



An
Bord
Pleanála

Board Direction
BD-004592-19
ABP-305196-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/11/2019.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

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

- (a) the policies and objectives in the Meath County Development Plan 2013-2019;
- (b) the policies and objectives of the Ratoath Local Area Plan 2009-2015;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (f) the Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Housing, Planning and Local Government in December 2018;
- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- (h) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government, 2009;
- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of social infrastructure;
- (k) the pattern of existing and permitted development in the area;
- (l) the planning history within the area;
- (m) the submissions and observations received, and
- (n) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. Having regard to:

- (a) the nature, scale and extent of the proposed development on an urban site served by public infrastructure;
 - (b) the absence of any significant environmental sensitivities in the area, and
 - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of scale, building height, urban design and quality of public realm and would also be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - a. The following car parking spaces shall be omitted, and the adjoining communal open spaces extended into the area proposed for parking; Road 9 – parking space nos. 2-8 incl., Road 10 – parking space nos. 1-7 incl., Road 12 – all parking spaces located between Block 4 and the open space area to the east,
 - b. The following car parking spaces shall be omitted, and the adjoining public open spaces extended into the area proposed for parking; Road 8 – parking space nos. 21-24 incl.

Revised drawings illustrating these amendments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure a satisfactory standard of open space and in the interest of sustainable transport.

3.
 - a. The proposed development shall comply with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, Special Planning Policy Requirement 3 (SPPR 3), in that the maximum percentage of two-bedroom 3 person apartments in the development

shall be reduced so as to not exceed 10% of the total number of units.

b. Storage space for Duplex Unit Types J1, J2 and J6 shall be increased to comply with the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.

Revised drawings and details illustrating these amendments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development

Reason: To ensure a satisfactory standard of residential amenity.

4. a. Bicycle parking provision and accessible storage shall be in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and the Meath County Development Plan 2013-2019, to the satisfaction of the planning authority.

b. Cycle facilities shall be in accordance with the National Cycle Manual, and in particular, in terms of the crossing detail of cycle tracks (both one way and two way) at junctions, buffer widths between visitor parking and cycle tracks, on way cycle track widths and tie-ins with Broadmeadow Vale and Ratoath College

c. All proposed road crossings shall be provided with tactile paving layouts and no crossing shall align with the ramp element of a raised table.

d. The flexible bollards along the link road between the Ratoath Outer Relief Road and Ratoath College shall be replaced with permanent hedging, which shall be protected until established.

Revised drawings illustrating these amendments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of sustainable transport.

5. a. The recommendations in the Road Safety Audit Stage 1/2 shall be carried out to the satisfaction of the planning authority and shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

b. A Quality Audit of walking facilities, cycling facilities and mobility impaired accessibility facilities shall be carried out to the satisfaction of the planning authority and shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of cycling and pedestrian safety and comfort.

6. The developer shall agree the phasing of the proposed development with planning authority prior to the commencement of development. Phase 1 of the Ratoath Outer Relief Road shall be substantially complete before development commences, unless otherwise agreed with the planning authority.

Reason: In the interest of orderly development.

7. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

8. Boundary treatments, generally in accordance with Drawing No 1443 REV3 02, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

9. Standard Irish Water

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. Details of the materials, colours and textures of all the external finishes, including pavement and road finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

12. All recommended measures outlined in the submitted Ecological Impact Assessment shall be implemented in full.

Reason: In the interest of biodiversity.

13. Site development and building works shall be carried only out between 07.00 to 19.00 hours Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

14. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- a notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - b employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and
 - c provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
 - d carry out the recommendations of the Archaeology, Architecture and Cultural Heritage Desk Study submitted to An Bord Pleanála on the 20th day of August 2019

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

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

may exist within the site.

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

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

17.

All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the

agreed plan.

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

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

20. CEMP 2

21. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

22. UrbanManage2

23. Naming

24. No additional development shall take place above roof parapet level of the apartment blocks, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory completion of the development.

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

to determine the proper application of the terms of the Scheme.

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

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that

- the proposed development would result in an acceptable design concept for the site in terms of form, streetscape and layout, would establish a sense of place of variety and distinctiveness with a satisfactory level and quality of usable open spaces, would give rise to a form and layout of development appropriate to the residential amenities of future occupants, and would be consistent with the provisions of the Urban Design Manual – a Best Practice Guide, the development standards of the Meath County Development Plan 2013-2019, and the Design Manual for Urban Roads and Streets.
- the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities, Specific Planning Policy Requirement 3 (SPPR 3) in relation to two-bedroom 3 person apartments could be dealt with by way of condition, as could any shortfall in relation to open space, storage space within dwellings and bicycle parking. It was considered that the qualitative and quantitative provision of private, communal and public open space would be acceptable in terms of the Meath County Development Plan 2013-2019 and the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities.

Board Member

Date: 26/11/2019

Terry Prendergast