

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 23/60332

Appeal by Stephen Shanaghy of Corduff, Ballinagh, County Cavan against the decision made on the 23rd day of February, 2024 Cavan County Council to grant subject to conditions a permission to John O'Reilly care of Michael Maguire Architects Limited of The Connall Building, Main Street, Ballyconnell, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: To close two number existing vehicular entrances to either side of existing dwelling and form new vehicular entrance together with associated site works at Ballinlough, Belturbet, County Cavan.

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 provisions of the Cavan County Development Plan incorporating the Cavan Local Area Plan (2022-2028), and to the scale and nature of the development, 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 development plan and would not adversely affect road safety and amenities of the area. 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 in accordance with the plans and particulars submitted with the planning application received by the planning authority on the 21st day of December 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: To clarify the plans and particulars for which permission is granted.

2. The new entrance design shall incorporate the following:
- (a) The entrance shall be set back four metres from the roadside boundary and shall be a maximum width of four metres.
 - (b) The new boundary shall be set back in line with the entrance over the full frontage of the site.
 - (c) No part of the entrance constructed shall exceed 1.2 metres in height.
 - (d) Finishes of the entrance area shall be in keeping with the rural character of the area, i.e. timber, natural stone.
 - (e) Any alterations to the entrance and roadside boundary as agreed as part of this condition shall require a separate grant of planning permission.

Reason: In the interests of traffic safety and amenity.

3. The area between the entrance and the new boundary and the road shall be treated in the following manner:
- (a) Existing roadside drainage shall be piped under the entrance and area forward of the new boundary shall be drained with spigot and socket concrete pipes, the diameter of which shall be a minimum of 225 millimetres.

- (b) The area shall be backfilled and graded downwards from the edge of the road at a gradient of 5%, provided with lockable type gullies and a surface water drainage system ('Acco' channel or similar approved) that ensures no surface water flows from the entrance (or layby area) onto the road but is collected and discharged direct to nearby watercourses.
- (c) The area contained within the new entrance (and layby area) shall be constructed with a minimum depth of 400 millimetres layer of Clause 804 and finished in 100 millimetres layer of bitumen macadam.
- (d) The inlets and outlets to piped surface water drainage systems shall be constructed utilising precast or cast in situ concrete lead-in walls, training walls splayed at 45 degrees and shall include concrete aprons upstream and downstream.
- (e) The development of the entrance area and associated frontage works shall ensure that the existing roadside drainage is neither surcharged, obstructed or impeded as a result of works carried out and that there is no consequential impounded of surface water on the road.
- (f) All works relating to surface water drainage in association with the entrance and layby area shall be commenced concurrently with other site preparation works including building construction and completed prior to the pouring of foundations for the proposed building.

Reason: To prevent flooding and frost damage to the road in the interest of traffic safety.

4. Within one month of the new vehicular entrance becoming operational, the existing two number entrances shall be permanently closed, and the boundary walls shall be reinstated, evidence of these works having been completed shall be submitted to the planning authority for written agreement.

Reason: In the interests of traffic safety, pedestrian safety and proper planning and sustainable development.

5. (a) Landscaping shall be carried out as detailed on the site plan submitted on the 21st day of December 2023, unless otherwise agreed. Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. All new hedgerow planting shall be of species native to the area.
- (b) Planting shall commence no later than the first planting season following commencement of development on site. 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: To protect the visual amenity and natural heritage of the area.

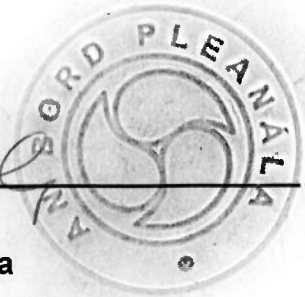
6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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



Mary Henchy

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



Dated this 10th day of March 2025.