

Denis Finn
Property Consultant-Project Management

E. denis@denisfinn.ie
M. 086-6037266
Web. www.denisfinn.ie

AN BORD PLEANÁLA	
LDG-	<u>027857-20</u>
ABP-	
06 JUL 2020	
Fee: €	<u>220</u> Type: <u>CAKID</u>
Time: <u>13:13</u>	By: <u>Hann</u>

An Bord Pleanála
64 Marlboro St
Dublin 1.

7-7-2020.

Ref Master Plan 01/851 and DA20413 Meath Co Co
26 Apartments -3 Retail units-1 Office.
Exempted Application.

Dear Sir/Madam,

I recently made an 'exempted development application' (see attachment 7) for 10 no Ground Floor apartments at Riverwalk Court Ratoath. The application was to remove the small panel below the bedroom window and replace the window with a patio door matching the style material and colour of the existing windows. (See attachment 9 photo. Typical one of 10.) This to allow apartment owners access to their Private Open Space required by planning permission.01/851.

The 16 No 3 Bed Duplex units were provided with their private open space by way of balconies.

Up to now two bed ground floor owners have not had the use of their private open space because the developer made no access provision from their apartments. As it was an omission I applied for the changes as exempted development under the planning Act. The changes are very minor and as the 10 units would, when modified, match existing finishes and would not constitute a material change to the elevations. It is quite appalling that apartments bought at the height of Celtic Tiger prices have gone without this access from their apartments to their private amenity space. They have also suffered a devaluation in their apartment values because of the defective work left by the developer which is referred to in the paragraph below.

The developer The Rybo Partnership failed to provide access to the Private Open Space of 10 No 2 bed ground floor apartments in Block 2 and 3. The screening is clearly shown on all site plans and revisions.(see attachment 3- Blocks 2 and 3) The developer did not complete the apartments to the required standards and left them with serious defects which had to be rectified by a Premier Guarantee appointed outside contractor in 2016. The Common area elements not provided by the developer in accordance with his permission were as follows.

1. Private and Communal open space screening for the apartment residents.
2. Car Park Markings
3. Provision of Bin Bicycle Store
4. Drainage and paving defects.

A separate current application to An Bord in relation to screening of the Residents Communal Open Space behind block 2 is currently under consideration PL 17/307038.

Meath Co Co returned the performance bond condition 28 (see attachment 6) to the developer despite the fact that the 4 issues above were incomplete. In doing so the developer did not provide the information required under condition 29. (see attachment 6)

Meath Co Co under my Freedom of Information application 14-11-2019 have up to now refused to provide the compliance/bond refund file. The Office of the Information Commissioner have just completed their findings with Meath Co Co and have confirmed to me that the information required under condition 29 was never provided by the developer.

The next step in rectifying the shortfalls, should Meath Co Co not ask the developer to return a portion of the bond to cover the costs of rectifying items 1-4 above which comes to 75K, will be an application to the Ombudsman. I will have the report from the OIC investigator by mid-July and can forward it to you if required.

It is not right that these owners should have to go to the additional expense of making these small changes when planning standards along with building standards and certain planning conditions were flouted by the developer. I am attaching a record of other developments carried out by The Rybo Partnership adjoining Riverwalk Court which remain unfinished for information reasons.

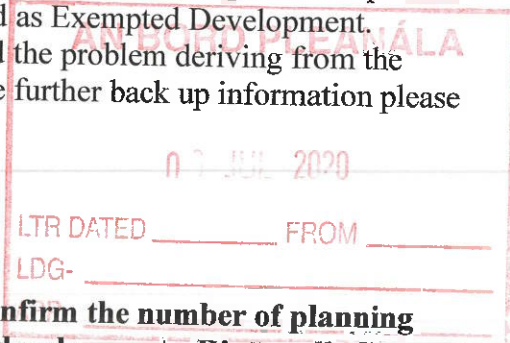
Not only have owners not had proper private access to their small private open space but have been subjected to regular anti-social behaviour in what was to be Private and Communal Open space for the residents of the development.

The most recent application by The Rybo Partnership RA 190359 which has been refused by Meath Co Co was another attempt at gross overdevelopment and a serious material contravention of the Meath Development Plan. Considering the number of planning condition breaches by The Rybo Partnership I believe the local authority should invoke their powers under the planning Act to refuse future planning permissions due to the cost of the time wasting and constant AI requests required in dealing with this developers applications.

I would respectfully request An Bord to consider the hardships owners of the ground floor 2 bed units have endured by having no access to their entitlement to a small portion of private open space and to allow the rectification work to proceed as Exempted Development. Should the inspector wish to meet onsite to see first hand the problem deriving from the developer's omissions I am happy to meet. If you require further back up information please let me know.

Attached.

There is a lot of associated information attached to confirm the number of planning condition breaches at Riverwalk Court and adjacent developments. Riverwalk Court is a private development as it stands. It was to be taken in charge (Condition 28) but the developer in his urgency to have his bond refunded told MCC that it would not be taken in charge. This process is a choice made by the owners management company to be reviewed in the future,

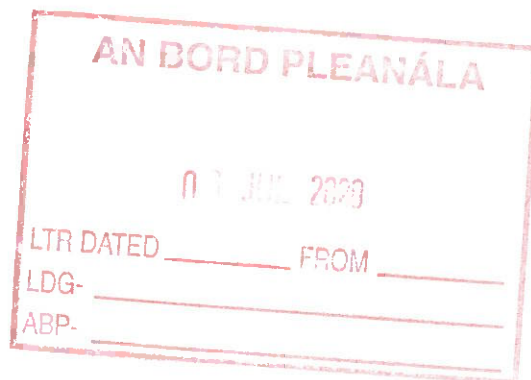


1. Copy of letter from Meath Co Co
2. Excerpt from Meath Co Co development plan 2001.
3. Copy taken from planning file of screening to 10 No 2 Bed Ground Floor apartments in Blocks 2 and 3.
4. Plans of Bin Bicycle store to be provided
5. Other adjoining planning applications by the developer none of which are fully compliant.
6. Copy of Conditions 28-29 Bond and completion requirements.
7. Exempt Application form to Meath Co Co.
8. Shortfall in amenity standards at Riverwalk Court.
9. Photo of typical window to be replaced with Patio door matching finishes
10. Fee Receipt. (original attached)

Kind Regards,
Denis Finn.



C/O 2 Riverwalk Court
Fairycastle Road
Ratoath. Co Meath.
A85 A361.



MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

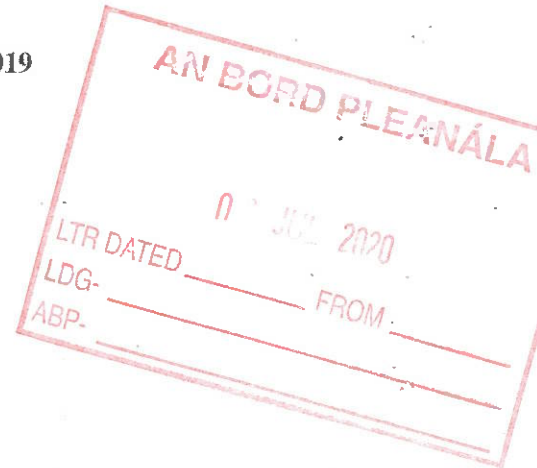
Co Meath

046 - 9097500

Planning & Development Act 2000- 2019

DECLARATION

To: Denis Finn
c/o 2 Riverwalk Court
Ratoath
Co Meath



PLANNING REFERENCE NUMBER: RA/S52032
APPLICATION RECEIPT DATE: 08/06/2020
FURTHER INFORMATION DATE: N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2019, Meath County Council has by order dated 26.6.2020 decided to Declare the proposed development is **development requiring planning permission**, in accordance with the documents submitted namely: **Replacing ground floor rear elevation window with single patio door to provide access to the designated private open space of 10 No. 2 bed ground floor units. Blocks 2 and 3 Reg Ref 01/851 and DA20413. Materials to match existing i.e. white pvc double glazed units at Riverwalk Court, Ratoath, Co Meath**

Date: 26.6.2020

M. Long
On Behalf of Meath County Council

NOTE:

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000 may be made to An Bord Pleanala by the applicant **WITHIN FOUR WEEKS** beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

For more information on Appeals you can contact An Bord Pleanala at:

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: bord@pleanala.ie

Web: www.pleanala.ie

①

The planning authority will encourage the retention of established landscape features such as tree stands and hedgerows where practicable. Developers will also be required to specifically address hard and soft landscaping in their open space proposals.

Private Open Space

Privacy or a freedom from observation, is a basic qualitative aspect of residential design. To ensure a reasonable degree of residential amenity, the Planning Authority will require the provision of private open space, behind the building line for all unit types such as terraced, detached and semi-detached dwellings. The minimum area possible will normally be 60 square metres. This should only be resorted to in a small proportion of the overall unit number of such housing schemes. A minimum standard of 20 metres separating first floor rear windows will be generally applied but could be revised downwards where adequate privacy is maintained.

Innovative housing layouts providing private and semi-private spaces in urban courtyard layouts and following best practice design guides could provide adequate amenity areas for residents through a combination of semi-private terraces for each unit and a central courtyard. The Planning Authority may in appropriate cases, accept the combination of such amenity areas as satisfying the above private open space requirement.

X In apartment and duplex type developments, the Planning Authority will require a combination of public amenity areas and private sitting spaces such as terraces or balconies. The area of such private sitting areas should be related to their functional usability. The minimum provision of public space should be 2.5 square metres per bedspace subject to a minimum of 5 square metres per apartment or unit. Such spaces may be provided as landscaped courtyards, roof terraces or open space.

3.3.5 Urban Archaeology

In certain development centres, areas of archaeological potential and sensitivity are indicated in the Urban Detail Maps. Applications in such areas will be referred to specific heritage authorities for their views and will be assessed in line with the following objectives.

It will be the objective of the Planning Authority to ensure that developers are required to safeguard any items of archaeological significance within a given site. In such zones, it will normally be required to undertake an archaeological appraisal including sub surface excavation where necessary. This may be done before the application is determined or before construction as will be appropriate. Such assessment will be conducted by a competent archaeologist under licence. Specific consideration will be given to the form of supporting structure and there will be a general preference for raft and conventional foundation types as opposed to piling. The consideration of such detail will be related to avoidance of impact upon archaeological remains.

Development within the vicinity of sites of town walls, gates, towers or similar features will require specific appraisal and possible incorporation into development subject to the advice of the relevant heritage authority.

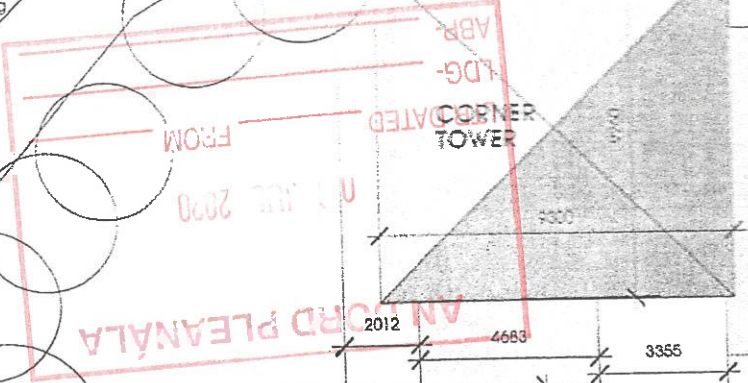
3.3.6 Maintenance and Management

The majority of urban estate type residential development will be taken in charge by the local authority subject to its prior satisfactory completion in compliance with the terms and conditions of its planning permission. In higher density developments such as apartments, properly constituted management companies will be required to be formed and the appropriate management structures put in place. Such arrangements must be approved by the Planning Authority prior to first occupation and will be required to be in operation before the release of any development securities.

Site plan of the proposed development
prepared by the author of this drawing

3

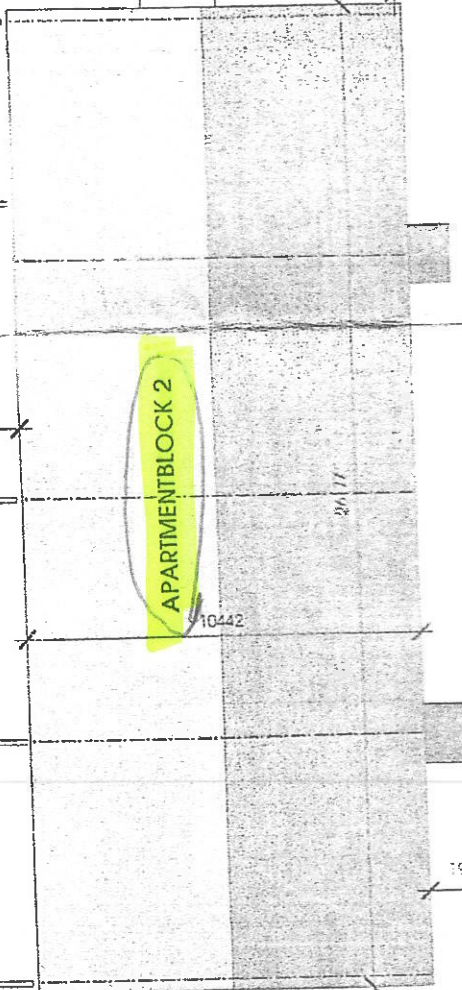
existing ditch retained and enhanced with bank planting



PRIVATE OPEN SPACE SCREENING BLOCK 2

Landscaping and screen planting to later detail

OPEN SPACE landscaping and screen planting to later detail



Site plan of the proposed development
prepared by the author of this drawing

P/C (reality) well to right of site

3

2429

4800

APARTMENTS ENTRANCE COURTYARD

12

13

14

15

16

17

18

38982

APARTMENT BLOCK 3

3801

new LHM p&w boundary fence planted with Indigo paws evergreen Theophrastus

PRIVATE OPEN SPACE SCREENING BLOCK 3

ACTUAL 2-2m

ADJOINING RIVERWALK DEVELOPMENT - UNFINISHED

01/6/23

8

8

10846

1392

2910

10443

7000

AN BORD PLEANNA
LTR DATED 07 JUL 2020
LDG- FROM
ABP.

For details of foul and surface water disposal refer to Mark O'Reilly & Associates drawings

REFER TO SITE SPECIFIC PLAN for details of water table etc. as proposed for use of ground on 10/11/2020

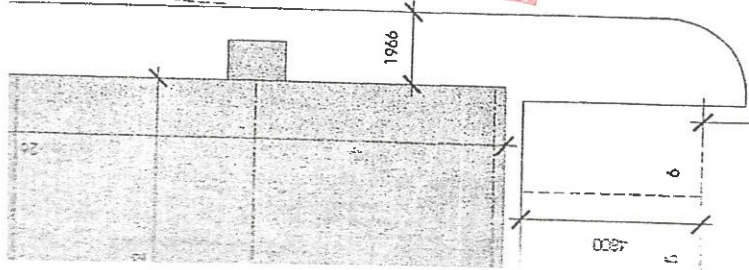
6000

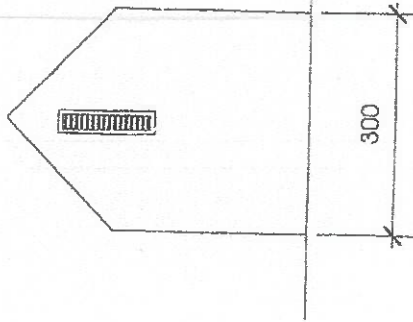
SPACES

Application site p&w boundary fence

10

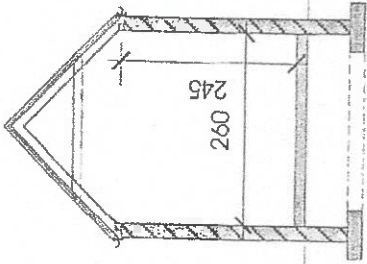
4800





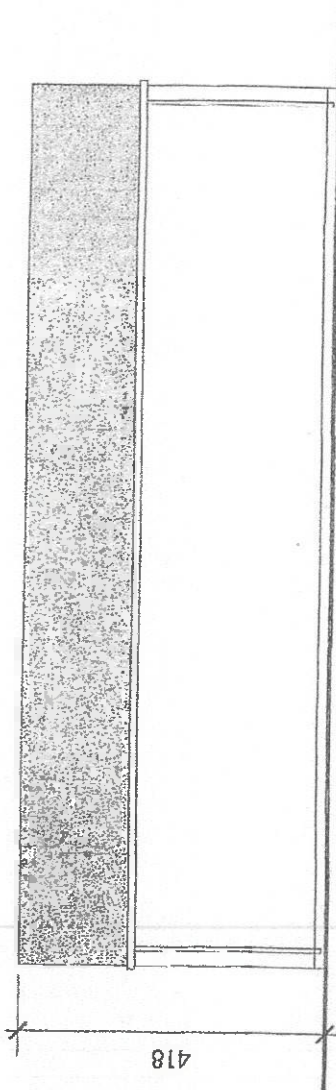
GABLE ELEVATION

AN BORD PLEANÁLA
 03 JUL 2020
 LTR DATED FROM
 LDG-
 ABP-



SECTION

Natural slate roof
 100 x 38 /sw rafters& collars
 of 300mm ccs
 black upvc gutters
 and drips
 225mm concrete block
 walls, drydash finish
 150mm r/c slab on DPM
 r/c poured strip footings



RERE ELEVATION

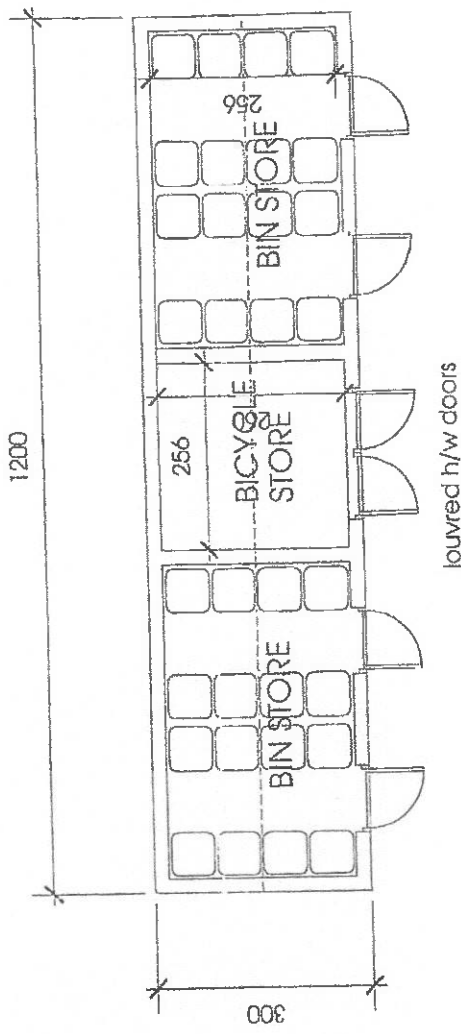
BN STORE
 +
 Bicycle store
 AS submitted
 01/851

+

AS

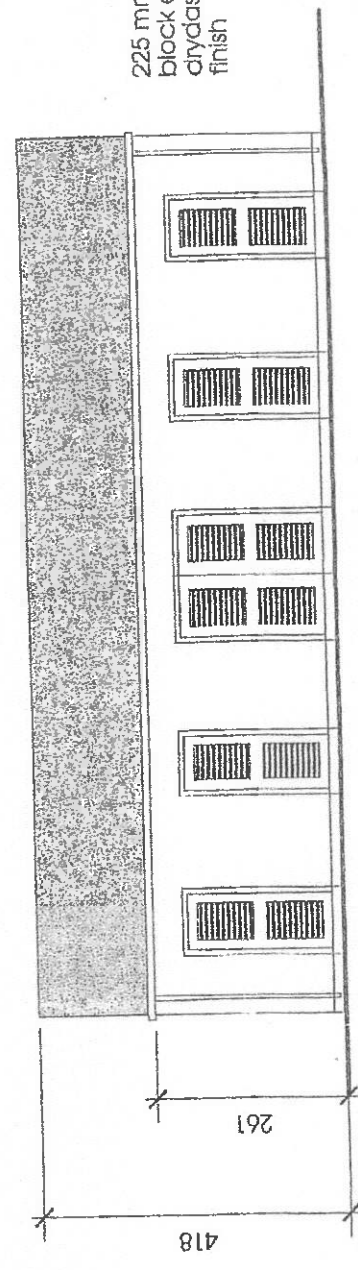
20/11/20

S Scale 1:100



225 mm concrete
block ext. walls
drydash render:ec
finish

PLAN



225 mm conc
block ext. wc
drydash render
finish

louvered h/w doors

FRONT ELEVATION

15

Item	Reg Ref	Received MCC	Start Date	Applicant	Application Type	Decision	Conditions	Architect	Description
1	99/1260	18/06/99	NA	Rybo Partnership	Planning	Refused		Mc Hugh O Cofaigh	<p>Not zoned for this type of Development yet the recent development RA/190359 has included extensive apartment development on F1 Zoning.</p> <p>First application on Riverwalk Court-Block of apts over retail</p>
2	01/673	01/06/01	30/06/03	Rybo Partnership	Planning	Granted		Mc Hugh O Cofaigh	<p>150 Homes at Somerville -creche-scouts hall tennis courts. The housing was completed but the creche-scout hall and tennis courts were not built and today the site to the west of Riverwalk Court remains an eyesore for residents and visitors to Riverwalk Court. In the recent application RA190359 the developers agents future analytics make a big play on the fact that the site is derelict. The site to the west of Riverwalk is also derelict for the past good number of years with no action taken.</p>
3	01/851	10/07/01	03/10/02	Rybo Partnership	Planning	Granted	35	Mc Hugh O Cofaigh	<p>Master Plan for Riverwalk Court. 26 apts-3 office-4 retail. Breaches of planning required retention application and whilst the development Common areas were handed over to the residents in 2015 there are still planning breaches which are currently under investigation and review.</p>
4	DA 20413	10/07/01	??	Rybo Partnership	Retention	Granted	11	Mc Hugh O Cofaigh	<p>This was an application for retention of major changes to the development retail sector which had serious knock on effects on the amenities of the courtyard residents. Work commenced prematurely and many changes were made to the 4 retail units which were converted into 1 unit for Tesco. This required a storage yard which removed the arched entrance to the residents courtyard. This had serious knock on effects to the residents courtyard area. There were other knock on consequences by the application which were not noted by the developers architect</p>
5	DA30196	29/08/03	NA	Rybo Partnership	Planning	Refused		Mc Hugh O Cofaigh	<p>This application was made on the site which was to be the creche and scouts hall from permission item 2 above. It was for 18 homes and was refused for reasons to be confirmed as files are in storage</p>
6	DA50089	30/01/06	NA	ALG Hair design Ltd	Retention	Granted	yes	Gilbrt Architects Ratmines	<p>This was for change of use of ground floor office to hairdresser and was a retention application.</p>
7	DA130908	28/11/13	16/05/14	Jackie Lee				G Davenport architecture	<p>Change of use from Hairdresser to food outlet owned by the developer</p>
8	RA150380	18/05/18	16/05/14	Jackie Lee	Retention	Refused		O Neill consulting engineers Ratoath	<p>Retention application for extractor ducting to rear of food outlet close to the residents apartments at Blocks 1 and 2. Ducting was removed but painting not completed-eyesore for the residents of all three Blocks to the rear of the unit</p>
9	RA180174	23/02/18	13/10/18	Jenny Chen	Planning	Granted		O Neill consulting engineers Ratoath	<p>Change of use top floor office to 3 bed apartment owned by the developer</p>

56

AN BORD PLEANANA
 Decision Due 23-4-2019
 FROM

10	RA190359	29/03/19	In Planning process	Rybo Partnership	Planning	Refused	Decision due 23-4-2020 . FI requested 22-5-2019. FI lodged 28-2-2020	Futura Analytics Planning and Newenham Mulligan and Associates architects.	<p>Large mixed use over development of site to the east of Riverwalk Court. 55% of this site is F1 zoning which has been ignored by the developer. His agents Future Analytics were commissioned by MCC to work on the Meath County Housing Strategy 2013-2019.</p> <p>Developers Companies. Saltan Properties Pivotal Construction The Rybo Partnership</p>	<p>Decision Due 23-4-2019</p> <p>Construction Construction Construction</p>
----	----------	----------	---------------------	------------------	----------	---------	--	--	--	---

01/851

Retracted 2011

X 28. Prior to the commencement of development the developer shall lodge with the Planning Authority a cash deposit of €112,900 (one hundred and twelve thousand nine hundred euro) as a security for the satisfactory completion and maintenance until taken in charge by the Council of roads, footpaths, watermains, sewers, drains, public lighting, open space, landscaping and any other services required with the development. In the event of the non-completion or maintenance of the services the Planning Authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as aforesaid of any part of the development.

Reason: In the interest of orderly development and to ensure satisfactory completion of the development.

None of this information was provided by developer

X 29. After completion of the development, the developer shall lodge full plans, drawings and details of the entire development as completed and these shall be certified by a suitable professionally qualified individual. Said drawings and plans shall be in digital format and be compatible with AUTOCAD Release 12 or later. (The foul and surface water sewers shall be surveyed by CCTV on completion and an accurate record on SUS 25 format for manholes and pipelines shall be submitted to the Sanitary Services Section)(As constructed drawings)

Reason: In the interest of future maintenance of the development.

30. The developers shall pay to Planning Authority the sum of €3,820 (three thousand eight hundred and twenty euro) per residential unit, retail unit and office block as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in respect of public water supply and sewerage facilities facilitating the proposed development (exclusive of the cost of works/materials necessary in the provision of the watermain/sewer connection). Payment shall be made on the commencement of construction. The charge herein referred to shall apply for the period from the date of this permission to 31st December 2002 and will be subject to annual review thereafter on that date unless previously paid.

In the case of expenditure that is proposed to be incurred the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the Council in respect of public water supply and sewerage facilities facilitating the proposed development.

AN BUREAU MĀLA

03 JUL 2020

LTR DATED _____ FROM _____

03: _____

16

Please tick as appropriate: **YES** **NO**

12 (b), If "YES" please supply details:

01/851 DA20413 DA50089 DA130908 RA150380 RA/180174 RA200045

Denis Finn

SIGNED: 

DATE: 6-6-2020

NOTES

- 1. Application Fee of €80. Submitted by eft copy attached.**
- 2. Application shall be accompanied by:**
 - **2 copies of site location map to scale 1:2500** clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
 - **2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.**
 - **Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.**

There are no changes to floor plans of the associated 2 bed ground floor apartments in either of the Blocks 2 and 3. The alteration is minimal and does not materially effect the external appearance of the structure. Floor plans can be viewed on 01/851 application if required. If you require hard copies I can deliver them to your offices on request.

**Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.
Contact Details: Phone: 046 9097500 Fax: 046 9097001
Email: planning@meathcoco.ie**

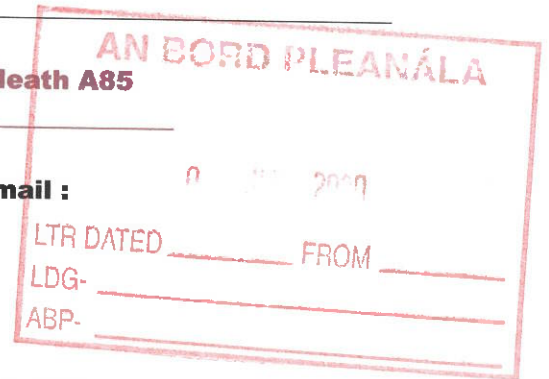
APPLICATION FORM - DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2014, as amended.

1. Name: Denis Finn

Address: C/O 2 Riverwalk Court Ratoath Co Meath A85 A361

Phone No: 086-6037266 E-mail: denis@denisfinn.ie



2. Address for correspondence:

Address: As Above

Phone No: As above E-Mail: As Above

3. Location of Development and/or Subject Site: 53°30 17 03N 6°28 02 64W Riverwalk Court Ratoath

4. Description of Development: Replacing ground floor rear elevation window with single patio door to provide access to the designated private open space of 10 No 2 bed ground floor units. Blocks 2 and 3 Reg Ref 01/851 and DA20413. Materials to match existing i.e white pvc double glazed units. See 3 photos attached.

5. Will the development take place within the curtilage of a dwelling house?

Please tick as appropriate: YES NO

The proposed minor alterations will take place to the rear of Blocks 2 and 3 which forms part of the Common Areas owned managed and maintained by the Riverwalk Owners Management Company.

6. Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?

Please tick as appropriate: YES NO

6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES NO

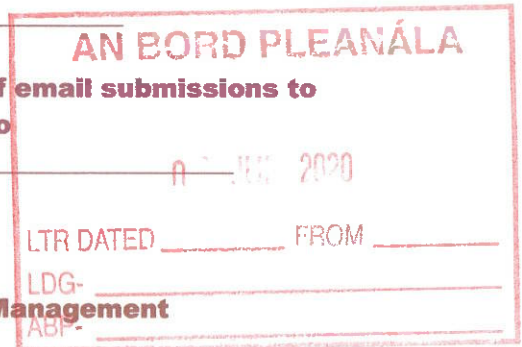
7. State overall height of structure if applicable: **Small elevational change with doors replacing existing windows. There will be no change to the apartment block heights and no change to existing floor plans in Blocks 2 and 3 which are the two Blocks with 2 bed ground floor apartments. This access should have formed part of 01/851.permission.**

8. State in square metres the floor area of the proposed development: **No changes or additional floor area to the apartments**

9. List of plans / drawings etc. submitted: **Ref email submissions to Gerard Kellett Meath Co Co planner 4-6-2020. Photo Attached.**

10. Please state applicants' interest in this site

Providing property advice services to the Owners Management Company.



If applicant is not the owner of site, please provide name & address of owner:
Riverwalk Court Owners Management Company

11. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES NO

11 (b), If "YES" please supply details:

There was a warning letter issued Your ref 19/201 No action was needed as a subsequent application was submitted which is currently with An Bord Pleanala. Ref RA 20045. It is not related to this application for exempted development.

01/851 and DA 20413 may have had enforcement proceedings as the developer had commenced prematurely and had to submit a retention application along with numerous FI requests.

12. Are you aware of any previous planning application/s on this site?



Item	Description	Retail	Office	3 Bed Duplex	2 Bed GF Apts	Total Required	Shortfall	Comment
	Reg Ref 01/851	SM	SM					455-2-PP-01 dated 10-7-2001 Residential 26 Retail/Office 11 Total 37
1	Planning application No of Units Units	362	227	16	10	30		26 Residential and 4 small Retail + 3 Office Units
1	Site Area SM including 515 sm for retail	3723						01/851 was the Masterplan for the development. See related applications tab for subsequent changes all of which had a negative effect by eroding already less than minimum site standards.
	Actual	437	76	17	10	30		27 Residential-1 Retail-Tesco -1 Restaurant-1 Office -1 Apt(Formerly 2nd floor office) bringing the residential up to 27 No at present
2	Parking standard required all units	18	9	32	13	72		Parking shortfall and open space flagged in all planners reports
3	Parking Actual all units	11	0	36		47	25	DA 20413 was the fourth revision to the site plans submitted
6	Private Open Space required		80	100		180		Minimum requirements Meath Co Co 2001 development plan 2.5 sm per bedspace
7	Private Open Space Actual		128	0		128	52	The 10 No 2 Bed Ground Floor units have not been given the private open space shown on all site plans. The open space behind Block 3 should be 3.801 wide as shown on site plans but is only 2.2
8	Communal Open Space standard required					481		Area behind Block 2 .what was to be open space to the west gable of block 2 is now carparking due to shortgaes at west gable of Block 2 but now carparking
9	Communal open Space Actual					229.5	252	Bin Store on approved site plan 455-2-PP-01B was shown with a capacity of 32 bin spaces and a bicycle store. Again the store was on all site plans
10	Bin Store CIM Required for apartments		12	7.5		20		8 Bins of 1 CM capacity and the restaurant which under permission DA 130908 was to provide its own waste storage is taking up a large portion of the already substandard bin shed provided.this. There is no place provided for Bicycle Storage
11	Bin Store Actual					8	12	Planning permission 01/851 site plan revision B was the approved layout
								Retention application DA/20413 site plan revision A. Many changes described as non material.

9

REMOVED +

X

AN BORD PLEANAITA

U 2/19/11

LTR DATED FROM

LDC-

ABP-



