

An
Coimisiún
Pleanála

Commission Order
ABP-322140-25

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 24/60543

Appeal by Ciara Olwill of The Cottage, Ballyjamesduff Road, Virginia, County Cavan against the decision made on the 25th day of February 2025 by Cavan County Council to grant, subject to conditions, a permission to Patrick McNamee care of WGG Architects and Surveyors of 21 Church View, Cavan, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission to erect fully served two-storey dwelling, connection to foul sewer and watermain and all ancillary works. The proposed works are within the curtilage of Protected Structure CV39016 at Ballyjamesduff Road, Virginia, County Cavan as revised by further public notices received by the planning authority on the 29th day of January, 2025.

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 2022-2028, the planning history of the site, the pattern of development in the area, the zoning objective of the site which seeks to encourage and consolidate town/village cores with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, it is considered that, the overall design of the proposed development, would provide a viable land use for a vacant and underutilised plot on town centre zoned land in a manner that is consistent with planning policy provision and would, subject to compliance with the conditions set out below, not seriously injure the amenities of property in the vicinity, in particular the setting of the adjoining Protected Structure or the Architectural Conservation Area for the Lurgan Parish Quarter. 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 21st day of January 2025 and the 29th day of January 2025, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, prepared by a suitably qualified structural/conservation engineer, which shall be adhered to during construction. This plan shall provide details of the following:

- (a) Methods to ensure that the development would not impact on the structural integrity of the Protected Structure to the west of the site and would not lead to settlement/subsidence of the Protected Structure to the west.
- (b) Any mitigations required to safeguard the adjacent Protected Structure.
- (c) Intended construction practice for the development, including noise and dust management measures and off-site disposal of construction waste.
- (d) Measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

Reason: In the interest of public safety, in the interest of protecting residential amenity of properties in the vicinity and in the interest of protecting and safeguarding the structural integrity of the adjoining Protected Structure.

4. No development shall commence on the site until there is agreement and compliance with the planning authority's drainage arrangements, including for the disposal and attenuation of surface water.

Full details shall be agreed with the planning authority prior to commencement of development and all works shall be completed by the developer, to the satisfaction of the planning authority prior to the occupation of the proposed development.

Reason: In the interest of the protection of the natural environment, public health and the proper planning and sustainable development of the area.

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

Reason: In the interest of public health.

6. 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 interest of visual and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0700 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.

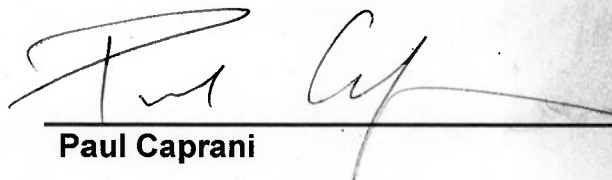
8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

9. 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 Coimisiún 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.



Paul Caprani

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 16th day of July 2025