

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## Meath County

**Planning Register Reference Number: NA/160649**

An Bord Pleanála Reference Number: PL 17.247211

**APPEAL** by the residents of Tara Glen care of Paul Duffy of 15 Tara Glen Road, Proudstown, Navan, County Meath against the decision made on the 11<sup>th</sup> day of August, 2016 by Meath County Council to grant subject to conditions a permission to Ronan O'Reilly care of Michael Hertherton Architectural and Engineering Services of Unit 3, Cavan Street, Oldcastle, County Meath in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of existing habitable single storey type dwelling and construction of 11 number two-storey type houses with living accommodation provided to third floor attic space comprising of one number detached house type A, eight number semi-detached house type B and two number semi-detached house type C, provision of accesses onto existing public road via internal service road, connection to existing services and completion of all ancillary site works at Clonmagaddan, Kingscourt Road, Navan, 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 zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would 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, 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. The following changes shall be incorporated into the overall layout.
  - (a) The southernmost house (numbered 1 on Site Layout drawing number 04, dated June 2016), shall be omitted and the resultant area incorporated into the landscaped public open space. The design of the adjoining house 2 shall be amended to provide a detached unit not greater than the footprint of House number 2 with an active southern elevation facing the public open space and a minimum of 75 square metres of private open space.
  - (b) A boundary wall with a minimum height of 0.9 metres and of a design to be agreed in writing with the planning authority shall be erected along the site boundary with the R162 regional road.
  - (c) The access point opposite the open space shall be omitted and the remaining access point from the proposed development to the R162 and the associated corner radii shall be reduced in accordance with the requirements of the Design Manual for Urban Roads and Streets.
  - (d) All bathroom windows shall be permanently fitted with obscure glazing.

Details showing compliance with the above changes shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity and traffic safety.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

**Reason:** In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

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

**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.

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. All existing over ground cables shall be relocated underground as part of the site development works.

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

7. The internal road serving the proposed development including turning bays, parking areas, road markings, signage, footpaths, kerbs, traffic calming measures and footpath dishings shall comply with the detailed standards of the planning authority for such works.

**Reason:** In the interest of amenity and traffic and pedestrian safety.

8. Public lighting shall be provided in accordance with a scheme to be agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the occupation of any house.

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

9. 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 1:250 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 and finished levels.
  - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
  - (c) Proposals for the protection of the existing trees on the southern boundary of the site for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.
  - (d) 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.

10. Site development and building works shall be carried out between the hours of 0800 to 1900 Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

11. 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.

12. Prior to commencement of development precise details of all boundary treatment including boundary treatment between the rear gardens of the proposed units shall be submitted to, and agreed in writing with, the planning authority. All boundaries shall consist of walls, and timber panel fencing shall not be used.

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

13. Proposals for an estate/street 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(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas].

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

15. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local 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 referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

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.

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

**Dated this            day of            2017.**