

An
Bord
Pleanála

Board Order
ABP-311905-21

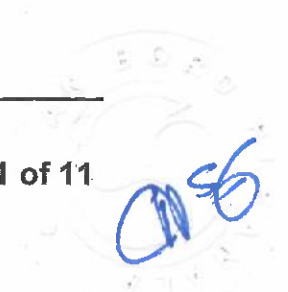
Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: 21/570

Appeal by Adrian Egan of 31 Manorlands, Trim, County Meath and by Marina Cantwell of 10 Manorlands Crescent, Trim, County Meath against the decision made on the 31st day of October, 2021 by Meath County Council to grant subject to conditions a permission to Cranwood Homes care of Kells Art Studios of 13 John Street, Kells, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing single storey dwelling and erection of nine number two-storey houses comprising three number detached houses, each with private entrance onto Newhaggard Road and six number terrace houses with single access onto Manorland. Also lowering of existing site boundary wall along Manorland access road grass verge, to include for all ancillary site works and connections to existing public services, all at Manorland, Newhaggard Road, Trim, County Meath. The proposed development was revised by further public notices received by the planning authority on the 16th day of September, 2021.



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.

Reasons and Considerations

Having regard to the nature and scale of the proposed residential development within the town of Trim, to the relevant provisions of the Meath County Development Plan 2021-2027, including the residential zoning objective which applies to the main portion of the site, 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 be in accordance with the relevant provisions of the development plan, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of the documentation submitted with the application and appeal, including the submissions from all parties and observers. The Board noted and shared the concerns of the Inspector as expressed regarding proposed dwelling numbers 7 and 8. In particular, the Inspector noted at paragraph 7.3.58 of her report, issues around the private open space for these units, as well as concerns as to the bin storage proposals which would be placed to the front of these houses along-side car parking and pedestrian routes. The Board agreed with the Inspector to the

effect that these units would not constitute a sufficient level of residential amenity. The Board also noted and shared the view of the Inspector at paragraph 7.4.20 of her report, that the proposal is acceptable at this location and would not excessively detract from the amenities of surrounding properties. Noting this, and having regard to the imposition of condition number 2 set out below, which omits house numbers 7 and 8, facilitates an increase in the garden depth for house numbers 1 to 3, and improves the public realm within the scheme by the reduction of four parking spaces, it is considered these changes would constitute an appropriate resolution to the concerns expressed regarding the overall scheme which is otherwise consistent with the zoning objective for the site. 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 3rd day of September 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. The proposed development shall be amended as follows:
- (a) House numbers 7 and 8 shall be omitted.
 - (b) House number 6 shall be repositioned southwards to form a semi-detached pairing with house number 9 at its current position. House numbers 4 and 5 shall be repositioned southwards by 10 metres.
 - (c) The rear garden areas of house numbers 1 to 3 shall be increased in depth by five metres.
 - (d) Four parking spaces serving house numbers 7 and 8 and the bin storage for house numbers 7 and 8 shall be omitted.
 - (e) A revised landscape plan, providing for these reconfigurations and including detail of the final parking and open space layout shall be prepared.

Revised plans and particulars setting out the above amendments, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. 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.

4. 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 and surface water management.

5. The developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. The boundary wall treatments shall be carried out in accordance with the details received by the planning authority on the 3rd day of September 2021, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

7. The developer shall submit to and agree in writing with the planning authority, a landscaping plan, prior to commencement of development. The agreed scheme shall commence no later than the first planting season following commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual and residential amenity.

8. 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.

Reason: In the interest of amenity and public safety.

9. 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. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works at the developer's expense.

Reason: In the interests of visual and residential amenity.

10. The road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs and the junction with the adjoining public road shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS.

Reason: In the interests of traffic, cyclist, and pedestrian safety and to protect residential amenity.

11. A minimum of 10% of all communal car parking spaces serving the development shall be provided with functioning EV charging stations/ points, and ducting shall be provided for all in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in writing with the planning authority prior to the making available for occupation of the dwellings.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

12. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

13. 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.

14. 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.

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 provide inter alia: details of intended construction practice for the development, including noise management measures, details for arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and or by-products.

Reason: In the interest of amenities, public health and safety.

16. 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

17. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and permitted, to first occupation by individual purchasers i.e. 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.

18. 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 any 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.



19. 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 calculated at the attributable rate for dwellings of 100 to 140 square metres, for all permitted dwellings under this permission. 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.


Chris McGarry

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



Dated this 24th day of November 2022.