAC is considerable, more than 20km, and the potential of significant impacts on qualifying interests within the SAC is low.

Results of Stage 1 Screening for Appropriate Assessment

- 7.9.15. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site Nos. 002299, 004232, 000391 and 001387, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.

² Assessment of the distribution and abundance of Kingfisher *Alcedo atthis* and other riparian birds on six SAC river systems in Ireland, NPWS (2010), Page 7

8.0 Recommendation

- 8.1. I recommend that permission for the proposed development be refused, for the following reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development fails to comply with the G1 zoning objective which applies to the site under the Meath County Development Plan 2013-2019, under which it is an objective '*To provide for necessary community, social and educational facilities.*' The development, the scale of which has not been justified, does not include the provision of dedicated retirement resident supporting services and facilities, and, as such, is considered to be high-density residential in nature. To permit residential development on the site would fail to comply with the Core Strategy of the county development plan, which outlines that 'in order to ensure towns and villages grow at a suitable and sustainable scale...measures must be put in place to ensure that the quantum and scale of residential development that will take place in urban centres complies with that shown in Table 2.4.' The proposed development would therefore be contrary to the core strategy of the county development plan and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of the density of units proposed, the excessive carriageway and perpendicular parking bay width, the quantum and quality of public open spaces proposed and the isolated indicative pedestrian link from the site to the approved nursing home site to the north, would fail to provide a high quality development of the subject site and would, by reason of its scale and design, be contrary to the provisions of the development plan and would be contrary to the proper planning and sustainable development of the area.

Barry O'Donnell
Planning Inspector

5th May 2021.