

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Meath County Council

Planning Register Reference Number: NA/170485

An Bord Pleanála Reference Number: ABP-300243-17

Appeal by Cellie Mullen and Kathryn Mullen care of Frank Burke and Associates of Baldara, Trim Road, Navan, County Meath and by Stephen and Yvonne Dillon care of John Callaghan of 10 The Cloisters, Oldcastle Road, Kells, County Meath against the decision made on the 26th day of October, 2017 by Meath County Council to grant subject to conditions a permission to JA Mannion Construction Limited care of Collins Maher Martin Architects of Dodder Park Road, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of the construction of 21 number three bedroom houses of two storeys plus dormer in terraces of three and four, all with private back gardens; and 26 number apartments comprising 17 number two bed units and nine number three bed units in a block ranging from two to five storeys; all apartments will have balconies and the apartment block includes 339 square metres of shared roof terraces; the development will also include 87 number surface car parking spaces, 26 number bicycle parking spaces, bin stores, switch room, new boundary treatments, hard and soft landscaping, with vehicular access from the Beaufort Place Housing development and new pedestrian entrances on Beaufort Road and Proudstown Road; new foul sewer and surface water drainage and all associated site works at Beaufort Place, Navan, County Meath at the junction of Beaufort Road and Proudstown Road, as amended by the further public notice received by the planning authority on the 2nd day of October, 2017 as follows: adjustments to house type design, redesign of bike and bin store, balcony and terrace screening, alterations to boundary treatment to Proudstown Road, alterations to landscaping, and the site boundaries associated with the current application have been revised from that of

previous permissions planning register reference numbers NA/900403, NA/70462 and 01/5189.

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 objective for the site in the Navan Development Plan 2009-2015 (as varied), including the designation of the site as a key landmark site, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential and visual amenities of the area, would be acceptable in terms of design, layout and open space provision, would not be prejudicial to public health and would 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that that the design and layout of the proposed development was in character with the pattern of development in the area and that the juxtaposition of housing and apartments, disposition of open space and car parking were acceptable in the context of the adjoining development, the surrounding area and Development Plan policy.

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 5th day of September, 2017 and on the 2nd day of October, 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 development hereby permitted is for 45 number residential units (21 number houses and 24 number apartments). Apartment number 17 and apartment number 18 shall not be constructed.

Reason: In the interest of clarity and to protect the residential amenity of adjoining residents.

3. (a) Prior to the commencement of development, the developer shall submit revised elevations and floor plans for the apartment building which omits apartment number 17 and apartment number 18 on the second floor plan and replaces same with a communal roof garden/terrace. Details shall be submitted to, and agreed in writing with, the planning authority.
- (b) Opaque/obscure glass screens to a height of two metres above floor level, shall be installed along the northern elevation of all communal roof garden/terraces identified on plans and particulars received by the planning authority on the 5th day of September, 2017. This shall also apply to communal roof garden/terraces associated with the western wing of the apartment building and the requirements of condition number 3(a) of this Order. The side elevations of the communal roof gardens/terraces shall feature stepped-down opaque/obscure glass screens. Details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

- (c) A phasing scheme for the development hereby permitted shall be submitted for the written agreement of the planning authority prior to the commencement of development on the site.

Reason: In the interests of residential amenities and to protect the privacy of adjacent properties.

- 4. (a) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, samples of all finishes for the proposed on-site structures (external walls, roadside boundary walls, roof, fenestration finishes, railings, balcony materials, opaque/obscure glass screens etc), which show precise colours, textures and materials.
- (b) Screen walls which enclose and divide the rear private open space associated with the proposed dwelling houses shall be constructed of brick/stone/rendered blockworks, two metres in height. The walls shall be capped and the design and finishes shall be consistent with the design/finish of the house design. Post and wire or timber panel fencing is not permitted. A uniform treatment for the boundaries of individual sites shall be implemented throughout a residential development.
- (c) Details of the pedestrian/cycleway access joining the public open space to the N51 and the pedestrian/cycleway access onto Proudstown Road shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The proposed pedestrian gates onto Proudstown Road shall be omitted.

Reason: In the interests of visual and traffic safety.

5. The entirety of the area indicated as open space indicated on drawing number PL-08 as submitted to the planning authority on the 5th day of May, 2017 (including both the public open space and the communal open space areas), shall be reserved as public open space. The public open space shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. The open spaces shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

6. The internal road network serving the proposed development, including roads, parking areas, footpaths and kerbs, cycleways and pedestrian links, shall comply with the detailed standards of the planning authority for such road works.

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

7. 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.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. 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.

10. 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.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

13. The management and maintenance of the proposed apartment block including the common areas associated with the apartment development following its completion shall be the responsibility of a legally constituted a management company.

Reason: To provide for satisfactory future maintenance of the apartment development in the interest of residential amenity.

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

15. Proposals for an estate/street name, house/apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

16. 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.

17. 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 2018