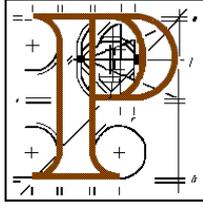


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Meath County

Planning Register Reference Number: TA/151269

An Bord Pleanála Reference Number: PL 17.247149

APPEAL by Patrick and Marty Burns of The Mill House, Rathnally, County Meath against the decision made on the 8th day of August, 2016 by Meath County Council to grant subject to conditions a permission to Deborah Gilbert care of Shay Scanlon Architect of Kilmore, Kilcock, County Meath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of two-storey detached dwellinghouse, proprietary wastewater treatment unit and percolation area, single storey stable building containing garage/boiler, tack room, feed store and four number stable boxes with roof mounted solar panels to the south. Dungstead and soiled water tank, new entrance gateway, setting back of fence line along with the provision of two number passing areas to the public road, new driveway/access road, along with all associated services, service connections, landscape and site development works, all at Rathnally, Trim, 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 planning history of the site, to the nature and scale of the proposed development and to the provisions of the Meath County Development Plan 2013-19, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the revised proposals submitted with the application sufficiently overcome the Boards previous concerns with regard to traffic hazard. Furthermore, the Board did not accept that the proposal would erode the landscape character of the area having regard to the submitted Arborists report and the selective removal of a limited number of trees.

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 14th day of July, 2016, 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. 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.

Reason: In the interest of visual amenity.

3. The proposed domestic garage shall be used for purposes incidental to the enjoyment of the dwelling and shall not be used for any commercial/trade/industrial or similar uses.

Reason: In the interest of orderly development.

4. The entrance detail and setting back of the front site boundary (post and wire fence) shall be located and carried out as shown on the site plan drawing submitted with the application. Any proposed gate shall open inwards and shall not open out onto the roadway.

Reason: In the interest of traffic safety.

5. The two number hardcore passing bays shall be provided as illustrated on the site layout plan received with the application.

Reason: In the interest of traffic safety.

6. The recommendations of the Arboricultural Report received by the planning authority on the 14th day of July, 2016 shall be fully complied with.

Reason: In the interest of visual amenity and to protect mature trees.

7. 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 the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) the species, variety, number, size and locations of all proposed trees and shrubs,

- (ii) details of screen planting,
 - (iii) Details of roadside/street planting,
 - (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels;
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment;
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. (1) The proposed wastewater treatment system shall be constructed in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Certification from the designer, manufacturer or the supplier that the complete wastewater treatment system has been satisfactorily designed, installed and commissioned in accordance with the requirements of the Environmental Protection Agency and the site characterisation report submitted on the 24th day of November, 2015 shall be submitted to the planning authority prior to occupation of the proposed new house. The certification shall include an as constructed cross sectional drawing through the proposed wastewater treatment system and associated percolation area.

- (2) The installation and maintenance of the wastewater treatment system shall be such as to not give rise to any polluting matter entering any waters, tidal waters or any part of any river, stream, lake, canal, reservoir, aquifer, pond, watercourse or other inland waters, whether natural or artificial or any contiguous to those mentioned which for the time being is dry.
- (3) The applicant shall provide and arrange for the continuous and indefinite maintenance of the entire wastewater treatment system which shall be maintained in accordance with the manufacturer's instructions.

Reason: In the interest of public health and environmental protection.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of 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.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing 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 referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. (1) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (2) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (1) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

11. 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.