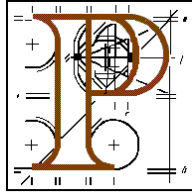


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2004

**Meath County**

**Planning Register Reference Number: DA/40277**

An Bord Pleanála Reference Number: PL 17.214001

**APPEAL** by Kathy Walsh care of Simon Clear and Associates Planning and Development Consultants of 3 Terenure Road, West, Terenure, Dublin against the decision made on the 10<sup>th</sup> day of August, 2005 by Meath County Council to grant subject to conditions a permission to Michael Lynn and John Riordan care of Shay Scanlon Architects of Studio One, Beechfield House, Clonee, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** The demolition of the existing three number habitable dwellings, provision of a two and a half storey 'L' shaped building, over basement car parking (37 spaces), containing eight number one bedroom, 20 number two bedroom and two number three bedroom apartments and one number 125 square metres net (147 square metres gross), retail unit at the corner on the ground floor, new vehicular and pedestrian entrances, balconies/terraces to apartments at first floor to the rear and front to Barrack Lane only and at second floor to the rear, connection to existing storm water and sewerage services, connection to all other public services, bin/cycle stores, all other site development works, six number enclosed surface car spaces and two number car spaces at street level and associated landscape works, all on a site currently occupied by the following three houses - Drimeen, Floraville and Airne at Summerhill Road, Dunboyne, County Meath.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## REASONS AND CONSIDERATIONS

Having regard to the Residential Density Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in September, 1999, the provisions of the current Meath County Development Plan, the central location of the site in Dunboyne and the pattern of existing and permitted development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development that would not detract from the character or appearance of this part of Dunboyne, would not seriously injure the amenities of the area or of property in the vicinity, would not be in an area at risk of flooding or give rise to a risk of flooding elsewhere and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 16<sup>th</sup> day of December, 2004 and the 15<sup>th</sup> day of July, 2005, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, detailed design and specifications including marking, signage and layout of the proposed internal access road and junction arrangement with the Summerhill Road (R156) and to the basement car parking level and on street parking lay-by, traffic management arrangements, car and cycle parking and footpath arrangements shall be submitted to and agreed in writing with the planning authority. Furthermore the entrance gates indicated on drawing number 2004 10 P 11 Rev. A received by the planning authority on the 16<sup>th</sup> day of December, 2004 shall be omitted. At no time shall any entrance gates at this access point be erected to serve this development.

**Reason:** To prevent manoeuvring vehicles obstructing the free flow of traffic on the R156 and in the interest of traffic safety and residential amenity.

3. All service cables associated with the proposed development, (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the development.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes and hard surfaces for the development shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development, residential amenity and the visual amenities of the area.

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of amenity and public safety.

6. The site shall be landscaped in accordance with the details of landscaping shown on the Landscape Plan drawing number 04-132.1.Revision A received by the planning authority on the 9<sup>th</sup> day of July, 2004. All planting, seeding and/or turfing comprised in this landscaping scheme shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which die within a period of five years from the completion of the development, are removed or become seriously damaged or diseased, shall be replaced in the first available planting season with others of a similar size and species, unless the planning authority gives prior written agreement to any variation.

**Reason:** In the interest of visual and residential amenity.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services and details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. In particular, the developer shall upgrade the existing surface water sewer from 150 millimetres diameter to 225 millimetres diameter from manhole S1 to manhole S3 as indicated on drawing number K85/010 received by the planning authority on the 15<sup>th</sup> day of July, 2005. Furthermore, the development hereby permitted shall not commence until such time as the planning authority have indicated in writing that it is satisfied that an adequate and permanent connection to storm water drainage with suitable design and capacity (including for all access and wayleave requirements) can be made available.

**Reason:** In the interest of orderly development, public health and the proper planning and sustainable development of the area.

8. Prior to commencement of development, drawings including sections showing all finished floor levels in relation to the existing and proposed ground levels of both the site and the surrounding land and buildings shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development and to ensure a satisfactory relationship between the various components of the development and between the site and surrounding land and buildings.

9. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for its written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, location of construction workers car parking, storage compounds and site office, off-site disposal of construction waste, a scheme for dust and dirt control including vehicle wheel washing facilities, temporary construction access proposals and measures to ensure that pollution of any adjoining watercourses does not result.

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

10. Within eight weeks of the date of this order, the developer shall enter into an agreement with the planning authority under Section 96 of the Planning and Development Act, 2000 (as amended) in relation to the provision of social and affordable housing, in accordance with the requirements of the planning authority's housing strategy, unless, before the expiry of that period, the said developer shall have applied for and been granted an Exemption Certificate under Section 97 of the Planning and Development Act, 2000.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended).

11. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority, to a plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on this site at any time except within such buildings or storage areas as may have been approved beforehand in writing by the planning authority

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment and in the interests of the amenities of the area.

12. Prior to occupation of any part of the development, a management scheme providing adequate measures relating to the future maintenance of open spaces, roads, parking and communal areas in a satisfactory manner shall be submitted to the planning authority for agreement.

**Reason:** To ensure the adequate future maintenance of this development in the interest of residential amenity.

13. Prior to commencement of development, detailed structural drawings and a construction methodology statement indicating the means to ensure for the protection of the structural stability and fabric of the adjoining land and buildings shall be submitted to the planning authority for agreement. These details shall include demolition and excavation arrangements, the proposed foundation system and underpinning and method of construction.

**Reason:** In the interest preserving the integrity and amenities of the adjoining land and buildings.

14. No signs, banners or advertisements shall be erected or displayed within the site without a prior grant of planning permission.

**Reason:** In the interest of visual amenity

15. Prior to commencement of development, details of all plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with the development shall be submitted to, and agreed in writing by, the planning authority. These shall include details of any proposed sound attenuation measures to be incorporated within such plant, machinery, chimneys, ducting, filters or extraction vents.

**Reason:** In the interest of visual and residential amenity.

16. Prior to first occupation of the proposed retail unit, details of its proposed use shall be submitted to and agreed in writing by the planning authority. The occupation of this unit shall be restricted to uses within the definition of a shop as contained in Article 5 of the Planning and Development Regulations, 2001. In particular, the use of the unit shall not include the sale of hot food for consumption off the premises or as an amusement arcade, funfair or gaming arcade.

**Reason:** In the interest of the amenities of the area.

17. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard, the developer shall:-
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

Prior to commencement of development, a report containing the results of the assessment shall be submitted to the planning authority. Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be determined by An Bord Pleanála.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

18. Boundary detailing and means of enclosure shall only be as indicated on the site layout plan drawing number 2004 10 P 01 Rev. A as received by the planning authority on the 16<sup>th</sup> day of December, 2004.

**Reason:** In the interest of visual and residential amenity.

19. Prior to commencement of development, proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

21. The developer shall pay to the planning authority a financial contribution of €381,850 (three hundred and eighty-one thousand, eight hundred and fifty euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any specified indexation provisions of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

**Dated this            day of            2006.**