

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 21/1913

Appeal by Niall and Fiona Colgan of 23 Hanson Wood, Dunshaughlin, County Meath and by Alison and Sean Burns of 24 Hanson Wood, Dunshaughlin, County Meath against the decision made on the 24th day of November, 2021 by Meath County Council to grant subject to conditions a permission to Peter, Rosemary and John Madden care of Carey Associates Architects of Office 1, 2nd Floor, Building 3B, Killelland Street, Ashbourne, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of 1,163-square-metre concrete yard and change of use from vacant greenfield site to ancillary storage yard (timber storage, pallet racking not exceeding 3.6 metres high, gas cylinder storage and general storage of palletised outdoor goods) and relocation of seven number storage containers. Permission is sought to erect 1.25 to 1.5-metre-high timber panels above top of existing blockwork wall on east and south site boundaries along with all associated site works and landscaping, including raised tree and hedge planting and low-level lighting columns, all at Maddens Hardware, Main Street, Dunshaughlin, County Meath.

Decision

GRANT permission for the above 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

The subject site is located within the Dunshaughlin Town Centre on lands designated as B1, Commercial/Town or Village Centre in the Meath County Development Plan 2021-2027, where it is an objective to 'protect, provide for and/or improve town and village centre facilities and uses.' It is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would be consistent with the zoning objective for the site, ancillary to the main dwelling and garden store use, and that, having regard to its detailed design, would not adversely impact the visual or residential amenities of the adjoining residents or the archaeological heritage of the site. The proposed development and development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed 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) The timber fencing proposed above the existing boundary wall shall be removed.
 - (b) Within three months of this grant of permission, the developer shall re-locate all gas cylinders to the storage area along the south of the site as illustrated on the site layout plan (drawing number 202002-52).
 - (c) Within three months of this grant of permission, the developer shall remove any lighting attached to the Maddens building which does not have the benefit of permission.

Revised drawings and photographic evidence 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 interest of visual and residential amenity.

3. (a) The storage containers hereby permitted shall be removed from the site within one year from the final grant of permission, unless authorised by a further grant of permission.
- (b) No storage shall take place on the roofs of the storage containers.

Reason: In the interest of visual amenity.

4. Site development works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

5. (a) No machinery shall be operated, and no deliveries taken at, or dispatched from the site, outside the hours of 0800 to 1900 Mondays to Saturdays, nor at any time on Sundays or public holidays, unless otherwise agreed in writing with the planning authority.
- (b) Loading and unloading of goods vehicles shall occur to the north of the storage containers, or at another location to be agreed with the planning authority.

Reason: In the interest of residential amenity.

6. Noise levels shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at number 25 Hanson Wood or at any point along the boundary of the site between 0800 and 1700 hours Monday to Friday, inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

7. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the developer unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. The landscaping scheme shown on drawing number 202002-53, as received by the planning authority on the 30th day of September, 2021 shall be carried out within three months of the date of commencement of development. In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) All planting shall be of semi-mature and native species.
- (b) All plant boxes shall be placed circa one metre from the boundary walls.

All planting shall be adequately protected from damage until established. 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 residential and visual amenity.

9. 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.

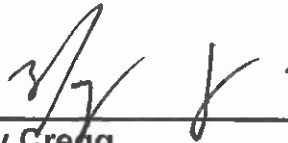
Reason: In the interest of public health.

10. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann (formerly Irish Water) prior to commencement of development.

Reason: In the interest of public health.

11. 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.



Mary Gregg

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 28th day of June 2023.