

An
Bord
Pleanála

Board Order
ABP-307708-20

Planning and Development Acts 2000 to 2020

Planning Authority: Sligo County Council

Planning Register Reference Number: PL 19/209

Appeal by Patricia Grimes of Pier Road, Enniscrone, County Sligo against the decision made on the 6th day of July, 2020 by Sligo County Council to grant subject to conditions a permission to Deerhouse Properties Limited care of Simon Beale and Associates of The Old School House, Casement Street, Ballina, County Mayo in accordance with plans and particulars lodged with the said Council:

Proposed Development: As revised by further public notices received by An Bord Pleanála on the 23rd day of April, 2021, the proposed development now consists of construction of (1) part two-storey and part three-storey residential and commercial building of two number commercial units, two number retail/office units, six number two bedroom apartments and one number three bedroom apartment, and (2) eight number four bedroom two-storey semi-detached houses, together with connection to all services, internal access road and all associated site development works at The Pier, Enniscrone, County Sligo.

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 policies and objectives of the Sligo County Development Plan 2017–2023, the Enniscrone Local Area Plan 2014-2020, and the Guidelines for Planning Authorities on Sustainable Residential Developments for Urban Areas issued by the Department of Environment, Heritage and Local Government in 2009 and updated in 2020, the nature and scale of the proposed development, and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would be consistent with the zoning objectives and policies of the development plan and local area plan, would not seriously injure the residential and visual amenities in the area, and would be acceptable with regard to 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 changes to the proposed development submitted on foot of the Section 137 notice issued by the Board, would provide an increased density of 30 units to the hectare and would be consistent with the density required under the Enniscrone Local Area Plan 2014-2020 and the Guidelines for Planning Authorities on Sustainable Residential Developments for Urban Areas issued by the Department of Environment, Heritage and Local Government in 2009, as updated in 2020.

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 to the planning authority on the 25th day of May, 2020 and the 2nd day of June, 2020, and by the further plans and particulars received by An Bord Pleanála on the 12th day of March 2021, 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:

The solid curved balcony wall at second floor level to Duplex Apartment number1 shall be redesigned to be parallel with the floor level.

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

Reason: In the interest of visual amenity.

3. All residential units proposed as part of the permitted development shall be used for permanent occupation. No residential unit shall be used for short-term or holiday letting.

Reason: In the interest of delivering appropriate residential development and to facilitate the consolidation of the designated Key Support Town of Enniscrone.

4. (a) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, an amended site layout plan in a scale of 1:50 (or as otherwise agreed with the planning authority) clearly identifying the location and details of works to be undertaken in order to provide a two metres wide footpath to the front (southern elevation) and side (eastern elevation) of the mixed use block and any required pedestrian facilities in the south-eastern portion of the site.

The footpath linking the detached dwellings to the public road shall be extended to this road between the car parking spaces and the mixed-use block. The amended site layout plan shall indicate the widths of the footpath, road and any intervening soft landscaping.

The footpath at the front of the proposed development shall be maintained for the use of pedestrians at all times.

The planning authority shall be consulted before the submission of the amended site layout plan.

- (b) The amended site layout plan shall show adequate provision of bicycle parking.

Reason: In the interest of pedestrian, cyclists and traffic safety.

- 5. Proposals for an estate/street name, house/apartment 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/street signs and house/apartment 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.

6. 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 unit.

Reason: In the interests of amenity and public safety.

7. 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.

8. 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.

9. 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.

10. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

11. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity

12. 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.

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

13. 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.

14. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards as outlined in DMURS. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

15. The width of the carriageways on the streets within the proposed development shall not exceed 5.5 metres. Where perpendicular parking is provided on those streets the additional width required for vehicles to manoeuvre shall be incorporated into the spaces in accordance with figure 4.82 of DMURS without increasing the width of the carriageway to more than 5.5 metres.

Reason: In the interest of road safety.

16. 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.

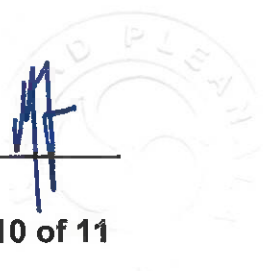
17. Prior to commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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 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.

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.

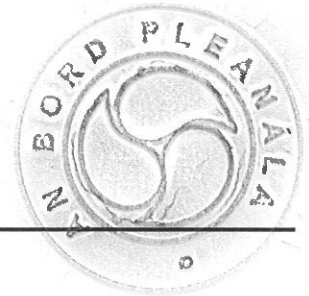


Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Michelle Fagan

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



Dated this 2nd day of September 2021.