



Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 231041

Appeal by William and Eamonn Fallon and John Nally care of Frank Burke and Associates of Baldara, Trim Road, Navan, County Meath and by Gerard and Bern Gannon of Drumlorgan, Summerhill, County Meath against the decision made on the 28th day of March, 2024 by Meath County Council to grant, subject to conditions, a permission to Granbrind (Kilcock) Limited care of Armstrong Fenton Associates of Unit 13, The Seapoint Building, 44-45 Clontarf Road, Clontarf, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The construction of 70 number Independent Living Units, comprised of (i) five number one-storey, one bed, mid terraced units, (ii) 56 number one-storey, two-bed, mid and end terraced units, (iii) nine number two-storey, three-bed, end terraced units and (iv) two number single-storey indoor amenity suites. The proposed development also consists of a two-part-three storey nursing home, with a gross floor area of 5,870 square metres, accommodating (i) 75 number bedrooms (99 number beds), including single, twin and ward rooms (with ensuite), (ii) dayrooms and multi-function space, (iii) chapel, (iv) associated resident's welfare facilities/treatment/therapy rooms, (v) administration areas and staff facilities, (vi) associated dining area,

kitchen, plant and services, and (vii) courtyard gardens and terraces. Vehicular access to the development will be via an existing, (to be upgraded) access from the New Road/Moy Road (L6212). The proposed development also provides for surface car parking, bin and bicycle storage, two number ESB substations, hard and soft landscaping, boundary treatments, vehicular and pedestrian site access, and all associated site development works, including service connections, public lighting, foul and surface water drainage/attenuation, and water supply/storage. The proposed development is located on a site area measuring approximately 3.89 hectares, in the townland of Summerhill Demesne, New Road/Moy Road, Summerhill, County Meath. The proposed development was revised by further public notices received by the planning authority on the 4th day of March 2024.

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 Meath County Development Plan 2021-2027, including the zoning objective for the site (G1 - Community Infrastructure), the location, setting and suitability of the site (which is within the settlement boundary for Summerhill), the nature and scale of the proposed development, and the pattern and character of development in the surrounding vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would accord with development plan policies and objectives, including SOC POL 25 which seeks to encourage the integration of healthcare facilities within new and existing communities, would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of pedestrian and traffic safety and

would not seriously detract from the character or built heritage 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 and completed in accordance with the plans and particulars lodged with the application, as revised by the further plans and particulars received by the planning authority on the 19th day of February 2024, 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. (a) Each permitted independent living unit shall constitute a single unit as defined under Class 9 (a) of the Planning and Development Regulations 2001, as amended and only used for residential accommodation and care for people in need of care and no other class of use specified in Part 4 of Schedule 2 of those Regulations, unless authorised by a further grant of permission.
- (b) Prior to the commencement of occupation, the developer shall enter into an agreement with the planning authority pursuant to section 47 of the Planning and Development Act 2000, as amended which requires the occupancy of each permitted independent living unit to be restricted to persons aged 55 years or

older, or to persons with a certified medical need for sheltered housing, and the spouses or partners of such persons.

- (c) The developer/management company shall provide the planning authority with an annual confirm in writing that all independent living units are in compliance with Condition 2(b) above (that is, 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).

Reason: In the interest of clarity and to prohibit an unacceptable change of use.

- 3. Prior to the commencement of occupation, the developer shall:
 - (a) Provide a two-metre-wide concrete footpath along the boundary of the site along the L-6212. This path shall connect to the proposed path on the western boundary of the site.
 - (b) Tactile paving shall be provided at all pedestrian crossings within the development and at the entrance along the L-6212.
 - (c) Provide and maintain sightlines in accordance with DMURS from all internal junctions. In that regard unobstructed sightlines of 23 metres from a setback of 2.4 metres shall be provided. The nearside road edge shall be visible over the entire sight distance.
 - (d) Covered bicycle parking facilities shall be provided throughout the development as shown on drawing number: 230092-X-05-Zoo-DTM-DR-DBFL-CE-1201 Rev 01, received by the planning authority on the 19th day of February 2024.
 - (e) The public lighting design, received by the planning authority on the 19th day of February 2024 shall be constructed as per the 'Meath

County Council: Public Lighting Technical Specification and Requirements' document.

Reason: In the interest of amenity and public safety.

4. Details of the materials, colours and textures of all the external finishes of 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) The developer is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out pre-development testing at the site. The testing report will include the results of an archaeological geophysical survey of the development site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
- (b) The archaeologist is required to notify the National Monuments Service in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
- (c) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
- (d) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the National Monuments Service for consideration.

- (e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required the National Monuments Service will advise the developer with regard to these matters.
- (f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the National Monuments Service.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

- 6. The proposals, mitigation measures and commitments set out in the Construction Environmental Management Plan (CEMP) shall be implemented in full as part of the proposed development.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

- 7. 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 Environmental Protection Agency'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 proper planning and sustainable development.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. 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. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development. Any existing overground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

10. 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.

11. 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.

12. Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

13. Proposals for a development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all development signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

14. Prior to commencement of development, the developer 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.

15. 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.

16. 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.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 7th day of August 2024.

