

An  
Bord  
Pleanála

**Board Order**  
**ABP-319949-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 23/1026**

**Appeal** by Margrove Limited care of Jim Brogan Planning and Development Consultant of Unit B1, Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 24<sup>th</sup> day of May, 2024 by Meath County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a four/five storey building to accommodate a total of 32 number apartments (23 number one bedroom units and nine number two bedroom units) on a site (0.2 hectares) at the south-western corner of the junction of Station Road and Rooske Road in Dunboyne, County Meath. The private open space for the residential units will comprise terraces at ground floor level and balconies on the upper floors on the north-west elevation of the building. Pedestrian access will be from Station Road. Vehicular/cycle access will be sited on the south-western boundary of site facing the Castlevue Estate. The proposed development will also include provision for 17 number surface car parking spaces; 99 number bicycle parking spaces; bin storage facilities; photovoltaic panels on the roof, communal open spaces; landscaping, boundary treatment and all associated

site development works, all on a site at Station Road/Roske Road Junction, Dunboyne, County Meath. The proposed development was revised by further public notices received by the planning authority on the 24th day of April, 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**

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the development accorded with the Meath County Development Plan 2021-2027, specifically the zoning objective for the site, and with objective DCE 1, to encourage and support the development of vacant sites. The applicant has demonstrated that the location of the proposed building is compatible with the preferred route option for the Dunboyne Clonee Cycle Network. The amendments at appeal stage while not providing active frontage at street level do assist in enlivening the street and improving the relationship with the public realm.

The Board shared the Inspector's concerns regarding the proposed density which exceeded both the density provided for in the development plan and in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024). The Board concurred with the Inspector's assessment of unit type mix. The Board decided to reduce the density and improve the amenity for future residents by removing a floor by way of condition, thereby reducing the number of units permitted by eight. The Board considered this reduction in height did not compromise the overall composition of the building.

The proposed development, subject to compliance with the conditions set out below, would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation the Board had regard to the totality of the file including:

- the zoning of the site,
- the constrained nature of the site,
- the relevant Guidelines for Planning Authorities, including the Sustainable Residential Development and Compact Settlements (2024) and the Sustainable Urban Housing; Design Standards for Apartments (2022), and
- the location of the site relative to public transport, services, and amenities.

The Board decided that, having regard to the above and due to:

- (a) the limited length of the frontage along Rooske Road,
- (b) the level of surveillance from upper floor levels, and
- (c) the revisions proposed at appeal stage that improve the relationship between the building and the street,

active street frontage provided by ground floor use is not warranted in this case.

The Board shared the Inspector's concerns regarding the proposed density but considered this could be addressed by removing the second floor from the building reducing the number of apartments by eight (removing Level 02, apartments numbers 12 to 19 inclusive). The Board considered that the proportion of one bed units provided a greater housing mix in the wider area and therefore decided that no further reduction or amalgamation of units was warranted in this instance. The Board decided that with the reduction in the height of the building alleviated the need to remove apartments numbers 21 and 22.

The Board concurred with the assessment of the Inspector that the applicant had demonstrated that the development proposed does not compromise the proposed cycle route.

## 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 18<sup>th</sup> day of April, 2024, and by drawings submitted with the appeal on the 18<sup>th</sup> day of June, 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. The proposed development shall be amended as follows:

- (a) Level 02, apartments numbered 12- 19, shall be omitted from the scheme (for clarity, reducing the number of apartments by eight).
- (b) The number of EV parking spaces shall accord with the requirements of the planning authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To reduce the overall density on the site and improve the amenity for future residents.

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority:

- (a) the detailed design and layout of the interface between the development and the public road and paths, this shall generally accord with the general layout drawing submitted with the appeal and the Rooske Road – Active Frontage drawing submitted with the appeal.
- (b) The detailed design of the ground floor frontage onto Rooske Road as submitted with the appeal received on the 18<sup>th</sup> day of June 2024.

**Reason:** In the interest of visual amenity and to improve the amenity for future residents.

4. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, an updated Road Safety Audit stage 1 and Stage 2, and proposed design amendments to implement the recommendations of the Road Safety Audit.

**Reason:** In the interest of traffic safety.

5. Details of the materials, colours and textures of all the external finishes to the proposed development, including the proposed balcony screening, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. The permitted development shall be landscaped, and boundary treatments provided in accordance with a detailed comprehensive scheme of landscaping and boundary treatments, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. 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:** In the interest of residential amenity.

7. Details of the management company, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

8. Proposals for naming, numbering and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all naming, numbering and signage, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) 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 place names for new residential areas.

9. The construction of the development shall be managed in accordance with a final project Construction and Environmental 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 the construction practice for the development, including:

- (a) location of the site and materials compound(s), including areas identified for the storage of construction refuse;
- (b) location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
- (c) details of on-site car parking facilities for site workers during the course of construction;
- (d) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (e) measures to obviate queuing of construction traffic on the adjoining road network;
- (f) details of construction phase mobility strategy, incorporating onsite mobility provisions;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels;



- (j) details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;
- (n) a record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority; and
- (o) invasive species management plan.

**Reason:** In the interests of amenities, public health and safety.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday and 0800 to 1400 hours on Saturday, 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.

11. 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.

12. 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 interests of public health and surface water management.

13. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

14. (a) 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

15. 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 with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

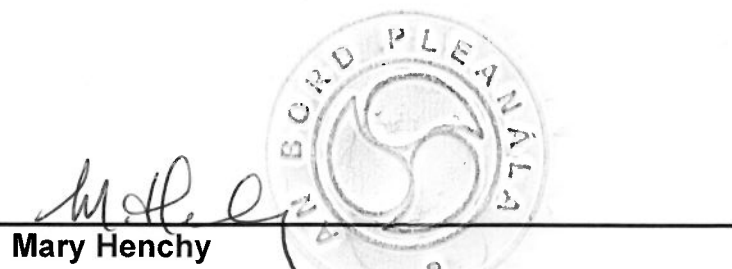
16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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.

17. 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.



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

Dated this 21<sup>st</sup> day of March 2025.