



Planning and Development Acts 2000 to 2018

Planning Authority: Leitrim County Council

Planning Register Reference Number: P.18/74

Appeal by Elaine McCormack of Gruaige, Church Street, Ballinamore, County Leitrim against the decision made on the 10th day of December, 2018 by Leitrim County Council to grant subject to conditions a permission to Drumattan Construction Limited care of Murphy and McGerr Architecture Limited of 1st Floor, 6 Centre Court, Blyry Business and Commercial Park, Athlone, County Westmeath in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of 10 number residential units to consist of (a) one number detached and six number semi-detached two storey two bed townhouses to the rear of Church Lane, (b) one number infill two storey two bed townhouse to Church Lane and (c) a two storey infill apartment unit consisting of two number two bed apartments to Church Lane necessitating demolition of an existing derelict structure; a new vehicular entrance off an adjoining estate to include the widening of the entrance at Church Lane; a connection to the existing public services, car parking, landscaping and all associated ancillary site development works at Church Lane, Ballinamore, County Leitrim, as amended by the further public notice received by the planning authority on the 14th day of November, 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 zoning objective of the site, the provisions of the Leitrim County Development Plan 2015-2021, the existing pattern of development in the area, and the nature and scale 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 Architectural Conservation Area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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 26th day of October, 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 the commencement of development, revised plans shall be submitted for the written agreement of the planning authority which illustrate the omission of unit number 10 as identified on drawing number 203. Revised plans shall demonstrate a revised layout for unit number 9, on the same footprint, and shall also provide for an enlarged rear open space to the rear of and for the sole use of units number 1 and 2.

Reason: In the interest of orderly development.

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

Reason: In the interest of public health

4. Details of the materials, colours and textures of all the 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.

5. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority an Invasive Species Management Action Plan which shall include full details of the eradication of the Japanese Knotweed from the site before construction commences on the site.

Reason: In the interest of nature conservation and mitigating ecological damage associated with the development.

6. 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 and removal methods and offsite disposal of hazardous materials.

Reason: In the interests of public safety and residential amenity

7. 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.

8. 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, 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 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 of the development.

9. 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 topographical 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 placenames for new residential areas.

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

Dated this day of 2019.