



An
Bord
Pleanála

Inspector's Report

ABP-309641-21

Development

Mixed use development: at ground floor 3 retail units, restaurant/café, storage area, bin storage area, plant room, 9 no. car parking spaces; 5 no. bicycle spaces; at first floor level a restaurant (290 sq. m.) with an outdoor dining terrace (of 118 sq. m.) together with all associated site development works and services.
* Significant further information submitted.

Location

Main Street, Ratoath, Co. Meath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

RA201112.

Applicant

O'Connor Whelan Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Refuse.

| | |
|--------------------------------|------------------------------------|
| Type of Appeal | First Party. |
| Appellant | O'Connor Whelan Limited. |
| Observers | None. |
| Date of Site Inspection | 4 th day of June, 2021. |
| Inspector | Patricia-Marie Young. |

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1.0 Site Location and Description

- 1.1. Having inspected the appeal site and its surrounds I consider that the site location and description given in the previous Inspectors Report for ABP is still applicable. It reads:

“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.

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).

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.

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.

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.

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”.

2.0 Proposed Development

2.1. Planning permission is sought for:

- 3 no. retail units located on the ground floor with a given cumulative gross floor area of 148m²;
- A ground restaurant/café with a given 151m² gross floor area;
- Ancillary ground floor uses including a storage area with a given 31m² floor area and a plant room with a given 4.5m² floor area.
- A restaurant with a given 290m² gross floor area and an outdoor terrace with a given 188m² gross floor area, both located at first floor level.
- 9 no. car parking spaces which includes the provision of 1 disabled car parking space;
- 1 no. disabled space and 5 no. bicycle parking spaces on the ground floor level.
- Vehicular entrance onto Main Street; and,
- All associated site works and services.

2.2. This planning application is accompanied by the following documentation:

- A Planning Report, dated August, 2020.
- A Design Report, dated August, 2020.
- A document titled: '*Development at Main Street, Ratoath, Co. Meath – Sunlight, Daylight & Shadow Assessment*', undated.
- A document titled: '*Proposed Development at Main Street, Ratoath, Co. Meath: Traffic Impact Assessment, Road and Parking Audit*', dated December, 2020.
- A document titled: '*Drainage Report, Mr Owen Owens, Proposed Development at Main Street, Ratoath*', dated August, 2020.

In addition, the planning application form indicates that new connections to the public water supply; public sewer and public surface water system is proposed.

2.3. On the 22nd day of December, 2020, the Planning Authority received the applicant's further information response. This response put forward modifications to the design and layout which included the provision of an amended dedicated turning area within

the car parking area which maintains the 9 no. car parking spaces originally proposed. Alongside this a real-time signage system to inform drivers in relation to the car park's occupancy status is proposed at the vehicular entrance.

- 2.4. The revised design ground floor area can be broken down as follows: Unit 1 – Café (151m²); Retail Unit 2 (77m²); Retail Unit 3 (42m²); Retail Unit 4 (29m²) with the remaining area consisting of a stair lobby (21m²); rear lobby (3.2m²); covered storage area (31m²); covered bin area (31m²); and plant room (4.5m²). This therefore gives rise to a net floor area of 389.7m² and a gross floor area of 420m². At first floor level a 266m² restaurant is proposed with an outdoor dining area of 118m². This therefore gives rise to a net floor area of 266m² and a gross floor area of 290m². Overall, the internal net floor area of the revised design is 655.7m² and the gross floor area is 710m².
- 2.5. As the applicant's further information response was deemed to be significant new public notices were provided.

3.0 Planning Authority Decision

3.1. Decision

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

- “1. *It is considered that the car parking for the proposed development is insufficient and falls far short of the standards set out in Table 11.9 of the Meath County Development Plan, 2013 to 2019. The proposed development would, therefore, materially contravene objective ECON DEV OBJ 6 of the Ratoath Local Area Plan, 2009 to 2015 in this regard, and would, therefore be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development, as presented, and by reason of the shortfall in car parking spaces is 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 therefore considered to be contrary to the proper planning and sustainable development of the area.*

3. *Having regard to the restricted nature of the site, and its prominent location on Main Street in the centre of Ratoath village, together with the established pattern of development in the surrounding area, 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. 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.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final Planning Officer’s report dated the 6th day of February, 2021, is the basis of the Planning Authority’s decision. This report refers to the Planning Authority’s Transportation Departments report and concludes with a recommendation of refusal.

The initial Planning Officer’s report considered that with exception of the provision of adequate on-site car parking in accordance with Development Plan standards, the design and layout of the proposed development is acceptable. This report concludes with a request for further information on the following items:

- Item No. 1: The applicant is requested to address the car parking shortfall.
- Item No. 2: Sets out the concerns of the Planning Authority’s Transportation Department. It essentially requires the provision of car parking in accordance with the Development Plan; demonstrate sightlines meet the requirements of DMURS and in this regard indicates that the loading bay should not restrict the required sightlines; it requires that the traffic signal systems not result in vehicle queueing on the main street waiting to access the development; requires the preparation of a Traffic Impact Assessment demonstrating that the car parking and loading bay is adequate to facilitate the traffic generated by the proposed development; and, requires the completion of a 1/2 Road Safety Audit.
- Item No. 3: Response to 3rd Party concerns requested.

Item No. 4: Advises that new public notices may be required.

3.2.2. Other Technical Reports

Transportation Department: The **final report** dated the 1st day of February, 2021, includes the following comments:

- The applicant proposes access via a new access point onto the R125.
- The applicant submitted an amended layout following a request for further information which includes a road safety audit to demonstrate that adequate visibility for pedestrians, cyclists and traffic could be achieved.
- The amended design still shows that the proposed loading bay would block sightlines from the access point.
- The town centre location is acknowledged; however, the proposed parking provision considering the significant shortfall within the scheme proposed when compared to the CPD which would require 80 car parking spaces for the proposed development sought under this application is not adequate to accommodate staff and customers for a development of its anticipated size, scale, and nature.
- Given the anticipated parking demand it could result in customers/vehicles having to reverse back onto the main street realising that there are no vacant spaces upon entering the car park. This is undesirable and could create a traffic hazard.
- The applicant has not demonstrated that adequate parking has been provided for size, scale and nature of the development proposed.
- The proposed development could create a traffic hazard and the proposed layout should not be permitted.

Their **initial report** dated the 28th day of September, 2020, raises concerns that the applicant has not demonstrated that adequate car parking has been provided to accommodate the development.

Water Services: In their report dated the 30th day of September, 2020, it is considered that the development broadly meets their requirements. Notwithstanding, should permission be granted it is requested that the following matters be agreed prior to construction on site:

- Upsize of the proposed attenuation system by 20% is sought.

- Requirement that the discharge rate of the site shall be restricted to 1-year greenfield site peak runoff rate or 2l/s/ha, whichever is the greater. A revised attenuation volume is required to reflect this requirement.
- Developer will be required to carry out any remedial work to the existing surface water drainage network deemed to be considered necessary.
- All work to comply with the Greater Dublin Strategic Drainage Study Regional Drainage Policies Volume 2 for new developments.

Fire: Requires the preparation of a Fire Safety Certificate Application.

Engineering (Public Lighting): Requires any public lighting to be in accordance with the 'Meath County Councils: Public Lighting Technical Specification & Requirements' document.

Conservation: No objections. It is noted that the site is located within a zone of archaeological notification. Therefore, archaeological testing and monitoring are required.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection. It is, however, noted that upgrades will be required to the existing water network and that the applicant shall with Irish Water upgrade as required as part of any connection agreement.

3.3.2. **Department of Culture, Heritage, and the Gaeltacht:** In their submission dated the 29th day of September, 2020, the following comments are made:

- The proposed development is within the zone of archaeological potential established around the town of Ratoath, Recorded Monument ME044-034, which is therefore afforded statutory protection. In the event of a grant of permission a pre-development archaeological condition is advised requiring the following:
 - The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts, 1930-2004) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist consent.

- The archaeologist is required to notify the National Monuments Service 'in writing' at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
- The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
- Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the National Monuments Service for their consideration.
- Where archaeological material is shown to be present avoidance, preservation *in situ*, preservation by record (excavation) and/or monitoring may be required, and the National Monuments Service will advise the Applicant/Developer with regards to these matters.
- No site preparations or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with this Department.

3.4. Third Party Observations

- 3.4.1. A number of submissions were received during the Planning Authority's determination of this planning application. These raised a number of planning concerns including:
- In adequate car-parking provision for the proposed development and the lack of capacity for the overspill to be accommodated out of the site area is not accepted.
 - The entrance is located in close proximity to a bend in the road and therefore could give rise to traffic hazards.
 - The use of private car parking in the town to accommodate this development is not considered to be an acceptable solution to meet this developments car parking demands.
 - Loading/Delivery Space at a bend in the road will add to road safety concerns arising from this development.

- Collaboration with other landowners and commercial operations in the town should be had in the development of this site.
- There are significant car parking issues in this town and this development will only add to this problem.
- The placement of the loading bay will obscure the views for those leaving the Community Centre Car Park.
- The car parking audit puts forward incorrect information. It is also indicated that the Supervalu car park is signed for customer's use only.
- The developers should explore underground car parking on site.

4.0 Planning History

4.1. Site:

- **ABP-305323-19 (P.A. Ref. No. RA/190059):** On appeal to the Board planning permission was **refused** for a development consisting of 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. The reasons and consideration for refusal read:

1. *It is considered that the non-provision of car parking for the proposed development is inadequate and falls far short of the standards set out in Table 11.9 of the Meath County Development Plan, 2013 to 2019. The proposed development would, therefore, materially contravene objective ECON OBJ 6 of the Ratoath Local Area Plan, 2009 to 2015, and would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the restricted nature of the site, and its prominent location on Main Street in the centre of Ratoath village, together with the established pattern of development in the surrounding area, 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. 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. *Based on the information submitted with the planning application and appeal, the Board is not satisfied that the proposed development would not result in undue overshadowing of, and loss of daylight from, adjoining properties and the public realm in the vicinity, thereby seriously injuring the amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”*

- **ABP-PL17.131208 (P.A. Ref. No. 01/149):** On appeal to the Board planning 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:** Planning 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 & Context

5.1. Local Planning Provisions

5.1.1. Meath County Development Plan, 2013 to 2019.

Under this Development 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.

Section 3.4.5 of the Development Plan it indicates that Ratoath has experienced substantial growth in recent years which has placed significant pressure for infrastructure and service provision. It also sets out that growth has not been paralleled in local employment and services. Therefore, in the short term it seeks that the priority is given to a more balanced development including the promotion of local employment opportunities.

Objective SS OBJ 12 of the Development Plan seeks that small towns cater for locally generated development and that growth occurs in tandem with local services, infrastructure, and demand.

Objective SS OBJ 13 of the Development Plan seeks that small towns grow in a self-sustaining and supports a compact urban form and the integration of land use and transport.

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

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

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. **Regional Policy**

5.2.1. **Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.**

This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO's). It provides a framework at a strategic level for investment to better manage spatial planning and economic development to sustainably grow the Region

to 2031 and beyond. Of relevance to the development sought under this application is the following objective:

RPO 4.83: Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the core strategies of the county development plans.

Section 4.8 deals specifically with Rural Places, Towns, Villages, and the Countryside. It recognises that this region contains: *“some of the fastest growing communities in the country and the long-term trend is for residential development moving further outwards from Dublin, with significant growth in many of the small towns and villages in the peri-urban area surrounding the city leading to an increase in car-based long-distance commuting. At the same time, an overall lack of adequate housing supply to meet a growing population has resulted in affordability issues and increasing homelessness, with a resulting negative impact on quality of life and regional competitiveness”*.

5.3. National Planning Provisions

5.4. National Policy Provisions

5.4.1. Project Ireland 2040 - National Planning Framework (NPF), includes:

One of the national core principles to guide the delivery of future housing, at every level of governance, is to tailor the scale and nature of future housing provision to the size and type of settlement.

Chapter 4 of the NPF deals with the matter of making stronger urban places and sets out a range of objectives which it is considered will assist in achieving this.

In this regard, Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

5.4.2. Section 28 Ministerial Guidelines

- Urban Design Manual - A Best Practice Guide, May, 2009.

- Design Manual for Urban Roads and Streets (DMURS), April, 2013.
- Retail Planning Guidelines, 2012.
- The Planning System and Flood Risk Management, November, 2009.
- Urban Development and Building Height Guidelines, Department of Housing Planning and Local Government, December, 2018.

5.5. Natural Heritage Designations

- 5.5.1. 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)).

5.6. EIA Screening

- 5.6.1. 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.

5.7. Built Heritage

- 5.7.1. This appeal site lies within the zone of archaeological potential established around the town of Ratoath, Recorded Monument ME044-034. Within its immediate vicinity I note the following Recorded Monuments:
- At its nearest point, the site lies c41m to the north of Recorded Monument ME02780 (Note: Classification EXM1).
 - At its nearest point, the site lies c79m to the east of Recorded Monument ME01874 (Note: Classification HITO).
 - At its nearest point, the site lies c82m to the northwest of Recorded Monument ME01846 (Note: Classification MOBY).

- At its nearest point, the site lies c87m to the northwest of Recorded Monument ME01847 (Note: Classification FONT).
- At its nearest point, the site lies c88m to the northwest of Recorded Monument ME02154 (Note: Classification ARFR).
- At its nearest point, the site lies c89m to the west of Recorded Monument ME02452 (Note: Classification CIRN).
- At its nearest point, the site lies c92m to the west of Recorded Monument ME02451 (Note: Classification EXMI).

5.7.2. In addition, the site is located within the immediate vicinity of the following NIAH structures:

- At its nearest point, the site lies c47.5m to the northwest of the Holy Trinity R.C. Church (NIAH Reg No. 14.336.006).
- At its nearest point, the site lies c71.5m to the west of a free-standing Marian Grotto (NIAH Reg No. 14.336.009).
- At its nearest point, the site lies c90m to the north of the Holy Trinity R.C. Parochial House (NIAH Reg No. 14.336.008).
- At its nearest point, the site lies c90m to the north of the Holy Trinity R.C. Parochial House (NIAH Reg No. 14.336.007).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this 1st Party Appeal can be summarised as follows:

- This site has been vacant for c15years and is surrounded by wooden hoardings with the internal site overgrown and comprised of areas of concrete as well as building rubble. The proposed development would bring a much-needed planning gain to the centre of Ratoath in a manner compliant with local planning provisions.
- The provision of additional car parking on this site is not viable and is unnecessary.

- Reference is made to a report titled 'Traffic Impact Assessment, Road and Parking Audit' that accompanies this appeal. This report in relation to car parking concludes that to require 82 no. car parking spaces for this village centre site is impossible and has the implication that this site can never be developed outside of a multi-purpose car park.
- Focus should be on the streetscape as opposed to car parking provision.
- There is more than adequate car parking in this village to accommodate this development.
- The site is located within a highly accessible town centre location with good pedestrian and cycling links.
- Mixed use forms of development leads to customers undertaking linked trips which can help reduce trip demand.
- The provision of retail and restaurant uses is compliant with ECON DEV OBJ 7 of the LAP.
- The focus should be on the provision of more sustainable settlements and the provision of local facilities as well as infrastructure in towns like this.
- Policy ED POL 14 of seeks to foster the prioritisation of employment generating land uses and an employment generating development like that proposed should be supported.
- Improvements to the car parking provision has been provided by way of the further information.
- This application has addressed previous reasons for refusal for other developments on this site.
- The design follows the built form, scale, and treatment of properties in its vicinity.
- The buildings footprint has been setback from the adjoining buildings to allow a larger circulation area to the site and rear adjoining the theatre and 'Village Centre' developments.
- In comparison to the previous proposal which had a plot ratio of 1.12 and site coverage of 71% this application, as originally submitted to the Planning Authority,

had a plot ratio of 0.73 and a site coverage of 51% whereas the revised scheme has a plot ratio of 0.72 and a site coverage of 49%. This cannot be considered as overdevelopment of this site.

- Despite a further information request from the Planning Authority, they did not raise any issue with built form, scale, design, and layout.
- The Planning Authority were unduly influenced by local business owners and the Transport Department in their decision.
- It is requested that the Board overturn the decision of the Planning Authority.
- Appendix 2 of the appeal submission provides urban design diagrams.
- This appeal submission is accompanied by a report titled: 'Proposed Development at Main Street, Ratoath, Co. Meath – Transport Technical Note'. This report essentially contends that the proposed on-site car parking provision is sufficient given this site's accessible location, the developments predicted traffic and transport demands alongside the availability of publicly accessible car parking within the immediate vicinity to accommodate the occasional surplus demands.
- The appeal submission is also accompanied by a number of drawings.

6.2. Planning Authority Response

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

- It is considered that all of the matters raised by the appellant in their appeal submission have already been considered by them during the course of their determination of this application.
- The Board is referred to their Transportation Department reports.
- The proposed development is not consistent with the proper planning and sustainable development of the area. Therefore, planning permission should be refused.
- The Board is requested to uphold its decision.

6.3. **Observations**

6.3.1. None.

6.4. **Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. Whilst I consider that the main issues in this appeal are those that are raised in the grounds of appeal and the Planning Authority's stated reasons for refusal, there are in my view a number of other issues that require consideration in the context of the assessment of the proposed development for consideration in this appeal case. These I propose to deal with separately under the heading 'New Issues' in my assessment below. I also consider that the matter of 'Appropriate Assessment' requires examination. This I also propose to deal with separately at the end of my assessment.

7.2. For clarity I note to the Board that the applicant submitted significant revised proposals to the Planning Authority on the 22nd day of December, 2020, in the form of a further information response, which sought to address mainly the lack of demonstration of adequate car parking to serve the quantum of the development sought under this application. Alongside sight visibility concerns raised in relation to the proposed new entrance onto Main Street. As the applicant's further information response was significant in terms of revisions it made to the initial scheme submitted under this application it was accompanied by new public notices.

7.3. In relation to the amendments made by the applicant in their further information response I consider that despite not including any increased numbers of car parking to serve the quantum of development proposed under this application it did include the positive addition of on-site and in the vicinity of the car parking provision proposed on site a turning facility. The original scheme as submitted did not include such a provision and as such I concur with the Planning Authority that the lack of the same could, if permitted, have contributed to circumstances where vehicles have no option but to reverse onto Main Street from the proposed new entrance in order to egress from the new entrance. Which together with the fact that this entrance opens onto a

pedestrian thoroughfare and adjoins the provision of a proposed loading/delivery bay had a real potential to give rise to serious road safety, traffic hazard through to conflict with the safe movements of vulnerable road users and vehicles using the road carriageways of Main Street. Altogether this I consider would not have been an acceptable outcome. Particularly in a situation where the quantum of car parking required to serve the development, i.e., 82 car parking spaces based on the Development Plan requirements for the quantum of land uses proposed under this application, when compared with the 9 proposed car parking spaces.

- 7.4. Alongside the lack of any easily legible signage or otherwise for those seeking to use the limited car parking spaces proposed if there was any real time available capacity on site to do so.
- 7.5. In relation to the latter point of concern, as part of the applicant's further information response it was proposed to provide real time occupancy counter signage on the Main Street façade. Albeit the revised scheme as submitted to the Planning Authority as part of the further information did not provide sufficient details of what this would entail through to how it was proposed to integrate such signage in a sensitive and visually appropriate manner onto the Main Street frontage. So as to give assurance that it would not result in any adverse diminishment of a public realm which included a streetscape scene that included Protected Structures. In particular, the complex of buildings, structures and spaces associated with the Holy Trinity R.C. Church. As well as the Record Monument ME01846 (Classification MOBY) which I note is a highly visible feature within this streetscape scene. In addition, the site adjoins a large circulation area on Main Street, and it adjoins a theatre as well as other centre developments that attract footfall to this immediate area.
- 7.6. Despite, the lack of clarity on this provision and the fact that such an addition, if not appropriately handled, could be a visually incongruous feature within this modest Main Street townscape of a settlement that is classified as a 'Small Town' under the local planning provisions and under RSES a 'Self Sustaining Town' with both recognising that the growth of this town over recent decades has by and large facilitated an expansion of housing to the point where it is a dormitory town with an evident imbalance between housing and its infrastructure through to service provision which they acknowledge now need to be addressed as well as rebalanced.

- 7.7. Notwithstanding, I consider that the Board could if it were minded to grant permission require the details of any such signage to be agreed 'in writing' with the Planning Authority prior to the commencement of development on site.
- 7.8. In general, the provision of a turning area on site to facilitate the car parking provision is in my view a qualitative improvement with its provision resulting in some minor changes to the layout, in particular the arrangement of the ground floor level.
- 7.9. With this being the case, my assessment is based on the proposed development as revised by the documentation received by the Planning Authority on the 22nd day of December, 2020.
- 7.10. In relation to the proposed development sought under this application essentially planning permission is sought for a mixed-use development consisting of 4 retail units at ground floor level and at first floor level a restaurant/café with an outdoor dining terrace together with all associated site development works and services.
- 7.11. 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*" (Note: B1). Under the land uses permissible in principle in this land use zone the proposed retail units and the restaurant/café are generally deemed to be acceptable.
- 7.12. Moreover, I consider that the mix of land uses proposed under this application also accord with objective ECON DEV OBJ 6 of the Ratoath Local Area Plan. Which effectively seeks: "*to consolidate the centre of Ratoath as the focal point of the town for cultural, social and retail facilities*" as well as encourage new retail uses. This objective indicates that this is subject to adequate access, car parking and environmental improvements in the town centre.
- 7.13. Furthermore, under RSES, which defines Ratoath as a 'Self Sustaining Town' in the Metropolitan Area of Dublin it recognises that settlements like this have undergone rapid commuter-focused residential expansion over the recent decade without any equivalent increases in jobs. In these settlements they are generally characterised by a low ratio of jobs to resident work force and services. It therefore advocates that balancing is required in order to achieve consolidation with core strategies of county development plans to include services and employment provision.

- 7.14. Arguably the proposed land uses sought under this application would have the potential to give rise to not only additional service provision within the town. Which I am cognisant would add to the vitality and vibrancy of Main Street at a location where there is a vacant site which poorly contributes to the intrinsic qualities and character of its streetscape setting. But also, it would provide new employment opportunities within this settlement for the local population or indeed available retail units in which people living local to this settlement may wish to move or establish business enterprises from.
- 7.15. There are also provisions within the National Planning Framework for securing compact development, with this Frameworks advocating the better use of underutilised land including but not limited to infill and brownfield alongside providing job densities in tandem with housing with primary focus on built-up areas of settlements. Under Section 2.6 of the Framework on the matter of liveability or quality of life of urban places, i.e., how people experience living in settlements one of the areas it places particular focus on is the quality of the built environment, including the public realm, traffic, and parking issues through to the creation of safety and well-being.
- 7.16. As such planning provisions from local to national level are support appropriate redevelopment of infill brownfield sites like the subject site subject to safeguards.
- 7.17. This therefore brings us to the matter of whether or not the proposed development is one which can be absorbed without any adverse disamenity on its town centre setting. A setting which the planning history of the site has previously raised significant issue with is the lack of publicly available car parking to assimilate any overspill from development of this site.
- 7.18. The first refusal reason given by the Planning Authority in their decision notification raises concern that the car parking provision for the proposed development is insufficient and falls short of the standards set out under Table 11.9 of the Meath County Development Plan, 2013 to 2019, which I note is the applicable Development Plan at the time this report was being prepared. It also considered that as a result of this lack of car parking that to permit the proposed development would '*materially contravene*' objective ECON DEV OBJ 6 of the Ratoath Local Area Plan, 2009 to 2015, which I further note is the applicable Local Area Plan at the time this report was being prepared. For these reasons it was considered that the proposed development would

be contrary to local planning provisions alongside would, therefore, be contrary to the proper planning and sustainable development of the area.

- 7.19. This reason for refusal, in terms of what is the substantive concern, i.e., shortfall in car parking provision to meet the quantum of car parking such a development would generate links in to the second reason given by the Planning Authority in their decision notification.
- 7.20. This again raises specific issue with the shortfall of car parking spaces and considers that the shortfall of car parking spaces is such that it would represent a traffic hazard as well as it would, if permitted, give rise to undesirable precedent for other similar developments in the area.
- 7.21. For these reasons, it was considered that the proposed development, would, therefore be, contrary to the proper planning and sustainable development of the area.
- 7.22. The car parking requirements for developments are set out under Table 11.9 of the Development Plan and the requirements in relation to non-residential car parking standards are set down as '*maxima*' standards.

Figure 1: Revised Developments Car Parking Requirement as per Table 11.9 of the Development Plan.

| Land Use | Applicable Car Parking Space Standard | Car Parking Space Requirement |
|----------|---|--|
| Café | 1 space per 5m ² dining area | Given 151m² floor area (Drawings show no differentiated internal spaces, i.e., no separation of dining space at this stage) Requirement: 30.2 car parking spaces. |

| | | |
|------------|--|--|
| Retail | 1 space per 20m ² gross floor area (Food Retail and Non-Food Retail). | Unit 2 given floor area of 77m ² Unit 3 given floor area of 42m ² Unit 4 given floor area of 29m ² Cumulative retail gross floor area of retail of 148m ² Requirement: 7.4 car parking spaces. |
| Restaurant | 1 space per 5m ² dining area | Restaurant – 266m ² . Outdoor dining – 118m ² . Cumulative dining area based on exclusion of Indicative Kitchen Area; Washrooms and Disable Refuge according to the applicant’s contention gives rise to 191m ² but this figure clearly does not include the 118m ² outdoor dining area when the non-dining areas are excluded. Given that the disabled refuge has a c1.44m ² floor area it is appropriate that this non-dining area is excluded from any calculations Requirement: 61.5 car parking spaces. |
| | | <p style="text-align: center;">Total Car Parking Space requirement: 99.11 car parking spaces.</p> |

7.23. The car parking requirement derived at in Figure 1 appears to be significantly higher than that of the original scheme which did not include a café at ground floor level. The

revised scheme does and has a higher car parking requirement when compared to retail in general.

- 7.24. It would not be feasible or reasonable in my view to expect in a town centre location like this that anywhere near this figure can be achieved and at the same time to provide an appropriate design resolution that both responds in a site sensitive manner to the streetscape of Main Street and the pedestrian route that runs along the west and northern perimeters of the site.
- 7.25. This sentiment I note is also echoed by the Planning Authority in their reports on file.
- 7.26. Notwithstanding, there is a significant difference between the 9 spaces proposed and reaching a compromise and/or balanced response to this issue. Particular in a situation whereby prior to Covid car parking within Ratoath in terms of availability I observed was very constrained and limited irrespective of it being within walkable distance to its suburban fringes where the majority over recent times significant residential development has occurred. Ratoath also serves a much wider hinterland and being at the confluence of two regional routes, i.e., R125 and R155, as well as within a short distance of M2 it is a modest town centre is a busy and vibrant in its own right settlement core.
- 7.27. In terms of publicly available street car parking I observed limited availability and there is little in terms of private car parking provision to cater for the evident shortfall in car parking that is an evident problem in terms of the vitality, vibrancy, and effective functioning of its town centre to serve its existing quantum and mixture of land uses. Alongside visitors to its built heritage features located within its town centre.
- 7.28. Moreover, whilst I acknowledge the times that we are in since Covid 19 has resulted in significant restrictions on the country's population and that has inevitably not been conducive to preparing up-to-date or indeed assessments like Traffic Impact Assessment, Road and Parking Audit that reflect the normality that it is hoped will resume once there is short to long-term solution for controlling this virus, I am not satisfied that the Traffic Impact Assessment, Road and Parking Audit can be relied upon to give some reasonably accurate background and forecasting information in relation to the development sought.
- 7.29. I particularly note that whilst this final report is dated December, 2020, the actual site assessment upon which it is reliant upon for its assessment and ultimately its

conclusions occurred on the afternoon of the 19th day of November, 2020. This is when the restrictions the country was under was at its highest level, i.e., Level 5, with movements of people across the whole country highly restricted as well as most business and commercial enterprises that are present in the centre of Ratoath are ones that were either shut or severely curtailed during these times.

- 7.30. While I accept that the site is one that is located in a highly accessible town centre location and one that does have access, albeit somewhat limited to a certain level of public transport provision. I do not accept that the conclusions of this assessment can be relied upon and that for the most part the proposed 9 no. car parking spaces can accommodate the predicted level of on-site car parking and that it would only be for a 3-hour evening period duration when there would be an overspill of 1 to 2 car parking spaces. Therefore, it is contended that the proposed development should be permitted.
- 7.31. My conclusion is based on a number of factors ranging from the quantum of land uses proposed, the capacity and evident lack thereof of robust public car parking facilities or otherwise to meet staff and customers' needs of the proposed development but also having regard to the planning history of the site where car parking has been accepted as a consistent and substantive issue for any development at this location. But also, having inspected the site and it's setting previously when the previous mixed-use development was with the Board for its determination under ABP-305323-19 through to my knowledge of this settlement as part of carrying out my duties for the Board which has included frequent journeys that have taken me through this settlement.
- 7.32. Whilst I acknowledge that this current scheme for consideration does not propose the same quantum of development and mixture of land uses to the scheme recently refused by the Board, the Boards first reason and consideration is what was essentially reiterated by the Planning Authority in their notification to refuse this current proposal.
- 7.33. Similarly, under the previous application a basement car park was not deemed to be feasible for the applicants to provide at this location to accommodate the quantum of development sought when arguably the provision of such would be necessary to make the best use of this site where there is no realistic and sustainable potential for the deficit of car parking overspill to be accommodate even when consideration is given to linked trips and those walking or cycling to the development proposed as well as

reaching a compromise in terms of a lesser more achievable car parking space provision.

- 7.34. In relation to the matter of the proposed development materially contravening Local Area Plan objective, ECON DEV OBJ 6, states *'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'*. And as said in relation to the preliminary part of this objective the proposed development is generally compliant with as it would provide retail facilities as well as the café and restaurant uses would add to the places within this settlement where social interactions could occur both inside and outside.
- 7.35. Moreover, it would result in a level of environmental improvement within the town of Ratoath by way of providing a viable land use that is permissible in this town centre setting that would turn a vacant site that in its present state diminishes the visual amenities of its streetscape scene as well as provides no functional, vitality or vibrancy contribution to its town centre location.
- 7.36. Notwithstanding, this objective clearly sets out that it is subject to such developments providing adequate access, car parking and environmental improvements in the town centre.
- 7.37. Based on the inadequate car parking provision to cater for the proposed development and because of the wording of the first reason of refusal by the Planning Authority, Section 37(2)(b) of the 2000 Planning and Development Act, 2000, as amended would apply. This Section of the Act states:-

"Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that:

- (i) the proposed development is of strategic or national importance;*
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned;*
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations*

of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government; or

- (iv) *permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”*

7.38. In the light of this legal requirement, I firstly note that in relation to their previous decision, it was similarly considered that due to the inadequate car parking provision to meet the demands of the proposed scheme that to permit the proposed development would materially contravene the above stated Local Area Plan Objective and in that particular case there was a requirement of 45 car parking spaces and a total of seven spaces were proposed. In this instance the variance between the car parking provision and what is required to meet the requirements of the Development Plan are significantly greater than this.

7.39. Notwithstanding, this point having regard to Section 37(2)(b) and the specified circumstances where the Board may only grant permission in accordance with paragraph (a) the first issue to be decided by the Board is whether it considers that the development comes within any of the four exceptions provided for in this Section, as outlined above. I therefore propose to deal with each of the four exceptions listed in Section 37(2)(b), in turn, to see whether they apply in the present case. If any do apply, so as to permit the Board to grant a permission. Then the question to be determined is whether such a favourable decision should, in the circumstances of the present case, be made. If they do not apply, then the Board is precluded from granting a permission in this case.

7.40. Whether or not the proposed development is of strategic or national importance. On this exception I consider that there is no basis to consider or accept that the proposed development is of strategic or national importance by its very nature and function.

7.41. Whether there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, I consider on the matter there are no conflicting objectives in terms of the provision of car parking spaces and the local planning provisions do provide for a reasonable balance to be agreed in such circumstances. However, the scale of the discrepancy between the car parking proposed and the requirements set out under the Development Plan are

significant in this particular circumstance and under the specified Local Area Plan objective the provision of car parking is one of the requirements to be demonstrated for developments within the centre of this particular settlement.

- 7.42. Alongside the fact that there is very limited at best capacity within the public car parking provision or indeed proposed into future that could reasonably accommodate the overspill or detriment to the equity and functional utility of the existing car parking space provision.
- 7.43. I am therefore of the view that the provisions of the Development Plan are clear and there is no conflict between the Development Plan and the Local Area Plan in this respect to this matter.
- 7.44. Whether or not the permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government. In these circumstances whilst regional and national planning provisions generally support the development of infill brownfield land and in terms of settlements like Ratoath achieving a better balance of development, including the provision of jobs.
- 7.45. Notwithstanding, the inadequate provision of car parking is such that it would be detrimental to the function of this particular town centre where there is insufficient capacity to absorb the level of overspill in car parking spaces this development would generate alongside its existing quantum of town centre land uses.
- 7.46. Moreover, as the overspill is significant in number there is potential irrespective of the provision of a real time car parking occupancy signage to inform motorists prior to entering the limited car parking space of whether or not there are any availability of spaces, there is still potential for double parking through to use of the loading and delivery spaces, though not specifically for these purposes, but could be used by customers whether they were availing of the different retail offer or different food/beverage offer this development would provide.
- 7.47. Further, this could potentially be exacerbated should delivery services be provided by the food offer or if takeaway services were provided for collection by customers.

- 7.48. These could potentially add to the potential for road user conflict to arise in the proximity of both the entrance, the on-street loading/delivery space and in the immediate vicinity along the roadside carriage which at this point has a bending alignment as well as where such traffic situations could give rise to a greater potential for visibility sightlines from the entrance to be obstructed. In such circumstances this would create particular difficulty for vehicles egressing from the site entrance.
- 7.49. I am therefore of the view that these concerns are an overriding factor and that there are no regional planning guidelines for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government that would override the issues the plethora of issues, in particular road safety and traffic hazard that arise from the development sought under this application.
- 7.50. Whether permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.
- 7.51. Having regard to the planning history of the site which I have previously described included a recent refusal of planning permission for a mixed-use development where a less significant disparity between the proposed quantum of land uses and their car parking requirement was sought, I consider that this is significant.
- 7.52. Further, the proposed development is one of not significant architectural quality or innovation in terms of responding to the pattern of development that would warrant a grant of permission when, if permitted, in the form proposed has the potential to adversely affect the functioning of development in its vicinity by way of the significant shortfall of car parking proposed.
- 7.53. Moreover, there are no grants of permission in the vicinity that are comparable to that proposed or have been determined by the Board as the higher authority.
- 7.54. Accordingly, I am of opinion that there are no considerations in this case that would justify permission being granted on the basis of the pattern of development in the vicinity, and permissions granted, since the adoption of the Development Plan.

- 7.55. Having reviewed the detailed criteria set out in Section 37(2)(b) of the Act, I do not consider that there are any material grounds by which the Board could justify a grant of permission in this case.
- 7.56. Furthermore, based on the considerations on the matter of car parking provision together with the planning history of the site I consider that there is merit in the consideration that the proposed development, if permitted, with such an inadequate car parking provision, that this could result in precedent for other similar developments in Ratoath. Notwithstanding the fact that each application should be considered on their individual merits and should development proposals come forward it would set a poor precedent in terms of reaching a reasonable balance between the Development Plan standards and developments where the car parking standards cannot be achieved.
- 7.57. Taking the above into considerations I concur with the first and second reason of refusal set out in the Planning Authority's notification to refuse planning permission.
- 7.58. In respect of the third reason given by the Planning Authority in their notification to refuse planning permission it is considered that due to the restricted nature of the site and its prominent location within the centre of Ratoath, together with the established pattern of development in the surrounding area, 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. For this reason, it was considered that the proposed development, if permitted, would seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.
- 7.59. This reason for refusal, in my view, is largely contributed to by the significant shortfall in car parking provision for the quantum and type of land uses proposed. On this matter I concur with the Planning Authority that the proposed development, if permitted, would give rise to overdevelopment of the site.
- 7.60. In relation to the built form, whilst the revised built form when compared to the previous scheme refused by the Board is one that has significantly diminished the levels of overshadowing to properties within the vicinity but also which is crucial to quality of the pedestrianised public realm that adjoins the western and northern boundaries of the site. This is a positive outcome of the design put forward.

- 7.61. Notwithstanding, while the design resolution has put forward a building that when appreciated from the public domain is non-offensive and not out of character with other buildings that address Main Street. The main positive that this scheme would achieve is that if permitted by way of reversing the vacant state of the site the provision of four separate shopfront units with the restaurant over benefiting from projecting dormer type windows these features would inevitably contribute positively to the vitality and vibrancy of Main Street over and above the existing situation there is no meaningful positive contribution to the town centres visual aesthetics, function through to making use of underutilised land.
- 7.62. In addition, this scheme by way of proposing activation along part of the western and north-western façades by the provision of shopfront openings that would address onto the pedestrian domain as well providing a more articulated building envelope that more appropriately responds to the adjoining public domain providing more qualitative levels of passive surveillance.
- 7.63. In relation to the first-floor level outdoor dining space, the careful use of glazing which provides an appropriate level of transparency as well as a level of opaqueness for screening relative to the context opposite to it also has the potential if carefully handled could provide a further level of passive surveillance and positive activation of the adjoining pedestrian public domain. But I acknowledge that the glazing provision to be provided requires a sensitive and balanced resolution that ultimately seeks to ensure no significant adverse diminishment of amenities arises for any sensitive land uses in its vicinity.
- 7.64. In relation to the northern elevation, I raise concern that this consists of a large blank façade. This I do not consider to be a positive component of the design resolution chosen.
- 7.65. In my view, arguably the northern elevation treatment and the position of the different functional uses within the site area has given rise to a missed opportunity as this elevation is located at a point where the pedestrian domain bounding the site is at its widest. Thus, offering greater opportunities for any future development to bring forward an appropriate level of activation of this ground floor elevation despite its northerly aspect. Even in the absence of activation of the ground floor level the

northern elevation demands a more qualitative design response through to palette of materials in its treatment to that provided in this application.

- 7.66. On the point of palette of materials, finishes and treatments, whilst I consider that those proposed are non-offensive and not out of character with the streetscape scenes that this site forms part of, they are not overly qualitative. For example, the use of render walls often is one that can degrade poorly over time and are not particularly robust for the finishes of elevations that adjoin useable public domain. However, this particular concern could be addressed by way of appropriate conditions should the Board be minded to grant permission for the development sought under this application.
- 7.67. In addition to this the pedestrian connection provided to the public domain on the northern elevation is of a restricted width and as provided it is not one that would not provide any functional qualitative improvement between the public realm of the adjoining pedestrian domain, the functional uses of the site or indeed connectivity through to Main Street. It would appear to be an access that would essentially function as a door opening providing essentially a means of access to the proposed car parking area. In addition, the design of the car parking area and its link via the proposed new entrance onto Main Street is not one that would be particularly friendly for any meaningful movement of pedestrian.
- 7.68. As such there is a missed opportunity to have provided improved permeability and connectivity in the design proposed under this application.
- 7.69. Further the central parking provision is one that is purely functional and bland. Accommodating parking, access to the plant room and waste storage, through to a covered storage area. Though improved by the provision of a turning space there are few measures that are proposed to provide any meaningful level of activation of what would be a courtyard space in the overall design put forward under this application. Whether that would be in the form of passive surveillance in the form of increased glazing opportunities from Retail Unit 1 and 2 through to any softening and/or qualitative articulation or modulation of the facades addressing this space.
- 7.70. Arguably there is also missed opportunities over the covered bin area and the separate covered storage area to provide a green roof on their flat roofs over to compensate for the lack of deep soil on site and to add to surface water drainage solutions provided on site in a sustainable manner. Particularly as the surface water situation is one

where it would be ultimately discharged into public infrastructure to manage. It goes without saying that such a provision would also improve the outlook from the proposed outdoor dining area alongside reducing the visibility of any mechanical through to ventilation plant.

7.71. Whilst there is merit in this proposal to remove what is a vacant site from the centre of Main Street in terms of improving the visual amenities of the streetscape, improvement to the functioning through to the commercial offers present in this town centre where there is an imbalance of residential in comparison to the level of services, amenities through to job opportunities that are existing. Notwithstanding, this does not outweigh the issue where the quantum of uses proposed requires a significant number of car parking spaces and unreasonable attempt is proposed to meet the developments requirement on site which would, if permitted, put an unfair burden on the very limited provision of public car parking to serve town centre uses within Ratoath which are such that they cannot readily absorb and assimilate this significant additional demand.

7.72. This together with the mediocrity of architectural response and lost opportunities for the design and layout to respond in a more appropriate manner to the site's location within the heart of Main Street. A setting that is arguably highly prominent and highly visible with effectively three side's interacting with important town centre public realm alongside in an area where improved permeability is encouraged, particularly through walkway connectivity.

7.73. Based on these considerations I consider that there is substantive merit in the reasons given by the Planning Authority in their third reason for refusal.

7.74. **Other Matters Arising**

7.74.1. **Archaeology:** The site is located within the zone of influence of an archaeological potential established around the town of Ratoath, Recorded Monument ME044-034, which is therefore afforded statutory protection under Section 12 of the National Monuments (Amendment) Act, 1994. Despite the significant archaeological sensitivity of the site's location and the limited buildings thereon prior to it becoming vacant c15 years ago the design resolution put forward has not been informed by an archaeological impact assessment investigation

I note that the Planning Authority during their determination of this application received a submission from the Department of Culture, Heritage, and the Gaeltacht.

The comments it includes I have summarised in my report under Section 3.3.2, and I share their view that pre-development testing of this site given the archaeological sensitivity of the site and its setting should be a requirement of any grant of permission.

However, it would have been more appropriate if this had been carried out in advance of making any application under the guidance of a suitably qualified archaeologist to a standard agreed with the Department and the Planning Authority or indeed by way of further information response sought.

Notwithstanding, should the Board be minded to grant permission for the development sought under this application despite the concerns raised above I advise that the Departments recommended condition be attached in the interests of the continued preservation, either *in situ* or by record, places, and sites of archaeological interest.

Restriction of Uses: Should the Board be minded to grant permission for the proposed development I recommend that it considers limiting any delivery activities associated with the restaurant and café given the issues with car parking provision and the additional issues that this could give rise to in terms of the safe movement of traffic in the vicinity of the site due to the likely correlating intensity of use of the loading bay proposed on Main Street. It would also be appropriate in the interests of protecting more vulnerable land uses in proximity to the development, in particular the outdoor dining area that hours of operation be restricted so that no undue nuisances arise. This could be done by way of condition as should there be the imposition of appropriate conditions to deal with other nuisances that could arise from the restaurant, its outdoor dining area, and the café such as but not limited to noise, sound, and malodours. Conditions dealing with such issues are appropriate given the modest town centre size and the proximity of the site to established residential dwelling units.

The Board may also deem it appropriate to limit the nature of retail within Retail Units 2, 3 and 4 or seek for all units prior to occupation have their intended uses approved alongside any amendments to signage, lighting, or addition of any projecting structures from the elevation. Like the restaurant, outdoor dining and café land uses proposed in this scheme would be appropriate to ensure that standard conditions are imposed to ensure that the retail uses do not result in any adverse disamenity for properties in their vicinity.

Lighting: This proposal is not accompanied by any lighting scheme. Should the Board be minded to grant permission for the development sought under this application having regard to the prominent town centre location of the site together with the fact that the site is bound by pedestrian domain on three sides with parts of the pedestrian domain to the west and east inevitably being more overshadowed by the proposed development it is appropriate that by way of condition a lighting scheme should be subject to written agreement, preferably prior to any commencement of development but no later than prior to any occupation of the retail and commercial units sought.

8.0 **Appropriate Assessment**

- 8.1.1. 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.

9.0 **Recommendation**

- 9.1. I recommend that planning permission be **refused** for the reasons and considerations below.

9.2. **Reasons and Considerations**

1. As per Planning Authority's Reason No. 1.
2. As per Planning Authority's Reason No. 2.
3. As per Planning Authority's Reason No. 3.

Patricia-Marie Young
Planning Inspector

21st day of June, 2021.