

An
Bord
Pleanála

Board Order
ABP-309299-21

Planning and Development Acts 2000 to 2020

Planning Authority: Cavan County Council

Planning Register Reference Number: 20/343

Appeal by Carol Brady and Sheila McGinnity of 15 Cathedral Road, Cavan against the decision made on the 8th day of January, 2021 by Cavan County Council to grant subject to conditions a permission to Shane Mulligan and Edward O'Hanlon care of Michael Fitzpatrick Architects Limited of Main Street, Butlersbridge, County Cavan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of two number existing domestic garages, excavation of existing embankment and erection of retaining wall, alterations to site boundaries and all ancillary works at 9, 11 and 13 Cathedral Road, Cavan, County Cavan. The proposed development was revised by further public notices received by the planning authority on the 11th day of December, 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

Having regard to the established residential land use zoning, to the form and character of the established dwellings with steeply sloping rear garden areas, to the design of the proposed development, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would be in accordance with the provisions of the Cavan Town and Environs Development Plan 2014-2020 (as varied). 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 27th day of November 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. The construction of all new retaining walls within the proposed development shall be designed, supervised and certified by a Chartered Civil or Structural Engineer, and the works shall be subject to the written agreement of the planning authority.

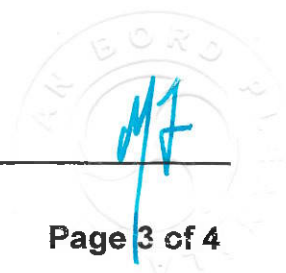
Reason: In the interest of clarity, and to ensure a satisfactory standard of development.

3. A 1.8 metre timber fence shall be erected along the side boundaries of the proposed lower and upper rear garden areas between numbers 7 and 9, and 13 and 15, Cathedral Road.

Reason: In the interest of the residential amenity and privacy of neighbouring properties.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water from the proposed development, shall discharge onto the public road or adjoining properties.

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




5. Construction (including deliveries) or demolition works shall be carried out between the hours of 0800 to 1800 Monday to Friday and between 0900 to 1400 hours on Saturdays.

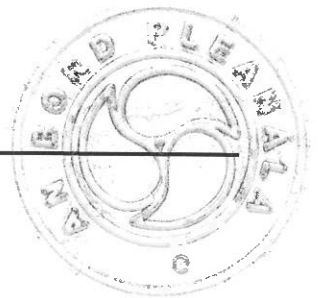
Reason: In the interest of residential amenity.

6. 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 include details of excavation works and of traffic management and 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.

Reason: In the interest of sustainable waste management.



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



Dated this 1st day of June 2021.