

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Meath County

Planning Register Reference Number: RA/150993

An Bord Pleanála Reference Number: PL 17.247003

APPEAL by Sherwood Homes (Ratoath) Limited care of PD Lane Associates of 1 Church Road, Greystones, County Wicklow and by Robert Unwin of Jamestown, Ratoath, County Meath against the decision made on the 6th day of July, 2016 by Meath County Council to grant subject to conditions a permission to the said Sherwood Homes (Ratoath) Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of a housing development (128 number dwellings) and ancillary works including the construction of a portion of an Outer Relief Road (on part of lands previously granted planning permission under planning register reference numbers DA/70037 and DA/120765) at Jamestown, Ratoath and Tankardstown townlands, Ratoath, County Meath as follows: (1) 128 number dwellings comprising seven number two-storey five bedroom detached houses with bedroom in attic (Type T), 24 number two-storey four bedroom semi-detached houses (Types Q, S3 and S5), six number two-storey four bedroom end townhouses (Type S4), 38 number two-storey semi-detached houses (Types R and V), 43 number two-storey three bedroom townhouses (Types M5, M6, M7, M8 and N) and 10 number two-storey two bedroom townhouses (Type P). N.B. All houses include an optional kitchen extension to rear and House Types N, R, S3, S4, S5, Q and V all have space for a future attic conversion; (2) ancillary site development works including estate roads, footpaths, cycle tracks, public open space areas, site services sewage pumping station/rising main and (3) construction of portion of outer relief road (circa 990 metres in length) including two number roundabouts and ancillary services together with

tie-ins to the Ratoath College to the west and to the Ashbourne Road (R125) at Mouldin Bridge to the east together with a pedestrian/cycle path along the bank of the Broadmeadow River through the townlands of Jamestown, Ratoath and Tankardstown, Ratoath, County Meath, as amended by the further public notice received by the planning authority on the 10th day of June, 2016.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, to the existing and permitted pattern of development in the vicinity of the site and to the residential zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience and would not, therefore, be contrary to 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, as amended by the further plans and particulars submitted on the 12th day of May, 2016 and the 10th day of June, 2016, 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. This permission authorises 126 number residential units only. Each proposed residential unit shall be used as a single dwelling unit.

Reason: In the interests of development control.

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

Reason: In the interest of visual amenity.

4. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass. The use of film is not permitted.

Reason: In the interests of the proper planning and sustainable development of the area.

5. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The agreed lighting system shall be implemented and operational, before each agreed phase of the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

6. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to commencement of development, a revised design for surface water drainage and attenuation shall be agreed with the planning authority, whereby oversized pipes are replaced as a means of attenuation storage by specifically designed and constructed tanks or other devices located in dedicated open spaces. The proposals for storing the 1 in 30 and 1 in 100 year flood events shall be clearly outlined within the revised design and the volume provided within infiltration trenches shall not be included within any such calculations.
- (c) Prior to commencement of development, a revised design for surface water drainage and attenuation shall be agreed with the planning authority, whereby 'infiltration trenches and/or blankets' are incorporated into the overall surface water design as a means of source control but not as detailed or proposed within the further information submission on the 12th day of May, 2016.
- (d) Prior to commencement of development, the detailed design of the permeable/paving and associated source control drainage within private driveways shall be agreed with the planning authority. The final design shall incorporate diffused outfall of roofwater to the paving stone sub-base.

Reason: In the interest of public health.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. The development hereby permitted shall be carried out and completed at least to the construction standards set out in "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November, 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

9. The proposed development shall be phased in the following order:

Phase 1 shall consist of 77 number units as shown on drawing number C-61-113 submitted to the planning authority on the 12th day of May, 2016.

Phase 2 shall consist of 49 number units as shown on drawing C-61-113 submitted to the planning authority on the 12th day of May, 2016.

The phasing agreement shall occur as above unless otherwise agreed in writing with the planning authority. All roads, footpaths, public lighting and services shall be completed in respect of each individual section/road of the development being delivered, in conjunction, with an agreed construction plan with the planning authority.

Reason: In the interest of orderly development.

10. The developer shall construct the Outer Relief Road as shown on the plans submitted on the 22nd day of September, 2015 and the 12th day of May, 2016 on lands within the developer's control as outlined within the planning application site boundary in parallel with the development of Phase 1 and Phase 2. The road and associated services will be built and delivered by the developers at no cost to the planning authority. There will be no offsets or allowances given to the developers in respect of the cost of the road by the Council against any financial levies of the type specified in section 48 of the Planning and Development Act 2000, as amended, which may be imposed under the conditions of planning permission granted pursuant to the planning application. Prior to the commencement of development, the developer shall enter into a legal agreement with the planning authority to this effect.

Reason: In the interest of orderly development.

11. (a) Prior to commencement of development, a signed legal agreement shall be submitted to the planning authority assigning control of the lands required for the construction of the distributor road to the planning authority.
- (b) Prior to the occupation of Phase 1, the works for the upgrading of the Moulden Bridge on the R125 shall be completed and certified in writing with the planning authority.
- (c) Prior to the commencement of Phase 2, all major excavation works and the installation of services such as foul sewers, water distribution network and connections associated with the construction of the Outer Relief Road shall be completed and certified in writing with the planning authority.

Reason: In the interest of orderly development and flood risk management.

12. Phase 2 (Roads 11 and 12) may be completed and occupied in parallel to the completion and opening of the portion of the Ratoath Outer Orbital Route contained within the control of the developer. The remainder of Phase 2 shall not be occupied until the Ratoath Outer Relief Road is certified in writing with the planning authority fully completed and operational.

Reason: In the interest of traffic safety and orderly development.

13. A suitable fence shall be constructed along the river walkway to delineate the river edge particularly during flood events. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority the location and design detail of this fence.

Reason: In the interests of flood risk management.

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

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

15. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing:
- (i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (iv) Details of screen planting.
 - (v) Details of roadside/street planting, which shall not include prunus species.
 - (vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

16. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, full details of the proposed boundary treatment including rear and party dividing boundary treatments.

Reason: In the interest of visual and residential amenity.

17. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

Reason: In order to ensure the development of the public open space areas, and their continued use for this purpose.

18. No residential unit shall be occupied until all the services have been connected thereto and are operational.

Reason: In the interest of the proper planning and sustainable development of the area.

19. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

20. (a) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.
- (b) Site development and building works shall be carried out only between the hours of 09.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours 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 the interests of public safety and residential amenity.

21. No muck, dirt, debris or other material shall be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The developer shall arrange for vehicles leaving the site to be kept clean.

Reason: In the interest of orderly development.

22. During construction, the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.

Reason: In the interest of traffic safety.

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

Reason: In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

24. An Art feature shall be provided at the proposed roundabout at the entrance to Ratoath Community College. Within one month of the date of the final grant of planning permission, the developer shall submit details for the written agreement of the planning authority of the size and scale of the piece, details of its upkeep and maintenance.

Reason: In the interests of visual amenity.

25. Prior to the commencement of the development, the details for the incorporation of a work of public art into the overall residential scheme shall be agreed with the planning authority.

Reason: In the Interest of residential amenity.

26. The developer shall pay to the planning authority a financial contribution of €837,000 (eight hundred and thirty-seven thousand euro) 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. The application of any indexation required by this condition 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.

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.

27. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, public lighting open spaces and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The security to be lodged shall be as follows –
- (a) an approved insurance company bond in the sum of €343,200 (three hundred and forty-three thousand and two hundred euro), or
 - (b) a cash sum of €343,200 (three hundred and forty-three thousand and two hundred euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
 - (c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit or bond in the amount of €1,500,000 (one million and five hundred thousand euro) as a security for the satisfactory completion and maintenance until taken in charge by the Council of the section of the Ratoath Outer Orbital Road included in the planning application and the associated footpaths, cycletracks, watermains, sewers, drains, public lighting, landscaping and any other related services. In the event of the non-completion or maintenance of the Ratoath Outer Orbital Road or associated services the planning authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as aforesaid of any part of the development.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.

29. The developer shall pay the sum of €60,000 (sixty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of improvements to the Saint Paul's junction (including the provision of signals). This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

30. The developer shall pay the sum of €200 euro (two hundred euro) per residential unit as a contribution towards expenditure to be incurred by the planning authority in the monitoring of the construction phases of the development. Payment of this sum shall be made prior to the commencement of development. The above sum shall apply until 31st day of December, 2016 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices-Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the planning authority's monitoring costs associated with the development.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.