

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

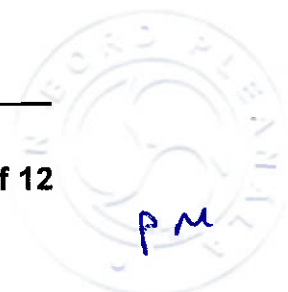
Planning Register Reference Number: 22/325

Appeal by Noreen Coen care of John Callaghan of 10 The Cloisters, Kells, County Meath against the decision made on the 26th day of October, 2022 by Meath County Council to grant subject to conditions a permission to KADA Limited care of Niall Smith Architects of Hall Street, Kingscourt, County Cavan in accordance with plans and particulars lodged with the said Council:

Proposed Development: As revised by further public notices received by the planning authority on the 30th day of September 2022, the proposed development now comprises the construction of 10 number semi-detached single storey sheltered housing units, roadway, public open space, connection to public services, boundaries, landscaping and associated site works at Kilmainhamwood Retirement Village, Boynagh, Kilmainhamwood, Kells, County Meath.

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 nature of the proposed development as 'Sheltered Housing' and the G1 (Community) zoning objective for the site,
- (b) the policy provisions of the Meath County Development Plan, 2021-2027,
- (c) the location of the site within a serviced area, in close in proximity to the Kilmainhamwood Village,
- (d) the pattern of development in the area, and
- (e) the nature, scale, and design of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would provide an adequate level of residential amenity for future residents, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of the safety and convenience of pedestrians and road users, and would not be prejudicial to public health. 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 further plans and particulars received on the 2nd day of September 2022, 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. Prior to commencement of development, the developer shall enter into an agreement with the planning authority pursuant to Section 47 of the Planning and Development Act, 2000, as amended, providing that the occupancy of the units shall be restricted to persons aged 55 years or older or to persons with a certified medical need for sheltered housing and spouses or partners of such persons. The developer/management company shall provide the planning authority with an annual update in writing of all the sheltered units demonstrating that they are occupied by persons listed in the foregoing.

Reason: To ensure that the proposed development is used as specified in the submitted plans and in the interest of the proper planning and sustainable development of the area.



3. The materials, colours and textures of all external finishes to the residential units shall be in accordance with the drawings and specifications hereby approved.

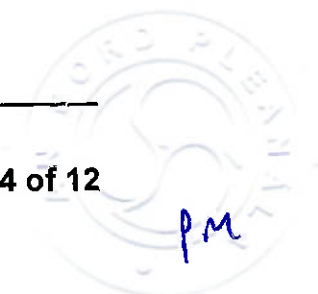
Reason: In the interest of visual amenity and to provide for acceptable standard and quality of development for future residents.

4. Each unit hereby permitted shall be provided with an area of private open space to the rear of the dwelling for the exclusive use of residents of that unit. Details of the landscaping, layout and boundary treatment of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

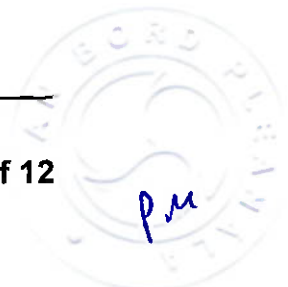
Reason: in the interest of residential amenity.

5. Prior to the occupation of any residential unit in the site, the developer shall submit to the planning authority for written agreement, details of a management company for the future management and maintenance of public open spaces, roads, footpaths, communal areas and public lighting within the site boundaries onwards from their completion in a satisfactory manner. The company shall indefinitely manage the above and demonstrate capacity to resource and finance their activities. This shall include a layout map of the permitted development showing the areas to be maintained by the Owner's Management Company.

Reason: To ensure the adequate future maintenance of this private development and in the interest of residential amenity.



6. (a) Prior to commencement of development, the developer shall submit to the planning authority for written agreement, comprehensive landscaping proposals prepared by a suitably qualified landscape architect which provides details and specifications for all hard and soft landscaping treatments. The landscaping scheme shall demonstrate how the communal garden within the south-western corner of the site is to be integrated within the wider development. Further to this, the submission shall provide details with respect to all boundary treatments, including the boundary treatment between the open space area (south-east corner) and Unit numbers 4 and 5 and suitable boundary treatment for private open spaces of each unit. In addition, the submission shall include design specifications for the proposed retaining wall along the southern site boundary and shall include a southern elevation of southern site boundary showing details of the retaining wall and the boundary treatment above.
- (b) The developer shall submit details (plan, section, elevations, finishes) of the proposed shed located in the open space area.
- (c) Prior to commencement of development, all existing trees to be retained shall be fenced off and fencing shall be at least 1.2 metres high cleft chestnut pale or chain link, well braced to resist impacts, or similar to be agreed with the planning authority.



- (d) The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved hard and soft landscaping scheme shall be implemented in full in the first planting season following the commencement of the development and finalised prior to the occupation of any units hereby granted planning permission. Any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenities.

7. Prior to commencement of development on site, the developer shall submit a Construction Environmental Monitoring Plan (CEMP) for the written approval of the planning authority.

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

8. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.



Reason: In the interest of sustainable waste management.

9. 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.

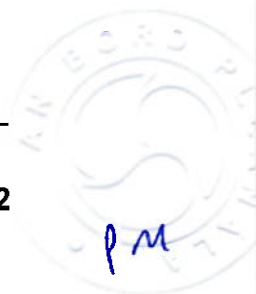
Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. Prior to commencement of development on site, the developer shall ascertain and comply with the requirements of Planning Authority's Transportation Department.

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

11. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority (Water Services Department) for such works and services. The developer shall:

- (a) upsize the proposed attenuation system to cater for 20% climate change,
- (b) submit to the planning authority for agreement details of the proposed boundary treatment around the proposed wetland/pond,



- (c) apply permeable paving to all private car parking spaces, and
- (d) construct a headwall at the outlet point. The proposed non return valves shall be fitted to the headwall.

The allowable greenfield discharge rate shall be achieved using a flow control device with a minimum orifice of 100 millimetres. The developer shall supply a specification for the proposed flow control device which clearly demonstrates the orifice size and discharge rate.

All work shall comply with the Greater Dublin Strategic Drainage Study Regional Drainage Policies Volume 2, for New Developments.

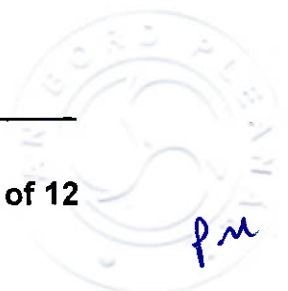
Reason: In the interest of public health.

12. All foul drainage access chambers and plant items located within Flood Zones A and B shall incorporate sealed covers, to prevent potential ingress of floodwater, to the required Irish Water standards. Detail in this regard shall be submitted to the planning authority (Environment Department (Flooding)) for written agreement prior to commencement of development on site.

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

13. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

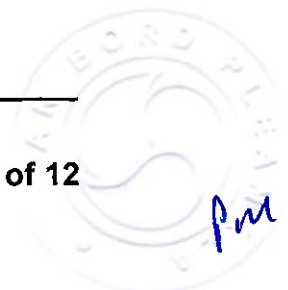


14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

15. (a) 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.
- (b) During the construction phase of the development, noise levels at noise sensitive locations shall not exceed 70 dB(A) during the permitted hours of construction. Noise exceedance activities shall be agreed in writing with the planning authority prior to the activity taking place.
- (c) During the construction stage, the developer shall maintain a complaint register. The complaint register shall include details of the complaint and measures taken to address the complaint and prevent repetition.

Reason: In the interest of orderly development and to safeguard the residential amenities of property in the vicinity.



16. Prior to commencement of development, the developer shall submit details showing proposals for the provision of an appropriate level of broadband service infrastructure on an open access basis to each unit within the development for the approval of the planning authority. The developer shall ascertain the requirements of the planning authority prior to the submission of the compliance proposals.

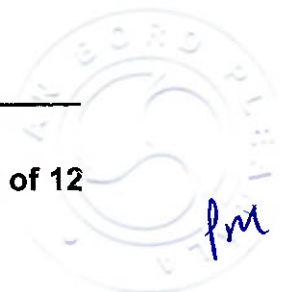
Reason: To facilitate other licensed operators in providing broadband services to each dwelling within the estate without the need to reopen the road, footpaths or verges.

17. Public lighting shall be provided on the site. Details in this regard shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of public safety.

18. The site shall be surveyed for the presence of bats prior to the commencement of site clearance, demolition and construction works. The results of this survey, including any actions arising, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the protection of bats, a protected species under the terms of the Wildlife Act 1976 (as amended) and listed under Annex IV of the EU Birds Directive (Council Directive 79/409/EEC).

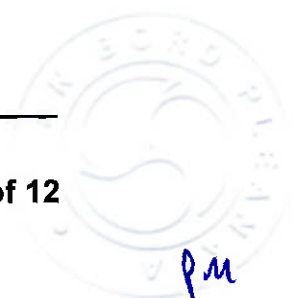


19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 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.

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 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.



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 or 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.



Peter Mullan

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

Dated this *29th* day of *January*, 2024.