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# Planning Observation

(On Significant Further Information Received)

## Proposed Mixed-Use Development

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

Reg. Ref. NA170997

11<sup>th</sup> January 2018

Prepared on behalf of:

Bailis Village Management Company  
B2 Bailis Village,  
Johnstown,  
Navan,  
Co. Meath



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## 1.0 Introduction

Hughes Planning and Development Consultants, The Mash House, Distillery Road, Dublin 3 have been commissioned by Bailis Village Management Company, B2 Bailis Village, Johnstown, Navan, Co. Meath, to prepare this planning observation in respect of Significant Further Information lodged for the planning application Reg. Ref. NA170997 consisting of a mixed-use development on lands at Metges Road, Johnstown, Navan, Co. Meath

This submission requests that Meath County Council further consider the contents of this report in determining this planning application. It is considered that the proposed development, by reason of its excessive height, scale and massing relative to the established residential units at Bailis Village 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 development will cause a potential traffic hazard that will lead to substantially unsafe environment for the public and exacerbate traffic issues in the locality.

## 2.0 Proposed Development

The application lodged with Meath County Council under Reg. Reg. NA170997 on 29<sup>th</sup> August 2017 sought permission for a mixed-use scheme comprising 99 no. apartments, a sports facility and commercial hub via the construction of 5 no. buildings consisting of 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 breakdown of the apartment unit mix consisted of 8 no. 1 bed apartments; 82 no. 2 bed apartments; and 9 no. 3 bed apartments. The development also consisted of the provision of 205 car parking spaces and 94 no. cycle parking spaces with 2 no. new vehicular entrances from Metges Road and 2 no. pedestrian entrances. The originally submitted development included pockets of landscaped open space and a plaza as part of the proposed scheme.

On 20th October 2017, Meath County Council made a decision to request further information, which comprised a total 16 no. request items. A number of the Items were of particular relevance to our submission in respect to the scale, height, outlook, visual amenity and privacy of the adjoining properties at Ballisk Village. Meath County Council received a response to the request for further information on 14th December 2017. Pursuant to Section 34(8) of the Planning and Development Act 2000 (as amended), Meath County Council deemed the further information to be significant, and as such required the applicant to conduct further public notice.

## 3.0 Grounds of Objection

Although our client acknowledges that changes have been made to the proposed development in the response to further information; it is considered however that a number of fundamental issues remain outstanding which have been inexplicably avoided by the applicant. Our client remains very concerned that the changes have not adequately responded to the issues raised in our initial objection to Meath County Council. Having full regard to the policies and objectives contained in the statutory development plans for the area and the overriding obligation on the planning authority to protect residential amenity, the following sections will outline the concerns of our client:

### 3.1 Objective 'E1' zoned Portion of Application Site

We refer to Item 1 of the request for further information which notes that the southern portion of the application site is located on lands zoned Objective 'E1' (Strategic Employment Zones-High Technology Uses) with the objective of this particular zone *'to facilitate opportunities for high end technology / manufacturing and major campus style office based employment within high quality and accessible locations'*. It is acknowledged that the originally submitted scheme has been updated by the design team to indicate no residential development on the Objective 'E1' lands.

This change has resulted in the reconfiguration/redesign of Apartment Block E, however a review of the submitted revised plans does not appear to show the extent of the reconfiguration in respect of this particular building through floor plans or principle elevations save for an updated Proposed Site Plan.

Although the changes to the site layout now suggests compliance with zoning strategy of both the Navan Development Plan 2009-2015 and the Meath County Council Development Plan 2013-2019, we are alarmed at the ambiguous response of the applicant which states the following:

*'We have maintained the vehicular access through this portion of the site while reserving an area for future development. We anticipate a future planning application for the development of employment facilities on this site, following on from the development of the hub referred to below.'*

The above statement is highly speculative. The revised drawings have simply omitted the originally proposed building and now show a blank space. The applicant has made no attempt to even suggest an indicative proposal to demonstrate how this portion of the site could potentially be developed in the future. We must also query the extent of any prospective development on the parcel of Objective 'E1' zoned land given the importance of the goal provided by Planning Authority for Objective 'E1' zoned land which is to *'facilitate opportunities for high end, high value added businesses and corporate headquarters'*.

The revisions submitted in response to further information are inadequate as lands zoned Objective 'E1' are locations deemed suitable for high density employment generating activity with associated commercial development located adjacent to, or in close proximity to, high frequency public transport corridors with permissible uses including:

*'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'.*

In light of the above uses, the development of employment facilities on the application site as suggested by the applicant may result in serious repercussions for the proposed apartments by way of potentially creating a 'bad neighbour' scenario due to the close proximity of residential units. The shortcomings of this response are accentuated by the Meath County Development Plan 2013-2019 which states that *'it is important to avoid abrupt transitions in scale and use at the boundaries of adjoining land use zones.'*

The narrow scale of the application site coupled by the limited and constrained area zoned Objective 'E1' would suggest that an adequate transitional zone is not achievable – rendering this segment of the site reasonably undevelopable.

As such, we strongly contend that applicant has not responded to the request of the Planning Authority which clearly requested the applicant *'to clarify and submit alternative proposals to address this matter'*. Furthermore, the reservation of this particular area of land on the application site may have profound consequences and compromise the proper planning or sustainable development of the lands. It is a clear indication that this development has not been sufficiently considered and that the changes made in response to the request for further information are therefore ad-hoc. We request that the Planning Authority refuse permission for the proposal.

### **3.2 Non-Compliance with Apartment Standards**

As outlined in our initial objection, the proposed scheme is not compliant with the parameters set out in the Design Standards for New Apartments - Guidelines for Planning Authorities (2015). The proposal submitted included the construction of 99 no. apartments comprising (8 no. 1-bed apartments, 82 no. 2 bed apartments and 9 no. 3-bed apartments). These apartments resulted in a breakdown figure equating to a unit mix of 8% one-bedroom units; 83% two-bedroom units; and 9% three-bedroom units. The Planning Authority contended that this unit mix is not compliant 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'.*

In response to the Planning Authority's request to '*submit proposals which demonstrate full compliance*' with the Design Standards for New Apartments - Guidelines for Planning Authorities (2015), the applicant now proposes a unit mix of 7.5% one-bedroom units, 81% two-bedroom units and 11.5% three-bedroom units in 96 no. apartments. Essentially, this change in percentage is only reflective of the omission of 3 no. apartments in the design indicating that the applicant has made no effort to change the unit mix of this scheme.

The applicant attempts to justify the non-compliant mix of units by referring to an item of commentary contained in the Design Standards for New Apartments - Guidelines for Planning Authorities (2015) which states that '*a statutory plan may place an upper limit on the proportion of studio or one-bedroom units to be included in apartment scheme*'. The applicant notes that the "Development Plan" does not prescribe a specific mix of units. Although we acknowledge that this statement is technically correct as the Navan Development Plan 2009-2015 and Meath County Development Plan 2013-2019 do not prescribe a specific unit mix, both these statutory plans pre-date the guidance pertained in the Design Standards for New Apartments - Guidelines for Planning Authorities (2015) and as such, this rationale of the applicant should be disregarded.

Moreover, the applicant states that '*following discussions with our client and their estate agents, we believe that this is an appropriate mix, considering 2-bed units cater for one, two, three and four person households*'. The applicant refers to market demand for 3-bed apartments in the Johnstown area as low on account of prospective purchasers having the availability to buy 3-bedroom houses rather than apartments. However, we note that no evidence of this market demand has been furnished to the Planning Authority on review of the planning documents and therefore, without sufficient evidence a genuine assessment cannot be determined on this application.

The applicant also refers to the alleged '*strong preference*' in the market for houses over apartments in terms of greater bedspaces. In addition, reference is made to the cumulative effect of existing residential development and permitted housing schemes in the area immediately surrounding the proposed development should be considered, wherein the predominant typology is 3 and 4 bedroom homes.

We contend that such an exceptionally high percentage of two-bedroom units (78 no. units out of 96 no. units) has still not been adequately justified. The Planning Authority must ensure that the guidance contained in the Design Standards for New Apartments - Guidelines for Planning Authorities (2015) is appropriately implemented in the interests of proper planning and sustainable development. The applicant has made no attempt to readjust or redesign the scheme in an amenable way but has just deflected the request for further information from Meath County Council.

We also remind the Planning Authority that the proposed development is not located in the central urban area of Navan but approximately 3 km to the south east of the town centre in a mid to low density outer suburban area where, as the applicant's agent states '*the predominant typology is 3 and 4 bedroom homes*'. As such, the principle of development should not be considered appropriate for a site on the edge of an urban settlement.

We strongly consider that the applicant has not provided sufficient evidence to '*demonstrate full compliance*' with the Design Standards for New Apartments - Guidelines for Planning Authorities (2015) as per the request of the Planning Authority and has also failed to provide an adequate mix of apartment types in accordance with the statutory guidelines for the State. Therefore, the proposed development should be refused.

### **3.3 Deficient Commercial Element**

We note that the revised particulars submitted with the response to further information include revisions to the proposed commercial area within Block A which now includes a 315sq.m Creche to facilitate 27 no. children; a 325sq.m 'Sports Facility' and a 360sq.m Start-Up Hub. The applicant's agent states that this 1,000sq.m of 'commercial space' represents approximately 10% of the development. The proposed development does still not comply with the provision of the Meath County Development Plan 2013-2019 which requires at least 30% of a given site area for commercial (non-retail) development' on 'C1' zoned lands.

The response documentation provided by the applicant states that '*there is little or no office or commercial demand in this area*' and refers the Real Estate document prepared by Michael Gavigan of

T & J Gavigan, Real Estate which was submitted at application stage. We note that no new revised documentation has been provided by the applicant’s agent. In addition, we absolutely disagree with the applicant’s statement that:

*‘given the lack of current commercial demand it is not economically sustainable to construct speculative office or other commercial space, which at best will lie vacant detracting from the visual quality of the overall development and add to the local vacancy rate of commercial space’*

As per our previous submission, we completely disregard the contention of the applicant’s agent that there is ‘currently an over-supply of commercial/office space in the area’. Furthermore, contrary to the Real Estate document which states that ‘there is little or no demand for further retail/commercial development in the Johnstown area’. We note that the Johnstown Centre is fully occupied at present which indicates that there is in fact, a demand for commercial space in the area. The Planning Authority would be aware of the current ‘live’ planning application adjacent to the application site (Reg. Ref. NA171319) which seeks the change of use of the ground floor gymnasium formerly occupied by Energie Fitness to a retail shop. The proposal also includes for the provision of a community hall with a community officer liaison room and communal changing facilities to the first floor of the gymnasium. The gymnasium will also incorporate a boxing club and fitness studios to serve the area.

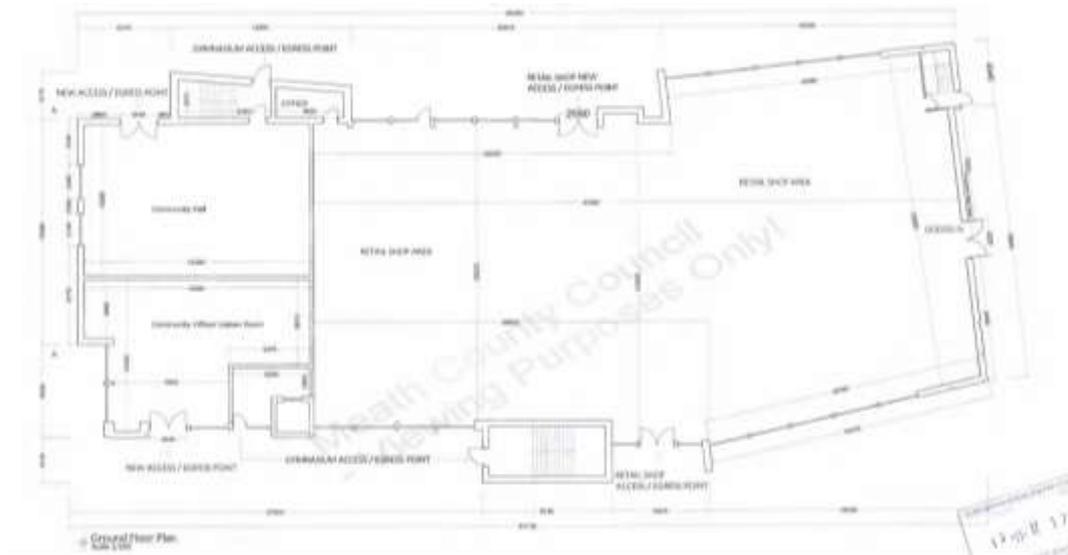


Figure 1.0 Extract of the proposed ground floor development submitted under Reg. Ref. NA171319 comprising Community Hall and Retail area. The existing building, which is adjacent to the application site relates to formerly occupied gym unit.

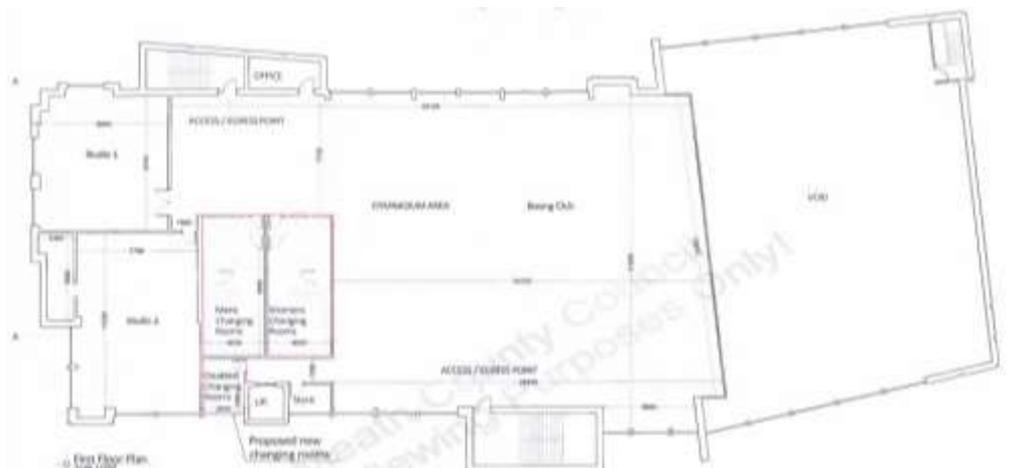


Figure 2.0 Extract of the proposed first floor development submitted under Reg. Ref. NA171319 comprising gymnasium and boxing club. The established building, which is adjacent to the application site relates to formerly occupied gym unit.

We understand that the above application is unrelated to the application subject to this particular observation and will be accessed on its own merits, however, the application is an indication of the desire for commercial activity in Johnstown and provision of community services which rebuffs and contradicts the assertion of the applicant.

Notwithstanding the above, we note the applicant's response in respect of the proposed 'start-up hub' which refers to similar facilities such as impact Hub, Fumbally Exchange in Dublin, Balbriggan and Waterford which offer affordable space for entrepreneurs/ start-up companies. The applicant is of the belief that this scheme will provide affordable employment space to smaller business which will generate further employment. We consider that this is a speculative proposal as the applicant has not submitted supplementary information which shows demand for such a 'start-up hub' 3 km from the urban heart of Navan by artists, photographers, designers, consultants etc. The applicant has also not provided a business/management plan for the operation this 'start-up hub'. The vague nature of this proposed venture as described in the submitted documentation does not appear viable and is certainly not considered sufficient for the Planning Authority to assess the proposal accordingly.

In light of the response of the applicant, we are not satisfied by the limited commentary provided for justifying the vast under-provision of the prerequisite 30% for commercial development as indicated in the statutory Meath County Development Plan 2013-2019. In addition, little clarification has been offered as to the proposed 'sports facility'. There may be an issue in respect of the gymnasium/boxing club proposed under Reg. Ref. NA/171319 in the former Energie Fitness gym adjacent to the site which may result in a conflict of uses in the area should both schemes be permitted by the Planning Authority.

The Planning Authority cannot support the blatant non-compliance of the provisions and zoning objective of Objective 'C1' (Mixed Use) lands contained in the Meath County Council Development Plan 2013-2019 which aim to *'provide for and facilitate mixed residential and business uses'*. The scheme is not in accordance with the policies and objective of the statutory Meath County Development Plan 2013-2019 and if this scheme is permitted without the appropriate level of associated commercial facilities, it would set a negative precedent for the Johnstown area into the future.

### **3.4 Traffic Implications**

The applicant has submitted a comprehensive Traffic and Transport Assessment Report prepared by Muir Associates, Consulting Engineers in response to Item 12 of the Request for Further Information. Surprisingly, we note that the Traffic and Transport Assessment study was carried out on 5<sup>th</sup> October 2017, before the request of further information by the Planning Authority, and was conducted via 12-hour traffic counts between 7.00 am and 7.00 pm at 3 no. junctions in proximity to the application site. The study notes that the morning AM peak traffic time is 8.15am-9am and the evening peak is 5.15pm-6.15pm.

A significant flaw to note in respect of this study is the timing upon which the traffic analysis began. A review Census 2016 data of 'Population aged 5 years and over by time leaving home to travel to work, school or college' as pertained in Theme 11: Commuting for the relevant Electoral Division, Navan Rural indicated that 3,392 persons leave home before 7am. Although this figure is not reflective of the Johnstown area only, it is considered that the study should have had more attentive regard to the volume of commuters from this area whereby a large proportion of resident in the Johnstown area commute to Dublin for work.

Notwithstanding the above, we acknowledge the contents of the report; however, we do not accept the findings of the report that Bothar Sion/Metges Road Roundabout and the R147/Metges Road will operate within capacity and peak AM and PM times during 2020-2025 and will only operate above capacity in 2035. Evidence to the contrary clearly exists presently that traffic is a critical issue in Johnstown, irrespective of the assessment in the study submitted.

As noted, it cannot be overlooked that the Johnstown area suffers from considerable traffic congestion problems irrespective of the commentary contained in the Traffic and Transport Assessment Report. Our initial observation dated October 2017 documented by way of images captured from the Bailis Roundabout at Johnstown Shopping Centre and other locations along Metges Road in proximity to the application site that traffic is a significant item of concern.

The images are reflective of the daily traffic congestion experienced in the Johnstown area at various stages of the day and we contend that the local road network is operating above capacity and unfortunately, vehicle tailbacks are commonplace at the junctions surrounding the Bailis Roundabout during morning and evening 'rush-hour' as commuters travel to and from work in both Navan and Dublin and school traffic for the educational campus at Coláiste na Mí. The traffic problems in Johnstown are well publicised and we refer once again, to the drone footage provided by the Meath Chronicle newspaper showing a 1.7km vehicular tailback in early morning traffic at the Bailis Roundabout in close proximity to the application site in Johnstown.



Figure 3.0 Drone footage of severe traffic congestion adjacent to the Johnstown Centre in proximity to the application site. The proposed development will further exacerbate traffic congestion in the area.

We also refer to the recently approved developments in the immediate surrounding area of Johnstown at Caisleán Mainéar, Dunville located c. 850 metres to the northeast of the application site and Cois Glaisín (located c. 700 metres to the south of the application site). As outlined in our initial observation, these schemes, will result in additional c. 690 no. residential units and some additional c. 1,380 no. car parking spaces to the area. The majority of these houses are nearing completion or are still under construction. As such, the impacts of these new units are yet to be fully experienced on the road network.

### 3.5 Excessive Building Height

Our client continues to be concerned in terms of the proposed height and location of the mixed-use development and the associated issues from the taller buildings adjacent to private residential amenity space at 'Bailis Village'. We re-iterate our previous concerns that the scheme is bulky and incongruous. The proposed development fails to meet to criteria of Section 8.1.4 'Apartments' of the Navan Development Plan 2009-2015. We ask the Planning Authority to consider the provisions of the plan which seeks to ensure that *'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**'*.

This development will seriously impact on the scale, amenity and visual quality of existing development in the vicinity of the application site and thus, contravenes the criteria of Section 11.1.1 'Building Height' of the Meath County Development Plan 2013-2019 as it is contended that the proposal:

- Fails to appropriately address the characteristics of the site and surrounding area in Johnstown which has a low-rise typology with the exception of Johnstown Shopping Centre to the north;
- Fails to exhibit an exceptional architectural character and quality in terms of the design which has little interaction with the public aspect along Metges Road; and,
- Fails to protect the amenity of neighbouring residents by way of overshadowing, loss of light, loss of privacy and perceived overlooking from the proposed 3-5 storey blocks and consequentially resulting in further.

The proposed heights of the 5-storey apartment blocks which are indicated as 15.275 metres in height is out of scale and context with the existing housing stock of the Johnstown area. As noted in our previous submission, the maximum height for residential/commercial development in Dublin City is up to 16 metres. Therefore, the apartment blocks proposed in this development is considered to be excessive and more akin to a metropolitan environment. The applicant has not taken a rational design approach to the transition the height between the existing and proposed structures which will result in a number of rear private garden areas of Bailis Village being compromised should permission be granted.

### 3.6 Loss of Residential Amenity

The concerns of our client remain outstanding regarding the loss of residential amenity to a number of dwellings in the immediate surrounds of the application site, namely, the Bailis Village complex to the north and the dwellings of Priory View to the east. The applicant has not alleviated the comprehensive negative visual impact associated with the development in the response. The negative impacts arising particularly from Blocks A and B of the proposed scheme is considered to be unacceptable as it will result in an undue and unwarranted loss of privacy. The impacts on the private amenity space (terraces and ground floor garden space) of the units adjacent to the application site within Bailis Village in terms of loss of light, overshadowing and general overbearing impact arising from the proposed development is unacceptable and we request that the Planning Authority protect the amenity of the residents in Bailis Village by refusing the proposed development.

#### 3.6.1 Overbearing and Overlooking

Our client remains principally concerned regarding the severe overbearing effect that would result from the height, scale and mass of the proposed development. The revised development has not been altered to consider the amenity impacts on the residents of the adjacent Bailis Village. We contend that the proposed development is overbearing and visually intrusive on both the neighbouring properties north of the application site in Bailis Village and also the properties situated on the eastern side of Metges Road at Priory View. We consider that 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 south facing private terraces and rear garden space of the Unit B2, Bailis Village as shown in Figures 7.0 and 8.0 of Section 3.6.2 below.

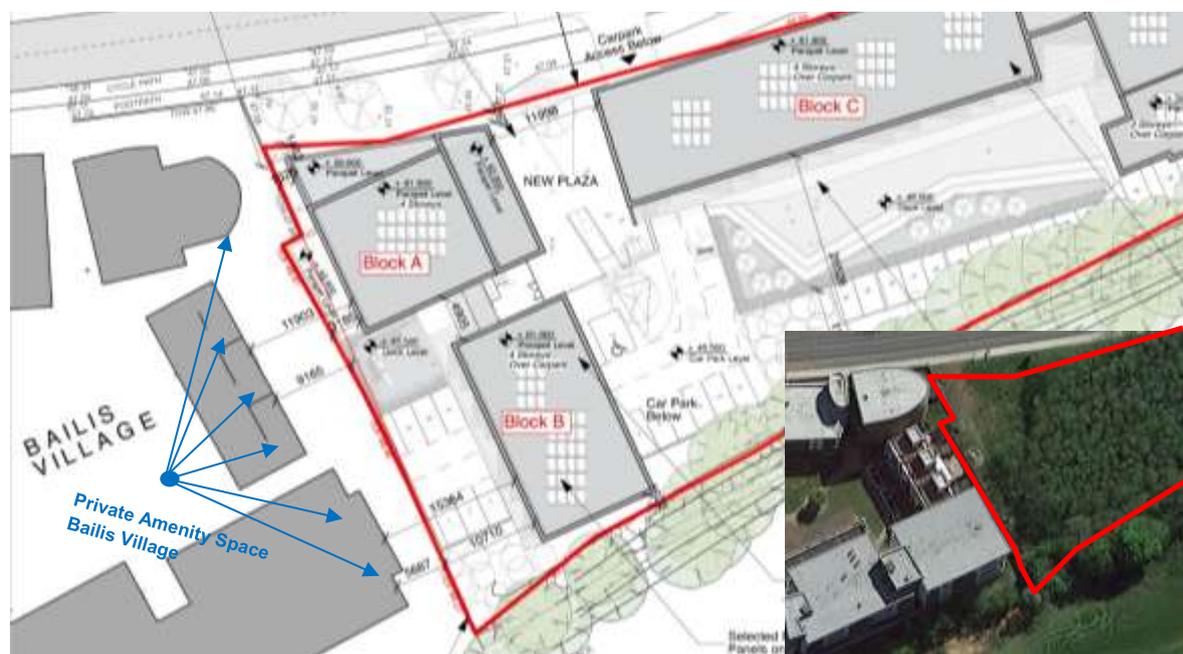


Figure 4.0 Extract of proposed site layout plan. Block A will be situated only 11 metres and Block B only 16 metres from the private amenity space of a number of units in Bailis Village and it is considered that the residential Blocks A and B will dominate Bailis Village resulting in overlooking and overbearing on the adjacent properties.

In addition, our client’s concerns regarding the impacts on a number of residences in Bailis Village from the proposed Block A (4 Storey) and Block B (5 Storey) of the scheme is not aided by the admission of the applicant that *‘the development is at its tallest to the existing commercial and apartment developments’*. Figure 5.0 below demonstrates how the proposal would both overbear and overlook upon Bailis Village in an unacceptably dominating manner. This development will result in an over-sized obtrusive mass of 3 to 5 storey buildings abutting established residential development of Bailis Village.

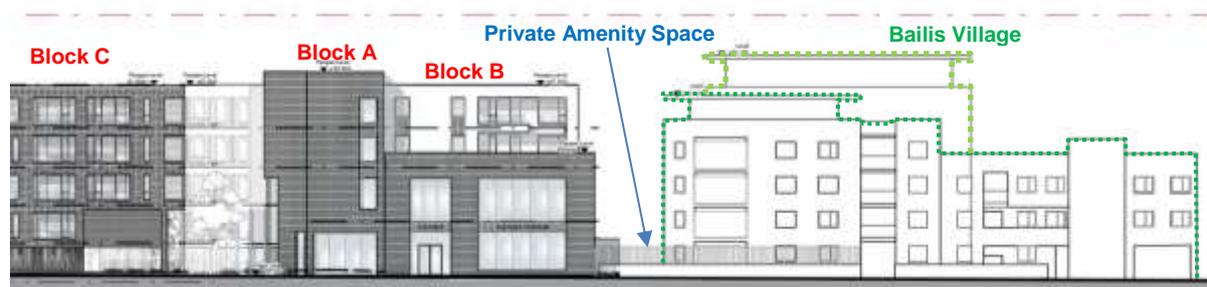


Figure 5.0 Extract of contextual elevation of the proposed development (Blocks A, B and C) in the context of the existing structures at Bailis Village. The proposed development by way of scale and massing will greatly impact the amenity of the residents in Bailis Village.

We consider the design of the scheme is limited and inadequate as the development does not correspond to the Best Practice Urban Design Manual – Department of Housing (2009) which illustrates how new developments should consider how the amenity of others will be affected, especially views, privacy and rights of light. The guidance document also states that privacy and amenity are basic human needs. We contend that the proposed development comprehensively fails to meet the criteria set out in the Best Practice Urban Design Manual – Department of Housing (2009) and if permitted, will result in a significant loss of residential amenity of the residential units contained in Bailis Village.

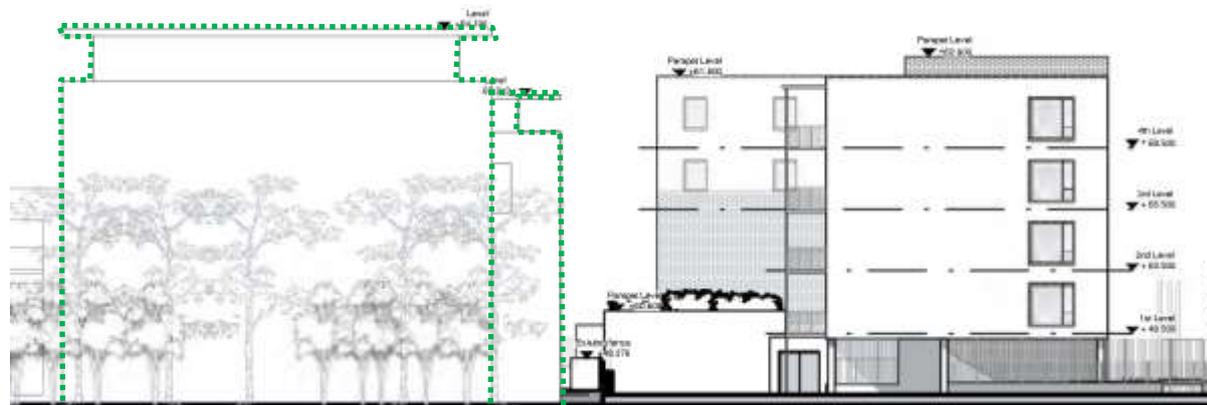


Figure 6.0 Extract of the contextual rear elevation of the proposed development showing (Blocks A and B). Note the scale, massing and distance between the proposed blocks and the private amenity space of Bailis Village.

### 3.6.2 Overshadowing and Loss of Light

The proposed development results overshadowing and loss of light to neighbouring residential properties. We do not accept to the Overshadowing Impacts Assessment prepared by OMS Architects which considers that the *‘proposed development will have a minimal impact on the amount of daylight received by the apartments’* and that the sunlight will still be above the recommended guidelines.

It is difficult to comprehend that proposed structures approximately 16 metres (Block A (4 Storey) and Block B (5 Storey)) in height which practically abut the boundary wall of ground level private amenity spaces of a number of residential units in Bailis Village would only cause minimal impacts in terms of daylight and overshadowing.

The claim of the applicant’s agent that ‘while the proposed development will have an impact in the existing residences, the amount of sunlight that they will receive will still be above the minimum levels recommended’ is simply not acceptable. We contend that the potential for the proposed development to result in impacts due to overshadowing and loss of light on the surrounding area is high due the north-south layout of the 3-5 storey blocks on the site. We refer the Planning Authority to the comments of PJ Littlefair in *Site layout planning for daylight and sunlight: a guide to good practice* (the BRE Guide) which states that “it must be borne in mind that nearly all structures will create areas of new shadow, and some degree of transient overshadowing of a space is to be expected.”

We contend that the 3-5 storey blocks of Block A and Block B to the immediate south of the Bailis Village complex will cause significant overshadowing and a loss of daylight throughout the daytime at all times in the year, contrary to the assessment of the applicant’s agent.

As such, we completely reject the analysis of the applicant’s agent which indicates that there is no material difference in the shadow environment between the existing site context, which is undeveloped and the proposed development if constructed. Moreover, we consider that the applicant has been exceptionally disingenuous in the APSH calculations for Bailis Village as the most sensitive residential properties have been omitted from the calculations. The three properties contain private rear gardens with a southerly aspect which is uninterrupted at present. The proposed scheme would eliminate appropriate daylight to these gardens and the scale of Block A and Block B of the scheme would severely overshadow the amenity space. Please refer to Point 1’ and ‘Point 2’ showing APSH calculations for Bailis Village noting how OMS Architects have avoided providing APSH calculations as it is evident that these residences, including Unit B2 Bailis Village, would be critically impacted by the proposed development. We that the Planning Authority have due regard to this particular item in their assessment of this application.

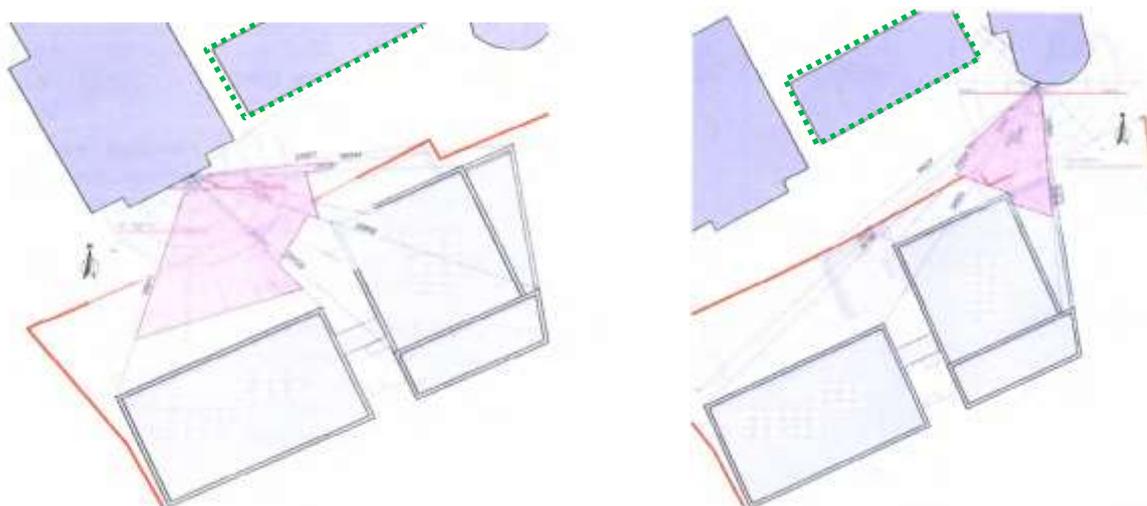


Figure 6.0 Extracts of ‘Point 1’ and ‘Point 2’ showing APSH calculations in respect of the south-east façade of Bailis Village. A glaring failure in this study is the omission of the most sensitive units within Bailis Village (dashed in green) whereby the terraces and rear gardens will be severely impacted by the adjacent 5-storey buildings.

Further to the above, please see the calculations for the Annual Probable Sunlight Hours (APSH) for the two windows of Bailis Village selected by the design team. The study resulted in significant reductions to the two selected properties as shown below:

Window 1	Current	Proposed
Overall APSH	82%	60% (-22%)
Winter APSH	29%	12% (-17%)

Window 2	Current	Proposed
Overall APSH	89%	75% (-14%)
Winter APSH	29%	16% (-13%)

It is considered that the proposed development will result in a significant to profound impact on the properties of Bailis Village. We note that a significant impact is *'an impact which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment. This impact would occur where the development overshadows a location to the effect that there is a significant change in the amount of direct sunlight received at that location.* Furthermore, a profound impact is *'an impact which obliterates sensitive characteristics. In terms of sunlight access, a development must cast shadows over a location, where sunlight access was previously enjoyed, to the extent that all access to sunlight is removed.*

For clarity, we include photographs from the ground floor and patio/garden space of Unit B2, Bailis Village. The images clearly show the southerly aspect currently enjoyed by these residences and the sunlight present. We are of the opinion that the proposed development would only serve to create a profound impact if permitted on account of the height, massing, and distance from the properties of Bailis Village.



Figure 7.0 Southward view from a ground floor rear private garden of a property in Ballisk Village adjoining the application site. The image is from approximately 1.30pm. Note the height of the sun through the trees on the application site. The proposed buildings will undoubtedly eliminate sunlight to the occupants' amenity space.



Figure 8.0 Alternative image from a ground floor rear private garden of a property in Ballisk Village adjoining the application site in a southerly direction from approximately 2.30pm. Again, please note the sun through the trees on the application site. The proposed buildings will eliminate sunlight to the occupants' amenity space.

### 3.6.3 Separation Distances

The concerns of our client regarding the failure of this proposal to adhere to the minimum 22 metres separation distances as pertained in the Development Plan remaining outstanding. The applicant has not resolved this obvious matter of contention. The proposed development does not successfully achieve the required distance between opposing first floor windows of Block B adjacent neighbouring properties at Bailis Village with only 15-16 metres provided. It is considered that the failure to achieve minimum separation distances further illustrates the premature design of this scheme which would constitute unsustainable development and only result in the perception of overlooking and loss of protection of the residential amenity of residences Bailis Village.

The proposed development fails to comply with the Meath County Development Plan 2013-2019, as the siting of the apartment element of the development should *'have due regard to the character of the adjoining streetscape or landscape'*. The Planning Authority must apply the wording of the statutory development plan which states that development 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. In light of the documentation received from the applicant, we contend that the Planning Authority cannot be completely satisfied that the proposal meets the above statement and so, we request that this application be refused.

### 3.6.4 Sequential Approach

We continue to contend that a development of this scale does not constitute a sequential approach to development. We consider that the Planning Authority must be stronger on these particular items and only permit proposals comprising a residential element where that scheme can be developed in a sequential and co-ordinated manner *'so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure'*. This approach would be in accordance with the Development Plan Guidelines (DoEHLG, 2007). If the proposal is permitted in its current form, it would set an extremely poor precedent for future development and accentuate an erosion in the provision of much needed social and commercial facilities, schools, shops, employment and community facilities in the vicinity of the site.

## 4.0 Tree Removal

We remain seriously concerned in respect of the proposed tree removal associated with the proposed scheme. The applicant acknowledges the widespread removal of trees including Ash, Beech, Goat Willow, Hawthorn, Horse Chestnut, Sycamore, Common Alder and other natural shrubbery which has been established on the undeveloped site over the last decade. The applicant's response in respect of the removal of the wooded area makes no reference to the removal of the mature tree stand noting *'the wooded area is mainly self-seeded. The developed site should also be seen in the context of retained trees and planting proposals that will enhance the amenity of the area'*.



Figure 9.0 Extract from OMS Architect Drawing No. 1705-PLA-002(A) indicating the mature trees to be removed as part of the development. The trees are considered to be of special amenity value under STP 7 of the Navan Development Plan 2009-2015.

As noted in our initial observation, the western boundary of the application site is comprised of a line of mature trees which are listed in Appendix III: 'Stand of Trees & Individual Trees of Special Amenity Value to be Preserved' of the Navan Development Plan 2009-2015. This particular stand of trees, interpreted as '*mature hedgerow and individual deciduous trees along the eastern boundary of the I.D.A. Industrial & Business Park*' are considered to be trees of special amenity value under STP 7 of the development plan and date to over 100 years.

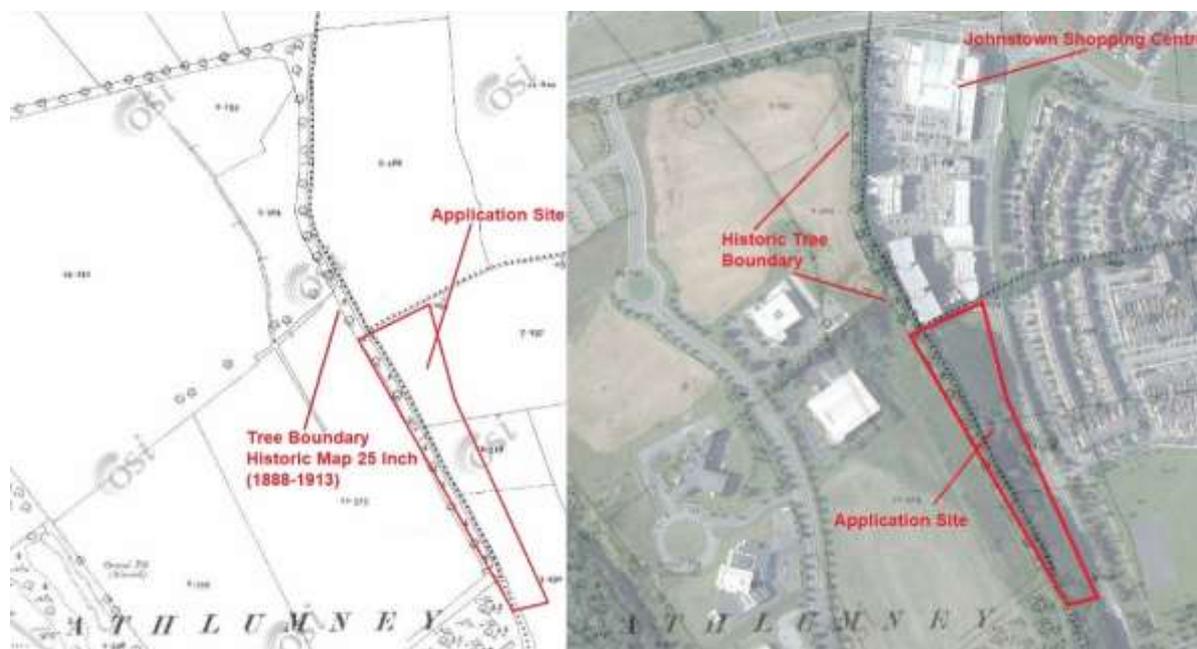


Figure 10.0 Recent aerial imagery and Historic 25 Inch Map (1888-1913) extracted from Ordnance Survey Ireland clearly indicating the historical tree line located within the curtilage of the subject site. A number of mature trees within this established stand are to be removed as part of the development.

We strongly consider that the mature trees on the western site boundary are of imperative value to the area and should not be impacted in any way by any development on the site. We ask that the Planning Authority give due consideration to the policies contained within both the Navan Development Plan 2009-2015 and the Meath County Council Development Plan 2013-2019 which directly lists this particular stand of trees on the application site and contains policies to encourage the retention of mature trees rather than felling (NH POL 18) and to preserve trees or groups of trees of special amenity (RD POL 19). We also refer to Section 11.2.2 'Residential Design Criteria' of the Meath County Council Development Plan 2013-2019 which 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.'*

In addition, the Planning Authority should consider the commentary contained in the An Bord Pleanála Inspector's Report under Ref. PL17.221620 on the application site which stated that the '*trees [are] considered to be of merit*' so as not to create an inappropriate and unacceptable precedent for the removal of established mature tree stands for residential development.

## 5.0 Precedent for Refusal On-site

We remind the Planning Authority of the history of refusal on the application site noting Reg. Ref. NA40293 for a development comprising a creche facility; 3-storey office block, two 4-storey apartment blocks over car parking level and a 5-storey apartment block, over car parking level totalling 70 no. apartments. The refusal decision of Meath County Council was upheld by An Bord Pleanála under Ref. PL17.213043 which provided the following commentary:

*'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'.*

Although it is acknowledged that a subsequent application was permitted on the site under Reg. Ref. NA60230 and upheld by An Bord Pleanála under Ref. PL17.221620 thereafter; we ask that the Planning Authority give due consideration to the reasoning of the previous decision to refuse a similar proposal on the site which contended that the development of a high number of apartments result in overdevelopment of the restricted site, would fail to provide an adequate standard of residential amenity for future occupants.

## 6.0 Conclusion

It is considered that the overall proposed 'mixed-use' development does not complement or give due respect to the immediate landscape and built environment of Johnstown. As noted from the outset, it is considered that the proposed development, which comprises 5 no. buildings ranging in height of between 3-5 storeys 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.

The scheme is not in the interests of the proper planning and development of this particular area of Navan. Our client understands the need for continued residential development Navan, however notwithstanding the few amendments made on foot of further information, the proposal still does not adequately address the sensitivities associated with neighbouring properties, namely the residents of Bailis Village. We ultimately contend that the applicant has failed to comprehensively respond to the request for further information. We consider that development can only be acceptable in a manner that is sensitive and sympathetic to the existing residential surroundings.

We maintain that the proposed development is excessive in terms of height and mass and is visually intrusive on the character of the area thereby resulting in a scheme that is unsuitable for the narrow and constrained application site. We consider that the dominant, incongruous scheme will seriously compromise the amenity of residential dwellings in the immediate vicinity of the site by way of excessive overbearing along with the significant loss of light associated with tall building structures.

In addition, despite the proposed amendments, the proposal continues to be of a scale which will cause detriment to the Johnstown area and will cause an exacerbation of traffic issues due to its intensification of development. We consider that this further highlights the shortcomings of the proposal and constitutes multiple material contraventions of both the Navan Development Plan 2009-2015 and the Meath County Development Plan 2013-2019 in supporting unsuitable travel patterns.

The proposal does not constitute the proper planning or sustainable development of the area, and as such we ask that Council sees fit to **refuse permission**. As noted, 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.

## **Appendix A:      Receipt of Notice of Further Information**

Meath County Council  
Planning Department  
Buvinda House  
Dublin Road  
Navan  
Co. Meath C15 Y291  
REG: 00172770

Phone: 046 909 7000 Fax: 046 909 7001

Planning Reference Number NA170997  
Date: 18/12/2017

Bailis Management Company,  
c/o Matthew O'Connor,  
Hughes Planning & Development Consultants,  
The Mash House,  
Distillery Road, Dublin 3.

**Planning & Development Regulations 2001 – 2017**  
**Notice of Further Information**

Hunt Capital Ltd. application for 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. Significant further information/revised plans submitted on this application at Site of 0.9697 ha at Metges Road Johnstown Navan, Co. Meath.

Dear Sir/Madam,

Further information/revised plans have been received by the Planning Authority on 14/12/2017 in relation to the above planning application.

(Tick as appropriate)

The further information received has been A: Deemed not significant   
B: Deemed significant

- In the case of A above (deemed not significant)  
A copy of the further information is available for inspection or purchase at the offices of the Planning Authority during normal public opening hours. (*Documentation containing Personal Data can only be viewed, it cannot be copied*). Please note that the further information is not deemed significant. Therefore **you cannot make a further submission or observation** on the Further Information received by the Planning Authority.
- In the case of B above (deemed significant)  
A copy of the significant further information is available for inspection or purchase at the offices of the Planning Authority during normal public opening hours. (*Documentation containing Personal Data can only be viewed, it cannot be copied*). A submission or observation in relation to the significant further information / revised plans may be made in writing to the planning authority on payment of the prescribed

fee (€20) **not later than 2 weeks after the receipt of the newspaper notice & site notice** by the Planning Authority or 5 weeks if accompanied by an Environmental Impact Statement. No further fee shall be payable on condition that any submission or observation is accompanied by a copy of the acknowledgement issued by this Planning Authority following receipt of your initial submission.

You are advised to contact the Planning Authority should you have any further queries.

Yours Faithfully,

  
\_\_\_\_\_  
On behalf of Meath County Council.