



An
Bord
Pleanála

Inspector's Report ABP-312695-22.

Development	54 apartments in 3 no. blocks.
Location	Beaufort Place, Navan, Co. Meath
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	2120.
Applicant(s)	Heron Bell Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with 21 conditions
Type of Appeal	Third Party
Appellants	Ailish Fitzsimons Mark Keenan.
Observer(s)	Management Committee of Juniper Avenue and Ivy Court
Date of Site Inspection	24 th May 202
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by local residents against the decision of the planning authority to grant permission for an apartment development on vacant land in north Navan town. The grounds of appeal relate to design, amenity, conservation and other related issues.

2.0 Site Location and Description

2.1. Site context

The appeal site is located Navan town, a settlement on the crossing point of the Blackwater River at its confluence with the Boyne. Navan has a population of approximately 30,000. The town centre is just south of the main crossing of the Blackwater. The historic town was based primarily around this core, with an extension from the 19th Century onward north of the Blackwater on the main road that connects to the north and north-east towards Slane. The modern town expanded rapidly in the 20th century, with extensive suburbs and commercial areas on both sides of the Blackwater. The appeal site is located 700 metres north of the Market Square and 550 metres north of the bridge on the Blackwater. It is next to a junction of the historic road north and the N51 National Secondary Road on a by-pass to the west of the urban area.

2.2. Appeal site

The appeal site is a rectangular area of vacant land on the north-west quadrant of the junction of the N51 and the road into Navan Town centre. It has a stated site area of 0.5165 hectares (this is the blue lined area, the red lined area is significantly smaller) and is generally flat with a slight drop in levels to the south. The western part of the landholding (outside the red lined area) is occupied by several dwellings under construction and nearing completion. The site was previously covered with regenerating woodland but at the time of my site visit was cleared and in use as a construction compound for adjoining works. Older OS plans indicate structures on the east of the site but there are no remains of these visible. It is bounded along the N52 with a stone wall and hedgerow, with temporary hoarding on other boundaries.

South of the site is the N51 inner relief road, with apartments and St. Ultan's Special School opposite. The roundabout junction with the N51 and R162 is to the **south-east**. **East** of the site is the R162 with beyond this a public house at a prominent Y-junction leaving the town. To the **north** are detached houses facing the R162 with more modern residential estates behind these – the first of these houses is in use as a childcare facility. To the **west** is a small apartment building, with a large primary school behind this.

3.0 **Proposed Development**

The proposed development, in summary, consists of 3 no. apartment blocks with a total of 54 residential units, each 3 storeys in height (raised to 6 storeys following a resubmission).

4.0 **Planning Authority Decision**

4.1. **Decision**

The planning authority decided to grant permission subject to 21 generally standard conditions.

4.2. **Planning Authority Reports**

4.2.1. **Planning Reports**

Two planning reports are on file, the second subsequent to a request for further information.

- Noted planning history and zoning designation.
- The density is considered acceptable having regard to the location of the site, national and local policy, and past decisions.
- Notes requirement for good design in Section 11.2.2.1 and Section 11.2.2.3(6) and 11.2.2.3(3) of the CDP. Concerns are outlined and further information recommended.
- Further information requested on treatment of the boundaries.

- Notes comments from Transportation Section and recommends further information on car and bike parking.
- Notes that the site is outside any flood zones. But recommends further information on water services and drainage.
- Notes that a Part V proposal has been submitted.
- Notes AA Screening report – concurs that there is no requirement for Stage 2 AA. Also notes that EIAR can be excluded.
- Notes three observations outlining concerns about the proposed development.
- Further information request recommended. Additional information and revised plans (with a further notice) were submitted by the applicant. These revised plans contain significant alterations including a rise in height to a maximum of 6 storeys but did not change significantly the overall design principle of 54 apartments in three blocks.
- In its second report the planning authority noted that the Daylight Analysis and Overshadowing report still identified some issues at some times of the year, but in overall terms the level of amenity was considered acceptable and consistent with guidance.
- An Engineering Report submitted is considered to have addressed the issues raised by the Transportation Section.
- A grant of permission with conditions recommended.

4.2.2. Other Technical Reports

Transportation Section: In compliance with DMURS, but notes that car and bike parking provision are not in line with CDP standards. Recommends further information. Following the submission of further information, it was considered that these concerns were addressed.

Public Lighting: Concerns raised, but addressed in further information request.

Conservation officer: Notes site is within what was Flower Hill House and recommends a condition for recording remains. No other conservation issues arising.

Water Services: Site is not within a flood zone but notes a lack of detail on drainage and water. Following the submission of further information, the revised details were considered acceptable.

4.3. **Prescribed Bodies**

Irish Water: Requests details on proposals to connect to public water supply and sewerage.

4.4. **Third Party Observations**

Three observations were submitted – Ailish Fitzimons, Stephen Dillon and Mark Keenan. All raised concerns about the design, amenity and traffic issues in addition to some additional remarks on energy conservation and related matters.

5.0 **Planning History**

ABP-300243-17 (NA/170485): Board upheld decision to grant permission for 45 residential units including 21 houses and 24 apartments.

NA/201771: Decision to grant for amendments to ABP-300243-17 (mostly minor details).

PL17.131460 (NA/900403): Decision refused for 45 apartments – two reasons cited, both design issues. Concurrent with this, **PL32.236303 (NA/900403)**. Refusal upheld for design reasons.

6.0 **Policy Context**

6.1. **Development Plan**

The site is in an area zoned A1 existing residential' with the zoning objective 'To protect and enhance the amenity of developed residential communities' in the Meath County Development Plan 2009-2019 (as varied) and the Navan Development Plan 2009-2015. Since the application was granted permission the Meath County Development Plan 2021-2027 has been adopted (November 2021). The planning authority considers it to be a brownfield site within the context of overall policy.

6.2. Natural Heritage Designations

The site is within 600 metres of the Blackwater/Boyne SAC and SPA, site codes 002299 and 004232.

6.3. EIAR

Having regard to the nature of the proposed development, its relatively small scale within an existing urban area zoned for residential, and the absence of any sensitive receptors in the immediate vicinity, the development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

Ailish Fitzimons, Sheelin, Proudstown Road

- The appellant is a local resident with a young family living very close to the appeal site.
- It is submitted that the proposed density is inappropriate for its context in a low density housing estate.
- It is argued that the proposed development is contrary to the A1 zoning designation as it does not protect the amenities of local residents by way of its height, design and density and lack of respect for the local pattern of development. It is submitted that there is no precedent for this density within the local context.
- Refers to the Flowerhill and Abbeylands Urban design Plan adopted in November 2021. It is argued that it is contrary to this plan's objective to prioritise high quality design at an appropriate massing and scale.
- It is argued that the density, at 105 units per hectare, is inappropriate within the context of the 2009 Sustainable Residential development Guidelines or

the CDP (Table 2.4 and Table 2A2). It is argued that 50 units per hectare is the maximum under guidelines.

- It is argued that the height is inappropriate and contrary to the Navan Action Plan (variation 1 to the Navan development Plan 2009). Quotes SPPR 1 and 2.11 of the Urban Development and Building Heights Guidelines. It is further argued that this height is inappropriate in the local context.
- Previous Board decisions are noted, including statements from the Inspector that a 3-storey scheme ‘injured the visual amenities of the streetscape’.
- It is argued that the impact on neighbouring properties by way of overshadowing and overlooking will be unacceptable. Notes the proximity of Scoil na nOg and St. Ultans. It is noted that a previous board refusal referred to overlooking of the school in its refusal.
- It is submitted that it is deficient in open space – noted that Section 6.7 of the CDP states that 15% of a site should be given over to public open space.

Mark Keenan of the Round O Public House

- It is noted that the revised notices were erected in the same place as the original notices and so were not immediately obvious to local residents.
- It is argued that the height and massing of the proposed development is unacceptable within the local context. Noted that no Visual Impact Assessment was submitted. Notes protected view and prospect (no.28) at the top of Flowerhill, also VP11 from St. Mary’s Church.
- Notes three protected structures in the vicinity (limestone gate piers, post box and former Flower Hill National School.
- It is argued that an ecological impact assessment should have been submitted due to the possible presence of bats. It is also stated that there are a number of mature trees on the site and there should have been an arboricultural report (HER Pol 40 quoted).
- Notes no invasive species management plan.
- Argues that the site could have archaeological potential.
- It is submitted that no Stage 1 screening was carried out.

7.2. Applicant Response

With regard to the appeal of Mark Keenan It is submitted that all notices were in accordance with the Regulations.

- An outline is provided of the design of the site and the development plan and planning history.
- It is noted that the redesign following the first submission addressed the internal amenity concerns of the planning authority and it is submitted provides a high level of amenity to occupants, in particular regard to sunlight to balconies.
- It is noted that minimal fenestration on the northern gables and western end of Block C is intended to protect the amenity of adjoining residences.
- The Board is referred to the Daylight and Analysis and Overshadowing Report submitted with regard to impacts on adjoining properties.
- The Board is referred to verified views submitted to the planning authority on the 7th November 2021 with regard to views from local viewpoints.
- With regard to the submissions of both appellants, it is argued that following the revised plans the scale and form is fully appropriate and in accordance with the Building Height and Sustainable Urban Design Guidelines. It is noted that all apartments are dual aspect and that the overall design with a contemporary approach is fully appropriate to the site context.
- It is submitted that the impact on the nearby childcare facility (Scoil na nOg) and the public house have been fully addressed, with a separation distance of 23.7 metres and limited fenestration on those elevations.
- The planning history of the site is outlined and it is noted that the Board decided to grant a significant structure on the site (overturning the Inspectors recommendation). With regard to the other applications mentioned in the appeals, it is argued that these are very different contexts.
- With regard to issues in national guidelines highlighted by the appellants, it is argued in some detail that the density, design and layout is fully in accordance with the standards and criteria laid out. It is fully submitted that private open

space provision within the proposed development is in line with the guidelines and development plan standards.

- With regard to building height, it is argued that in the site context (prominent junction close to the town centre), the proposed development is fully in accordance with policy SPPR3 and related guidelines. It is noted that the RPG highlights Navan as a growth town.
- A series of development plan policies are set out in support of an argument that the density and mix is fully in accordance with housing and related policies in the CDP.
- With regard to heritage, it is noted that there are no protected structures or proposed protected structures on the site. It is argued that the Views and Prospects highlighted by Mark Keenan are not relevant to the proposed development.
- With regard to AA, the Board is referred to the Screening Report and the comments of the planning authority.
- It is argued that with regard to ecology and trees on the site, the conditions set by the planning authority address these concerns.

7.3. Planning Authority Response

The planning authority set out a number of points in relation to the appeals:

- It is considered that the site is a de facto gateway to Navan town centre, at a critical junction in the road network. The site benefits from an extant permission for a 5 story apartment building. While it is accepted that it will give rise to some overshadowing, it is considered to be acceptable with regard to the context and land use.
- It is noted that condition 5 addresses conservation issues – it is considered that the structures on the RPS in the vicinity are sufficiently removed that there are no significant impacts. The site is considered to be brownfield with no conservation value.
- It is stated that the site was screened out for AA.

- In other respect, the proposal is considered to be in accordance with national, regional and local plan policies and objectives.

7.4. Observations

Management Committee of Jumper Avenue & Ivy Court Beauford Place

- Submitted that the absence of public open space is contrary to the CDP.
- It is argued that residents of the proposed development should not have access to the open space to the north as they do not pay for the upkeep or insurance on that open space.

7.5. Further Responses

None on file

8.0 Assessment

Having inspected the site reviewed the file documents, I consider that the appeal can be addressed under the following general headings:

- Preliminary issues
- Principle of development
- Context and design
- Amenity
- Traffic
- Conservation
- Flooding
- Appropriate assessment
- Other issues

8.1. Preliminary issues

One appellant raised specific concerns regarding the site notice, in particular that local residents do not appear to have been aware of the further information submission. It would appear from file documentation that the application and revised details were advertised in accordance with the Regulations and the planning authority were fully satisfied in this regard.

8.2. Principle of development

The site is in an area zoned A1 existing residential' with the zoning objective 'To protect and enhance the amenity of developed residential communities' in the Meath County Development Plan 2009-2019 (as varied) and the Navan Development Plan 2009-2015, which was the extant plan at the time the original application was made. Subsequent to this, the Council adopted the Meath County Development Plan 2021-2027 on the 3rd November 2021. The overall zoning designation and policy context for the site has not changed significantly.

In such A1 zoned areas, further development of residential areas in infill or brownfield sites is considered to be open to consideration. The planning authority state that they consider the area to be inner suburban and that the site is brownfield – it was previously the site of a large dwelling, now demolished and cleared.

Any such development would be expected to conform to the development criteria set out in the Development Plan at the time of the decision, and national guidance including (not exclusively):

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009);
- Design Standards for New Apartments (March 2019 and updated)
- Urban Development and Building height Guidelines 2018;
- Design Manual for Urban Roads and Streets (2013);
- Smarter Travel – A New Transport Policy for Ireland (2009-2020);
- The Planning System and Flood Risk Management (2009);
- Childcare Facilities: Guidelines for Planning Authorities (2001).

The planning history is somewhat complex, with two previous appeals on the site. The Board upheld (against the recommendation of the inspector) a grant of permission for 45 units on the site some five years ago – this was for a mix of housing and apartments. The adjoining part of the site (the blue lined area) was originally granted as ‘Phase I’ of that development – the proposed development is this appeal is intended to replace the permitted ‘Phase II’.

The site is at the edge of the historic core of Navan, but well within the existing urban fabric. Navan is identified as a key development node (a ‘Key Town’) in the local and regional plans extant for the area and as such high density development of existing urban sites would be an overall plan objective. The newest CDP for the town identifies a significant population growth (to 36,000 in 2027 compared to 30,000 in 2016) for the town. The core strategy identifies a need for 3,204 new units by 2027.

The lands have been cleared and as such I would consider it to be a brownfield site as defined in the 2009 Guidelines. It is 700 metres (about 10 minutes’ walk) from the town centre of Navan and the major bus links to Dublin and other centres, and there are schools and other services in very close proximity. The 2009 Guidelines and CDP do not give a maximum density for such sites, but highlight the need for appropriate design and layout to ensure adequate amenity. The appellants have noted the low density of developments north of the link road and have argued that it is inappropriate to have such high density developments next to suburban housing north of the main road, but in the overall context of the site I do not consider that there is a quantitative maximum of units suitable for the site – the principle of development should be to maximise density without loss of amenity for local residents and future residents of the development.

I would therefore conclude that, having regard to the zoning designation of the site, overall policy (national, regional and local), and the planning history of the site, that the lands are suitable for a high density apartment only development, albeit subject to the design and amenity criteria set out in national guidance and the development plan.

8.3. Context and design

Height and massing

The site is in a busy urban edge area, dominated by the main road and associated oversized and chaotic road street furniture, with the area generally characterised by a mix of houses and commercial/intuitional structures largely dating from the last half century or so. Most are of the usual suburban quality, although the area is relatively well vegetated and landscaped, both on the road verges and the various gardens and open areas associated with surrounding buildings. The overall area is topographically quite flat, with a gentle drop in levels south towards the Blackwater valley (the river is not visible from anywhere in the site or immediate surrounds).

The site was identified as a key 'gateway' site in the CDP at the time of the application, although this designation was not carried forward into the current (2021) CDP. The planning report states that they consider that the *de facto* visual importance of the site remains.

The 2021 CDP states that '*higher buildings on prominent/key sites in the town (i.e. Navan) will be considered on a case by case basis*', pending the adoption of an LAP for the town. Meath CoCo released the **Flowerhill Urban Design Plan** in 2021 – the status of this plan is somewhat ambiguous, but it seems to be considered an addendum to the CDP. It covers the area immediately south of the appeal site (i.e. south of the N21). A protected view is indicated just south of the roundabout next to the site, although this is indicated as a view towards the Flowerhill area, not towards the site. There are no specific policies within this plan regarding the site or the area around the roundabout site to be an important gateway feature. It is certainly prominent on the bypass road, and on traffic entering Navan from the north, and those leaving the town. I would concur with the view of the planning authority that the site is visually strategic due to its location, and that a tall building of quality is appropriate, albeit with the likelihood that it will appear somewhat unbalanced due to the low levels of almost all the buildings around it.

The appellants have raised concerns with regard to national policy as set out in the Building Height Guidelines from 2018. This policy sets out criteria for planning authorities to follow in development plans and in assessing applications. There are no quantitative limits set for Navan, the judgement call is somewhat subjective having regard to existing development plan policies, the planning history and the

overall context. The planning authority clearly considered this issue carefully, and I generally consider that they have followed the guidance in assessing this proposal. I concur with their conclusions – the particular nature of the site allows for a higher building, and in many respects this type of prominent junction can be improved visually by having ‘strong’ visual features at key corners. The Board has previously granted permission for a somewhat smaller but still quite high structure on the site and I do not consider that the policy situation has changed significantly since that time.

While I understand the concerns expressed in the appeals, I would consider that the design is of a moderately good contemporary quality, with significant articulation in its elevations and roofline to prevent it appearing monolithic and overbearing. While it is certainly a radical departure from the existing pattern of development, having regard to overall policy on such buildings and the locational context, I consider that it is visually acceptable when viewed from key viewpoints along public roads in the area.

Density

The proposed development includes 54 units on just over half a hectare, all apartments, although there is some confusion in the application documents about the relationship between the overall landholding (including the area under development to the east) and the site subject to the application (this was partially clarified in the revised submission. Depending on the baseline area of the site considered, the density is either 55 or 105 units per hectare. As I have outlined above, the 2009, 2018 and 2019 national Guidelines do not provide a statutory maximum level for such a development. In general, a greater mix of housing types and sizes is an objective, but given the small size of the site and the mixed nature of housing in the area, I would consider an apartment only development to be acceptable in principle. For a site located so close (10 minutes’ walk) to all main facilities of the town a density level of around 50 would be ideal – while the proposed density – at 55 per hectare, is on the high side, I consider that in general the site is suitable for a tall structure which allows more circulation and amenity space and so I do not see any problem in principle to a density well above 50 per hectare on a site of this nature.

Trees and ecology

One appellant has raised concerns about the lack of information on the existing habitat of the site, tree protection and possible bat roosting.

The site was regenerating scrub with some semi-mature trees on the east side, but almost all vegetation apart from the boundary hedging has been removed as part of the works to the west. Such sites undoubtedly have habitat value, especially for invertebrates and nesting birds and contribute to the overall mosaic of habitats in such urban/urban fringe areas, but there is no indication that the site has any specific value notwithstanding the recent clearance. There are no older/decaying trees on the site that might provide suitable roosts/nests for bats or other protected species, and nor are there any derelict structures that likewise could have potential. None of the trees within the remaining hedgerow are of sufficient maturity to justify specific protection measures. I therefore consider that this is not an impediment to granting permission, nor are specific conditions required to address trees/habitats/specific species. I did not note any evidence of invasive species on the site.

8.4. Amenity

Internal amenity

The current (2021) development plan does not refer to the BRE Report 2011 Site Layout Planning for Daylight and Sunlight: A guide to good practice. The planning authority has however made use of the BRE report in assessing the proposed development and the applicant submitted a daylight report which uses BRE standards and guidelines. The key element of the BRE report states with regard to internal lighting that:

Daylight animates an interior and makes it attractive and interesting, as well as providing light to work or read by. Good daylight and sunlight contribute to making a building energy-efficient; it reduces the need for electric lighting, while winter solar gain can reduce heating requirements. Living rooms and bedrooms shall not be lit solely by roof lights and all habitable rooms must be naturally ventilated and lit. Glazing to all habitable rooms should not be less than 20% of the floor area of the room. Development shall be guided by the

principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011). Staggering of balconies on the façade of a building has a positive effect on sunlight/daylight. A sunlight/daylight analysis of the different units may be required and modifications to the scheme put in place where appropriate.

The application was accompanied by a Daylight Analysis and Overshadowing Report which concluded that all the apartments and dwellings met minimum standards as set out both in the BRE document and national guidelines. I have assessed this in the context of the specific guidelines set out in the BRE document and related national guidance and the development plan. I have examined the report submitted with the revised plans and I consider that the assessment and conclusions are accurate. The revised submission addressed the key issues raised in the original application and I am satisfied that each unit has adequate daylight with regard to both BRE standards and those set out in the 2019 national standards. The apartments are located with a reasonable separation distance from each other and the proposed dwellings, including those adjoining dwellings – all separation distances are in line with the guidelines set out in national and local guidance. I am satisfied that all the proposed apartments and the dwellings achieve the minimum requirements for internal amenity as set out in the BRE documents and related guidelines.

Overlooking and overshadowing

The appeal site is directly south of dwellings facing the R162 going north from Navan, with the closest buildings being a B&B facing the road, behind this a Montessori school, and behind (west) of this a terrace of dwellings. The north facing facades face directly towards these buildings, including the rear gardens and other private areas. The applicant has addressed this in the revised plans by reducing fenestration on the northern elevation of the higher blocks. There is still some degree of overlooking, which is inevitable given the context and the height of the building, but I am satisfied that the design is reasonable and that there would not be a loss of privacy to adjoining properties above what is normal within such a context. The Daylight Analysis and Overshadowing Report submitted by the applicant with the revised details indicates some overshadowing at the Winter Solstice (pages 12-13). This overshadowing would be around midday. The planning authority

considered this to be acceptable having regard to the overall site and context. I note that immediately north of the site is a mix of uses including a Montessori School, a B&B establishment, and dwellings. Such a loss of winter light is undoubtedly of some significance, but having regard to the overall context I concur with the planning authority that it falls within the bounds of acceptance for an urban site.

Open space and landscaping

The 2009 Guidelines and the 2020 Guidelines on apartment developments set out rough guidelines for open space and landscaping for such developments. The 2009 Guidelines state that 10% is acceptable in some sites while Appendix 1 of the latter sets out quantitative guidelines.

The site is next to a large area of existing green space to the north, albeit a low quality closely mown area of grass. There is a small amount of greenspace around the apartment development directly west of the appeal site. The management company of that development has submitted an observation stating that this is privately maintained and not available to the new development. It is obviously up to the management of that development to secure it accordingly – but on the basis of information available I would not include it as part of the overall quantum of open space available in the general area.

Guidance on such infill developments focuses on the quality rather than the quantum of open space available. In such a high density apartment development, the key element is balconies of sufficient size and orientation to provide for useful amenity, and that while small quantum of community space can be appropriate, it needs to be well designed and of maximum utility.

As part of the revised submission, the applicant submitted landscaping plans and additional details of balconies and shared amenity areas. I consider these to be acceptable in ensuring that the proposed development achieves all quantitative minimum requirements in addition to achieving a moderately good level of overall quality of amenity.

8.5. Traffic

The appeal site is located on a junction of two major roads entering Navan from the north and north-east, and the N51 where it acts as a town bypass for traffic from the

north. The site does not access directly to the main road network but to the distributor road network to the north of the site. A mobility management plan was submitted with the revised submission. The site is to be accessed by road via the distributor road now under construction immediately to the west of the site (serving the line of new houses and linking in turn to a series of distributor roads that join the main road to the north). There is a lane separating the site from the Montessori school to the north and this will be the location of one pedestrian access, with another to the east. The proposed accesses are shown most clearly on figure 2.1 of the Transport and Traffic Assessment submitted with the revised details.

The adjoining main roads to the east and south are very heavily trafficked, both in terms of vehicle numbers and in the many larger articulated vehicles avoiding the town centre. The proposed development will increase overall traffic levels, but having regard to the location, nature of the development, and zoning designation, I would consider that this is acceptable in principle. The site is within easy walking/cycling distance of the town centre and schools – there are cycle routes along the N51, although Flower Hill is one way and probably not a particularly good route for cyclists due to its narrow nature, exacerbated by two lanes of traffic on a road which should probably only have one. There is a proposed bus route into the town centre, and the main bus stop for Bus Eireann routes to Dublin and Drogheda are just south of the Blackwater, less than 10 minutes walk from the site.

Following the submission of revised car and bike parking provision, which includes 60 spaces for 54 apartments and additional bike parking, the Transportation section stated that they were satisfied with the overall design and provision, although there were issues that were to be addressed through condition (including additional bike parking spaces). The provision of carparking is considered slightly substandard with regard to CDP guidelines, but it was concluded having regard to the previous board decision and location and design of the site, this was considered acceptable. The design is considered by the planning authority to be in accordance with the guidelines in DMURS.

I note the issues raised by the Transportation Section and the recommended conditions (condition 3 of the decision), and I conclude that if this condition is repeated, the proposed development is acceptable in terms of traffic, road safety, and parking/cycling provision.

8.6. Conservation

Protected structures

There are no protected structures or buildings on the NIAH on the site or within the immediate vicinity. The closest is a Church of Ireland school, approximately 80 metres south. This is described as of Regional Importance in the RSI, and described as follows:

Detached five-bay single-storey former national school, built 1887, with brick dressings, decorative timber barge boards, pointed window openings, leaded lights and entrance porch. Now in use as women's refuge. Double-pitched roof, red brick chimney stacks, natural slates, cast-iron ogee gutters, decorative clay ridge tiles, decorative timber barge boards. Rusticated snecked limestone with brick dressings including quoins, eaves course and hooded window surrounds, inscribed granite date stone. Pointed window openings, leaded windows with coloured glass. Cast-iron railings, on low snecked limestone wall to frontage.

The site is visible from this structure, although partially obscured by a very large road sign at the junction. Given the overall context of this protected structure I do not consider that the proposed development would have any significant impact on its setting.

There are two other protected structures to the north-east of the site, these are minor structures (a postbox and gate/railings) and not within view of the appeal site. I do not consider that the proposed development would have any impact on the setting of these structures, or other old buildings of importance in the area.

Archaeology

Older OS plans indicate that the site was occupied by a house and small demesne in the early 20th Century (Flowerhill House). There are no indications of whether this structure had any importance. The oldest OS plan indicates some buildings on the eastern side. The stone wall around part of the site may be the last visual remains of this structure. As a historic road junction that may pre-date the town, it is possible that there has been some form of settlement in the vicinity prior to the 19th century, but there is no direct evidence of this. The planning authority set a

condition such that there be a photographic recording of the site as it is cleared and of the boundary walls and that an archaeologist be employed to monitor any earthworks. I consider this reasonable and appropriate and I do not consider that other conditions are necessary.

8.7. Flooding and drainage

The appeal site is within 500 metres of the Blackwater River but is not within the historic floodplain and there are no records of flooding of the site or any indications that the site may be subject to future flooding (it is within Flood Zone C of the river, and as such is considered at low risk. The application includes for SUDs criteria in design and drainage – I consider this to be appropriate. A flood risk assessment was submitted with the revised details.

The proposed development is to be connected to the public water and wastewater system for Navan. Irish Water indicates that this is acceptable. There are no indications that there are any capacity constraints for the town.

8.8. Appropriate Assessment

The site is within 600 metres of the Blackwater/Boyne SAC and SPA, site codes 002299 and 004232. These largely concurrent habitats follow more or less the entire route of both rivers, including through urban areas.

The River Boyne and River Blackwater SAC, site code 002299 has five qualifying interests – Alkaline fens, alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, and the presence of River Lamprey, Salmon and Otter. The conservation objective is generally speaking to restore the favourable conservation condition of these habitats and species.

The River Boyne and River Blackwater SPA, site code 004232 has one qualifying interest – the presence of Kingfishers. The Conservation objective is to maintain or restore the favourable conservation condition of the Kingfisher.

The proposed development is on a regenerating brownfield site that has recently been cleared– most of it appears to have been either derelict, or preceding that, part of a small demesne for at least a century. There are no species on the site associated with the qualifying interests (the regenerating woodland is not typical of

the mature alluvial forest listed in the SAC qualifying interests). It is around 600 metres north of the Blackwater where it goes through the town in a largely engineered channel – the distance between the site and the river is almost entirely urbanised. There are no indications on historic plans of any minor watercourses or drains on or close to the site. The site is fully connected to the town wastewater treatment system, and so there are no pathways for pollution from the site to the protected watercourse.

The applicant submitted a screening report and the planning authority carried out a screening process, which identified all European sites for which the potential for significant effects cannot be excluded (the adjoining SAC and SPA). I can confirm that there are no additional sites for which I would consider there would be a potential for likely significant effects, so no additional sites other than those assessed need to be brought forward for inclusion in the screening.

I have carried out a screening assessment in the context of my site visit and other available sources of habitat and environmental data and I am satisfied that it includes sufficient information to allow the Board to carry out a complete screening of all aspects of the project. I am therefore satisfied, that the proposed development, would not be likely to have significant effects of European sites no. 002299 or 004232, or any other European site, either individually or in combination with any other plan or project, and thus a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.9. Other issues

I do not consider that there are any other planning issues raised in this appeal.

9.0 Recommendation

I recommend that, subject to the conditions set out in section 11 below, the Board grant permission for the proposed development for the following reasons and considerations.

10.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) The site's location on lands with a zoning objective for the protection of residential amenities and the overall policies and objectives of the Meath County Development Plan operative at the time of the application and original decisions and the policies and objectives in the Meath County Council Development Plan 2021 to 2027 adopted in November 2021;
- b) The nature, scale and design of the proposed development and the availability in the area of a wide range of social infrastructure in addition to the pattern of existing and permitted development in the wider area and its location on a prominent junction;
- c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- d) Urban Development and Building height Guidelines 2018
- e) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- f) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- g) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage in December 2020;
- h) The Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area,

would not constitute a flood hazard and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further information received on the 30th November 2021 and the 16th December 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. Prior to the commencement of development the applicant shall submit the following details for the agreement of the planning authority:
 - a) Details of the works required on the N51 and R163 boundaries. These shall include, but not be limited to, agreement of the road width, removal and setback of existing stone wall to accommodate the proposed cycling facilities, integration of the boundary with the existing roundabout, kerb lines, grass verge, footpaths, cycleways, drainage and streetlighting.
 - b) Full details of the bicycle parking and storage facilities. These shall be provided in a dedicated facilities of permanent construction with electronic access for residents and security including CCTV.
 - c) A photographic survey shall be carried out of any upstanding remains/structures during site clearance/construction and issued to the planning authority for public recording prior to the occupation of any of the

residential units permitted. The stone wall along the eastern boundary shall be reused in the development. The applicant shall submit a method statement in respect of same for agreement.

Reason: In the interests of clarity and ensuring a proper standard of development.

3. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

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

5. Details of the materials, colours and textures of all the external finishes to the proposed apartment blocks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.
.Reason: In the interest of public health.
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8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.
.Reason: In the interest of public health.
.
9. All parking areas serving the apartments shall be provided with ducting for electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
.Reason: in the interest of sustainable transportation
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10. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

11. Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, a plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.

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

12. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

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

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

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

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

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

Reason: To ensure the satisfactory completion of the development.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Philip Davis
Planning Inspector

26th May 2022