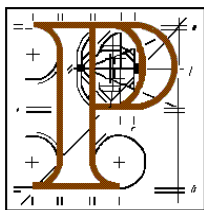


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Meath County

Planning Register Reference Number: RA/150449

An Bord Pleanála Reference Number: PL 17.245680

APPEAL by Katherine Tierney of Lisheen, Ratoath Road, Dunshaughlin, County Meath against the decision made on the 30th day of September, 2015 by Meath County Council to grant subject to conditions a permission to KNL Construction Limited care of McKenna and Associates of High Street, Trim, County Meath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of eight number new dwellings, in semi-detached layouts and of three and four bedrooms, connections to mains services, up-grade of existing site entrance onto Lagore Road, provision of car parking and all associated site works at Lagore Road, Dunshaughlin, 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.

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 Development Plan for the area, to the infill nature of the subject site, and to the adequate separation distances between the proposed development and existing residential development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic and pedestrian safety, would not adversely impact on the archaeological or heritage character of the area, and would not conflict with the provisions of the Development Plan. 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 plans and particulars submitted to the planning authority on the 25th day of August, 2015 and the 10th day of September, 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 conditions.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:-
 - (a) Houses numbers 5 to 8 shall all be relocated southwards by one metre from the positions shown on submitted drawings, so that the northern gable wall of house number 8 is a minimum of 2.3 metres from the nearest point of the northern site boundary.
 - (b) A tree protection zone shall be created around the branch spread of the tree adjoining the northern site boundary, and no construction work shall take place within this zone.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of ensuring the protection of adjacent walls and of existing trees on and bounding the site.

3. Prior to commencement of development, a condition survey of the boundary wall between the site and the adjoining graveyard shall be carried out. This survey, together with any resulting recommendations regarding the stability of this wall, which recommendations shall be prepared by an architect or engineer with professional conservation expertise, shall be submitted to the planning authority prior to commencement of development. The developer shall comply with any works in relation to the protection and repair of this wall that may be specified by the planning authority following such submission, and shall not make any dwelling available for occupation until these works have been completed, to the written satisfaction of the planning authority.

Reason: In the interests of ensuring the protection of the archaeological and cultural heritage of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, or dark grey in colour only (including ridge tiles).

Reason: In the interest of visual amenity.

5. 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 and to ensure a proper standard of development.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include a plan to scale of not less than 1:500 showing –
 - (i) details of screen planting to be provided along the eastern flank boundary with neighbouring residential properties,
 - (ii) trees, hedging and shrubs to be retained, and

- (iii) hard landscaping works.

Details shall include a timescale for implementation.

Reason: In the interest of residential and visual amenity.

- 7. 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 stripping of top-soil, and
- (b) employ a suitably-qualified archaeologist to 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.

Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation).

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.

8. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works for taking in charge by the local authority.

Reason: In the interest of amenity and of traffic and pedestrian safety, and to facilitate the eventual taking in charge of the development, following its completion, by the local authority.

9. The open spaces shall be developed for, and devoted to, public use and shall be kept free of any development. When the development is being taken in charge, the roads and all public areas including open spaces that have been designated for taking in charge shall be vested in the planning authority, at no cost to the authority.

Reason: In order to ensure the proper development of the public open space areas, and their continued use for this purpose.

10. (a) Screen walls shall be not less than 1.8 metres high above ground-level on both sides. The walls shall be neatly capped and shall be of materials and finish to match those of the proposed houses, with the piers being of brick.
- (b) Screen walls shall be provided at such locations as necessary to ensure that rear-garden areas are screened from public view.

Prior to commencement of construction of the houses, details of the layout, the materials and external finishes of the screen walls shall be submitted to the planning authority for agreement.

Reason: In the interests of visual amenity.

11. 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 traffic and pedestrian safety.

12. All service cables associated with the proposed development (such as electrical, telecommunications, public lighting and communal television) shall be located underground. All of the existing overhead cables crossing or bounding the site shall be undergrounded, at the developer's expense, and ducts shall be provided to the requirements of the relevant utilities to achieve such undergrounding.

Reason: In the interest of visual and residential amenity.

13. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

14. Site development and building works shall be carried out only between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 13.00 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 amenities of property in the vicinity.

15. Prior to the 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 and maintenance until taken in charge by the planning authority 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 or maintenance 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 and its maintenance until taken in charge by the local authority.

16. 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.