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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Longford County Council**

**Planning Register Reference Number: 19/204**

**Appeal** by Rita McHale of 1 Railway Court, Newtownforbes, County Longford against the decision made on the 20<sup>th</sup> day of February, 2020 by Longford County Council to grant permission to Francis McGrath care of Cunningham Design and Planning Limited of Block C, N4 Axis Centre, Longford for development comprising construction of a residential development of eight number dwellinghouses consisting of six number three bedroom two-storey semi-detached type dwellinghouses, two number two bedroom single storey semi-detached type dwellinghouses, entrances, access road, boundary fences/walls, green open space, demolition of existing detached domestic garage to the rear of the applicant's existing dwellinghouse, proposed connections to the existing foul sewer, surface water and watermain networks servicing the village of Newtownforbes and all ancillary works at Newtownforbes, County Longford in accordance with the plans and particulars lodged with the said Council.

## **Decision**

**GRANT permission for six number two-storey semi-detached houses, entrance, access road, boundary treatment to site frontage and all ancillary works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for two number two bedroom single storey semi-detached type dwellinghouses based on the reasons and considerations marked (2) under**

## **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 (1)**

Having regard to the zoning objective for the site as set out in the current development plan for the area, the pattern of development in the vicinity and the nature, scale and design 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 residential amenities of property in the vicinity or the visual amenities of the area 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed six number two-storey houses would not negatively impact on the mature trees on site or on the visual amenities of the area and 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 18<sup>th</sup> day of December, 2019 and on the 28<sup>th</sup> day of January, 2020, 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. (a) The access roadway serving the proposed development shall be amended to serve the six semi-detached houses only. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The access roadway and footpaths serving the proposed development including turning bay, junction, parking areas and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interests of orderly development and of traffic and pedestrian safety.

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.

**Reason:** In the interest of visual amenity.

4. 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.

5. 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.

6. Details of all boundary treatments to be used in the development, including boundary treatments between individual houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. As part of this the following shall be taken into consideration:
  - (a) All rear boundary/garden walls and all rear or side boundary/garden walls adjacent to a public place, such as a roadway, footpath or public open space shall consist of two-metre high, capped block walls and these shall be either rendered, nap plastered and paint finished, or finished in quality brick/natural stone.
  - (b) The existing overall site boundary hedgerows including all trees (except where individual trees have been certified to be of an unsound or unsafe condition) shall be carefully retained and preserved and the developer shall ensure that where any existing gaps occur, these shall be planted using native hedgerow/tree species only.
  - (c) The developer shall be responsible for the re-instatement of the existing wall required to be partially demolished to facilitate the proposed means of vehicular roadway access to the development and this shall be carried out to the satisfaction of the planning authority.

**Reason:** In the interests of residential amenity, visual amenity, ecological functioning and in order to adequately integrate the development within its setting.

7. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation.

Any trees or plants which die, are removed or become seriously damaged or diseased, shall be replaced in the first available planting season with others of a similar size and species, unless the planning authority gives prior written agreement to any variation.

**Reason:** In the interests of visual amenity and ecological functioning.

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 over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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.

10. 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 interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11. 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 traffic management measures.

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

12. 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.

13. 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.



14. 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.

## **Reasons and Considerations (2)**

Having regard to the presence of a substantial number of mature trees on the north-eastern section of the site, the contribution these trees make to the visual amenity of the area and the setting of residential development in the vicinity of the site and policies in respect of the zoning of the site which seek to provide an appropriate balance between the protection of established character and the need to provide infill development, which are considered reasonable, the Board is not satisfied that adequate information has been provided on the impact of the proposed development on tree loss, including the absence of a tree survey, or in respect of the implications of this for visual and residential amenity. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**