

An  
Bord  
Pleanála

Board Order  
ABP-312695-22

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 21/20**

**Appeal** by Ailish Fitzsimons of Sheelin, Proudstown Road, Navan, County Meath and by Mark Keenan care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 18<sup>th</sup> day of January, 2022 by Meath County Council to grant subject to conditions a permission to Heron Bell Limited care of Tyler Owens Architects of Distillery Lofts Design Studios, The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will comprise of (i) construction of three number apartment blocks accommodating 54 number units (24 number one-bed at 2.1 square metres each and 30 two-beds at 3.8 square metres each). Each block will be of three-storey height. Block A will contain 18 number apartments (six number one-bedroom and 12 number two-bedroom). Block B will contain 12 number apartments (six number one-bedroom and six number two-bedroom). Block C will contain 24 number apartments (12 number one-bedroom and 12 number two-bedroom). Each unit will be provided with private open space in the form of a balcony/terrace; (ii) The

development will also include an area of communal open space (circa 421 square metres); (iv) Provision of bicycle parking spaces and 59 number car parking spaces, including two number disabled car parking spaces and five number visitor parking spaces; (v) of new pedestrian entrances on Beaufort Road and Proudstown Road; (v) The development also includes SuDS drainage, landscaping, boundary treatments, all associated site development and ancillary works necessary to facilitate the development. The proposed development will supersede the 'Phase Two' apartment development of the development approved under Register Reference NA170485/ABP-300243-17 and accessed via existing approved scheme, all at Beaufort Place, Navan, County Meath, as revised by the further public notice received by the planning authority on the 16<sup>th</sup> day of December, 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:

- (a) The site's location on lands with a zoning objective for the protection of residential amenities, the brownfield nature of the site, the planning history of the site and the policies and objectives, as set out in the Meath County Council Development Plan 2021 - 2027;

- (b) The nature, scale and design of the proposed development and the availability in the area of a wide range of social infrastructure in addition to the pattern of existing and permitted development in the wider area and its location on a prominent junction;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (e) “The Guidelines for Sustainable Residential Developments in Urban Areas” and the accompanying “Urban Design Manual – a Best Practice Guide”, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (f) “The Sustainable Urban Housing: Design Standards for New Apartments”, issued by the Department of Housing, Local Government and Heritage in December 2020; and
- (g) “The Urban Development and Building Heights Guidelines for Planning Authorities”, issued by the Department of Housing, Planning and Local Government in December 2018;

the Board considered, subject to compliance with the conditions set out below, that the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would not constitute a flood hazard 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.

## 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 information received on the 30<sup>th</sup> day of November, 2021 and on the 16<sup>th</sup> day of December, 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. Detailed proposals for the following, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) Works required on the N51 and R163 boundaries, which shall include, but not be limited to, agreement of the road width, removal and setback of existing stone wall to accommodate the proposed cycling facilities, integration of the boundary with the existing roundabout, kerb lines, grass verge, footpaths, cycleways, drainage and streetlighting.
- (b) Secure bicycle parking and storage facilities which shall be provided in dedicated facilities of permanent construction, with electronic access for residents and security including CCTV.
- (c) The stone wall along the eastern boundary shall be reused in the development. The applicant shall submit a method statement in respect of same for agreement.

**Reason:** In the interests of clarity and ensuring a proper standard of development.

- 3. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

4. Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling 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.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed apartment blocks 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. 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 shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

8. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

9. 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. All parking areas serving the apartments shall be provided with ducting for electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** in the interest of sustainable transportation.



11. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

**Reason:** To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

12. 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 for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13. 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 interests of public safety and residential amenity.

14. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

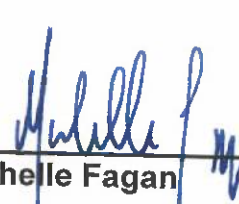
**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

17. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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 of the development.

18. 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

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

Dated this 20<sup>th</sup> day of December 2022.