

An
Bord
Pleanála

Board Order ABP-317120-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 22/445

Appeal by Peter McCaffrey of Cortober, Cootehill, County Cavan against the decision made on the 18th day of April, 2023 by Cavan County Council to grant permission subject to conditions to Michael Giles care of Niall Smith Architects of Hall Street, Kingscourt, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: To demolish single-storey storage shed, construct two number one-bedroom apartments and make alterations to connections into existing water and wastewater services all at the rear of number 74, Market Street, Cootehill, County Cavan as revised by further public notices received by the planning authority on the 24th day of March, 2023

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 Sustainable Urban Housing: Design Standards for New Apartments (December 2022) and the Cavan County Development Plan 2022 – 2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would fulfil the zoning objective for the site and provide a satisfactory standard of amenity for future residents. Furthermore, having regard to the separation distance between the proposed ridge height and the existing residential units to the north, and also having regard to the lowering of the existing party wall as proposed between the two properties, the Board is satisfied that the proposed development would not adversely impact on the residential amenities of property to the north. 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 received by the planning authority on the 7th day of March 2023, 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 the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, the following:

- (i) Comprehensive details of the soft and hard landscaping of each private amenity area and a timetable for implementation.
- (ii) Proposals for the communal yard which shall be laid out to enable the bin storage needs of both the retail users of the site and existing and future residents of the site to be fully met. Covered bicycle parking facilities shall be provided for existing and future residents, and the archway to the communal yard shall be denoted as an access to be kept free at all times from parked vehicles.

Reason: In the interests of residential amenity, in order to promote cycling as a sustainable mode of transport, and to safeguard access in the interest of public safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed apartments 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.

4. Prior to the commencement of development, the developer shall enter into water and/or wastewater connections agreements with Uisce Éireann.

Reason: In the interest of public health.

5. 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.

6. Site development and building 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 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.

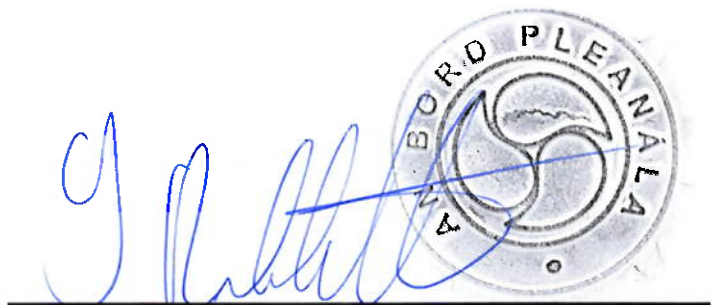
Reason: In order to safeguard the residential amenities of property in the vicinity.

7. 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.

8. 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.



Tom Rabbette

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

Dated this 26th day of FEB 2024