



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: NA/190870

Appeal by Mary and Alan Matthews care of Vincent J.P. Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 25th day of November, 2019 by Meath County Council to refuse permission for development comprising (1) Retention of works carried out for the maintenance and improvement of the existing outbuildings/agricultural buildings that include replacement floors, building/rebuilding of walls, renewal of gutters and rainwater pipes, renewal of the paved farmyard area, and (2) renovation and extension of the existing dwelling including demolition of section of the building, the removal of the existing roadside boundary, the erection of new roadside boundary to facilitate provision of revised sight lines, the consequent repositioning of the existing domestic entrance and the existing farm entrance, widening and upgrading of the domestic entrance, the installation of BAF sewage treatment system with polishing filter and all other necessary ancillary works, all at Churchtown, Dunderry, Navan, County Meath. The development was revised by further public notices received by the planning authority on the 30th day of October, 2019 including transportation engineers report, drawing with revised entrance details, landscaping report and amended site characterisation report, all in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for renovation and extension of the existing dwelling including demolition of section of the building, the retention of works carried out for the maintenance and improvement of the existing outbuildings/agricultural buildings that include replacement floors, building/rebuilding of walls, renewal of gutters and rainwater pipes, renewal of the paved farmyard area, and the installation of BAF sewage treatment system with polishing filter, and all other related necessary and associated 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 removal of the existing roadside boundary, the erection of new roadside boundary to facilitate provision of revised sight lines, the consequent repositioning of the existing domestic entrance and the existing farm entrance, widening and upgrading of the domestic entrance, and all other necessary ancillary works, and all other related necessary and ancillary works 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 pattern of development in the area, and to the nature of the development proposed for retention and the proposed development, it is considered that the development proposed for retention and this element of the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The development proposed for retention and this element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the proposed development shall be carried out, retained and completed in accordance with the plans and particulars lodged with the application. as amended by the further plans and particulars submitted to the planning authority on the 15th day of October 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 and the development shall be carried out, retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use of the buildings identified as Building 1 and Building 2 on the plans lodged with the application shall be restricted to uses incidental to the enjoyment of the dwelling on the site.

Reason: In the interest of orderly development.

3. Within three months of the completion of the works hereby permitted, the temporary mobile home, temporary storage/office and temporary cabin shall be removed from the site and the former farm entrance shall be permanently closed and replaced by a roadside boundary treatment similar to that which adjoins this entrance.

Reason: In the interest of orderly development, traffic safety and visual amenity.

4. Within three months of the date of this Order, the spoil heaps shall be removed from the site.

Reason: In the interests of the protection of the environment and public health.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. Within three months from the date of this Order, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 4th day of July, 2019, as amended by the further plans and particulars submitted on the 15th day of October 2019, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the installation of the system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

- (e) Within three months of the installation of the system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

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 residential amenities of property in the vicinity.

10. 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 within three months of the date of this Order. 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.

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 within three months of the date of this Order 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.

Reasons and Considerations (2)

It is considered that the removal of a significant portion of mature trees and hedgerow to facilitate the repositioning and upgrading of two separate entrances to serve this relatively small landholding would not be justified, and would seriously injure the visual and residential amenities of the area. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the overall development proposed for retention/proposed development, the Board noted that the site is occupied by an existing dwelling and considered that the retention of works carried out for the maintenance and improvement of the existing outbuildings/agricultural buildings, the renovation and extension of the existing dwelling, and the installation of BAF sewage treatment system with polishing filter, would not be likely to lead to a significant increase in the usage of the existing entrances, or impact on traffic safety by reason of traffic hazard.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.