



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: RA/180228

Appeal by Peter Dwyer care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 4th day of April, 2019 by Meath County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: A three-storey pitched roof mixed use building to the front of the site, consisting of a ground floor retail unit (100 square metres) and two number two-bed duplex apartments on the upper floors. To the rear of the site there will be two number semi-detached two-storey houses (two bed) with rear gardens. Eight number parking spaces will be provided with the development. Site boundary walls, bin stores and all associated site and landscape works included. Total development floor area is 454 square metres. All at Main Street, Clonee, County Meath (as amended by the further public notice received by the planning authority on the 12th day of March, 2019).

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

The site is located on zoned lands in the centre of the village of Clonee, has a history of buildings on site and adjoins existing mixed use, including residential developments. Having regard to the documentation submitted with the application and appeal, it is considered that, subject to compliance with the conditions set out below, the development of this infill site, would not increase flood risk elsewhere, would be in accordance with the Flood Risk Management Guidelines and the relevant provisions of the Meath County Development Plan 2013-2019 (as extended and varied), would not seriously injure the amenities of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate form of development at this location. 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 11th day of February 2019, 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. Prior to the occupation of any units within the site, the developer shall submit, for the written agreement of the planning authority, details of a management company for the future management and maintenance of public open spaces, roads, footpaths, communal areas and public lighting within the site boundaries onwards from their completion in a satisfactory manner. The company shall indefinitely manage the above and demonstrate capacity to resource and finance their activities.

Reason: To ensure the adequate future maintenance of this private development and in the interest of residential amenity.

3. The site car parking and site access shall be as per the Site Layout Plan drawing number 17.102.102 submitted on the 11th day of February, 2019. Prior to commencement of development on site, the developer shall submit for the written agreement of the planning authority, the exact detail of the footpaths adjacent to the development. The developer shall obtain a road opening license in order to carry out any works on the roadside of the site boundary, including constructing the site entrance. These works shall be carried out prior to the occupation of the development.

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

4. Prior to the first occupation and following any future change in occupancy of the retail unit, all details of proposed signage shall be submitted to the planning authority for prior written agreement.

Reason: In the interest of visual amenity.

5. Prior to commencement of development on site, the developer shall submit details for the written agreement of the planning authority of flood resilient measures for the entire development.

Reason: In the interest of flood risk management.

6. In relation to surface water management, prior to the commencement of development the developer shall submit for the written agreement of the planning authority:
- (a) Details for the flow control device and associated chamber. All flow devices shall be fitted to a minimum 225 millimetres outlet pipe and with a pull cord by bypass. In order to isolate and carry out maintenance of the flow control device a penstock valve (or similar approved) shall be installed within the flow control chamber on the upstream end of the manhole. Any flow control discharge of below 5 l/s is not permitted as it is likely to block. Flow control device shall have a minimum orifice of 100 millimetres.
 - (b) Details of the excavation of a trial hole under the supervision of a Meath County Council Water Services Engineer to confirm the level of the on-site water table. In the event that the formation of the attenuation system is less than 1 metre above the water table, the developer shall redesign the attenuation system to provide a fully watertight concrete structure acceptable to Meath County Council Water Services. In the event that the ground conditions are suitable for the proposed Stormtech system, the developer shall submit a detailed design. The attenuation system shall be configured to achieve partial treatment and the isolator row shall connect the attenuation systems inlet and outlet chambers. The isolator row shall connect the attenuation systems inlet and outlet chambers. The isolator row shall also be linked to adjacent rows by means of a high level 225 millimetres overflow pipe.

Reason: In the interest of surface water management.

7. The construction of all works to roads and footpaths, shall be carried out in accordance with the standards set out in the 'Design Manual for Urban Roads and Streets' (Department of Transport, Tourism and Sport and Department of Environment, Community and Local Government, 2013) and the National Roads Authority 'Design Manual for Roads and Bridges'.

Reason: In the interest of orderly development.

8. All surface water from roofs, entrances, paved areas, footpaths, surface and car parking areas shall be collected and disposed of within the site to the surface water drainage system and under no circumstances shall discharge to the public foul sewer.

Reason: In the interest of proper planning and sustainable development.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

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

10. No development exempted or otherwise shall be erected over the public sewer, drain or watermain.

Reason: In the interest of public health.

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:
 - (a) details of site security fencing and hoardings;
 - (b) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- (d) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; and
- (e) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

13. 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.

14. Proposals for a street name, housing numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter street signs, and house numbers, shall be provided in accordance with the agreed scheme.

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

15. (a) Prior to commencement of development, the developer shall submit details showing proposals for the provision of an appropriate level of broadband service infrastructure on an open access basis to each unit within the development for approval of the planning authority. Realizable options showing the feasibility for connection of the units within the development to an exterior broadband service provider(s) and backhaul network shall be included concurrent with the initial construction and infrastructure installation within the development. Any land and wayleaves required for above and/or below ground infrastructure within the development shall be made available for such apparatus. All of the above proposals shall be in accordance with the requirements of the Department of Communications, Climate Action and Environment.
- (b) The developer shall lay two number 110 millimetres diameter uPVC pipes from the entrance of the development along the main reservation of the access roads. These ducts shall be chambered at the start point, finish point, at every road crossing and at every change in direction and at intervals no greater than 250 metres. The chamber size shall be 1200 millimetres by 600 millimetres. Where possible, the duct network shall be designed as resilient which may require the laying of ducts at either side of the road.

- (c) To service individual units within the development, a single duct branch connection shall be extended off the spine duct network described above. A 600 millimetres by 600 millimetres chamber unit shall be installed along this duct at each group of four houses/two commercial units. From this chamber one number 50 millimetres sub-duct shall extend into each dwelling to a point near the consumer unit. The length of sub-duct shall not exceed 100 metres (draw ropes to be included).
- (d) The design of the network described above shall be presented to the planning authority for approval prior to commencement of works on site. The network design shall also be made available to all telecommunications companies seeking to install broadband service infrastructure in the development.

Reason: To facilitate Licensed Operators in providing broadband services to each dwelling within the estate without the need to re-open the road, footpaths or verges.

- 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 of roads, footpaths, watermains, drains, 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 of the satisfactory completion 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.

17. The developer shall pay to the planning authority 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.

Chris McGarry

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

Dated this day of 2019.