



Planning and Development Acts 2000 to 2018

Planning Authority: Cavan County Council

Planning Register Reference Number: 17/88

Appeal by Adrian and Grace Smith of Corkish, Bailieborough, County Cavan against the decision made on the 29th day of November, 2018 by Cavan County Council to grant subject to conditions a permission to Daniel Drysdale care of Niall Smith Architects of Hall Street, Kingscourt, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations to previously approved permission under Planning Register Reference Number 15/79, to construct two number detached dormer type dwellings with semi-detached garages, new entrance onto public roadway, new access road, connections to existing public services and all associated site works as amended by the revised newspaper notice received by the planning authority on the 19th day of June, 2017 at Corkish, Bailieborough, County Cavan.

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 planning history of the site, the pattern of development in the area, the detailed design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not comprise overdevelopment of the site, seriously injure the amenities of nearby residential property and would not give rise to traffic hazard. 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 plans and particulars submitted on the 19th day of June, 2017 and the 25th 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 proposed development shall be amended as follows:

- Replacement of the first floor window in the southern gable end of house number two with a high level window/window with opaque glazing or alternative treatment to prevent overlooking to the south.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. Prior to commencement of development:

- (i) A detailed method statement for the construction of the proposed retaining wall shall be submitted to, and agreed in writing with, the planning authority.
- (ii) The temporary fence shall be erected on the southern boundary of the site and maintained on site for a period of three years, following completion of the landscaping of the site.

Reason: In the interest of visual amenity and the protection of trees.

4. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent pollution.

5. 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.

6. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include details of the species, variety, number, size and locations of all proposed trees and shrubs. Planting shall comprise predominantly native species. Cupressocyparis x leylandii shall not be used on any part of the 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: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof colour of the proposed houses shall be blue/black, black, dark brown or dark grey. The colour of the ridge tile shall be the same as the colour of the roofs.

Reason: In the interest of visual amenity.

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. 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 amenities of property in the vicinity.

10. Prior to the occupation of the residential units, all roads, open spaces, overhead lighting and other services (including road drainage) shall be completed in accordance with the plans, particulars and conditions of the permission.

Reason: In the interest of public health and safety, traffic safety and visual and residential amenity.

11. 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.

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

Dated this day of 2018.