
Planning Observation

Proposed Mixed-Use Development

Lands at Metges Road, Johnstown, Navan, Co. Meath

Reg. Reg. NA170997

September 2017

Prepared on behalf of:

XXXXXTBCXXXXX

BX Bailis Village,
Johnstown,
Navan,
Co. Meath



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0.0 Introduction

Hughes Planning and Development Consultants, The Mash House, Distillery Road, Dublin 3 have been commissioned by XXXXTBCXXXX BX Bailis Village, Johnstown, Navan, Co. Meath, to prepare this planning observation in respect the following planning application:

Reg. Ref.	NA170997
Applicant	Hunt Capital Ltd.
Address	Site of 0.9697 ha at Metges Road, Johnstown, Navan, Co. Meath
Proposal	Permission for the construction of 5 no. buildings outlined as follows: 1 no. 4 storey mixed use building referred to as Block A, 1 no. 5 storey (including car park level) apartment building referred to as Block B, 1 no. external stair/lift core servicing Blocks A & B, 1 no. 4 to 5 storey (including car park level) apartment building referred to as Block C, 1 no. 4 to 5 storey (including car park level) apartment building referred to as Block D and 1 no. 3 to 4 storey (including car park level) apartment building referred to as Block E - all with solar panels to roof. A new car park at ground level will be accessible via 2 no. vehicular egress points off Metges Road along with 2 no. pedestrian entrances. Parking for 205 no. cars will be provided at car park level while spaces for 94 no. bikes will be provided between car park level and a new plaza. The development will contain 8 no. 1 bed apartments, 82 no. 2 bed apartments and 9 no. 3 bed apartments along with 1 no. sports facility of 348sqm and 1 no. commercial hub of 348sqm both located in Block A, 1 no. ESB substation and switch room, plant rooms and ancillary accommodation for both residential and commercial development along with landscaped open space, decks, new plaza and all associated site works

This submission requests that Meath County Council consider the contents of this report in determining this planning application. It is considered from the outset that the proposed development, by reason of its excessive height, scale and massing relative to the established residential dwellings which lie adjacent to the proposed site is unduly overbearing and would be severely injurious to the visual and residential amenities of the immediate area. Moreover, it is contended that the proposed development will cause a potential traffic hazard that will lead to substantially unsafe environment for the public and exacerbate traffic issues in the locality.

The required observation fee of €20.00 is enclosed. Please forward all correspondence relating to this matter to this office. The grounds of objection are set out in the following sections of this submission. It

0.0 Site Description

The application site is stated as 0.9697 hectares and is located on undeveloped lands on the western side of a local distributor road, known as 'Metges Road', in Johnstown, approximately 3 kilometres south east of Navan town centre. The application site can be described as elongated and runs in a north-south direction (some 260 metres in length along 'Metges Road'). The site, at its northern end, is approximately 50 metres in width and tapers to c.20 metres along the southern boundary which emphasises the restricted nature of the site. It is noted that the undeveloped site has extensive tree and shrub coverage.

The site is bounded to the east by 'Metges Road'; to the west and south by Navan IDA Business Park and we note that there is a significant line of established mature trees comprising this western boundary. The north of the application site contains a local shopping and district centre, known as 'Johnstown Shopping Centre' which is anchored by a Supervalu supermarket and a number of local services including a newsagents, bookmakers, take-away, pub, and restaurant. This area acts as the main hub for the Johnstown area and contains a small element of residential use in the form of apartment/duplex units



Figure 0.0 Approximate application site boundary outlined in red in the context of the Navan area.

The prevailing area context can be described as residential which is predominantly comprised of mid to low density two storey residential units in the form of detached and semi-detached units. It is noted that the Johnstown area of Navan has been subject to significant residential development over the last 15-20 years. The scale of the built environment in the area is generally low rise and is with the exception of Johnstown Shopping Centre which has been developed on a prominent corner site to the north of the application site.



Figure 0.0 Image showing the application site in the context of the Johnstown area to the south east of Navan town centre. Note the elongated site with extensive vegetation covering.

0.0 Site Planning History

A review of the site's planning history on the Meath County Council Planning Register revealed the following two planning applications which are presented below in chronological order:

Reg. Ref. NA40293 Planning permission refused by Meath County Council on the 9th of June 2005 for a) 1 no. 3-storey office block (Block no.1) comprising of 1338 sq.m. floor area; b) 2 no. 4-storey apartment blocks over car parking level (Blocks 2 & 3) and 1 no. 5 storey apartment Block, over car parking level (Block 4) comprising of 9 no. 3-bedroom apartments, 60 no. 2-bedroom apartments & 1 No. 1 bedroom apartment comprising of 6789.50 sq.m floor area & crèche (146.50 sq.m. floor area); c) underbuilding car parking/bin/bicycle storage under each block (total 108 spaces) comprising of 2915 sq.m floor area & d) ancillary site development works including estate road, landscaped open space and surface car parking spaces (Revised plans submitted by way of a reply to Further Information request).

This decision of Meath County Council to refuse permission was subsequently appealed to An Bord Pleanála (Ref. PL17.213043), who upheld the decision of the planning authority and refused planning permission on 24th of January 2006. The following commentary from the An Bord Pleanála decision is noted:

*'Having regard to the narrow configuration of the site which is located between a local distributor road and adjoining lands zoned E2, it is considered that the proposed development, by reason of the quantum of development, **including the high number of apartments would result in overdevelopment of this restricted site, would fail to provide an adequate standard of residential amenity for future occupants by reason of the proximity of development to boundaries and the lack of adequate quality of open space provided on the site to serve future occupants.** The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.*

Reg. Ref. NA60230 Planning permission granted by Meath County Council on 4th January 2007 for mixed development consisting of (a) 3 no 4 storey apartment blocks over car parking level (block no's 1,2 & 3: total 61 no apartments) comprising of 5 no 1 bedroom apartments, 42 no 2 bedroom apartments and 14 no 3 bedroom apartments (5726.84 sq metres floor area) and crèche (144.60) sq metres floor area) (b) 1 no 4 storey office block over car parking level (block no 4) comprising of 1714.00 sq metres floor area: (c) underground car parking /bicycle storage (circa 147 no car parking spaces) comprising of 4852 sq. m floor area and (d) ancillary site development works including underground surface water attenuation tanks, estate road, surface car parking (circa 6 no spaces) bin storage/recycling facilities and landscaped open space.

However, we note that the decision to grant permission from Meath County Council was subsequently appealed to An Bord Pleanála (Ref. PL17.221620) who upheld the decision of the planning authority and granted planning permission on 27th November 2007.

The permission for the above development was never enacted and subsequently expired five years ago in 2012.

0.0 Recent Local Developments

A review of local planning history revealed a number of residential developments in the Johnstown area which are noted with regard to this planning application.

Reg. Ref. NT120036 Permission granted by Meath County Council on the 25th of October 2012 for the extension of duration of planning permission Reg. Ref. NA/60571 development of 19 Detached Two Storey Dwelling Units.

This application refers to a residential development, of 4 and 5 bedroom units, known as Caisleán Mainéar which is located approximately 1 km north of the subject site and c.2 km from the town centre. As of September 2017 this residential development has been completed and the units are currently in the process of being sold. The development has seen the construction of 19 No. of residential units with a total allocation of 38 No. car parking spaces.

Reg. Ref. NT130058 Permission granted with a life of 10 years (on condition) on 27th January 2015 for development at a site measuring c.14.6ha bounded generally by the Kentstown Road (R153) to the North, St. Martha's College to the South, the Alexander Reid Johnstown Road to the east (L5050); and the Johnstown Woods/Athlumney Hall Housing Development to the West, in the townland of Alexander Reid and Bailis. Proposed development comprising 310 no. residential dwellings (44 no. 4 bed houses, 156 no. 3 bed houses, 8 no. 2 bed houses, 68 no. 3 bed duplex units, 34 no. 2 bed apartment units), in buildings ranging from 1 to 3 storeys, all with roof mounted solar panels. All apartment units at 2nd floor level of duplex blocks have balconies on front elevation. And, all ancillary and associated site development works including: 2 no. new vehicular entrances: one to the south via the new access road from Johnstown Wood to the new school development and one to the east via the old Johnstown Road (L5050) that connects to the Kentstown Road (R153) to the north; surface car parking spaces; bin stores; 1 no. ESB sub-station; and landscaping and boundary treatments (An Appropriate Assessment Report has been lodged with application).

This development, known as 'Dunville', is currently under construction with the first phase of residential units substantially complete. The site is situated on Maple Close, c. 850 metres to the northeast of the application site and within close proximity to the secondary school, Coláiste na Mí. Permission has been granted for 310 no. residential dwellings, 276 no. of which are houses and 34 no. apartments. The parking provision for this development is 620 No. car parking spaces.

Reg. Ref. NA170747 Development will consist of (i) the construction of 264 new two storey dwellings (92 no. 2 bed terrace houses, 139 no. 3 bed semi-detached and terrace houses and 33 no. 4 bed detached and semi-detached houses), (ii) all ancillary and associated site works including connection to existing site services, new internal site service roads, footpaths, associated landscaping and open space, (iii) construction of a new 304sq.m single storey crèche, (iv) site perimeter boundary plinth walls and railings, (v) extension of public footpaths and cycle paths along site boundaries to Metges Road (N3/R153 Distributor) and the Johnstown Road (L5055-1) and (vi) garden boundary walls and fences. Vehicular access to new dwellings will be via the 2 no. existing residential estate site entrances, 1 no. located on the Metges Road (N3/R153 Distributor) and 1 no. located on the Johnstown Road (L5055-1), and via the existing access roads within Cois Glaisin Housing Estate. Significant further information/revised plans submitted on this application

A decision on the above application is due from Meath County Council on 10th of October 2017. This application looks to add an additional 264 no. dwellings and a crèche to the 97 no. units (phase 1) which are nearing completion. The subject application relates to the completion of the entire development (phases 2, 3 & 4) broadly in line with the original development permitted under Reg. Ref. NA/800617 and as amended under Reg. Ref. NA/170224. This development, known as Cois Glaisín, is located c. 700 metres to the south of the application site and will result in the overall development of successful 361 no. residential units with a parking allocation of 722 no. car parking spaces

0.0 Proposed Development

The development to which the planning application submitted under Reg. Ref. NA170997 consists of a mixed-use scheme comprising 99 no. apartments, a sports facility and commercial hub via the construction of 5 no. buildings. A breakdown of the development is listed as follows:

- 1 no. 4 storey mixed-used building providing 'sports facility' and 'commercial hub' (Block A).
- 1 no. 5 storey apartment building including car park (Block B).

- 1 no. 4-5 storey apartment building including car park (Block C).
- 1 no. 4-5 storey apartment building including car park (Block D).
- 1 no. 3-4 storey apartment building including car park (Block E).

The mix of apartment units is listed as follows:

- 8 No. 1 bed apartments
- 82 No. 2 bed apartments
- 9 No. 3 bed apartments

We also note that the development will provide for 2 no. new vehicular access/egress entrances onto Metges Road and 2 no. pedestrian entrances. It is stated on the statutory notices that a carpark will be provided at ground level and the development proposes 205 car parking spaces and 94 no. cycle parking spaces. The development includes some pockets of landscaped open space and a plaza as part of the proposed scheme.



Figure 0.0 Proposed site layout plan of the scheme.

0.0 Grounds of Objection

It is considered that the overall proposed development for 99 no. apartments, with commercial hub and sports facility does not complement or give due respect to the immediate landscape and built environment of Johnstown. The proposed 3-5 storey development of 5 no. buildings is significantly larger in terms of height, scale and mass than the established built form of the area which is predominantly two-storey detached and semi-detached residential houses. It is noted that the residential and commercial enclave to the immediate north of the site has a height range in excess of 2 stories, however, this site is zoned with the specific objective of 'Neighbourhood Centre'. Neighbourhood centres are located on prominent locations, which can support high density development, and utilise a combination of height and road frontage in order to attract passing trade.

The subject site is located 250m from the prominent corner site on the junction of Metges Road and the Dublin Road, which the Neighbourhood Centre has been developed upon, within close proximity to low density residential housing, thus placing it out of context with regards to its immediate surroundings. The result, if such a development was to be granted permission, would be the substantial loss of local amenity due to excessive overlooking and overbearing along with the significant loss of light associated with tall building structures.

It is considered that the proposed development is contrary to the development plan objective for appropriate residential development in an established area and therefore should be refused permission in this instance. Having full regard to the zoning objectives of the area and the overriding obligation on the planning authority to protect residential amenity, the following section will set out the grounds of objection in this case:

0.0 Contrary to Development Plan Zoning Policy

The proposed development does not comply with the provisions of both the Navan Development Plan 2009-2015 and the Meath County Council Development Plan 2013-2019.

0.0 Zoning

The design statement submitted with the application states that the application site is ‘zoned C1 Mixed Use’. This statement is incorrect. The development site is covered by two zoning categories, Objective ‘C1’ and Objective ‘E1’, as contained in Figure 0.0 below.

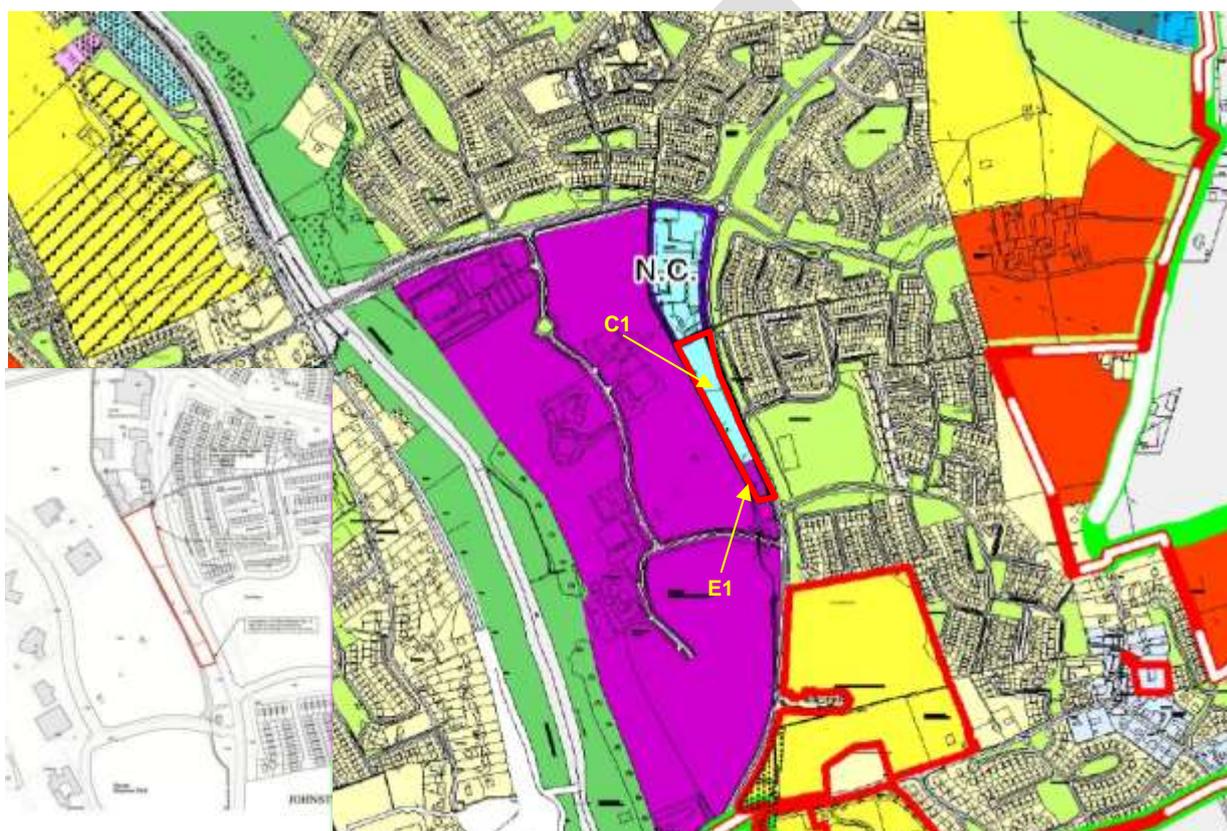


Figure 0.0 Extract from the Navan Development Plan 2009-2015 Map No.1 ‘Land Use Zoning Objectives’ showing the subject site (outlined in red) located within both the zoning objective ‘C1’ and zoning objective ‘E1’ respectively. Inset: Application Site.

The following sections provide specific information relating to the ‘C1’ and ‘E1’ zoning objectives.

Objective C1

The majority of the subject site is zoned Objective ‘C1’ (Mixed Use). We note that the objective of ‘mixed use zoned lands is to *‘to provide for and facilitate mixed residential and business uses’*.

Furthermore, the Meath County Development Plan 2013-2019 illustrates that the objective of ‘C1’ zoned lands is to *‘facilitate opportunities for high density mixed use employment generating activities whilst supporting appropriate levels of residential development’*.

The permissible and Open for Consideration uses in Objective C1 zoned lands are listed as follows:

Permissible Uses:

B & B / Guest House, Bring Banks, Childcare Facility, Children Play / Adventure Centre, Community Facility / Centre, Convenience Outlet, Cultural Facility, Education (Primary or Second Level), Education (Third Level), Enterprise Centre, Health Centre, Healthcare Practitioner, Home Based Economic Activities, Hotel / Motel / Hostel, Offices <100sq. m. Offices 100 to 1,000 sq. m., Offices >1,000 sq. m., Petrol Station, Place of Public Worship, Public House, Residential / Sheltered Housing, Restaurant / Café, Water Services / Public Services.

Open for Consideration Uses:

Agri – Business, Amusement Arcade, Betting Office, Car Park (incl. Park and Ride), Cinema, Conference/Event Centre, Dance Hall / Night Club, Drive Through Restaurant, Funeral Home, Garden Centre, Hospital, Industry – Light, Leisure / Recreation / Sports Facilities, Motor Sales / Repair, Offices >1,000sq. m., Plant & Tool Hire, Research & Development, Retirement Home / Residential Institution/Retirement Village, Science & Technology Based Enterprise, Shop, Supermarket / Superstore, Take-Away / Fast Food Outlet, Telecommunication Structures, Veterinary Surgery, Wholesale Warehousing / Cash and Carry.

With this in mind, we note the commentary of the Meath County Development Plan 2013-2019 which states that:

'C1 zones have been identified to encourage mixed use development and for this reason it will be a requirement to include at least 30% of a given site area for commercial (non retail) development'.

Objective E1

The southern portion of the site is zoned Objective 'E1' (Strategic Employment Zones-High Technology Uses). The objective of this particular zone is to:

'To facilitate opportunities for high end technology / manufacturing and major campus style office based employment within high quality and accessible locations'.

According to the Meath Council Development Plan 2013-2019, the aim of 'E1' zoned land is to 'facilitate opportunities for high end, high value added businesses and corporate headquarters'. It is envisaged that such locations are suitable for high density employment generating activity with associated commercial development located adjacent to, or in close proximity to, high frequency public transport corridors. In essence, this area of land corresponds to the IDA park to the west of the site and contains a number of employers including; Generali Pan Europe, Lir Chocolates and eCOMM Business Merchants.

The permissible and Open for Consideration uses in Objective E1 zoned lands are listed as follows:

Permissible Uses:

'Bio Technology Manufacturing, Call Centres, Childcare Facility, Convenience Outlet, Green / Clean Light Industries, Education (third level), High Technology Manufacturing, Information Communication Technologies, International and National Traded Services, Knowledge Based Economic Development, Offices 100 to 1,000 sq. m., Offices >1,000 sq. m., Medical and Related Uses, Research & Development, Science & Technology Based Enterprise¹¹, Telecommunication Structures, Water Services / Public Services'.

Open for Consideration Uses:

'Uses Advertisement and Advertising Structures, Conference/Event Centre, Education, Enterprise / Training Centre, Leisure Facilities, Hotel / Aparthotel, Industry – Light, Industry – General, Restaurant / Café, Petrol Station, Transport Depot/Logistics, Warehousing'.

It is very important to note that uses which are 'open for consideration' or not identified as 'permitted' under the 'E1' zoning objective will only be considered where they do not compromise the objective of the overall zoning objective of 'E1' lands, as a strategic employment zone for high technology uses. As such, we note that residential use is neither permitted, nor open for consideration in 'E1' zones. Section 2.9.5 of the Meath County Development Plan 2013-2019 states the following about such a situation:

'Uses not listed under the permissible or open for consideration categories are deemed not to be permissible in principle and such uses will be considered on their individual merits'

In light of the above, we note that 'Residential' is not a permissible use in this zone and so, we considered that the proposed construction of Block E', a 3-4 storey residential building therefore contravenes the Development Plan in this regard.

Moreover, allowing residential use on land zoned 'E1', may result in repercussions for the area in attracting investment to Navan IDA Business Park. There is also the potential to create a bad neighbour situation whereby the future development of factories and industrial buildings may be curtailed in the zone due to the close proximity of residential units. Further to this, the following commentary from the Meath County Development Plan 2013-2019 on transitional zones is of relevance:

*'While the zoning objectives indicate the different uses permitted in each zone, it is **important to avoid abrupt transitions in scale and use at the boundaries of adjoining land use zones**. In dealing with development proposals in contiguous zone areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone'.*

In essence, we consider that this proposal will compromise both the ability of the Strategic Employment Zone to develop further and have consequences for amenity of future residents of the proposed development, if permitted.

0.0 Non-Compliance with Apartment Standards

According to Section 11.2.2.3 'Apartments' of the Meath County Council Development Plan 2013-2019, Council will have *'favourable opinion towards the construction of well-designed apartment developments in central urban areas'*. The proposed development is not located in the central urban area of Navan and as such, the principle of development should not be considered appropriate for a site on the edge of an urban settlement.

We consider that the proposed development does not adhere to the parameters of Meath County Council when assessing the appropriateness of apartment developments.

Inappropriate Mix of Units

It is acknowledged that the proposed apartment unit sizes appear to be in compliance with the minimum standards set out in the Design Standards for New Apartments - Guidelines for Planning Authorities (2015), however we raise serious concern with respect to the mix of units in this development.

The proposal includes 99 no. apartments and fails provide an adequate mix of apartment types in accordance with the statutory guidelines. The development provides for 8% one-bedroom units; 83% two-bedroom units; and 9% three-bedroom units. This provision does not comply with the Design Standards for New Apartments - Guidelines for Planning Authorities (2015) which states that:

'Demographic analysis of urban housing need points to the fact that into the future, 25% of households will be one person households, 30% will be two person households, 20% will be three person households and 25% more than three person households'.

It is contended that such a high percentage of two-bedroom units has not been justified and such a provision severely limits the potential of the development to create a strong sense of place and have an adequate mix of family units.

Siting of the Development

The siting of the apartment element of the development should have a high quality of building design and site layout and have due regard to the character of the adjoining streetscape or landscape. They will not normally be permitted on sites surrounded by or gaining access through family occupied suburban housing estate development. They may be acceptable within housing developments when planned or constructed as part of such development but will only be permitted where a satisfactory degree of separation from standard suburban housing, in terms of design, height and layout is achieved to the satisfaction of Meath County Council.

It is submitted that the apartment element of the proposed development has taken little regard for the existing built fabric of the local area where houses are the dominant form of residential accommodation. It is noted that apartments make up less than 5% of the units approved in recent applications for residential development in the Johnstown Area.

Deficient Communal and Open Space Provision

Whilst open space has been provided in this apartment development, it is submitted that the space is not functional and has been designed more for aesthetic purposes. The Meath County Development Plan 2013-2019 highlights the importance of providing appropriate communal space and states specifically in respect of apartment blocks that '*particular attention must be paid to the location of communal open space for the residents. This open space should not be unduly overshadowed by the blocks and be laid out in such a fashion to provide for ease of maintenance*'.

We do not consider that the minimum provision of 15% of the total gross area of the site has been provided which should equate to 1,455sq.m of open space. Moreover, the required communal amenity space to be provided equates to 695sq.m (5sq.m x 1-bed; 7sq.m x 2-bed and 9sq.m x 3-bed).

It is considered that the design and layout of the open space in the proposed development is substandard as it is orientated to the west behind the proposed blocks and therefore will be secluded and shaded. This will not create an appropriate of functional living environment for the enjoyment of residents.

Density

0.0 Excessive Building Heights

The proposed height and location of the mixed-use development is a significant concern to our client as it presents a number of issues associated with tall buildings. The design statement submitted as part of the application notes the relationship between the proposed development and the neighbouring apartments of similar size at 'Bailis Village' to the north of the subject site, however, no commentary is provided on the relationship between the proposed development and the wider area.

It is considered that the siting of the proposed development will interfere with the visual quality of existing housing developments to both the north and east of the subject site.

According to Section 8.1.4 'Apartments' of the Navan Development Plan 2009-2015, '*maximum heights of apartment developments in residential zones or in areas with a suburban residential character will be determined on a site by site basis by the Planning Authority*'. With this in mind, a significant consideration of the Planning Authority will be the manner in which '*the adequacy of the site area allows the building to be sited in a manner which will not interfere with the scale, amenities or visual quality of existing development*'.

Section 11.1.1 'Building Height' of the Meath County Council Development Plan 2013-2019 outlines the characteristics of 'high buildings' and sets the relevant criteria which is taken into account when assessing an application. Some of the criteria includes the following:

- *The characteristics of the site and surrounding area.*
- *Design. The design of high buildings should exhibit exceptional architectural character and quality.*
- *The degree of overshadowing and consequent loss of light caused to surrounding property.*

- The degree of overlooking, (particularly of residential property) and consequent loss of privacy to surrounding premises.
- Impact on the streetscape.
- Impact on structures or spaces of architectural or historic importance or special visual quality.
- The extent to which the building impacts on important landmarks.
- Impact on identified protected views.
- The degree of impact of the building on the skyline.
- The contribution the proposal makes to the public realm.
- Microclimatic impacts including shadow impacts and down draft effect.
- Standards of environmental sustainable design and building solutions.
- Whether the purpose or civic importance of the building would justify its prominence.



Figure 0.0 Proposed elevation Block C (East).

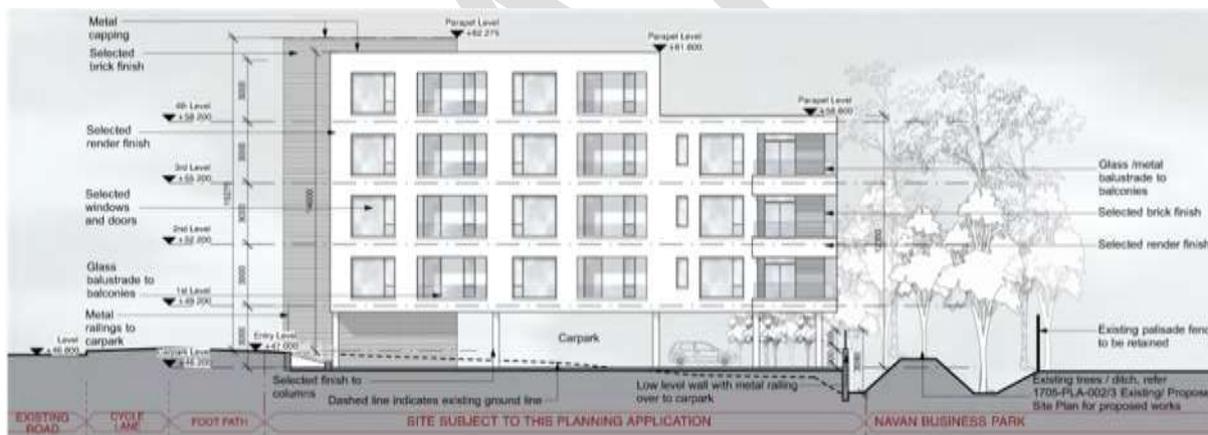


Figure 0.0 Proposed elevation Block D (North).



Figure 0.0 Proposed elevation Block E (West).

Considering the close proximity of the subject site to a Priory View, a residential estate of two-storey detached and semi-detached houses, it is submitted that this application, which seeks the development of apartment blocks ranging in height between 3-5 stories is out of scale with the existing housing stock.

No effort has been made to allow for a transition between the existing and proposed scale, this will compromise the visual quality of the area and represents poor design.

Section 5.2.1 above, provided a comprehensive account of the Building Height strategy in the Meath County Council Development Plan 2013-2019. It was indicated the criteria that applications need to take into account in relation to 'high buildings'. It is submitted that this development does not regard the specific characteristics of the site and the surrounding area and that the height of the proposed blocks in relation to the location of the development is an issue with regards to aspects including overshadowing, overbearing and overlooking.

0.0 Loss of Residential Amenity

It is considered, based on the points made above that there will be a significant loss of residential amenity to a number of dwellings in the immediate surrounds of the application site, namely, **our client's address** and Nos. 1-16 Priory View. As a result, there will be a comprehensive negative visual impact associated with the development if permitted. The loss of privacy resulting from undue and unwarranted overlooking of the 2-storey semi-detached structures along Priory View to the east of the proposed development. The impact on the private amenity space **of our client's address** from Blocks A and B of the proposal is unacceptable before the loss of light, overshadowing and general overbearing impact arising from the proposed development is even considered. It is submitted that the rooftop garden **at our client's address** although limited in size is our client's only open outdoor space and the amenity must be maintained.

0.0 Overbearing and Overlooking

A primary concern for our client is the undoubtedly vast degree of overbearing that would result from the proposed development. This is due to the sheer extent of the proposal which sees significant overdevelopment in terms of height, scale and mass on the 0.9697 ha site. The proposed development is overbearing, visually intrusive and permits overlooking on both the neighbouring properties north of the site in Bailis Village and the properties situated on the eastern side of Metges Road with particular reference to Nos. 1-16 Priory View and Nos. 1-7 Priory Park. The unavoidable negative overbearing impacts that would result from a development of this scale is completely unacceptable by way of reducing the amenity currently afforded in the private **rooftop garden** of our client's property in **Bailis Village**, see figure XXX.



Figure 0.0 Image of the application site and the established development at Bailis Village which adjoins the application site to the north. It is considered the proposed development will result in significant residential amenity issues such as overbearing, overlooking and loss of light.

In relation to our client's property it is understood that Block A (4 Storey) and Block B (5 Storey) is situated within close proximity to our clients 3 storey residential unit, [see figure XXX](#). It is noted that in their attempt to continue the established building heights set by the district centre, these blocks have been designed without any attempt to adjust the impact of their height in relation to our client's property and create a relationship with the existing dwelling. [Figure XXXX](#) below demonstrates how the proposal would both overbear and overlook upon Nos. 1-16 Priory View. This development will result in a bank of 3-5 storey buildings sitting opposite the existing two-storey houses which cover most of the local landscape.

0.0 Overshadowing

A review of the documentation submitted under NA170997 does not appear to include a Loss of Light Assessment or Shadow Analysis in respect of the proposed development. has been undertaken by the applicant on the potential loss of light and overshadowing that the proposed development will undoubtedly cause to adjacent properties. It is considered that the proposed development consisting of 3-5 -storey apartment blocks to the immediate south of our clients' property will cause significant overshadowing and a loss of daylight in the morning and afternoon time. In addition, the natural light to which our [client, at Bailis Village](#), currently enjoys in the morning will be almost entirely blocked out by the proposed development.

0.0 Separation Distances

The Development Plan states that a minimum distance of 22 metres between opposing first floor windows must be achieved in order to prevent overlooking and protect the residential amenity of dwellings.

0.0 Visual Impact



Figure 0.0 3D view of proposed development facing north and south.

0.0 Traffic Congestion

As previously noted, the Johnstown area has experienced substantial development over the last 15-20 years. The rapid increase in the number of local residents together with the development of Johnstown Shopping Centre and recently established Coláiste na Mí – which are all serviced by local distributor roads has resulted in significant traffic congestion problems.

The local road network is operating above capacity and there are routine morning and evening 'rush-hour' tailbacks surrounding the junctions at the Bailis Roundabout. It is noted that the local arterial routes including the Dublin Road serving (R147 and M3), Kentstown Road (towards N2) and the Old Johnstown Road are frequently busy which results in roadusers using Metges Road to attempt to bypass traffic problems. To emphasise this significant traffic problem adjacent to the application site, drone footage was utilised in May 2017 by the Meath Chronicle to display a 1.7km tailback in the area.



Figure 0.0 Drone footage of the Johnstown area illustrating early morning traffic at the Bailis Roundabout in close proximity to the application site.

0.0 Over-provision of Car Parking

We note that there is a discrepancy between the number of car parking spaces indicated in the statutory planning notices for the development and the Traffic and Transportation Assessment prepared by Muir Associates Limited. The development description pertained in the statutory notice outlines the applicant’s intention to provide for 205 no. car parking spaces whereas, the Traffic and Transportation Assessment states that is proposed to provide 186 no. car parking spaces as part of the proposed development.

Notwithstanding the above, it is considered that the provision of 205 no. car parking spaces (as per the statutory notices) for the 99 no. apartment units, sporting facility and the commercial hub is excessive. We would consider that Meath County Council should seek a maximum provision of 1 no. parking space per apartment unit.

Furthermore, in respect of Section 8.7, ‘Car Parking Standards’, of the Navan Development Plan, we refer to the car parking requirements for residential, community facilities and commercial land uses and refer the Planning Authority to Table 0.0 below:

Land Use	Car Parking Requirement	Development Allocation
Residential- Flats/ Apartments	1.25 spaces per 1 / 2 bedroom unit 2.00 spaces per 3 / 4 bedroom unit 1.00 visitor spaces per 4 apartments	<ul style="list-style-type: none"> • 1.25 x 90 = 112.5 • 2.00 x 9 = 18 • 99 / 4 = 24.75
Sports Facilities- Sports Clubs	5.00 spaces per 100 sq.m	<ul style="list-style-type: none"> • 348/100x5 = 17.4
Commercial- Shops/Shopping Centres and Retail Warehousing	1.00 spaces per 20 sq.m	<ul style="list-style-type: none"> • 348/20x1 = 17.4
Total	Car Parking Requirement	• 190.05

Table 0.0 Car parking requirements in relation to land uses present in the subject site.

Upon analysis of Table 0.0 above, the car parking requirement for the scheme according to the Navan Development Plan 2009-2015 would equate to 190.05 no. car parking spaces. Therefore, there is an overprovision of 14.95 no. car parking spaces. The development would result in increased car-dependence and would not serve to promote sustainable modes of transport.

0.0 Proliferation of Access Points

The application seeks to create two vehicular entrance points to the development from Metges Road (please see Figure 0.0 below). We consider that the development of 2 no. entrances would create a traffic hazard as a result of the proliferation of access points along Metges Road. In addition, there are no traffic lights or calming measures currently exist on the Metges Road and it is contended that this residential development will contribute to a diminishing sense of safety on the road as traffic emanating from the development attempts to access and egress onto the local distributor road.



Figure 0.0 Proposed 2 no. access/egress points of the development scheme. It is considered the development will result in a proliferation of entrances on Metges Road and will result in further traffic implications for the area.

As noted, there is a serious problem already present in the Johnstown area with traffic and so, the provision of two more entrances onto Metges Road will only serve to increase the risk of collisions and accentuate traffic issues in the area.

0.0 Removal of Trees

The proposed application will result in the widespread removal of trees and natural shrubbery which have grown on the undeveloped site. We note the 'Review of Trees' carried out by The Tree File Ltd. which found a number of tree species present at the subject site including, Ash, Beech, Goat Willow, Hawthorn, Horse Chestnut, Sycamore and the Common Alder. However, there are serious concerns that this review did not include a full tree survey or Arboricultural Implication Assessment completed for the site.

The western boundary of the application site is comprised of a line of mature trees. Upon review of the historic maps of Ordnance Survey Ireland, the planted tree line is clearly visible and the development of Johnstown Shopping Centre has retained the trees along this historical boundary line. We also note the commentary from the Inspector's Report as per Ref. PL17 .221620 on the site which acknowledged that the '*trees considered to be of merit*'

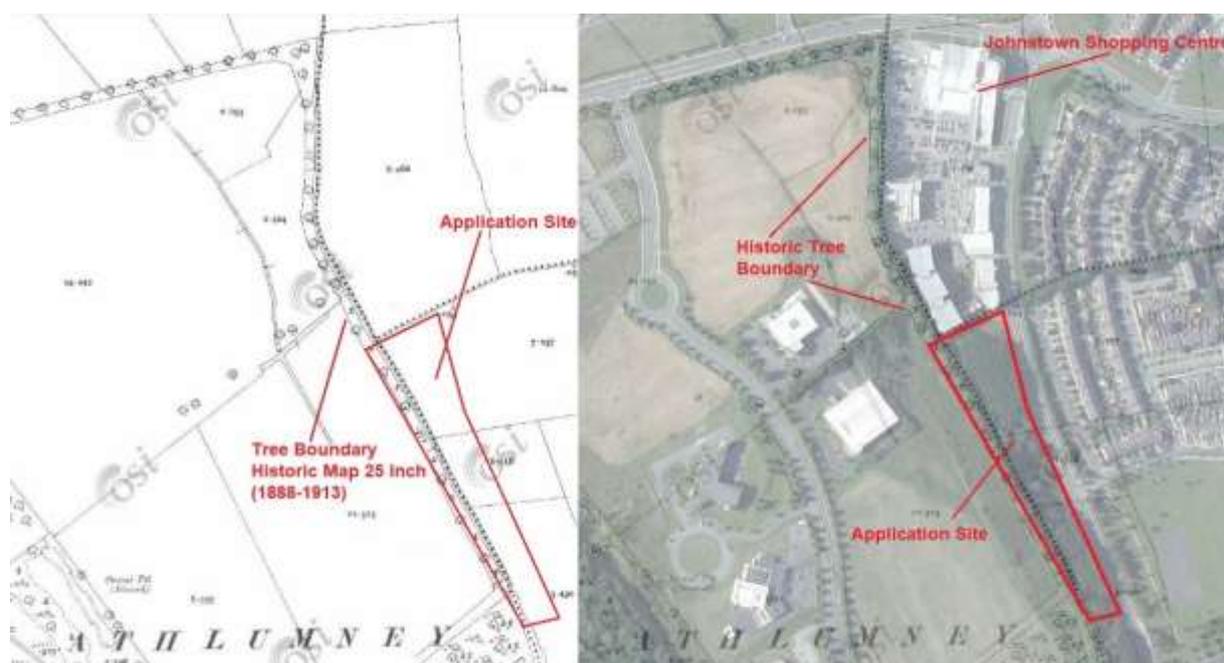


Figure 0.0 Historic 25 Inch Map (1888-1913) overlaid on the latest aerial map of the site, both maps extracted from Ordnance Survey Ireland, shows the historical tree line located within the curtilage of the subject site.

Upon review of Appendix III: 'Stand of Trees & Individual Trees of Special Amenity Value to be Preserved' of the Navan Development Plan 2009-2015 it is noted that the **'Mature hedgerow and individual deciduous trees along the eastern boundary of the I.D.A. Industrial & Business Park'** is listed as a stand of trees of special amenity value under STP 7.

Moreover, Section 11.2.2 'Residential Design Criteria' of the Meath County Council Development Plan 2013-2019 is relevant with regards to the proposed development of this site as it states that:

'The landscape design of open spaces, including the retention of existing features such as an important stand of trees, stream or rock outcrop, must be incorporated into the initial design process. Where such features are being retained, they should be situated in open space to ensure their visual setting and protection'.

Further to this, it is submitted that the proposed development is not in accordance with proper planning as per the following policies of the Meath County Council Development Plan 2013-2019.

- NH POL 18** *To encourage the retention of mature trees and the use of tree surgery rather than felling where possible when undertaking, approving or authorising development.*
- RD POL 19** *To consider the preservation of any tree, trees or groups of trees or woodland of special amenity or environmental value by use of Tree Preservation Orders.*
- HER POL 2** *To have regard to the bio-diversity value of existing trees and hedgerow and seek to retain such features in areas that are likely to be developed.*

0.0 Legal Issues regarding the Loss of Light

Our client would include that, a landowner is entitled to natural light through windows, and is entitled to prevent a neighbour from interfering with, or blocking the natural light travelling over that land. The nuisance caused by that interference with the right to light is actionable. The grant of planning permission is not a right to build, and cannot undermine the legal entitlements of a landowner to light.

The leading UK case law, *HKRUKII (CHC) Ltd v Heaney (2010)* resulted in an order from the High Court requiring partial demolition of a new building that infringed on a neighbour's right to light. When considering how much light equates to 'comfortable use' and 'enjoyment'. In a particular case, the courts will look to the current use of the building, the future use of the building, and the character of its location. These points are important for our client considering the proposed height of the planned scheme.

0.0 Devaluation of Property

It is considered that the addition of 5 no. blocks ranging in size from 3 – 5 storeys in height will make the character and setting of this section along Metges Road less attractive to potential buyers should the owners of any of the existing properties need to sell their property in the near future. The amenity and accordingly, the value of our client's property will be seriously impacted upon by this development and so the Planning Authority should ensure the protection of residential amenity and property value, particularly for existing residences in the area.

7.0 Conclusion

It is considered that the proposed development is not in the interests of the proper planning and development of this area of Navan. Our client understands and acknowledges the need for residential development Navan, however such development can only be acceptable in a manner that is sensitive and sympathetic to the established streetscape and existing residential surroundings.

We consider that the proposed development is excessive in terms of height and mass and is visually intrusive on the character of the area. As such, we contend that the proposal is unsuitable for the constrained subject site and will seriously compromise the amenity of residential dwellings in the immediate vicinity of the site. Moreover, if this proposal is granted, it would only serve to exacerbate growing traffic problems in the area and support unsuitable travel patterns. eradicate the historic street pattern which has been gradually removed from Dun Laoghaire of the past number of years.

The proposed development contravenes a number of significant policies and objectives pertained in the statutory plans of the Navan Development Plan 2009-2015 and the Meath County Development Plan 2013-2019.

We trust that on assessment of the application, analysis of the visual impact of the development, and the level of dis-amenity such a large-scale proposal would cause on existing dwellings in the vicinity, that Meath County Council will **refuse** permission for the proposed development accordingly.

We look forward to the decision of the Council on this application and reserve our right of appeal to An Bord Pleanála.



Kevin Hughes MIPI MRTPI
Director
for HPDC Ltd.