

An
Bord
Pleanála

Board Direction

BD-017339-24

ABP-318732-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/08/2024.

The Board decided to make a split decision, generally, in accordance with the Inspector's recommendation, to

- (1) grant permission, for House numbers 1-5 as per "Drawing No.2 Proposed house /road levels layout plan" dated 6th September 2023 for the following reasons and considerations at (1) and subject to the following conditions

and

- (2) refuse permission for houses 6-65 as per "Drawing No.2 Proposed house /road levels layout plan" dated 6th September 2023 for the following reasons and considerations at (2)

(1) Reasons and Considerations

The part of the proposed development for houses 1-5 as per "Drawing No.2 Proposed house /road levels layout plan" dated 6th September 2023 which is located on a brownfield infill site on land within the defined Roscommon Town Boundary, and having regard to the existing residential zoning in the draft Roscommon Town Local Area Plan subject to the conditions below, would, if permitted, allow for the completion of the existing residential development and comply with the Roscommon County Development Plan 2022 -2028, including in particular policy objectives CS2.2, CS2.3 and CS 2.5, which collectively promote sustainable settlement patterns, the direction of growth towards designated settlements and the delivery of zoned and serviced land

to facilitate population growth and achieve sustainable compact growth. The proposed development would therefore comply with 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 submitted to An Bord Pleanála on the 19th 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 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 internal road network serving the proposed development shall include a turning bay to be located on the area marked for house number 6 on as per Drawing No.2 Proposed house /road levels layout plan dated 6th September 2023. The turning bay, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. The developer shall agree such details with the planning authority prior to commencement of the development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- (3) Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- (4) Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

- (5) The 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.

- (6) Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

- (7) 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.

- (8) The site shall be landscaped in accordance with a comprehensive scheme of landscaping, 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 or until the development is taken in charge by the local authority, whichever is the sooner, 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 and visual amenity.

- (9) 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.

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

- (10) The construction of the development shall be managed in accordance with a Construction 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- (11) 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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

- (12) 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 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.

- (13) 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 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 the land 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.

(14) (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing 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.

- (15) 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


(2) Reasons and Considerations:

1. The part of the proposed development for houses 7-65 as per Drawing No.2 Proposed house /road levels layout plan dated 6th September 2023 which is located on unzoned land outside of the defined Roscommon Town Boundary would, if permitted, undermine the principles of the core strategy set out in Volume 1, Chapter 2 of the Roscommon County Development Plan 2022 - 2028, including in particular policy objectives CS2.2, CS2.3 and CS 2.5, which collectively promote sustainable settlement patterns, the direction of growth towards designated settlements and the delivery of zoned and serviced land to facilitate population growth and achieve sustainable compact growth. The principle of the development is fundamentally unacceptable and accordingly is contrary to the proper planning and sustainable development of the area.

2. The new "Sustainable Residential and Compact Settlement Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in 2024, require a high quality approach to the design of new housing. It is the policy of the planning authority, as set out in the Roscommon County Development Plan 2022 – 2028 for the area, to ensure that the design and layout of all new housing estates on urban lands to achieve attractive and sustainable development through better design. Having regard to the proposed site layout and house designs of house numbers 7-65, it is considered that the development would not accord with the design principles as set out in Section 12.6 Residential Development of the Roscommon County Development Plan 2022 -2028. It is considered that the proposed development would, therefore, would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse the entire proposed development the Board was satisfied the completion of the development within the area zoned existing residential and the proposed design and layout of the houses numbered 1-5 would be appropriate and would allow for completion of the residential development within the defined Roscommon Town Boundary and would therefore comply with the relevant policy objectives of the Roscommon County Development Plan 2022 -2028. The Board noted the Inspector's concerns relating to construction traffic but was satisfied that a Construction Management Plan, as conditioned, would provide for public safety.

Board Member:


Mick Long

Date: 29/08/2024