



Planning and Development Acts 2000 to 2018

Planning Authority: Cavan County Council

Planning Register Reference Number: 17/561

Appeal by the Residents of Sliabh Rosann care of Laura Quinn Gallagher of 2 Sliabh Rosann, Rosehill, Mullagh, County Cavan against the decision made on the 7th day of November, 2018 by Cavan County Council to grant subject to conditions a permission to LGS Investments Limited care of Hanley-Taite Design Partnership of Virginia Shopping Centre, Virginia, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construct (a) 20 number three bed two-storey semi-detached dwellings and (b) 20 number four bed two-storey semi-detached dwellings to form part of the 'Sliabh Rosann' housing development (previously approved under planning application reference number 06/1075), form connections to all public services, together with all associated site works at 'Sliabh Rosann', Rosehill, Mullagh, County Cavan, as amended by the further public notice received by the planning authority on the 19th day of October, 2018.

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 settlement boundary of the town of Mullagh, the planning history and the unfinished nature of the site, the pattern of development in the vicinity, the proposed layout and unit mix and provision of open space, 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 injure 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. (a) 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 10th day of October, 2018 and the 19th day of October, 2018 and by the further plans and particulars received by An Bord Pleanála on the 9th day of January 2019, 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.
- (b) The development shall be for 38 number houses only, in accordance with the Site Layout Plan submitted to the planning authority on the 10th day of October, 2018.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The astro turf shall be omitted and a children's play area provided within the large central green area.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. (a) Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed

houses shall be submitted to, and agreed in writing with, the planning authority.

- (b) All en-suite first floor side windows shall be fitted with obscure glazing.

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

- 4. 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, retention and augmentation of hedgerows native to the area along all side and rear boundaries of the periphery of the site,
- (b) planting of trees/shrubs within the site including on the open space,
- (c) details of the delineation of the open space from the public road,
- (d) any hard landscaping works, including, lighting and outdoor seating, specifying surfacing materials,
- (e) specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment, and
- (f) a timescale for implementation including details of phasing, which shall provide for the planting and the design of the open

space to be completed before the dwellings are first made available for occupation.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

5. Prior to the commencement of development, details of rear, side and front boundary treatment for the dwellings shall be submitted to, and agreed in writing with, the planning authority. This shall also include:
 - (a) details of the retaining wall to be formed with gabions to the rear of the site (north), that is, house numbers 15-26,
 - (b) details of the side boundary treatment of house numbers 14 and 27 (north boundary), and
 - (c) details of the rear (north) boundary treatment between existing house numbers 1 and 5 including landscaping of the space to the rear of these properties.

Reason: In the interests of residential and visual amenity.

6. (a) 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.
- (b) Details of measures to prevent surface water flooding including the installation of a 'french drain' to the rear of existing properties shall be in accordance with details to be agreed in writing with the planning authority.

Reason: In the interest of public health and surface water drainage.

7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs, traffic calming, external finishes, signage and markings shall comply with the detailed standards of the planning authority for such road works.

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

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) Access to the site for all construction traffic for the duration of the construction works shall be via the existing agricultural laneway to the west of the site.
- (b) Prior to the commencement of development, details shall be submitted to, and agreed in writing with, the planning authority as to the future proposed use of this access lane which is included in the red line boundary.

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

10. 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 interest of visual and residential amenity.

11. 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.

12. 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.

13. 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. In particular, all construction and demolition waste and all waste which has been tipped on this site shall be removed and disposed of to a licensed waste facility prior to commencement of development.

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

14. 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 social and affordable 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.

15. 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 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.

16. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

17. 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.

18. 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.

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

Dated this day of 2019.