



An
Bord
Pleanála

Board Order PL 17.248631

Planning and Development Acts 2000 to 2017

Planning Authority: Meath County Council

Planning Register Reference Number: AA/170001

Appeal by Robert Gogan of Micknanstown, Ardcath, Garristown, County Meath against the decision made on the 9th day of May, 2017 by Meath County Council to grant subject to conditions a permission to Kiera Byrne care of McKevitt Architects of 50 North Road, Drogheda, County Louth.

Proposed Development: A revised public notice was received by the planning authority on the 18th day of April, 2017 as follows: A development consisting of: 1. Retention and use of the foundations and rising walls granted under planning register reference number 00/4204. 2. Construction of a new detached, two-storey dwelling. 3. Construction of a new garage. 4. New proprietary wastewater treatment system and percolation area. 5. New entrance to site. 6. All associated site works. All at Balgeeth, Ardcath, 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 nature and design of the proposed development, to the developer's compliance with the rural housing policy as set out in the Meath County Development Plan 2013-2019 and to the improvements to the site sightlines proposed, 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 would not constitute a traffic hazard and would be acceptable in terms of house design. The proposed development 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 had regard to the local road network in the vicinity of the site and the revised site layout plan submitted to the planning authority on the 6th day of April, 2017, which improves site visibility, in addition to the proposed design of the dwelling, which the Board considered is consistent with the Meath Rural Design Guidelines, 2009.

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 6th day of April, 2017 and on the 18th day of April, 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. (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. 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.
- (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.

3. Prior to commencement of development, the existing hedgerow for the full frontage of the site and for 70 metres to the west of the proposed entrance shall be removed and set back as indicated on the site layout plan submitted to the planning authority on the 6th day of April, 2017 in order to achieve adequate sightlines.

Reason: In the interest of traffic safety and orderly development.

4. (a) Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. New site boundaries shall consist of timber fencing backplanted with hedgerow of species native to the area.
- (b) Landscaping shall be carried out in accordance with the site layout plan submitted to the planning authority on the 3rd day of January, 2017.
- (c) Planting shall commence no later than the first planting season following commencement of development on site. Any plants which die, are removed or become seriously damaged or diseased, within a 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: To protect the visual amenity and natural heritage of the area.

5. (a) The external finish of the dwelling shall be natural stone, napped plaster or dash unless otherwise agreed in writing with the planning authority. The use of reconstituted stone or brick shall not be permitted.
- (b) The roof of the dwelling shall be dark brown, dark grey, blue/black or other colour agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

6. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 3rd day of January, 2017 and 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. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) 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 and that the polishing filter is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

7. 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 the 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 2018