



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: AA/190862

Appeal by Rybo Partnership care of Future Analytics Consulting Limited of 23 Fitzwilliam Square (South), Dublin against the decision made on the 2nd day of June, 2020 by Meath County Council to refuse permission to Rybo Partnership for the proposed development.

Proposed Development: The construction of three number apartment blocks. Each block will be three storeys high plus a penthouse, and will contain nine number two-bed and one number three-bed apartments. Total number of apartments will be 30 number. Planning is also sought for 30 number parking spaces, external bicycle shelter, bin storage areas along with and all associated site works, all at southern-most point of Millbourne Avenue, south of Millbourne Drive, Millbourne, Ashbourne, County Meath.

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:

- (a) the location of the site in an established suburban area of Ashbourne in an area zoned for residential development;
- (b) the policies and objectives of the Meath County Development Plan 2013-2019;
- (c) the “Rebuilding Ireland Action Plan for Housing and Homelessness” issued by the Department of Housing, Planning and Local Government in July 2016;
- (d) the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas (Cities, Towns and Villages) 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 “Urban Development and Building Heights Guidelines for Planning Authorities”, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;

- (f) the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in March 2018 and particularly Specific Planning Policy Requirements 7 and 8;
- (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 (and as amended in 2020, reflecting Covid-19 requirements);
- (h) the nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (i) the pattern of existing and permitted development in the area;
- (j) the planning history of the site and within the area;
- (k) the submissions on file; and
- (l) the report of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible suburban location, would not seriously injure the residential or visual amenities of the area, would provide an acceptable level of public open space for the future occupants of the proposed development, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied, having regard to the range of amenities within close proximity of the site including the permitted linear park to the east, neighbouring sports grounds to the south and adjoining schools to the south, that the proposed development on this residentially zoned site, which provides adequate public open space for the quantum of development proposed, would not result in a lack of public open space for the adjoining permitted residential development (planning register reference number DA03/0422) which the Board considered to be adequately served by the wider range of existing amenities including as cited above.

The Board noted that the site had been used for 'temporary' public open space in the past, however the Board considered that having regard to national policy objectives supporting housing delivery (as cited above) that the proposed development of housing units on residentially zoned land was appropriate and that the previous temporary use of the site for public open space provision for the existing residents of the adjoining development was not a justification for refusal in this instance.

Furthermore, the Board did not consider it appropriate to delay the delivery of housing on residentially zoned lands to provide such 'temporary' public open space for a distinct and separate residential development in the context of the wide variety of open space and other amenities in the wider area and having regard to national policy objectives regarding housing delivery and the promotion of compact growth, densification and sustainable development.

Finally, the Board did not accept that the proposed development would seriously injure the residential amenities of existing residents or future residents of the area given the adequate provision on site in terms of both private, semi private and public open space and the permeable nature of that public open space and the aforementioned amenities in the wider area which serve the existing residents of the adjoining estate. The proposed development would not, therefore, contravene objectives of the Meath County Development Plan 2013 - 2019 in terms of open space provisions and would 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

3. The boundary planting and areas of communal open space, as shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

4. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, 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 amenities of property in the vicinity and the visual amenities of the area.

6. Public lighting shall be provided in accordance with a final scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

7. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

9. The construction of the development shall be managed in accordance with a final Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenities, public health and safety.

10. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1300 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 residential amenities of property in the vicinity.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. 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.

12. 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.

13. 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 for Dublin City Council 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.

Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.