

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cavan County

Planning Register Reference Number: 14/248

An Bord Pleanála Reference Number: PL 02.245105

APPEAL by Ciara Olwill of 3 Watkins Buildings, The Coombe, Dublin against the decision made on the 10th day of June, 2015 by Cavan County Council to grant subject to conditions a permission to Patrick McNamee care of DMC Architects Limited of 21 Church View, Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of fully serviced two-storey detached dwelling, connection to foul sewer and watermain and all ancillary works at Ballyjamesduff Road, Virginia, County Cavan.

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Cavan County Development Plan, 2014-2020, to the pattern of development in the area, to the zoning objective of the site which seeks to encourage and consolidate new buildings to establish a vibrant town core alongside those accommodating compatible uses, it is considered that, the overall design resolution of the proposed infill dwellinghouse, would provide a viable land use for a vacant and underutilised plot on town centre zoned land in a manner that is consistent with local planning policy provision and would, subject to compliance with the conditions set out below, not seriously injure the amenities of property in the vicinity, in particular the setting of the adjoining Protected Structure and the historic stone wall that bounds the northern and eastern boundary of the site. 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the further information lodged with the planning authority on the 24th day of May, 2015 and the 18th day of May, 2015 and as amended by the further plans and particulars submitted to An Bord Pleanála on the 23rd day of November, 2015, 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. Revised drawings and documentation providing for the maintenance and protection of the historic stone boundary walls on site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development on site. In this regard, the developer shall note that the demolition of the existing roadside wall is not permitted and any works to this wall and the eastern boundary wall shall be restricted to conservation repair works only. Where such conservation repair works are deemed to be required, these shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development on site.

Reason: In the interest of clarity and in the interest of protecting the setting of the adjoining Protected Structure.

3. 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.

4. 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 methods to ensure no adverse impact to the adjoining Protected Structure, methods to ensure no adverse impact on the existing historic stone wall bounding the northern and eastern boundary of the site, noise management measures, dust management measures, off-site disposal of demolition and construction waste and methods to keep public roads clean from spillages and deposits that may arise during the course of construction.

Reason: In the interest of public safety, in the interest of protecting residential amenity of properties in the vicinity and in the interest of protecting and safeguarding the structural integrity of the adjoining Protected Structure.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be as set out in the recommendations of the accompanying document 'Proposed dwelling, Ballyjamesduff Road, Virginia, County Cavan, Architectural Heritage Impact Assessment' prepared by John Cronin & Associates dated May, 2015', with the finer details submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The dwelling house hereby permitted shall be used as a single residential unit only.

Reason: In the interest of clarity.

9. The western side first floor level elevation window shall be fitted and permanently maintained with obscure glass. The use of obscure film is not acceptable.

Reason: In the interest of residential amenity.

10. 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.

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

Dated this day of 2016.