



An
Bord
Pleanála

**Board Order
PL 19.248349**

Planning and Development Acts 2000 to 2017

Planning Authority: Offaly County Council

Planning Register Reference Number: PL 2/16/401

Appeal by the Concerned Residents of Ballinamere care of Kathleen Brickland of Parknasilla House, Ballinamere, Tullamore, County Offaly against the decision made on the 23rd day of March, 2017 by Offaly County Council to grant subject to conditions a permission to James Spollen Limited care of LMP Architects of Ennell Studios, Lilliput, County Westmeath in accordance with plans and particulars lodged with the said Council:

Proposed Development: A new two-storey dwelling, garage, effluent treatment system, percolation area, ancillary services, vehicular entrance and all associated works at Ballynamire, Tullamore, County Offaly.

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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the current Offaly County Development Plan and its overall strategy including the siting of a limited amount of development within settlements located within the settlement hierarchy including Sráids, to the location of the proposed development within the development envelope of Ballinamere Sráid, and to the scale and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety. 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 2nd day of March 2017, 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) The proposed planted mound along the side boundary of the site, as indicated on drawing number 1610PL-01, submitted to the planning authority on the 2nd day of March 2017, shall be provided in full prior to any other construction work on the subject site taking place
- (b) The first floor windows on the north-east elevation of the proposed house shall be provided with opaque glazing, which shall be permanently maintained.

Reason: In the interest of protecting the amenities of the adjoining school property.

3. The roof colour of the proposed house shall be blue-black, dark brown or dark-grey, and the colour of the ridge tiles shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

4. The external walls of the proposed house shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

Reason: In the interest of public health.

7. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) the establishment of hedgerows along the side and rear boundaries of both sites,
 - (b) any walls forward of the front building line shall not exceed 1.2 metres in height,
 - (c) a timescale for the implementation of the planting and landscaping.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. 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 noise management measures and off-site disposal of construction waste.

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

10. Site development and building works shall be carried out only between the hours of 0800 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 amenities of property in the vicinity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 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

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

Dated this day of 2017