

Planning and Development Acts 2000 to 2020

Planning Authority: Meath County Council

Planning Register Reference Number: TA/200317


Appeal by Noel Tierney of 28 Glen Abhainn Grove, Enfield, County Meath against the decision made on the 6th day of July, 2021 by Meath County Council to grant subject to conditions a permission to Patrick Prendergast care of Fergal O'Malley of Ballinakill Lodge, Enfield, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: (1) Demolition of an existing detached single storey dwelling and detached domestic garage/shed, and (2) construction of 12 number dwellings arranged in two number two-storey terraces (blocks) on a 1.45 hectare site comprising of two number four bedroom units, four number three bedroom units and six number two bedroom units. The proposed residential development is arranged as follows: proposed Block A accommodates one number four bedroom end of terrace dwelling (143.02 square metres), one number three bedroom mid terrace dwelling (143.02 square metres), three number two bedroom mid terrace dwellings (82.08 square metres each), and one number three bedroom end of terrace dwelling (143.02 square metres), proposed Block B accommodates one number three bedroom end of terrace dwelling (143.02 square metres), three number two bedroom mid terrace dwellings (82.08 square metres each), one number three

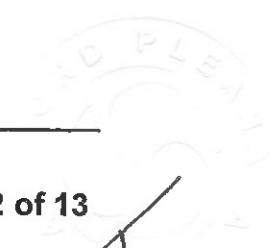
bedroom mid terrace dwelling (143.02 square metres) and one number four bedroom end of terrace dwelling (143.02 square metres). The proposed development includes 12 number dwelling car parking spaces and 11 number visitor car parking spaces including number wheelchair accessible parking bay (24 number in total), two number bin stores are proposed, one number at each side of the entrance road. The proposed development incorporates a large open space and large public amenity spaces including all associated landscaping works, boundary walls and fences, it is proposed that the development is accessed via a new/relocated entrance directly from the Johnstownbridge Road. The proposed development includes necessary roads, footpaths, surface water, foul water and potable water infrastructural works to connect the scheme to the existing mains services and public roads together with all associated site works/services, all on lands at Johnstownbridge Road, Johnstown, Enfield, County Meath. The proposed development was revised by further public notices received by the planning authority on the 11th day of March, 2021. The revisions included (a) amendment of the red line, now extending out onto the existing development to the north, namely Glenn Abhainn, (b) minor site layout alterations including movements of the bin store at the south, (c) minor alteration to the internal layout of the dwellings, (d) other associated site and infrastructural revisions relating to water services, traffic and transportation, and (e) information submission relating to the trees on site, revised reports, drawings and supporting documentation.

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.



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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 provisions of the Meath County Development Plan 2013 – 2019 including the Enfield Written Statement, and to the zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenity of the area, would not be prejudicial to public health 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

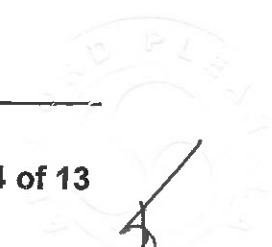
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 26th day of February 2021, except as may otherwise be required in order to comply 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. 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: To ensure adequate servicing of the development, and to prevent pollution.

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority drainage plans and particulars detailing the following:
 - (i) A breakdown of the impermeable, permeable and open space areas within the proposed development and the runoff coefficient applied to the different surfaces within the proposed development.
 - (ii) The capacity of the proposed attenuation structure to serve surface water discharged from the proposed development.
 - (iii) Specifications for the proposed flow control device, hydrobrake orifice size and greenfield discharge rate.
 - (iv) Details of remedial works required to the existing surface water drain and culvert.
 - (v) Measures to isolate and/or carry out maintenance of the flow control device including the provision of a penstock valve (or similar approved) installed within the flow control chamber, on the upstream end of the manhole.



Reason: In the interest of public health.

4. 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.

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

Reason: In the interest of visual amenity.

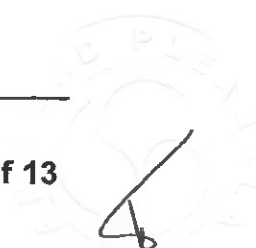
6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

7. 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 interest of visual and residential amenity.

8. Proposals for an estate/street name, and house numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

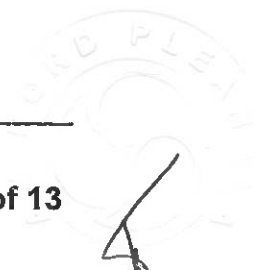


Reason: In the interest of orderly development.

9. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle 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 transportation.

10. (i) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, the following -
 - (a) A detailed tree survey of the trees located in Group G4 along the eastern boundary of the site, as detailed in the Tree Protection Plan drawing number 20039_TPP submitted to the planning authority on the 26th day of February 2021. This survey shall be carried out by an arborist or landscape architect and shall show the location of each tree in Group G4, together with the species, height, girth, crown spread and condition of each tree. This survey shall distinguish trees worthy of retention and trees unsuitable for retention, and shall clearly identify those trees proposed to be felled and those proposed to be retained.
 - (b) Measures for the protection of those trees proposed to be retained. No trees shall be felled prior to the written agreement of the planning authority.



- (ii) Except as may otherwise be required in order to comply with the terms of this condition, the developer shall fully implement all recommendations contained in the Tree Survey Report submitted to the planning authority on the 26th day of February 2021. Unless otherwise agreed in writing, in advance with the planning authority, the proposed tree removal shall be in accordance with the Tree Protection Plan drawing number 20039_TPP received by the planning authority on the 26th day of February 2021.

Reason: In the interest of biodiversity and the protection of trees.

11. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.



12. Prior to commencement of development, the developer shall engage the services of a qualified Arborist as an arboricultural consultant for the entire period of construction activity. A Practical Completion Certificate shall be signed off by the Arborist when all construction works are completed to the satisfaction of the planning authority, and in accordance with the permitted proposals.

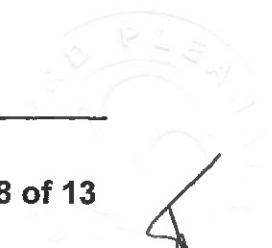
Reason: In the interest of the proper planning and sustainable development of the area.

13. The site shall be landscaped, generally in accordance with Landscape Design submitted to the planning authority on the 26th day of February 2021, in accordance with the detailed requirements of the planning authority. Detailed landscaping proposals shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. No residential unit shall be occupied until all roads, footpaths, public lighting, underground services, car parking and landscaping have been completed to the satisfaction of the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.



15. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

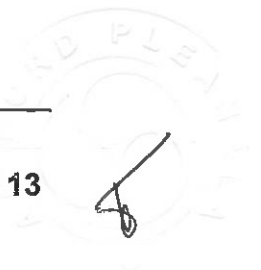
16. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority proposals for all boundary treatments within the confines of the entire site.

Reason: In the interest of the proper planning and sustainable development of the area.

17. 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 and off-site disposal of construction/demolition waste.

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

18. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.



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

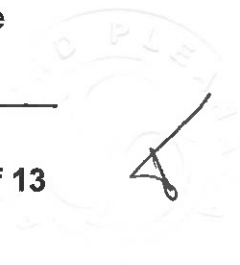
19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

20. 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 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. 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

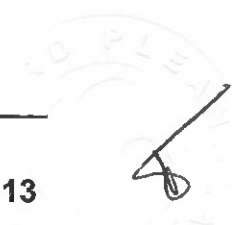


Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees/hedgerows on or immediately adjoining the site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees/hedgerows on the site or immediately adjoining the site, or the replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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.

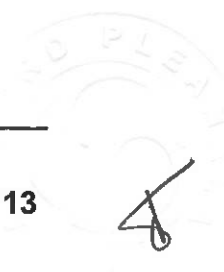
Reason: To secure the protection of the trees/hedgerows on the site.



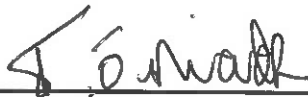
23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 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.

24. 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 Ó Niadh

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

Dated this 20th day of October 2021.

