



An
Bord
Pleanála

Board Order PL 17.248259

Planning and Development Acts 2000 to 2017

Planning Authority: Meath County Council

Planning Register Reference Number: RA/161062

Appeal by Shane O'Toole of Tudor Rose, Harristown Lane, Kilcloon, County Meath and by Des McDonald care of R.C. Design Services Limited of Design Studio, Old Castle View, Kilgobbin Road, Sandyford, Dublin against the decision made on the 8th day of March, 2017 by Meath County Council to grant subject to conditions a permission to Maeve Beirne and Mark McCarthy care of Declan Clabby and Associates of Haggard Street, Trim, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a two-storey detached dwelling, domestic garage, entrance, driveway, proprietary waste water treatment system and polishing filter together with all associated site works, all at Harristown, Kilcloon, County Meath. The proposed development was revised by further public notices received by the planning authority on the 10th day of February, 2017.

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 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, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. 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 received by the planning authority on the 1st day of February 2017, 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 commencement of development, a revised site layout plan shall be submitted to and agreed in writing with the planning which correctly indicates the distance of the dwelling from the western boundary of the site in order to correspond with the scale dimensions on the submitted site layout plan received by the planning authority on the 1st day of February, 2017, (drawing number 16051 002B).

Reason: In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

4. The proposed domestic garage shall be used for purposes incidental and ancillary to the enjoyment of the dwelling and shall not be used for any commercial/trade/industrial use.

Reason: In the interest of orderly development.

5. The entrance gates to the proposed house shall be setback not less than four metres and not more than six metres from the edge of the public road. Wing walls or bell shaped walls forming the entrance shall be agreed in writing with the planning authority prior to commencement of development and shall not exceed one metre in height.

Reason: In the interest of traffic safety.

6. The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with details submitted to and agreed with the planning authority prior to commencement of development. The scheme will include the following:

The establishment of a native hedgerow within the boundary fence along the northern boundary of the site.

All plants which die, are removed or become seriously damaged or diseased within the period of five years from the completion of the development 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 order to screen the development and assimilate it into the surrounding rural landscape in the interests of visual amenity.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

8. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 30th day of September, 2016, and in accordance with the requirements of the document "Code of Practice - Wastewater Treatment And Disposal Systems Serving Single Houses (p.e. ≤ 10)", Environmental Protection Agency (2009). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development.

- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

9. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

10. All wastes generated during the construction, including surplus excavation material to be taken off site, shall be recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts 1996 to 2008. This shall not apply to the reuse of excavated materials within the applicants' site boundary.

Reason: In the interest of orderly development and public health.

11. 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 interests of visual and residential amenity.

12. (a) 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 unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. 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.
- (b) 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 (a) 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 to meeting essential local need in the interest of the proper planning and sustainable development of the area.

13. The developer shall pay to the planning authority a financial contribution in

