

An  
Bord  
Pleanála

**Board Order**  
**ABP-318032-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 22/377**

**Appeal** by Cathal and Maura Hughes care of Stephen Mason Architectural and Planning Services of 2 Clonkeefy, Castlerahan, Ballyjamesduff, County Cavan against the decision made on the 22<sup>nd</sup> day of August, 2023 by Cavan County Council to grant subject to conditions a permission to Mark Lawlor care of Smith Associates of "Fairview House", Deanery Street, Belturbet, County Cavan in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a housing development comprising the following: (a) 10 number three bed two-storey dwellings in two number blocks of four and six with semi-enclosed courtyard; (b) new entrance to proposed courtyard, car parking, landscaping, connection to existing services and associated site development works and (c) demolition of existing single storey out-buildings, alterations to existing entrance, new single storey store and roofed yard to adjoining commercial premises, all at Chapel Road and Widow's House Lane, Belturbet, County Cavan as amended by the revised public notice received by the planning authority on the 27<sup>th</sup> day of July, 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 the Town Core zoning objective pertaining to the site as set out in the Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 2022-2028, under which residential development is permissible, the development objectives of the Plan which support infill development, the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the above Plan, would be in keeping with the character of the area, would not seriously injure the residential or visual amenities of the area or the amenities of properties in the vicinity and would be acceptable in terms of traffic safety and convenience. Therefore, the proposed development would 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 submitted to the planning authority on the 13<sup>th</sup> day of July, 2023 and the 27<sup>th</sup> day of July, 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 revised plans for the written agreement of the planning authority showing compliance with the following:
  - (a) proposed Units 9 and 10 shall be omitted from the development and public open space shall be provided in their place,
  - (b) revised elevation for proposed house 8 which includes windows at ground floor level overlooking to public open space,
  - (c) the building line for proposed Units 1-4 shall be brought forward by one metre to increase rear garden sizes,
  - (d) omission of car parking spaces numbers 6 and 7 and the reallocation of this space as additional private open space for houses 5 to 8. Revisions to car parking area to provide for 8 number car parking spaces,
  - (e) details for provision of bin storage within the development, and
  - (f) all W.C.'s, bathroom and ensuite windows shall be fitted and permanently maintained with obscure glazing.

**Reason:** In the interest of residential amenity.

3. This permission is for a total of eight number residential units.

**Reason:** In the interest of clarity

4. Details (including samples) 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.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To ensure a satisfactory completion and maintenance of the development in the interest of residential amenity.

6. Prior to commencement of development, the developer shall carry out all recommendations contained in the Invasive Alien Plant Species Management Plan submitted to the planning authority on the 13<sup>th</sup> day of July, 2023.

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

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

- 8. Water supply and drainage arrangements, which shall include SuDS measures, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.

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

- 9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the requirements of Cavan County Council and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

**Reason:** In the interests of pedestrian and traffic safety.

10. Prior to the commencement of development, the developer shall liaise with Cavan County Council to ascertain their requirements relating to traffic management improvement works to the adjoining road network, road widening and provision of public footpaths to facilitate the development. Any such agreed works shall be implemented at the developer's expense.

**Reason:** In the interest of orderly development and to ensure traffic safety.

11. The recommendations set out within the Stage 1 Road Safety Audit submitted to the planning authority on the 13<sup>th</sup> day of July, 2023 shall be implemented in full by the developer.

**Reason:** In the interest of traffic safety and proper planning.

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.

**Reason:** In the interests of amenity and public safety.

13. Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

14. The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

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

15. 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.

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

16. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including 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 occupation of the development.

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

17. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 reducing waste and encouraging recycling.

18. The construction of 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, pollution control and contingency plan, and noise/dust management measures.

**Reason:** In the interests of public safety and residential amenity.

19. 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.



20. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998 and Cavan County Council's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

21. 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), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses 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.

22. 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.

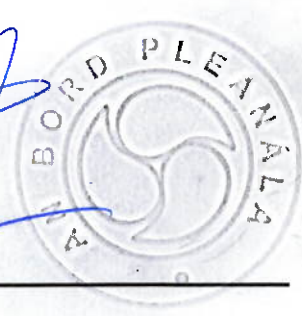
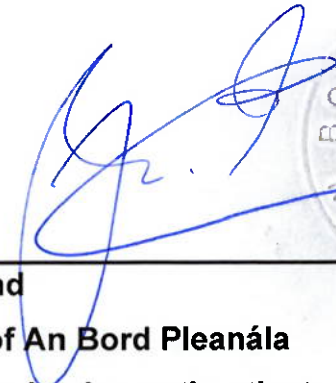
**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

23. 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 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.

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

Dated this 10<sup>TH</sup> day of July 2024.