



An
Bord
Pleanála

Inspector's Report ABP-305323-19.

Development

Planning permission is sought for a 2-storey (with mezzanine level) mixed use development: at ground floor 3 no. retail units; a coffee shop/cafe, a restaurant with ancillary takeaway; 2 no. bins stores; a bicycle store; an EBS substation; a mezzanine level containing plant; at first floor level: 7 no. apartments (6 no. 1 bed units and 1 no. studio unit); a courtyard garden at first floor level; balconies/terraces to all apartments; all associated connections and site developments works. (Significant further information/revised plans submitted on this application alongside further clarification of further information).

Location

Site Adjoining 'The Village Centre', Main Street, Ratoath, Co. Meath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

RA190054.

Applicant

O'Connor Whelan Limited.

Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party.
Appellant	O'Connor Whelan Limited.
Observer(s)	Cllr Gillian Toole. Patrick Donnelly.
Date of Site Inspection	11 th day of December, 2019.
Inspector	P.M. Young.

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1.0 Site Location and Description

- 1.1. The appeal site is located within the heart of the settlement of Ratoath, c86m to the east of where the Main Street (R125) meets the heavily trafficked R155 Well Road intersection and c110m to the west of where the R125 meets Glebe Lane, in County Meath. This historic town has expanded significantly in recent decades with many residential developments added to and expanding its suburban urban fringes.
- 1.2. The appeal site, which has a stated area of 0.0992ha, has an irregular shape and benefits from road frontage onto Main Street at a point where this street curves around the Holy Trinity Catholic Church complex of buildings (Note: Southern Boundary).
- 1.3. The western and northern boundaries of the site adjoin a varying in width pedestrian thoroughfare that contains a mixture of uses. With this thoroughfare wrapping around the northern and eastern boundaries of the 2-storey mixed use building that adjoins the site to where it terminates at Main Street c33.6m to the north east of the site.
- 1.4. The southern, western and northern boundaries are mostly demarcated by tall timber hoarding panels with the eastern boundary demarcated by a solid concrete capped wall which is also indented by the property that adjoins the south easternmost corner of the site. This property contains two windows at first floor level on the shared boundary that directly look the site itself.
- 1.5. There are no buildings or structures present in the main site area and it is in an unkempt state. It contains some mounds of debris towards the northern portion of the site and some indigenous plants and weed species having colonised parts of the ground.
- 1.6. The surrounding area is characterised by a mixture of uses with commercial uses predominating at ground floor level and the main built form is 2-storey in nature as well as scale. At the time of inspection there was few available on-street car parking available in the vicinity of the site and there was a steady stream of traffic in both directions along Main Street.
- 1.7. Photographs taken during my inspection of the site are attached.

2.0 Proposed Development

2.1. Planning permission is sought for a 2-storey mixed use building with mezzanine level, an internal courtyard and broadly consists of the following components:

- Ground Floor Level:

This level has a stated floor area of 617m². It contains three separate retail units with stated floor areas of 44m²; 35m² and 33m²; a coffee shop/cafe unit with a stated 204m²; a restaurant with ancillary takeaway with a stated 167m²; 2 no. bins stores with a stated 10m² & 6m² area; a bicycle store with a stated 21m² area; an EBS substation with a stated 14m²; a bin chute room with a stated 4m² area; accommodation stairs with a stated 24m² area; a bicycle store with a stated 21m² area; and, a corridor, lobby and fire escape with a combined 39m² area.

- Mezzanine Level:

This level contains a plant room with a stated 69.3m².

- First Floor Level:

The first-floor level contains seven apartment units (6 no. 1 bed and 1 no. studio units); a courtyard garden; balconies/terraces serving the individual apartment units; a bin chute room that connects to the ground and floor level to service the apartments with a stated 4m² floor area on this level; and, a accommodation stairs, lift shaft, fire escape with a combined 46m² floor area.

- All associated connections and site developments works.

2.2. This application is accompanied by the following documentation:

- Landowner's Consent.
- Planning Report.
- Application Form for Certificate of Exemption from the Provisions of Section 96 of the Planning & Development Act, 2000, as amended.
- Drainage Report.
- Architectural Design Statement.
- Shadow Diagrams.

- Sewers and Drainage Details.

2.3. Further information was submitted to the Planning Authority on the 3rd day of July, 2019. This dealt with the 12 separate items set out by the Planning Authority in their request and the applicant's response as set out in their further information documentation can be summarised as follows:

- Response to Item No. 1

It is not realistic to expect each individual development to provide car parking.

Response to Item No. 2 & 3: The number of apartment units are reduced from 7 to 5.

Response to Item No. 4 & 5: The building has been pulled back from the boundary on the western corner in order to reduce impact on adjacent properties. In addition, the building has been redesigned having regard to reducing the potential for overlooking from first floor level.

Response to Item No. 6: A loading bay, i.e. the 2 no. car parking spaces to the front of the site will operate as a loading bay between the hours of 07:00 – 08:30am daily. It is contended that the design allows for a 6-wheeler truck to reverse into the lane way at ground floor level to collect bins and to service the retail/café units as necessary.

Response to Item No. 7: The zebra crossing has been omitted and a dropped kerb provided to facilitate vehicle access.

Response to Item No. 8: Revised water and surface drainage details provided.

Response to Item No. 9: Confirmation is provided that the applicant/developer will liaise with Irish Water.

Response to Item No. 10: Lighting Details provided.

Response to Item No. 11: Confirms that test excavations would be carried out and a document titled 'Cultural Heritage Impact Assessment of a Residential Development at Ratoath, Co. Meath' is submitted.

Response to Item No. 12: It is not considered that the proposed development would give rise to any adverse impact on properties in its vicinity.

- 2.4. The Planning Authority sought Further Clarification of Further Information seeking the provision of new public notices due to the significant revisions contained in the applicant's further information response. The applicant's response was received on the 12th day of July, 2019; and, was deemed to be satisfactory.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse** planning permission for the following stated reasons:

- “1. *The proposed development, as presented, represents a substandard form of development by reason of the non provision of car parking in accordance with standards set out in the Meath County Development Plan, 2013 to 2019, as varied. The proposed development is therefore considered to represent a traffic hazard and, if permitted, would set an undesirable precedent for similar proposals in the area. The proposed development, as presented, is considered to be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development, as presented, is considered to conflict development plan objective ECON DEV OBJ 6 as set out in the Ratoath Local Area Plan, 2015, as varied, which seeks to ‘consolidate the centre of Ratoath as the focal point of the town for cultural, social and retail facilities and to encourage the provision of new retail uses subject to adequate access, car parking and environmental improvements in the town centre.’ The proposed development is therefore not considered to be in accordance with the proper planning and sustainable development of the area.*
3. *Based on the information submitted as part of the planning application, the Planning Authority is not satisfied that the proposed development would not result in undue overshadowing and loss of daylight for adjoining properties in the vicinity. Therefore, it is considered that the proposed development, as presented, has the potential to negatively impact on the surrounding established amenities of the area and is therefore not considered to be in*

accordance with the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer’s Report** is the basis of the Planning Authority decision.

The **initial Planning Officer’s report** concluded with a request for further information on the following matters:

- Item No. 1: Car Parking Concerns.
- Item No. 2: The density of the proposed development was considered to high.
- Item No. 3: Greater mixture of apartment sizes and formats requested.
- Item No. 4: Overshadowing and daylight concerns for adjoining properties.
- Item No. 5: Overlooking concerns for adjoining properties.
- Item No. 6: Clarification on how proposed development would be serviced.
- Item No. 7: Omission of zebra crossing and sought the provision of a dropped kerb at vehicular access.
- Item No. 8: Surface water treatment and disposal clarification sought.
- Item No. 9: Requested to lodge pre-connection inquiry with Irish Water.
- Item No. 10: Public lighting scheme requested.
- Item No. 11: Archaeology.
- Item No. 12: Response requested to the 3rd Party submissions received.

3.2.2. Other Technical Reports

Transportation: The final report concluded with a recommendation that the proposed development should be refused as the applicant has not demonstrated car parking provision in compliance with the Development Plan. In addition, the applicants suggested use of the parking provision of other adjacent developments to serve the proposed development is not considered acceptable.

Transportation – Public Lighting: Final report raised no objection subject to safeguards.

Water Services: No objection subject to a number of recommendations in the event of a grant of planning permission.

3.3. Prescribed Bodies

- Irish Water: No objection.

3.4. Third Party Observations

3.4.1. The Planning Authority received several 3rd Party submissions raising a wide variety of concerns in relation to the proposed development including but not limited to:

- The applicant has included car parking provisions within the village centre of Ratoath that are in private ownership and not available for the provision of car parking to meet the car parking needs of the proposed development.
- There is no spare capacity in Ratoath village to absorb the car parking demands of the proposed development.
- The proposed development, if permitted, would result in an adverse impact on adjoining properties by way of overlooking; overshadowing; and, noise nuisance.
- The proposed development seeks permission for a substandard development which puts economic considerations first.
- The proposed development is excessive and would result in overdevelopment of the site.
- Various traffic hazard and road safety concerns are raised.
- Servicing concerns are raised.
- Lack of visual integration of the proposed development with its setting.
- Lack of opportunity to provide a focal point within the village at this location.
- Lack of public transport to serve the proposed development.

4.0 Planning History

4.1. Site

- **ABP-PL17.131208 (P.A. Reg. Ref. No. 01/149)**

On appeal to the Board permission was **refused** for a development consisting of a commercial development including three commercial units of which the total commercial space is 192m² on the ground floor level. The development also includes 11 apartments (comprising of seven two-bedroom apartments and four one-bedroom apartments on the first and second floors of which the total dwelling space is 676.2m²); an amended entrance to the site; revised site layout and an increased number of apartments for the following stated reason and consideration:

“It is considered that the proposed development, which includes a set back at second floor level and a visually prominent and bulky stair tower projecting above eaves height, would be out of character and visually obtrusive in the streetscape. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and development of the area.”

- **P.A. Reg. Ref. No. 97/480**

Permission was **granted** for the demolition of existing house and construction of 2-storey development comprising 5 shop units on ground floor, 3 one-bed apartments and 3 two-bed apartments at first floor level.

5.0 Policy and Context

5.1. Local Planning Context

5.1.1. Meath County Development Plan, 2013 to 2019.

Under this Plan Ratoath is designated as a ‘small town’ and should cater for greater local growth rather than commuter growth, allow for consolidation of local facilities and infrastructure to serve the local population and facilitate core sustainable communities.

Chapter 11 of the said Plan sets out Development Management Standards and Guidelines.

5.1.2. **Ratoath Local Area Plan, 2009 to 2015.**

The appeal site is located on lands that are zoned Objective 'B1' under the said Plan. The objective for such lands is *"to protect and enhance the special physical and social character of existing town and village centres and to provide for new and improved town centre facilities and uses"*. In addition, the site is also located within the zone of archaeological interest within the village centre.

It indicates that the development management standards and guidelines applicable to the Ratoath Local Area Plan are those set out in the Meath County Development Plan, 2013 to 2019.

5.2. **Natural Heritage Designations**

- 5.2.1. There are no Natura 2000 sites within a 15km radius of the site with the nearest sites being located c18km to the east (Note: Malahide Estuary SPA (Site Code: 0004025) and Malahide Estuary SAC (Site Code: 000205)).

5.3. **EIA Screening**

Having regard to the nature and scale of the proposed development; the serviced nature of the site and its setting; the significant lateral separation distance between the site and the nearest Natura 2000 sites alongside the lack of any direct or indirect connectivity to these; together with the absence of any specific environmental sensitivity in the vicinity of the site, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The grounds of appeal can be summarised as follows:

- The provision of car parking on this site is not viable option or necessary.

- There is an abundance of car parking in the vicinity of the site.
- This site is restrictive in its size and would not be capable of both the development sought and off-street car parking requirements for such a development.
- Local planning provisions encourage the mixed-use schemes at such locations.
- A negative report from the Councils Road Department should not dictate proper planning and sustainable development.
- ECON DEV OBJ 7 of the Ratoath Local Area Plan is considered to be outdated.
- This proposal provides a much-needed development for a vacant site.
- The proposed development would be an employment generating scheme as well as would provide additional residential development in a commuter town.
- The proposed development would not adversely impact adjoining properties in any manner.
- The idea of an urban square at this location is unrealistic and would only serve adjoining businesses.
- It is sought that the Board overturn the Planning Authority's decision.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- All matters raised in the appeal submission have been considered during the course of its determination of this application.
- Reference is made to the appraisal contained in the Planning Officer's report and also the reports from their Transportation Department on the matter of car parking.
- This proposal conflicts with Objective ECON DEV OBJ 6 of the Development Plan.
- The proposed development would negatively impact the established amenities of property in the vicinity and the area.

- The Board is requested to uphold its decision.

6.3. Observations

6.3.1. The observation received from Mr. Patrick Donnelly can be summarised as follows:

- The appellants consider that because the site is centrally located, they can ignore the car parking standards required under the Development Plan for this type of development.
- The viability of a development for the appellant is not a planning matter; however, it is considered that the appellants have sought to maximise the development on this site to an unnecessary degree.
- The appellants have not put forward an accurate reflection of the car parking situation in the village.
- The basement car park which is in the ownership the observer and he contends that it is in daily use with 24 car parking spaces reserved in it for the 9 apartment owners and it also serves the owners of 25 business premises in the 'Village Centre'. It therefore is in use and contains no free car parking spaces.
- The proposed development would generate a significant demand for casual car parking to be provided on or near the site. Failing to provide any car parking at all shows a complete disregard for the needs of future users and occupants.
- Previous permitted developments on this site included the required car parking.
- A photographic survey to support the car parking pattern and heavy usage of spaces in the village has been commissioned and provided. The areas that examined are: the Main Street; The Village Centre; parking adjacent to the graveyard; and, the community centre car park. It is contended that this survey shows the typical car parking usage within this village.
- The Local Area Plan seeks to consolidate and complement the central village area. However, it is considered that the proposed development is excessive and provides a substandard form of development which would undermine the ambience of this village.

- Concerns are raised in terms of the practicality of servicing the proposed development due to its design layout at ground floor level.
- The proposed development would overshadow the existing accommodation of 'The Village Centre' and would darken the proposed courtyard. In turn this would also affect businesses at this location.
- The Board is requested to uphold the Planning Authority's decision.

6.3.2. The observation received from Cllr Gillian Toole can be summarised as follows:

- There is a historical under provision of car parking spaces therein and the existing car parking cannot absorb sustainably the car parking demands this development would generate.
- The car parking schedule provided is inaccurate.
- Supervalu spaces do rotate but can not be expected to provide long-term parking for the residents of the proposed development.
- On-street car parking is taken up by commuters as well as by staff and customers of businesses within the centre of the village.
- There is no adequate provision of loading bays.
- The mix of residential accommodation proposed does not reflect the residential need of this area and it is not suitable for older or mobility impaired persons.
- The proposed development would result in adverse overshadowing.
- The proposed design would result in the creation of narrow laneways to the rear of Main Street with the potential for anti-social behaviour to occur in them.

7.0 **Assessment**

7.1. **Overview**

7.1.1. I consider that the main issues in this appeal are those that are raised in the grounds of appeal; by the observers; and, by the Planning Authority in their stated reasons for refusal. I am satisfied that no other substantive issues arise.

7.1.2. For clarity I note to the Board that the applicant submitted significant revised proposals to the Planning Authority on the 3rd day of July, 2019, which addressed a

number of substantive concerns raised by the Planning Authority with regards to the proposed development as submitted and on foot of these revisions revised public notices were sought by way of further clarification of further information. This was satisfactorily responded too on the 12th day of July, 2019.

7.1.3. These revisions have resulted in a revised built form and layout in order to deal with the overdevelopment concerns raised by the Planning Authority; the lack of residential mix and residential unit internal format; through to the potential of the original proposal to give rise to undue amenity impacts on adjoining properties.

7.1.4. Notably they include a reduction in residential unit number from seven to five with a less homogenous mix of residential unit type proposed. It also puts forward options for the provision of car parking, but it is indicated that these are only options but not viable options or necessary and for these reasons there is no amendment put forward in the revised scheme to incorporate any off-street car parking. Whilst I consider that there is still the substantive issues arising in terms of the proposed development as revised, including the matters of the appropriateness of the design response to the site's context; car parking provision through to potential adverse amenity impact on properties in its vicinity; notwithstanding, I consider that the revisions put forward by way of the applicants further information response does put forward a level of qualitative improvements to the proposed development initially sought for planning permission by way of this application. For this reason, my assessment below is based on the proposed development as revised and I consider that the key matters in determining the current appeal case before the Board are:

- Principle of Proposed Development.
- Car Parking Provision.
- Impact on Amenities of Properties in the Vicinity.
- Visual Impact on Streetscape Setting.
- Retail.
- Other Matters Arising.

7.1.5. In addition to these the matter of 'Appropriate Assessment' also requires examination. I propose to deal with these matters individually below.

7.2. Principle of the Proposed Development

- 7.2.1. The appeal site forms part of a larger parcel of land that is zoned under the Ratoath Local Area Plan “*to protect and enhance the special physical and social character of existing town and village centres and to provide for new and improved town centre facilities and uses*” (B1) and it would appear that the site has been in a vacant state for c15years.
- 7.2.2. It would appear that up to c15years ago a dwelling house occupied this site and sometime thereafter, following of the grant of permission P.A. Reg. Ref. No. 97/480 it was demolished to accommodate the construction of a mixed use two-storey development.
- 7.2.3. However, the permitted two-storey mixed-use building was not constructed, and it appears that the site has laid vacant ever since the dwelling’s demolition.
- 7.2.4. In the intervening years the site has remained unkempt with mounds of debris that are likely to be associated with the demolition of the dwelling present towards the northern portion. For the main part the site boundaries consist of tall timber hoarding panels.
- 7.2.5. In its present state it adds little to the attractiveness, vitality and vibrancy of the visual amenities of its streetscape scene which I observed at this location includes important historic features of merit and interest. Including but not limited to tangible links of this settlements Norman foundations, i.e. the Motte/Moby (National Monument ME01846 and ME01847) and the Holy Trinity Catholic Church complex (which includes Protected Structures (Note: RPS No. MH044-304 and MH044-305) on the opposite side of Main Street.
- 7.2.6. Neither could it be considered to add to the functional and commercial vibrancy of the Main Street.
- 7.2.7. By way of this application planning permission is sought for a mixed-use development over two floor levels.
- 7.2.8. Having regard to the land use matrix which is set out under Appendix 3 of the said Ratoath Local Area Plan, 2009 to 2015, the mixture of land uses proposed except for the residential component are all listed as permissible land uses on land zoned ‘B1’

(Note: coffee shop; café; a restaurant with ancillary takeaway; and, retail which I note are all accommodated on the ground floor level of the scheme).

- 7.2.9. 'Residential' development is 'open for consideration'; and, therefore requires further consideration in order to determine whether or not the nature of residential development proposed is acceptable and whether it can be positively accommodated.
- 7.2.10. I also consider that the proposed ancillary takeaway requires further consideration having regard to Section 4.5.3 of the said Plan. This sets out a number of factors requiring assessment for these type of developments taking into account the potential of this land use to generate noise, odour, litter as well as other nuisances and disturbances that can result in deterioration of amenity as well as the quality of the urban realm in which they would be situated.
- 7.2.11. In relation to other provisions set out in the Local Area Plan I am cognisant that Section 4.6; Policy DER POL 2 in general seek to secure the redevelopment of obsolete land and buildings; and, Policy RET DEV POL 2 seeks to encourage and support proposals for the re-use as well as regeneration of derelict land.
- 7.2.12. In addition, it includes policies such as HER POL 8 seeks to safeguard the integrity of the setting of archaeological monuments like the National Monuments mentioned above which the site forms part of their visual curtilage through to policies specifically relating to promote and enhance the vitality of Ratoath's town centre through encouraging a mixture of uses (RET DEV POL 1).
- 7.2.13. Further, RET DEV POL 4 seeks to support proposals for new retail and other mixed-use development in the town subject to safeguards.
- 7.2.14. I am also cognisant that the Meath County Development Plan, 2013 to 2019, which is the overarching Development Plan applicable to the settlement of Ratoath contains similar provisions in relation to vacant through to brownfield sites. In particular, objective ED OBJ 10 which encourages the redevelopment of obsolete sites as well as environmental improvements to the public realm. The said plan also promotes the concept of brownfield redevelopment; ensure the efficient use of urban land; it is one of its stated goals to sustain the vitality of local communities; and, it also seeks to support sustainable economic development of the county.

- 7.2.15. In relation to national policy provision I further note that the National Planning Framework, under Section 2.2, advocates better use of underutilised lands including brownfield and infill sites; making better use of existing serviced facilities through to Section 2.6 advocates more compact and sustainable growth including making continuous regeneration and development of existing built up areas.
- 7.2.16. In addition, the said Framework under National Policy Objective 3a seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- 7.2.17. Based on the above considerations, as a starting point for this assessment, I consider that the redevelopment of this appeal site for a mixed use development at a location which forms part of the town centre of Ratoath, a site which in its current vacant and unkempt state contributes little to the visual amenities of its built heritage sensitive streetscape setting nor to the vitality and vibrancy of the public realm that it bounds, would be generally consistent with the planning provisions, subject to safeguards.

7.3. Car Parking Provision

- 7.3.1. The first reason for refusal relates to the lack of car parking provided in this scheme to meet the needs of the quantum of land uses proposed. The Planning Authority in its reasons for refusal considered that the proposed development represents a substandard form of development as a result of this lack of provision and that the proposed development failed to meet the standards set out in the Development Plan. It further considered that as a result of this lack of adequate car parking provision that the proposed development would also represent a traffic hazard; and, if permitted, it would set an undesirable precedent for other similar development in the area. For these reasons the Planning Authority considered that the proposed development is contrary to the proper planning and sustainable development of the area.
- 7.3.2. As previously indicated in this report, the Planning Authority in their determination of the proposed development sought further information from the applicant. One of the principal concerns highlighted to them in this request was the lack of car parking provision to meet the requirements of the proposed quantum of development sought.

- 7.3.3. In response the applicant set out a discussion which put forward a number of options. Including the provision of a partial undercroft with this providing a total of seven car parking spaces. They note that this provision would reduce the ground floor area to 332m². They there did not consider this to be a viable option in terms of the overall scheme and they therefore discounted this option.
- 7.3.4. Another option considered by the applicant was the provision of an underground basement car park. This option they contended could only accommodate 14 to 16 car parking spaces. Again, the applicant discounted this option as not being viable.
- 7.3.5. Outside of the redesigned first floor level which I note reduced the number of apartment units proposed to 5 no. apartments (1 no. 2-bed and 3 no. 1 bed); the reduction in retail units from 3 to 2 together and clarification for a loading/unloading bay in the public domain of Main Street which outside of its designated use times the applicant contends could accommodate two on-street car parking spaces no car parking provisions are proposed as part of the revised scheme. The applicant considered the provision of the same in part or in totality to the required Development Plan standards as unnecessary in a village centre location; that the car parking provision cannot be provided alongside the quantum of development proposed; and, as previously indicated is not a viable provision as part of the development sought.
- 7.3.6. In relation to the loading/unloading bay I consider that the commandeering of public space which serves the public good and is part of the safe as well as efficient movement of Main Street alone is of questionable merit as for reasons discussed below not only does this not provide any robust car parking solution for the significant car parking deficiency of this scheme it also results in an unnecessary encroachment of the public realm results in an extremely restricted in width footpath fronting Main Street to the front of the proposed coffee shop/café unit.
- 7.3.7. Having regard to Section 11.9 of the Development Plan, which sets out the car parking standards for developments at this location, I note that 1.25 car parking spaces are required per 1 and 2-bedroom apartment units and it further indicates that in all cases 1 visitor car parking space per 4 apartments is also required. Thus, the residential quantum of development sought, which consists of a mixture of 5 no. 1 and 2-bedroom apartments, as revised, results in a requirement of 7.25 car parking

spaces alone. No car parking spaces are proposed to meet this required standard for the type of residential development proposed.

- 7.3.8. In addition, planning permission is also sought for a restaurant with ancillary takeaway dining area with a c111m². Under Table 11.9 of the Development Plan restaurants require 1 car parking space per 5m² of dining area. There is no specific standard for the ancillary takeaway land use. However, in such cases the Development Plan indicates that the Planning Authority will specify the requirements for land uses not indicated in this table.
- 7.3.9. Based on the restaurant land use alone, this component of the proposed development would require 22.2 car parking spaces.
- 7.3.10. In addition, there is also an area of associated outdoor seating at ground floor level in the proposed courtyard (Note: c4.5m²). Arguably this adds to the commercial floor area of the proposed restaurant/take-away and it would be reasonable to assume an additional car parking space as when this additional dining area is added to the internal dining area it gives rise to a total of c116m² dining floor area. This results in a total requirement of 23.1 car parking spaces to serve the proposed restaurant use.
- 7.3.11. Of concern in relation to the ancillary takeaway element there is little clarity on its functional and operational use. It is often the case that takeaway operators provide delivery facilities and it is generally accepted that this type of land use can generate additional movements, in particular vehicle movements, in their immediate vicinity. In some instances, such operations can result in congestion, additional car parking demands in their vicinity through to conflict with other road users on adjoining public roads from double parking through to *ad hoc* car parking.
- 7.3.12. Unfortunately, these types of outcomes can reduce the efficiency of the public road that serves them. They also have the potential to give rise to other adverse situations which can compromise their safety of use for and by other road users. Further, this in turn can result in additional nuisances for property owners including other commercial businesses through to residents in their vicinity.
- 7.3.13. Having regards to these additional concerns in relation to the restaurant use proposed; the road conditions along this stretch of Main Street together with what appears to be the high demands on existing publicly provided car parking spaces in the vicinity, in my view, it would be consistent with the Development Plan that the car

parking demands of the takeaway land use, a land use that potentially would generate additional car parking and loading/unloading demands in its vicinity, is also given careful consideration in terms of making an assessment of this proposed development.

- 7.3.14. The lack of clarity on this use makes it difficult to assess the car parking demands such a development would generate in combination with the restaurant use. I therefore recommend the Board should they be minded to grant permission for the development sought under this application that the takeaway element should be omitted and be subject to a separate grant of planning permission.
- 7.3.15. Putting the takeaway concerns to the side, based on the Development Plan requirements and the dining area indicated above, this component of the proposed development would as stated require a minimum of 23 car parking spaces. Like the residential element of the proposed scheme no provision is made on site or elsewhere to meet this Development Plan requirement.
- 7.3.16. The proposed development also contains a coffee shop/café which has a stated gross floor area of 233m². Table 11.9 of the Development Plan sets out a requirement of 1 car parking space per 20m² gross floor area. Thus, giving rise to a car parking space requirement of 11.65 car parking spaces. Like the residential and restaurant/takeaway elements of the proposed scheme no provision is made on site or elsewhere to meet this Development Plan requirement.
- 7.3.17. The proposed development also contains 2 retail units with a stated overall gross floor area of 65m². Table 11.9 of the Development Plan sets out a requirement of 1 car parking space per 20m² gross floor area. Thus, giving rise to a car parking space requirement of 3.25 car parking spaces. Like the residential; restaurant/takeaway and coffee shop/café elements of the proposed scheme no provision is made on site or elsewhere to meet this Development Plan requirement.
- 7.3.18. Based on the above calculations, the proposed development has a Development Plan requirement for the provision of 45.15 car parking spaces. This I consider is a significant lack of provision of car parking even if one discounted the part time use of the proposed loading/unloading bay on Main Street. Having inspected the site as well as its wider setting I do not believe the village centre of Ratoath can in any sustainable manner absorb this additional demand as it is quite clear it does not

have this spare capacity. I also having inspected the setting of the site I observed very limited availability of free car parking spaces.

- 7.3.19. Moreover, there does not appear to be any likely future public provision that could reasonably be assumed to accommodate such an additional demand. Nor does there appear to be any proposal to address the commuter car parking lack of adequate provision which would also appear to be putting an additional strain on available car parking within this settlement.
- 7.3.20. I consider that the lack of any meaningful provision to meet any of the car parking requirement of what is a substantial development on a modest site would not only diminish the village centre of Ratoath further, it would also create issues for the commercial and food related land uses proposed.
- 7.3.21. Moreover, there would be no meaningful car parking solution for apartment occupants of the units proposed and their visitors should they ever require such a provision.
- 7.3.22. The appellant contends that there is an existing provision of 371 car parking spaces in the town centre. They also contend that it is not realistic to expect each individual development on such sites to provide car parking whilst this may be a reasonable argument up to a point, the level of car parking this proposed development is likely to generate, based on the minimum requirements set out under Table 11.9 of the Development Plan is in my view an unfeasible level of car parking to expect the village centre and its public provision of car parking to absorb nor is it one that can be dealt with by way of contribution due to its scale as well as previously discussed the lack of any plans to provide a car park for public use within the village to the level required for this scheme alone.
- 7.3.23. Further, having inspected the site setting I am not convinced that the car parking space calculations put forward to the Board genuinely reflect the actual car parking situation within this village. I therefore do raise concerns that they appear to not only make inaccurate assumptions about the level of public car parking spaces available for general use by the public they also appear to incorporate private provisions in private the area with no consent from their legal owners for their future use to accommodate some or/all of the car parking required by the proposed development.

- 7.3.24. On the matter of car parking provision, the proposed development, if permitted, would result in overdevelopment of the site and a development that cannot be absorbed in a sustainable manner by its setting. the lack of car parking at the site could also result in additional traffic movements adding to congestion and traffic hazards along Main Street for road users.
- 7.3.25. I also consider it appropriate to have regard to Section 11.9.1 of the Development Plan which states that *“in addition to the general car parking requirements, service parking spaces may be required for cars or other vehicles necessary in the operation of the business or a particular building, e.g. delivery and collection of goods”*. It goes on to state that *“in all major developments of an industrial/commercial nature, developers will be required to provide loading and unloading facilities sufficient to meet the likely demand of such development”*.
- 7.3.26. On this matter the design concept put forward in my view whether one considers the needs of future occupants to remove various wastes generated during their occupation of the apartment units through to having safe loading of deliveries for the retail and food related uses is poorly considered.
- 7.3.27. I am further of the view that the arrangements put forward for loading and unloading have not been properly considered nor that the servicing of the site whether it be for waste collection through to deliveries and collection at the loading/unloading bay or undercroft would result in any undue conflict between vehicles and pedestrians on Main Street.
- 7.3.28. Moreover, there is no indication in the documentation submitted with this application on how the design concept has been informed in a positive manner by the provisions set out in the LAP for Main Street.
- 7.3.29. These include but are not limited to objectives to seek traffic calming measures particularly along its curving section; INFO POL 4 which seeks integration between land use planning and transportation through to INFO POL 7 which seeks to improve the circulation of traffic throughout the town. It is unclear in my view based on the information submitted with this application that the proposed development would not result in any undue adverse impact on traffic along Main Street and that the circulation of traffic in the vicinity of the site would not be adversely impacted by way of additional traffic movements by occupants, customers through to business users

seeking to find car parking in the vicinity of the site for parking purposes through to the delivery and collection of goods from the quantum of retail and food commercial offers proposed.

7.3.30. In conclusion, based on the above considerations I concur with the Planning Authority's first reason for refusal.

7.4. Impact on Properties in the Vicinity

7.4.1. The Planning Authority's third reason indicates that they are not satisfied that the proposed development would not result in undue overshadowing as well as loss of daylight for adjoining properties in its vicinity. For this reason, they considered that the proposed development had the potential to negatively impact on the surrounding established amenities of the area and that it would not be in accordance with the proper planning and sustainable development of the area.

7.4.2. The observers raise similar concerns and I am of the view that taking into account the modest in area appeal site (Note: 0.0992ha); the limited separation distance of the site from existing properties on its western, northern and eastern boundaries with separation distance ranging from a marginal c.2m to c11m at its widest lateral separation distance; the orientation of the site; the indented eastern boundary of the site which includes buildings on the shared boundaries; together with the built form of the proposed scheme that this concern is reasonable.

7.4.3. I also accept that in this setting there is potential for any development that projects above the existing tall hoardings and has a building footprint that is close too or onto the site boundaries would result in additional levels of overshadowing on the several properties that are located to the west and north of the site particularly.

7.4.4. In this case I consider that the design concept maximises the proposed buildings footprint on the site as such bringing the proposed mixed use building close to and/or onto the boundaries of the site. In turn this results in the part single but mainly two storey building having minimal lateral separation distances from properties to its west, north and east.

7.4.5. I consider that not only would the design concept put forward result in a significant increase in overshadowing of properties in its vicinity but also it would result in less daylight reaching these properties and the public realm that consists of the

pedestrianised thoroughfare that bounds the western and northern boundaries of the site.

- 7.4.6. This I consider is a particular concern in the vicinity of the proposed access to the accommodation stair and lift shaft on the western elevation where there appears to be less than c2m separating it from the adjoining property opposite depending on which drawing one takes their measurements from.
- 7.4.7. The relationship of the western elevation of the proposed building with the building's opposite and importantly the pedestrian route beside it in my opinion is a missed opportunity to create a more generous in width pedestrian linkage at this location. Moreover, enhancement of the existing amenities and qualities of this adjoining pedestrian thoroughfare would correspond with pedestrian walkway almost directly opposite it on Main Street which I am cognisant is subject to a specific objective under the Local Area Plan (SOC OBJ 15).
- 7.4.8. Further, I consider that that the eastern elevation fails to add positively to this existing pedestrian walkway by way of its lack of visual and active frontage at ground floor level through to the lack of sufficient horizontal and vertical articulation of the elevations design. I also consider the suggested palette of materials together with the monotony of this frontage, if permitted, would fail to enhance the existing intrinsic visual qualities of this adjoining public realm. Further, the lack of integration of function at ground floor level with the adjoining public realm at this location results in this elevation failing to enhance its attractiveness, vitality and vibrancy for its users.
- 7.4.9. This is further concerning considering that the narrowest point would be close to Main Street and the design does little to encourage or entice movement from the Main Street into this pedestrian street that currently contains a number and mix of active commercial uses addressing it at both ground and first floor levels opposite to the western and northern boundaries of the site. What is proposed is a development that would essentially create a dark and very unduly overshadowed public realm that would do little to enhance its qualities or amenity.
- 7.4.10. The proposed presentation of the proposed mixed-use building along the entirety of this existing pedestrian walkway that bounds the site in my view displays a similar lack of thought. As a result, it also results in this public realm in terms of the level of

potential passive surveillance not being fully realised as part of creating a safe, vibrant and attractive public realm.

- 7.4.11. In my view the level of overshadowing is a significant compromise to concede for a proposed development, even as revised, does not put forward a design that is a sensitive and positive response to its site context. Nor is it a design that could be considered as having fully grasped and utilised the full potential of being bound on three sides by existing established streetscapes.
- 7.4.12. Based on these considerations I concur with the Planning Authority's that in this case the proposed development would give rise to undue overshadowing, loss of daylight, the loss of established amenities of properties in its vicinity and importantly a loss of amenity for the adjoining public realm as well as opportunity for its qualitative enhancement. For these reasons I concur with the Planning Authority that to permit the proposed development would be consistent with ECON DEV OBJ 6 which I note forms the central concern of the Planning Authority's second reason for refusal.

7.5. Visual Amenity Impact

- 7.5.1. In addition to the concerns already addressed above on the matter of the proposed developments response to its urban context and the adjoining public realm I raise further visual impact amenity concerns in terms of its Main Street address and the northern elevation address.
- 7.5.2. In my view the proposed southern elevation is not adequately setback and staggered in its built form as well as footprint from the roadside edge of Main Street. Nor does it seek to harmonise in any meaningful manner with the curving alignment of this particular stretch of road.
- 7.5.3. Further, this concern also includes the proposed relationship between the mixed-use building with the proposed on-street provision for loading/unloading bay which the appellant also proposes to use as two car parking spaces outside of its designated hours of use for loading/unloading. This view is based on the restricted in-depth public domain remaining to the front of the proposed building.
- 7.5.4. Such a restricted in-depth public domain diminishes the functionality of the pedestrian thoroughfare to the front of this building. Thus, restricting its movement capacities and capabilities; its capacity to include public infrastructure in future, in particular street furniture through to soft landscaping; and, the design resolution due

to the restricted width of the public footpath to the front of the proposed coffee shop/café which narrows down significantly to a pinch point (Note: c1.3m) has the potential, if permitted, to diminish the qualitative experience for users as they would be in closer proximity to traffic movements including the movements associated with larger vehicles that would need to use the proposed loading/unloading bay and there is also potential for conflict in the free flow of movement.

- 7.5.5. I also consider that there is a missed opportunity to provide a more responsive sympathetic setback that seeks to continue some level of the generous lateral separation distance that exists between the roadside edge and the building line of the property to the west. This particular setback has resulted in a qualitative provision of public realm allowing for generous space for movement, on-street furniture through to soft landscaping opportunities. In contrast the proposed development as discussed creates a pinch point to the front of the proposed café/coffee shop.
- 7.5.6. In its context the ground floor level that projects forward within its streetscape scene as visualised in the photomontages and drawings submitted with this application appears to be overtly dominant in its streetscape scene and together with the canopy further projecting substantially over the restricted in width public footpath along the southern elevation of the coffee shop/café to the front has the visual affect of incorporating this public realm into part of the footprint of the proposed development as perceived from the public domain.
- 7.5.7. In terms of the ground floor level northern elevation streetscape response, in similarity with the concerns raised for the eastern elevation, I do not consider that the design solution provides for adequate levels of positive visual interaction with its adjoining public realm nor does it include an adequately resolved streetscape response that would add to the attractiveness of this pedestrian thoroughfare. Ultimately, this elevation has latent and untapped opportunities to add in a positive manner to the visual amenities, the attractiveness, vitality and vibrancy of its adjoining stretch of pedestrian thoroughfare. The design concept chosen fails to tap into this potential and as such the proposed development fails to contribute in any meaningful way to positive place making.

7.5.8. I also consider that the site is located within a streetscape setting that is highly sensitive from a built heritage perspective. This consideration being informed by the fact that the sites visual curtilage includes a number of Protected Structures, National Monuments through to NIAH sites, including Holy Trinity Roman Catholic Church which is located on the opposite side of Main Street c62m to the south east and its associated Parochial House. This is a designated Protected Structure that forms a prominent and an attractive built insertion in the streetscape scene at this location. In addition, there is a surviving motte/moby structure on the opposite side of Main Street, which is also a designated National Monument. It is also a visually prominent built heritage feature that adds to the streetscapes intrinsic built qualities and character. It is therefore important that any development on this site does not unduly detract from the visual setting of these important man-made built features.

7.5.9. In conclusion, I consider it would be a positive outcome for this vacant site to be developed and for it to contribute in a more positive manner to the visual amenities of its setting. Notwithstanding, I consider that because of the site's prominent position in the centre of Ratoath along with its central location on its principal shopping street (Main Street) together with Main Streets visual sensitivities to change development at this location has to be qualitative and a well-informed response to its context. It should also seek to harmonise and positively enhance the intrinsic visual character of its context. I consider that to permit the development as proposed would not achieve this outcome. For these reasons, together with the other concerns raised in my assessment above, I consider to permit the proposed development, would conflict with ECON OBJ 7 of the Local Area Plan which seeks to consolidate Ratoath as the focal point of the town for a range of land uses subject to adequate car parking and environmental improvements.

7.6. **Retail Impact**

7.6.1. I raise a concern that the proposed development, if permitted, would conflict with Section 4.5.4 of the Local Area Plan which seeks to maintain the visual character of its streets by controlling the amount of non-retail floor space at ground floor level. In addition, RET DEV POL 6 of the said Plan seeks to strengthen the shopping function of Ratoath with non-retail uses at ground floor level within the town centre not encouraged in order to protect the vitality and viability of the primary retail area.

- 7.6.2. Of concern the proposed development seeks a limited area of retail space, i.e. 65m² contained in two retail units at ground floor level within this scheme.
- 7.6.3. I consider this is a relatively small proportion of the commercial land uses proposed under this scheme, which as previously discussed includes but is not limited to a 233m² coffee shop and a 167m² restaurant with ancillary takeaway with additional dining capacity in the proposed courtyard area, both located at ground floor level.
- 7.6.4. When the floor areas of the retail scale proposed is compared to the none retail uses proposed I note that it equates to 16.5% of the commercial element and when it is compared to the overall scheme it forms part of it equates to 7.3%. As such I raise concern that to permit such limited retail floor area and more significant levels of non-retail floor area would conflict with RET DEV POL 6 of the said Plan.
- 7.6.5. I am also cognisant that Section 4.5.4 of the Local Area Plan, as part of protecting the retail viability of Ratoath Town Centre and as part of maintaining the visual character of its streets consider it is necessary to control the amount of non-retail floorspace at ground floor level.
- 7.6.6. This further adds to my concern that the proposed development if permitted with the quantum of non-retail floor space proposed would be inconsistent with the said Plans vision for the town centre of Ratoath. In particular reinforcing the quantum of retail land uses present at this location.
- 7.6.7. I also raise a concern that to permit the proposed development would diminish the retail potential and character of Ratoath's village centre by way of reducing the areas future potential to absorb additional retail development.
- 7.6.8. This adds to my concern that the proposed development, if permitted, would be inconsistent with policy RET DEV POL 6 of the Local Area Plan.

7.7. **Appropriate Assessment**

- 7.7.1. Having regard to the development proposed and the nature of the receiving environment, I consider that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

7.8. **Other Matters Arising**

- 7.8.1. **Nuisance:**

I consider that the documentation submitted with this application provides insufficient details and clarity to satisfy me that the proposed food related land uses proposed, in particular, the restaurant with ancillary takeaway, would not generate adverse amenity impact on the adjoining public realm; the apartment units above; and, also on the established amenities of properties in the immediate vicinity of the site. Further, the documentation as submitted, provides limited assurance that no adverse nuisance by way of noise, odours, hours of operation, waste management and the like would arise from the restaurant with ancillary takeaway and coffee shop/café, if permitted.

Should the Board be minded to grant permission it could seek by way of conditions to abate potential nuisances that may arise from the food related land uses proposed under this application.

7.8.2. Residential Amenity for future occupants:

In my view the revised design has resulted in a qualitative improvement to the mix and type of apartment units proposed as part of this mixed-use scheme as well as more generous in overall layout apartment units. I also consider that in general the five apartments now proposed generally appear to meet the required standards at both a local through to national level.

As discussed previously in this assessment I consider that the proposed development represents overdevelopment of the site and the failure to provide any car parking spaces either towards meeting or coming near to achieving the required Development Plan standards for such residential units as set out under Table 11.9 is a considerable cause of concern.

I consider that some level of car parking should be provided within a scheme of this residential scale to meet the needs and demands of the apartment units proposed alongside make a provision for visitors to these units.

Of further concern there are missed opportunities in the design resolution put forward for the residential units including but not limited to the potential of the north western most corner to have additional window openings for better cross ventilation through to improved visual articulation of the first floor elevation at this point. I also consider that more useable private open space amenity could have been provided for units labelled 2 and 3.

These concerns add to my concerns over the adequacy of the design solution proposed for this site and the concern raised that the proposed development, if permitted, would give rise to overdevelopment of the site.

7.8.3. **Archaeology:**

The site is situated on land that is highly sensitive from an archaeological viewpoint and as such it forms part of a larger parcel of land that is designated as a zone of archaeological interest within the village centre of Ratoath. The site is located in close proximity to a number of National Monuments including but not limited to ME02780 which is located c48m to the south of the site; ME01846 (Moby) which is located c81m to the south of the site; and ME01847 (Font) which is located c85m to the south east of the site. Should the Board be therefore minded to grant permission for the proposed development I recommend that it impose by way of condition the requirement for appropriate archaeological monitoring of the site during excavation works.

7.8.4. **Bicycle Parking:**

Though this scheme does include a level of bicycle parking spaces in the courtyard area which I consider would be a location that would during the hours of operation of the proposed coffee shop and restaurant area benefit from good levels of passive surveillance this may not be the case beyond these times. I am also not satisfied that the quantum of spaces provided are sufficient to meet the quantum of uses proposed and I further consider that a separate as well as secure provision should be provided for the residential units at a more convenient location within the scheme.

8.0 **Recommendation**

8.1. I recommend that planning permission be refused for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. It is considered that the car parking provision for the proposed development is inadequate as it does not meet the standards set out in Table 11.9 of the Meath County Development Plan, 2013 to 2019. It would therefore be seriously

deficient having regard to the quantum of development proposed alongside the lack of a demonstrable satisfactory level of car parking in the vicinity of the site to cater for the demands this development would generate. It is considered that the proposed development, if permitted, would thereby lead to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity, in particular Main Street, which is a heavily trafficked regional road, and, it would have the potential to create serious traffic congestion and road conflicts on this road. The proposed development would as a result be contrary to the proper planning and sustainable development of the area

2. Having regard to the restricted nature and prominent location on Main Street in the centre of Ratoath villager together with the established pattern of development in the surrounding area, in particular, the building to space relationships, it is considered that the proposed development by reason of its built form, scale, design and layout would constitute overdevelopment and substandard development of a limited site area, would result in inadequate car parking provision, would present poorly resolved elevations onto the public realm, would fail to enhance in a positive manner or add to the attractiveness, vibrancy and vitality of its streetscape scene particularly on its western and northern elevations, it would represent a development that fails to meet in a positive manner the latent potential of this site and in turn this diminishes and limits the contribution the proposed development would make in terms of contributing to and enhancing the character and qualities of its streetscape scene and setting. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed mixed use building, by reason of its built form, scale, bulk, its proximity to site boundaries and properties in its vicinity, would seriously injure the amenities of adjoining properties by reason of overshadowing and visual overbearance. It is also considered that the juxtaposition of the proposed building to the adjoining public realm, the lack of adequate integration of the ground floor level on the ground floor levels of the western and northern elevations which adjoin a mixed use pedestrian

thoroughfare, the poor design response of these elevations to their urban context through to the limited retail space included in the scheme, would thereby constitute a substandard form of development which would seriously injure the amenities of the area. The proposed development would, therefore, be inconsistent with the objective ECON OBJ 7 and policy RET DEV POL 6 of the Ratoath Local Area Plan, 2009 to 2015, and would also be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young

Planning Inspector

23rd day of January 2020