



Planning and Development Acts 2000 to 2018

Planning Authority: Laois County Council

Planning Register Reference Number: 17/499

Appeal by James G. and Emer Moore of 30 Bruach na hAbhainn, Killeen, County Laois against the decision made on the 6th day of September, 2018 by Laois County Council to grant subject to conditions a permission to Jim McDonald care of Jason Redmond and Associates Consulting Engineers of 5 Lismard Court, Portlaoise, County Laois in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of three number three bed two-storey detached houses, one number two bed single-storey detached house, six number three bed two storey semi-detached houses and 10 number three bed two-storey semi-detached houses (20 in total) and eight number individual service plots, garages, car parking spaces, access through existing Bruach na Abhain development and two number entrances onto County Road L-3992, estate roads, footpaths, public open space, connection to existing sewerage and water main, landscaping and all associated site works at land south/west of County Road L-3992, Killeen Village, Killeen Townland and Grange Townland, Maganey, 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.

Reasons and Considerations

Having regard to the location of the site within the small village of Killeen, identified within the Settlement Plan of the Laois County Development Plan 2017-2023 and zoned for 'Residential' use, the pattern of development in the vicinity, the proposed layout and unit mix, the location of housing within the portion of the site which is indicated as not being liable to flooding and connection to an existing watermain and foul and surface water sewerage network, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously impact on the amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6th day of June, 2018 and the 15th day of August 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. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed 20 number houses shall be submitted to the planning authority for written agreement.

Reason: In the interests of orderly development and the visual amenities of the area.

3. Water supply and drainage arrangements, including 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 and to ensure a proper standard of development.

4. No house or any part of a house, shall be constructed within an area liable to flooding.

Reason: In the interest of public health and orderly development.

5. All hedgerow boundaries of the site (with the exception of the L3992 hedgerow boundary) shall be retained in full, except at proposed entrances to the site. If it proves necessary to remove the L3992 hedgerow boundary, in order to improve sight distances at the proposed two entrances, and/or to facilitate the construction of a footpath/road drainage/public lighting along the length of this road, a new hedgerow of native species shall be planted along the necessary set-back line, prior to occupation of any house within the scheme accessed from the County Road L3992.

Reason: In the interest of residential amenity and the visual amenity of the area.

6. The vehicular entrances from the public road and the internal road network serving the development, including turning bays, parking areas, footpaths, verges and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interests of amenities and public safety.

7. The entrance to serve the eight number serviced sites shall not be opened for use until such time as a public footpath and public lighting has been extended out from the village as far as this entrance and until such time as the 50 km/h speed restriction associated with the village has been extended out as far as the entrance. All necessary works shall be carried out at the expense of the developer.

Reason: In the interests of traffic safety and pedestrian convenience.

8. Prior to commencement of development, proposals for a bilingual name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority. The name shall reflect the history or topography of the area.

Reason: In the interest of orderly development.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of orderly development and the visual amenities of the area.

10. 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.

Reason: In the interests of amenity and public safety.

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing, at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations), relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of any archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, 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.

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

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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

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 the 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.

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

Dated this day of 2019.