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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: TA/200911**

**Appeal** by Dave Ryan and Others care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 3<sup>rd</sup> day of September, 2020 by Meath County Council to grant subject to conditions a permission to Dovea Developments Limited care of Michael Allen of Bective Square, Kells, County Meath in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development consist of retention of the basement development previously constructed with a floor area of 190 square metres on each site 4, 5 and 6 with the planning register reference numbers TA-40423 and TA-101059 and for planning permission to construct a new dwelling on each site (three number dwellings in total) 4, 5 and 6 with a dormer space and two floor levels over the existing basement, having a floor area of 700.22 square metres (including the basement). Permission is being sought to connect to the public sewer and water services and to carry out all other works ancillary to the overall development. The site access opens off an existing service road connecting with Knightsbrook Court and Knightsbrook Place, all on sites numbers 4, 5 and 6 Knightsbrook Place, Effernock, Trim, 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 relevant provisions of the Meath County Development Plan 2013 -2019 (as varied) and of the Trim Development Plan 2014-2020 (as varied), including the residential zoning of the site, to the pattern of existing development in the vicinity and to the nature and extent of the three dwellings as proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development for which retention permission is sought would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of land use, and pedestrian and traffic safety. The proposed development and the development for which retention permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, 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 retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The three number dwelling houses hereby permitted, shall each be used and occupied solely as single residential units, and shall not be sold, let or otherwise transferred or conveyed, save as single dwelling units, unless authorised by a subsequent planning permission.

**Reason:** In the interest of clarity.

3. The proposed development shall be amended as follows:
  - (a) Privacy screens fitted with obscure glazing to a height of 1.8 metres, shall be installed at the side elements of the proposed balconies to the rear of the dwelling units.
  - (b) The windows on the side elevations of the first and second storey levels shall be fitted with permanent obscure glazing.

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 visual and residential amenity.

4. Details of all site boundary treatment (including entrance gates) and landscaping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

**Reason:** In the interest of public health.

8. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

**Reason:** In the interests of visual and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0700 and 1900 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.

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 prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

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

11. 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 to 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.

12. 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.

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

**Dated this            day of            2021**