



Planning and Development Acts 2000 to 2020

Planning Authority: Meath County Council

Planning Register Reference Number: RA/191277

Appeal by Senan and Marie Boland of 1 Greenane, Dunshaughlin, County Meath against the decision made on the 18th day of June, 2020 by Meath County Council to grant subject to conditions a permission to JPC Partnership care of Project Design Architects of Unit 1 Beech Court Business Park, Kilcoole, County Wicklow in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development consists of two number blocks. Block A contains one number retail unit of 155 square metres and a two bed residential unit to the ground floor with three number three bed duplex apartments above. Block B contains five number two bed residential units to the ground floor and five number three bed duplex apartments above. Communal recreation space, parking and associated works. Totalling 14 number residential units and one number retail unit. Materials to be brick and painted cement render. Further public notices were received by the planning authority on the 16th day of April, 2020.

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 proposed three storey development, incorporating a retail unit and apartments, is of an appropriate scale and an appropriate use mix for this town centre location and zoning, would not impact on the amenities of nearby residents or otherwise negatively impact on the area, would be in accordance with the provisions of the current development plan, and 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 March 2020, 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. 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.

3. Prior to commencement of development, details of a screen to be provided along the eastern boundary of the first floor terraces of the north block shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development.

4. The metal access stairs shall not be permitted. Prior to commencement of development, the developer shall submit details of revised access arrangement for upper floor units for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

5. The use of the proposed commercial unit shall be Class 1 shop. No fast food (hot food) for consumption off the premises shall be provided.

The opening hours shall be limited to 0800 to 2200 Monday to Saturdays, and the opening hours from 1000 to 2200 Sundays, bank or public Holidays.

Reason: To protect the visual amenities of the area.

6. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. Prior to commencement of development, the developer shall submit a revised site layout plan to the planning authority. The revised site layout shall outline bicycle storage in accordance with the Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018), the bicycle storage area shall be easily accessible and shall be separate from the bin storage area.

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

8. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

9. A minimum of 10% of the proposed car parking spaces in car parking shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces in the car park shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

10. 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) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (b) details of proposed street furniture, including bollards, lighting fixtures and seating;
 - (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

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

Reason: In the interest of visual amenity.

11. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

12. (a) All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.
- (b) Prior to commencement of development, comprehensive 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 shall be submitted to, and agreed in writing with the planning authority

Reason: In the interests of visual and residential amenity, and to facilitate licenced operators in providing broadband services to each dwelling unit within the development without the need to re-open the road, footpaths or verges.

13. 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.

14. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

15. 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, in particular:

- (a) the floor of the proposed attenuation tank shall be profiled and provided with discharge channels in order to achieve self-cleaning velocities when the tank is emptying,
- (b) upon completion of the construction of the concrete attenuation tank, the developer shall carry out a water tightness test on the structure which shall be witnessed and approved by the planning authority,
- (c) lockable manhole covers shall be installed at either end of the tank and shall allow for safe access and egress via step irons,

- (d) the developer shall locate the interceptor upstream of the proposed attenuation tank,
- (e) prior to commencement of development, the developer shall engage with and undertake any remedial works to the existing surface water drainage network highlighted on the CCTV report submitted, which the planning authority considers necessary to facilitate the discharge from the proposed development.

Reason: In the interest of public health.

- 16. Comprehensive details of the proposed public lighting serving the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting scheme shall be fully implemented and operational before occupation of any unit of the proposed development.

Reason: In the interests of amenity and public safety.

- 17. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design as outlined in 'Design Manual for Urban Roads and Streets'.

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

18. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

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

19. 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 who shall monitor all site investigations and other excavation works, and
 - (b) 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.

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.

20. 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;
 - (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.

21. No construction access shall be provided from Greenane Road.

Reason: In the interest of clarity and protecting the amenities of the area.

22. 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.

23. 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.

24. Proposals for a street name, unit 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 unit 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.

25. 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 development plan of the area.

26. 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 2020