

Planning and Development Acts 2000 to 2020

Planning Authority: Cavan County Council

Planning Register Reference Number: 21/213

Appeal by Eugene Carter of 7 Waterfern Avenue, Rocklands, Cavan against the decision made on the 4th day of June, 2021 by Cavan County Council to grant subject to conditions a permission to Buffdale Limited care of Wynn Gormley Gilsean Architects and Surveyors Limited of 21 Church View, Cavan, County Cavan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Erection of eight number fully serviced dwellings as follows: two number two bed semi-detached bungalows, four number four bed two-storey semi-detached and two number four bed two-storey detached, all with optional habitable attic accommodation, entrance of existing service road, form service road, public footpath and connection to services, and all associated works, all at Rocklands, Drumalee, County Cavan.

Decision

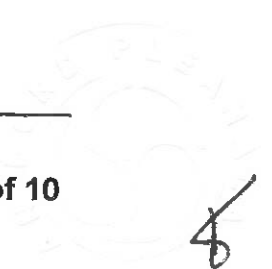
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 'Existing Residential' and Residential Phase 2 zonings which apply to the site under the Cavan Town and Environs Development Plan 2014-2020, as varied, whereby residential development is permissible, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate form of development, would not seriously injure the amenities of the area or the amenities of property in the vicinity and would be acceptable in terms of 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, 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.

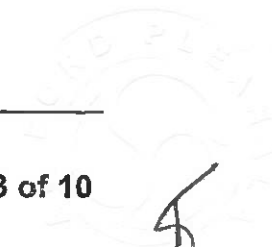
2. The internal carriageway within the site shall have a maximum width of 5 metres and shall incorporate the recommendations of the Design Manual for Urban Roads and Streets in relation to placemaking.

Prior to the commencement of development, revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority.

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

3. Houses shall be provided with dedicated storage space in accordance with the recommendations of the Quality Housing for Sustainable Communities Guidelines issued by the Department of the Environment, Housing and Local Government in 2007.

Reason: In the interest of residential amenity.



4. The access to the site from the Rocklands estate shall comply with the requirements of the planning authority. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of road and pedestrian safety.

5. Details of proposed landscaping and boundary treatments, including details of gradient within each rear garden and the public open space, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and to protect residential amenity.

6. Public open space shall be provided and laid out in accordance with the requirements of the planning authority. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

7. The construction or erection within or bounding the front curtilage of a house (area forward of the front wall of the house) of a gate, gateway, railing, fence or wall shall not be permitted, notwithstanding the provisions of Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2000.

Reason: To ensure the open plan layout is retained and in the interest of clarity and visual amenity.

8. All W.C.'s, bathroom and ensuite windows shall be fitted and permanently maintained with obscure glazing.

Reason: In the interest of residential amenity.

9. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

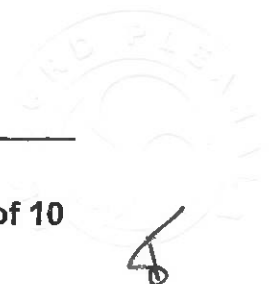
Reason: In the interest of public health.

10. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.

Reason: In the interest of public health and orderly development.

11. 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.



12. Prior to the commencement of development, the developer shall submit to the planning authority for approval, written confirmation from the ESB that the proposed development will not be impacted by the existing overhead powerlines and that where possible, the undergrounding of electricity cables along the proposed service road shall be implemented. (Note: The existing ESB pole with 10,000 volt transformer and powerline which serves the existing Rocklands Housing Estate and traverses the site and the neighbouring dwellinghouse to the north shall be considered for relocation/undergrounding).

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

13. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, all estate signs, and house/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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the proposed development shall be provided with electrical connections, to allow for the future provision of future charging points. Details of how it is proposed to comply with these requirements, including details of the design of, and signage for, the electrical charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

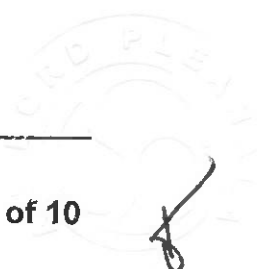
Reason: In the interest of suitable transportation.

15. 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 include details of intended construction practice, noise management measures, parking proposals for construction workers on the site and storage of materials and waste

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

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



17. Public lighting shall be provided in accordance with a scheme, 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 by the developer for occupation of any house/unit within the relevant phase of the development.

Reason: In the interest of amenity and public safety.

18. 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 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.

19. Prior to the commencement of any house in the development as permitted, the applicant or any person with an in interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house unit), pursuant to Section 47 of the Planning and Development Act, 2000, as amended, that restricts all houses permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those

eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.


20. 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.

21. 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.

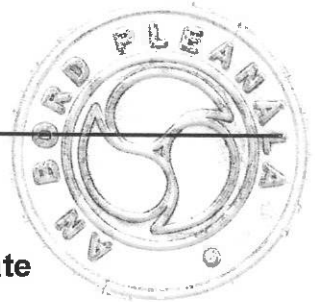
The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed 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 ^{9th} day of November, 2021.