

An
Bord
Pleanála

Board Order
ABP-310874-21

Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: RA/201957

Appeal by Somerville Residents' Association and others care of Denis Finn of 2 Riverwalk Court, Fairhouse Road, Ratoath, County Meath against the decision made on the 21st day of June, 2021 by Meath County Council to grant subject to conditions a permission to Michael Ryan care of KPMG of 1 Stokes Place, St. Stephen's Green, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of 18 number single-storey sheltered housing units (two number one bedroom and 16 number two bedroom); central open space area; riverside public open space area; 18 number car parking spaces; 10 number cycle parking spaces; bin store; and all ancillary site services and works to facilitate the development, including new multi-modal entrance at Riverwalk Court, adjustments to site levels, boundary treatments and water services, all at site of 0.51 hectares in Ratoath, County Meath; this site is bound to the north by the Broadmeadow River and Somerville, to the east by Riverwalk Court, to the south by Clonkeen housing estate and to the west by open space lands; as amended by the revised public notice received by the planning authority on the 26th day of May, 2021.

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 'Community Infrastructure' and 'Existing Residential' zonings for the site as set out in the Meath County Development Plan 2021-2027, under which sheltered housing is an 'open for consideration' or 'permitted' use, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate form of development, would not seriously injure the amenities of the area or the amenities of residential property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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, as amended by the further plans and particulars submitted to the planning authority on the 6th day of May, 2021 and the 26th day of May, 2021, 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. Prior to the commencement of development, the developer shall enter into an agreement with the planning authority under Section 47 of the Planning and Development Act, 2000, as amended, to restrict the proposed development to occupation as sheltered housing.

Reason: To ensure the proposed development is occupied as specified in the public notices, in the interest of the proper planning and sustainable development of the area.

3. Details of boundary treatments, which shall incorporate boundaries of maximum height 1.2 metres to the rear (north) of house number 13-18, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. The vehicular access to the site, internal carriageway and parking area shall comply with the requirements of the planning authority and shall incorporate the place-making principles set out in the Design Manual for Urban Roads and Streets, details of which shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development.

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

5. Details of proposed landscaping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect residential amenity.

6. 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.

Reason: In the interest of public health.

7. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.

Reason: In the interest of public health and orderly development.

8. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Thereafter, all estate signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

9. 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.

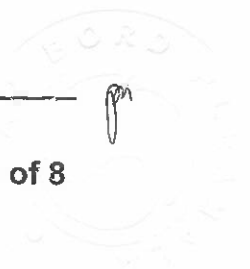
Reason: In the interest of visual and residential amenity.

10. 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 include details of intended construction practice, noise/dust management measures, parking proposals for construction workers on the site and storage and management of materials and waste within the site.

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

11. Refuelling shall take place in a designated area at least 30 metres from the adjacent watercourse, details of which shall be contained within the Construction Management Plan.

Reason: In the interest of environmental protection.



12. Proposals for the management and maintenance of public open spaces, roads, footpaths, communal areas and public lighting within the site shall be agreed with the planning authority prior to occupation of the development.

Reason: To ensure the development is adequately maintained in the interest of residential amenity.

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 order to safeguard the residential amenities of property in the vicinity.

14. Public lighting shall be provided in accordance with a scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any house/unit within the relevant phase of the development.

Reason: In the interests of amenity and public safety.

15. 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 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. 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 current Development Plan for the area.

16. 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 of roads, footpaths, watermains, drains, open space 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 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

- 17 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

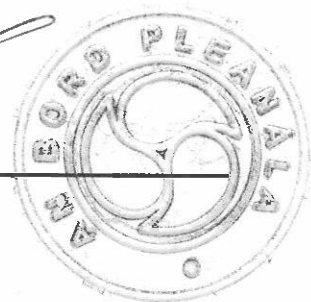
payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.



Paul Hyde

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



Dated this 4th day of February 2022.