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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: RA/180833**

**Appeal** by Richard and Terri Beedall of 1 Seagrave Hall, Fairyhouse Road, Ratoath, County Meath against the decision made on the 18<sup>th</sup> day of September, 2018 by Meath County Council to grant subject to conditions a permission to OWR Construction Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The provision of a three-storey residential development comprising a terrace of four number four bed dwellings. The dwellings will range in size from 178.02 square metres to 207.3 square metres. The development will also include the provision of a new vehicular access off Seagrave Hall to the north west of the site; eight number car parking spaces; hard and soft landscaping and all other associated site works above and below ground on 0.1132 hectare site at the corner of Seagrave Hall and Fairyhouse Road, Ratoath, 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 Zoning Objective “A1” for the area and the pattern of residential development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of the Meath County Development Plan 2013-2019 and the Ratoath Local Area Plan 2009-2015, would not seriously injure the visual or residential amenities of the Seagrave Hall and Fairyhouse Road (R155) neighbourhood, 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.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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) All side and rear bathrooms/WC windows shall be permanently glazed with obscure glass.
  - (b) All boundaries enclosing private open space shall be suitably capped and finished in materials that match the finish of these proposed dwellings. The boundary shall be two metres in height.
  - (c) All front boundaries shall be defined by solid boundary walls of at least 0.5 metre in height and shall be finished in materials that match the principal façade of the proposed terrace group.
  - (d) The shared surface area and the public open space shall be revised to include a public lighting scheme.

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:** To prevent overlooking of adjoining residential property and in the interest of residential and visual amenities.

3. The external finishes including roof tiles/slates shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. (a) The developer shall comply with the requirements of the planning authority in relation to landscaping, planting, lighting, pathway finishes and any ancillary structures to be provided within the public open space area proposed.
- (b) The site shall be landscaped in accordance with the drawing number 18/GW/RH/001/Rev B, lodged with the planning authority on the 26<sup>th</sup> day of July, 2018. Existing trees and hedgerow shall be retained and maintained wherever possible. The landscaping scheme shall be carried out within the first planting season following substantial completion of the external works associated with the construction of the permitted units. All planting shall be adequately protected from damage until established. 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 the interests of residential and visual amenity.

5. 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.

6. The internal road network serving the proposed development, including shared surface areas, parking, lighting and entrances to public road network shall be in accordance with the detailed standards of the planning authority for such works and services.

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

7. No gate shall open onto the public footpath or public road.

**Reason:** In the interests of pedestrian and road safety.

8. 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.

9. 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.

10. All service cables associated with the proposed development (such as electrical, telecommunications and public lighting cables) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of orderly development, visual and residential amenities of the area.

11. Proposals for an estate/street name, house 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 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 names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

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

12. Prior to the 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 planning authority of the shared surface area, public open space, watermains, drains, public lighting and other services required in connection with the development, coupled with an agreement empowering the planning 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 of the development.

13. 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.

14. The developer shall be responsible for the provision and maintenance of all communal areas and infrastructural works to the satisfaction of the planning authority until taken in charge.

**Reason:** In the interests of orderly development and in the interests of preserving residential amenities.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.



16. 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.

17. Prior to the commencement of development, the developer, in consultation with the planning authority, shall pay an agreed sum of monies as a contribution towards the cost of providing a new table ramp at the entrance to the Seagrave Hall residential estate.

**Reason:** It is considered reasonable that the developer should contribute towards the planning authority's costs associated with providing this infrastructure.

18. Prior to the commencement of development, the developer, in consultation with the planning authority, shall pay an agreed sum of monies as a contribution towards the cost of relocating the lighting column which is in the middle of the proposed entrance serving the proposed dwellings.

**Reason:** It is considered reasonable that the developer should contribute towards the planning authority's costs associated with providing this infrastructure.

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

**Dated this            day of            2019.**