



Planning and Development Acts 2000 to 2018

Planning Authority: Laois County Council

Planning Register Reference Number: 18/61

Appeal by Beechfield Residents Association care of MCD Civil Engineering Consultants of Stanhope Street, Athy, County Kildare against the decision made on the 21st day of February, 2019 by Laois County Council to grant subject to conditions a permission to Dysart Property Limited care of Daniel P. Keane Architectural Technologist of 20 Church Street, Portlaoise, County Laois in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Demolition of existing dwellinghouse, sheds and part of existing boundary wall, (2) Erection of nine number four-bedroom dwellinghouses including two blocks of two semi-detached and one block of five terrace houses and (3) development to include new road access, entrance piers, services and all associated site works at Beechfield House, Green Road, Portlaoise, County Laois. Further public notices were received by the planning authority on the 29th day of January, 2019.

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 residential zoning objective for the area, the availability of services, the proximity of the site to the town centre and the pattern of development in the area, 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 submitted on the 21st day of December, 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. The proposed development shall be amended as follows:
 - (a) House number 9 as indicated on the revised Site Layout Plan received by the Planning Authority on the 21st day of December, 2018 shall be omitted from the development and the area thus released shall be incorporated into the garden of Unit Number 8. A revised design for house number 8, which shall be a detached two-storey house with no windows on its north-eastern elevation above ground floor level, shall be erected such that it is at least 4.5 metres from the site boundary with number 10 Beechfield.
 - (b) First floor side elevation bathroom windows of all houses shall be provided with frosted glazing.

- (c) The proposed cut stone pillars at the entrance to the estate shall be omitted, and the existing wall separating the subject site from the existing public open space at Beechfield shall be removed in its entirety.

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 interest of residential amenity, and in order to integrate the proposed estate into its surroundings.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black or dark grey in colour only, including ridge tiles.

Reason: In the interest of visual amenity.

4. 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.

5. 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. Such lighting shall be provided prior to the making available by the developer for occupation of any house.

Reason: In the interests of amenity and public safety.

6. 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 interests of visual and residential amenity.

7. The following requirements relating to site boundaries shall be complied with in the development:

- (a) Site boundaries shall be as indicated on the revised Site Layout Plan (Drawing Number 3515-FIR-02) received by the planning authority on the 21st day of December, 2018, with the exception that all rear gardens shall be bounded by concrete block walls, which shall be a minimum of 1.8 metres high, and shall be suitably capped and rendered on both sides, or by concrete post and concrete panel fences, 1.8 metres in height. The proposed timber fences shall not be used for any rear garden boundaries.

- (b) Details of the works to be undertaken to the existing wall at the north-east corner of the site where the site adjoins number 10 Beechfield shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development, and the agreed works shall be carried out and completed prior to the construction of the proposed houses.

Reason: In the interests of residential and visual amenity, and in order to ensure the provision of durable boundary treatment.

8. Proposals for an estate name and house numbering scheme for the proposed development 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 shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority, and the numbering shall take into account the numbering of houses in the adjoining Beechfield estate. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential developments.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of 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) A plan to scale of not less than 1:500 showing –
 - (i) existing trees, hedgerows and shrubs specifying which are proposed for retention as features of the site landscaping,
 - (ii) the measures to be put in place for the protection of these landscape features during the construction period, and
 - (iii) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
 - (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, 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 the interests of residential and visual amenity.

10. Site development and building works shall be carried out only between the hours of 0700 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 areas of open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme to be submitted under condition number 9 of this permission. The open spaces shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. The development hereby permitted, including the roads, footpaths, public lighting and all services, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of house-only residential developments, and to ensure that the development, when completed, can be taken in charge by the planning authority.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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, 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 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 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.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.