



Planning and Development Acts 2000 to 2020

Planning Authority: Longford County Council

Planning Register Reference Number: 19/87

Appeal by Colmcille Residents Association care of Paul Kennedy of Cunnareen, Aghnacliffe, County Longford against the decision made on the 10th day of December, 2019 by Longford County Council to grant subject to conditions a permission to Donnelly Developments Limited care of Brendan Quaine Architectural Design of Cluain Cottage, Knockmartin, County Longford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Proposed construction and completion of existing residential development previously granted planning permissions under planning register reference numbers 04/1061 and 05/302 where it is proposed to construct 30 number dwelling houses consisting of (a) 12 number two-storey semi-detached three bedroom dwellings, (b) 15 number single storey semi-detached and terrace type two bedroom dwellings, (c) three number terrace type two-storey three bedroom dwellings, (d) provision of access from existing service roadway, (e) green open space, boundary fences/walls, internal access road, (f) connection to existing public services with sewer and water supply and all associated ancillary site works at Forthill, Rathmore (Townland), Aghnacliffe, County Longford.

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 provisions of the Longford County Development Plan 2015-2021, the planning history and the zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenity of the area, 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 26th day of September, 2019 and on the 18th day of November, 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.

Reason: In the interest of clarity.

2. This grant of permission is for 28 number dwellings only.

Reason: In the interest of clarity.

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, black or dark grey in colour only, including ridge tiles.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, proposals for an estate/street name, and house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development.

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 for occupation of any house.

Reason: In the interests of amenity and public safety.

6. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge and shall comply with all relevant aspects of the Design Manual for Urban Roads and Streets (DMURS). 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 residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

7. 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 noise and dust management measures, measures to prevent pollution to local watercourses, and offsite disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

8. 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. All existing overground cables crossing or bounding the site shall be undergrounded as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity.

10. 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.

11. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

12. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a detailed Landscape Plan with full works specification. This plan to include detailed specifications relating to paths, playground equipment, fishing platform, sports play equipment and area, landscaping features, street furniture, bike parking, drainage, boundary treatment, planting, hard surfaces and street trees planting where necessary. Details regarding the type, size, location and number of plants proposed should be clearly indicated on a Planting Plan to accompany the Landscape Master Plan.

Reason: In the interest of residential and visual amenity.

13. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.

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 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. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority the following;
- (a) Proposals for site boundary treatments. Plans and particulars shall show full details of the specific locations and extent of proposed walling/railings and shall include the provision of durable materials, with walls suitably capped and rendered.
 - (b) Proposals for boundary treatments around dwellings including retaining walls.

Reason: In the interest of visual amenity.

16. Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority an invasive species management plan for the control or disturbance to soils containing Japanese Knotweed in accordance with 'Irish Water Information and Guidance Document on Japanese Knotweed'. The plan shall include a method statement for the removal of invasive species identified as being present on site. The implementation of the invasive species management plan shall be overseen by a suitably qualified ecologist/botanist familiar with Japanese Knotweed. A detailed scheme for the eradication and/or control of Japanese Knotweed on the site. The agreed scheme shall be implemented prior to commencement of any development.

Reason: To protect the environment during construction.

17. Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.

18. 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.

19. 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.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020