

An
Bord
Pleanála

Board Direction
BD-013092-23
ABP-313318-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/07/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

The Board considered that, subject to the conditions set out below, the proposed development would constitute an acceptable quantum and density of residential development, would be acceptable in terms of urban design and building height, would not seriously injure the residential or visual amenities of the area, would not cause serious pollution or be prejudicial to public health, would not cause serious injury to biodiversity or cultural heritage, and would be acceptable in terms of pedestrian and traffic safety and convenience. In particular, the Board considered that the density of the proposed development was appropriate and in compliance with section 16.4.4.1 of the Longford County Development Plan which seeks to achieve a density of at least 25DPH in this area, and in compliance with DMS 16.18 of the County Development Plan with regard to Unit Mix. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1.0 Conditions

The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Permission is hereby granted for 98 number residential units comprising 48 number houses and 50 number duplex units.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:
 - (a) House numbers one to four and associated in-curtilage parking spaces shall be omitted and the resulting space redesigned to include a childcare facility in accordance with Condition Number 3(b) below. Up to two number replacement dwellings may also be included on this site, subject to adequate provision for the childcare facility.
 - (b) Within twelve months of the date of this Order, a separate planning application shall be lodged to the planning authority for a childcare facility on that part of the site thereby released. Provision can be made, as necessary, for on-street parking and or set-down area to the front of the childcare facility within the part of the site thereby released.
 - (c) This childcare facility, if permitted, shall be delivered prior to the occupation of the dwellings associated with Phase 3 of the overall development.

- (d) The road adjoining land reserve lands at the south-west of the site shall be built to the site boundary in order to provide for potential future connectivity. Details of these works shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of proper planning and residential amenities of the area.

- 4. The mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment, Bat Assessment, and Arboricultural Assessment submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation measures and a corresponding timeline and schedule for implementation of same to the planning authority for its written agreement.

Reason: In the interests of protecting the environment, public health, and clarity.

- 5. (a) The development shall be carried out in a phased manner in accordance with the Phasing Masterplan Layout, unless otherwise agreed in writing with the planning authority.
- (b) The Open Space to be delivered as part of Phase 3 shall be delivered prior to the occupation of the dwellings delivered as part of this phase.

Reason: To ensure the timely provision of amenities and infrastructure for future residents.

6. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

7. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

8. Public lighting shall be provided in accordance with a scheme, which shall be approved of, with written certification provided by, a suitably qualified bat specialist, and 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 or installation of lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interests of amenity and public safety.

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.

Reason: In the interests of visual and residential amenity.

10. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, parking areas, footpaths and kerbs, and bicycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended issued by the National Transport Authority. All roads and footpaths shown to adjoining lands shall be constructed up to the boundaries to provide current or potential future access to adjoining lands. Pedestrian crossing facilities shall be provided in suitable locations to be agreed with the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of sustainable transportation.

11. (a) The car parking spaces for communal and visitor use hereby permitted shall be assigned permanently for the residential development and shall be reserved solely for that purpose.
- (b) Prior to the occupation of the development, a parking management plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall indicate how car parking spaces within the development shall be assigned, segregated, and continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the residential development.

12. A total of 150 number bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

13. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted 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.

14. Prior to the opening or occupation of the development, a Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking, and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

15. (a) The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the Landscape Design Report and associated landscape plans submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority.
- (b) All areas of open space shall have a defined function be it for active, passive and or visual and screening amenity, and which shall be agreed in writing with the planning authority.
- (c) This work shall be completed before any of the dwelling units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the management company.

Reason: In the interests of nature conservation, residential amenity, and to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

16. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

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

17. (a) All areas, including communal open spaces, hard and soft landscaping, car and bicycle parking areas, access ways, communal refuse and bin storage, not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

- (b) Details of the management company contract and plans and 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.

- 18. (a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface developmental work, including geotechnical test pits, shall be undertaken until the archaeological assessment has been completed, submitted to, and commented on by the National Monuments Service of the Department of Housing, Local Government and Heritage.
- (b) The archaeologist shall carry out any relevant documentary research and inspect the development site. As part of the assessment a programme of a geophysical survey to be followed by test excavation shall be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the National Monuments Service.
- (c) Having completed the work, the archaeologist shall submit a written report stating their recommendations to the planning authority and to the National Monuments Service. Where archaeological material and features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

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

19. The construction of the development shall be managed in accordance with a 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 intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (d) details of on-site car parking facilities for site workers during the course of construction;
 - (e) 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;
 - (f) measures to obviate queuing of construction traffic on the adjoining road network;
 - (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 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 mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (j) 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;

(k) off-site disposal of construction and demolition waste and details of how it is proposed to manage excavated soil;

(l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

20. 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.

21. 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 on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

22. (a) An Operational Management Plan containing details for the management of waste 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 for each dwelling unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the 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: In the interests of residential amenity, and to ensure the provision of adequate refuse storage.

23. 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.

24. (a) Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Uisce Éireann.
- (b) If any proposals by the developer to build over, near or divert existing water or wastewater services subsequently occurs, the developer shall submit details to Uisce Éireann for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Uisce Éireann prior to connection agreement.

- (c) All development shall be carried out in compliance with Uisce Éireann Standards codes and practices.

Reason: In the interest of public health.

25. 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.

26. All of the permitted house or duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect. Such an agreement must specify the number and location of each house or duplex unit.

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.

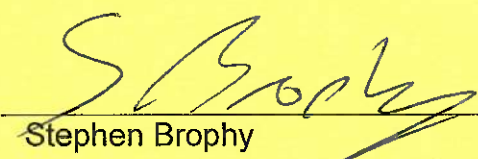
27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains,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

28. 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.

Board Member


Stephen Brophy

Date: 01/08/2023