



An
Bord
Pleanála

Board Direction
BD-015537-24
ABP-317120-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/02/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to Sustainable Urban Housing: Design Standards for New Apartments (December 2022) and the Cavan County Development Plan 2022 – 2028, it is considered that, subject to compliance with conditions, the proposal would fulfil the zoning objective for the site and provide a satisfactory standard of amenity for future residents. Furthermore, having regard to the separation distance between the proposed ridge height and the existing residential units to the north, and also having regard to the lowering of the existing party wall as proposed between the two properties, the Board is satisfied that the proposed development would not adversely impact on the residential amenities of the residential units to the north. The proposal would, thus, accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 7th day of March 2023, except as may

otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, the following:
 - (i) Comprehensive details of the soft and hard landscaping of each private amenity area and a timetable for implementation.
 - (ii) Proposals for the communal yard which shall be laid out to enable the bin storage needs of both the retail users of the site and existing and future residents of the site to be fully met. Covered bicycle parking facilities shall be provided for existing and future residents, and the archway to the communal yard shall be denoted as an access to be kept free at all times from parked vehicles.

Reason: In the interests of residential amenity, in order to promote cycling as sustainable mode of transport, and to safeguard access in the interest of public safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed apartments shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. Prior to the commencement of development, the developer shall enter into water and waste water connections agreements with Uisce Eireann.

Reason: In the interest of public health.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Board Member



Tom Rabbette

Date: 23/02/2024