



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: TA/190634

Appeal by Danny Mangan of Emmet Street, Trim, County Meath against the decision made on the 9th day of January, 2020 by Meath County Council to grant subject to conditions a permission to Trim SPV Limited care of Halley Murphy and Associates of Burchall House, Parnell Street, Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: A four storey block containing 14 number residential units (one number three bed, seven number two bed and six number one bed) to replace the block previously approved under planning register reference number TT/800019, all to the rear of the existing apartment building constructed under planning permission (planning register reference number TT20004). The development will also comprise associated site works and landscaping to include surface car parking and bin storage, both serving the existing and new developments and connection to public services. Site access will be through the entrance to the existing development. The site is within the curtilage of the Old Town Wall (a Protected Structure under the provision of the Part IV of the Planning and Development Act 2000 and Part IV of the Planning and Development Regulations 2001), all at Emmet Street,

Trim, County Meath. The proposed development was revised by the further public notices received by the planning authority on the 5th day of December, 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

Having regard to the policies and objectives as set out in the Meath County Development Plan 2013 – 2019, the Trim Development Plan 2014 - 2020, the National Planning Framework, the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)’ issued by the Department of the Environment, Heritage and Local Government in May 2009, the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ issued by the Department of Housing, Planning and Local Government in March 2018, and

to the planning history of the site and the overall scale, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, and would be acceptable in terms of pedestrian and 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, as amended by the further plans and particulars submitted on the 21st day of November, 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. The proposed development shall be amended as follows:
 - (a) The area of the balconies for apartment numbers 5, 6 and 7 as shown on the revised floor plans in Drawing number PL004 received by the planning authority on the 21st day of November, 2019 shall be increased so that they are a minimum of 1.5 metres in depth and that they comply with the areas as given in Appendix 1 of the 'Sustainable Urban Housing Design

Standards for New Apartments Guidelines for Planning Authorities' (2018).

- (b) The privacy screens proposed to the balconies at the front facing eastern and rear facing western elevations of the blocks shall be permanently fitted with obscure glazing prior to development made available for occupation of the units and, thereafter, shall be maintained.
- (c) The covered bin and bike storage areas shall be separate enclosed entities.

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: In the interests of residential amenity and permeability.

- 3. Details of the materials, colours and textures of all the external finishes to the proposed development 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 comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following:-
- (a) the areas of public and communal open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public and communal open space by the developer unless taken in charge by the local authority.
 - (b) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. The existing Town Wall shall not be disturbed and shall remain in situ;
 - (d) where possible existing hedgerows shall be retained and augmented;
 - (e) 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 (or until the development is taken in charge by the local authority, whichever is the sooner), shall be replaced within the next planting season with others of

similar size and species, unless otherwise agreed in writing with the planning authority.

The boundary treatment and landscaping shall be carried out in accordance with an agreed scheme.

Reason: In the interests of visual and residential amenity.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist prior to commencement of development, who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
 - (d) ensure that there will be no disturbance or damage to the Town Walls or its foundations adjoining the site.

- (e) having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department of Culture, Heritage and the Gaeltacht for their written agreement in advance of the commencement of the works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 6. 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.

- 7. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of this development.

Reason: In the interest of public health.

8. (a) The vehicular access and internal road serving the proposed development, including turning bays, parking areas, shared surfaces, shall comply with the detailed standards of the planning authority for such road works.
- (b) Prior to commencement of development, a revised parking layout shall be submitted for the written agreement of the planning authority showing the seven number spaces (numbers 16 - 22) allocated and marked out for exclusive use of the existing building.

Reason: To ensure a satisfactory standard of development and the interests of traffic and pedestrian safety.

9. Full details of the proposed public lighting scheme, including the lighting levels within open areas of the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. Detailed proposals for the numbering and naming of the development scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signage, and duplex/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 place names for new residential areas.

12. 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.

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 and dust management measures, construction traffic management and off-site disposal of construction/demolition waste.

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

14. Site development and building works shall be carried out only between 0800 and 1900 hours from Mondays to Fridays inclusive, between 0800 and 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. 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 current Development Plan for the area.

16. (a) The communal/public open spaces, including hard and soft landscaping, shared surfaces, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

17. 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 watermains, drains 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.

18. 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.

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

Dated this day of 2020