



An  
Bord  
Pleanála

## Board Order PL 17.248899

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Meath County Council**

**Planning Register Reference Number: AA/161470**

**Appeal** by Millbourne Residents Association care of David Brennan of 74 Millbourne Crescent, Ashbourne, County Meath against the decision made on the 22<sup>nd</sup> day of June, 2017 by Meath County Council to grant permission to Rybo Partnership care of John Spain Associates of 39 Fitzwilliam Place, Dublin for development comprising the construction of 12 number houses comprising nine number two-storey semi-detached three bedroom houses (with optional attic conversion) and three number two-storey semi-detached four bedroom houses (with optional attic conversion) together with public open space area, extension of Millbourne Avenue to provide pedestrian and vehicular link with the school complex to the south, soft and hard landscaping, boundary treatments and all associated site infrastructure and works, as revised by the further public notice received by the planning authority on the 29<sup>th</sup> day of May, 2017 in accordance with the plans and particulars lodged with the said Council.

## **Decision**

**GRANT permission for extension of Millbourne Avenue to provide pedestrian and vehicular link with the school complex to the south, soft and hard landscaping, boundary treatments and all associated site infrastructure and works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the construction of 12 number houses comprising nine number two-storey semi-detached three bedroom houses (with optional attic conversion) and three number two-storey semi-detached four bedroom houses (with optional attic conversion) together with public open space area based on the reasons and considerations marked (2) under**

## **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 (1)**

Having regard to the planning history of the site and national policy in relation to sustainable travel and the design of urban roads and streets, it is considered that, subject to compliance with conditions set out below, the proposed development 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 as amended by the further plans and particulars submitted on the 18<sup>th</sup> May 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. The proposed development shall be amended as follows:
  - (a) Omit all dwellings and associated infrastructure from the development.
  - (b) Pedestrian and cycle facilities shall be provided along the eastern and western edge of the proposed road link and connect into facilities on the adjoining access road to the south.
  - (c) The road design and construction details shall comply with the requirements of the planning authority for such road works.

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 clarity and traffic safety.

3. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours 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 residential amenities of property in the vicinity.

### Reasons and Considerations (2)

The proposed residential development on the subject site would, in the absence of conveniently located alternative public open space, result in a lack of any significant area of public open space within the permitted residential development (planning register reference number DA03/0422 and subsequent applications) which would seriously injure the residential amenities of existing and future residents of the area and would contravene the stated objectives in the Meath County Development Plan 2013-2019 which seek a minimum rate of public open space of 15 per cent of total site area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and, if permitted, would set an undesirable precedent for other similar-type development in the area.

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

**Dated this      day of                                      2018**