



Planning and Development Acts 2000 to 2018

Planning Authority: Laois County Council

Planning Register Reference Number: 17/203

Appeal by The Glen Residents Association care of Noel Bodie of 3 The Glen, Kilnacourt Woods, Portarlinton, County Laois against the decision made on the 21st day of December, 2017 by Laois County Council to grant subject to conditions a permission to Le Monde Holdings Limited care of Brian Connolly Associates of The Studio, Wood's Way, Clane, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retain groundworks and ground beams to sites 106-109 inclusive, 128-131 inclusive, 132-136 inclusive and 155-159 inclusive as constructed and full planning permission for completion of two-storey terrace houses in two number blocks of four dwellings and two number blocks of five dwellings (18 houses in total) and all ancillary site works as per planning permission 00/994 and full planning permission for two blocks of four dwellings (eight houses in total) in lieu of apartment blocks on sites 110-127 inclusive and sites 137-154 inclusive and all ancillary site works at Sites 106 to 159 inclusive, The Glen, The Kilnacourt Woods, Portarlinton, County Laois.

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.

Appropriate Assessment

The nearest Natura site is the River Barrow and River Nore Special Area of Conservation, (Site Code 002162) which contains conservation objectives to maintain or restore the favourable conservation condition of habitats and species of community interest including freshwater pearl mussels, Atlantic salmon, otter, Nore freshwater pearl mussel and European dry heaths.

The appeal site located approximately 100 metres from the River Barrow and the River Nore Special Areas of Conservation extends to within approximately 20 metres of the northern boundary of the site. There is a stream which runs through the northern part of the site which forms a hydrological link to the river and surface water in the area also drains to the river.

The Board is satisfied that, in light of the flood mitigation works proposed in the Flood Risk Assessment, the capacity of the existing Kilnacourt Waste Water Treatment Pumping Station and Portarlinton Waste Water Treatment Works, the construction works already carried out on site and the requirements of Irish Water, the proposed development would not give rise to appropriate assessment issues. It is also satisfied that standard construction management practices would be sufficient to avoid any direct or indirect effects on the Special Area of Conservation at construction stage.

It is reasonable to conclude that, on the basis of the information on file, which the Board considers to be adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site Number 002162 (River Barrow and River Nore Special Area of Conservation) or any other European site in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not required.

Reasons and Considerations

Having regard to the location of the site on residential zoned lands in the Portarlinton Local Area Plan 2012-2018 and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not increase the risk of flooding on lands in the vicinity and would be acceptable in terms of residential amenity, traffic safety and public health. 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 submitted on the 30th day of November, 2017 and by the further plans and particulars received by An Bord Pleanála on the 22nd day of January, 2018, 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. All works to complete, rectify, replace as necessary the water supply, foul sewer network, surface water network, public lighting, footpaths, pumping station, landscaping and cycle track/path forming part of and serving the existing development, as outlined in the planning authority's letter dated 23rd day of February, 2017, shall be carried out in full to the written satisfaction of the planning authority within a timescale to be agreed with the planning authority. A full set of as constructed drawings to be submitted to the planning authority on completion of the works.

Reason: In the interests of existing residential amenities and orderly development.

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

Reason: In the interest of the visual amenities of the area.

4. Footpath reinstatement and public lighting shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of orderly development.

5. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) A hard landscaping plan with delineation and specification of site boundary details including the external finishes.
- (b) A soft landscaping plan incorporating native/indigenous species.

Reason: In the interest of visual amenity.

6. Rear garden boundaries to the proposed houses shall consist of block walls 1.8 metres in height, rendered on both sides and capped.

Reason: In the interests of visual and residential amenity.

7. Water supply and 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 interest of public health.

8. 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.

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 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: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

10. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing cables shall be located underground as part of the site development works.

Reason: In the interest of visual amenity.

11. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 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.

12. 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(s) shall be based on local historical or topographic 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.

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 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.

14. 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.

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.

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

Dated this day of 2018.