



Planning and Development Acts 2000 to 2020

Planning Authority: Longford County Council

Planning Register Reference Number: 20/74

Appeal by Sean Clancy of 25 Dúnáras, Ballymulvey, Ballymahon, County Longford and by Others against the decision made on the 15th day of July, 2020 by Longford County Council to grant subject to conditions a permission to Beason Asserts Limited care of Cunningham Design and Planning Limited of Block C, N4 Axis Centre, Longford in accordance with plans and particulars lodged with the said Council:

Proposed Development: (A) Proposed construction of a residential development of 37 number dwellinghouses which comprises the following: (i) nine number three bedroom two-storey detached type dwellinghouses of which there are two different designs, (ii) seven number three bedroom storey and a half detached type dwellinghouses, (iii) two blocks of four number two-storey terraced type dwellinghouses consisting of one number three bedroom two-storey terraced type dwellinghouse and three number two bedroom two-storey terraced type dwellinghouses in each block, that is, eight number two-storey terrace type dwellinghouses in total, (iv) three number four bedroom two-storey detached type dwellinghouses, (v) five number two bedroom single storey type dwellinghouses, (vi) five number three bedroom single storey type

dwellinghouses, (vii) proposed continuation of existing estate road network together with the proposed connection to the existing foul sewer, surface water and watermain networks currently servicing the existing housing estate known as Dúnáras which was previously granted planning permission by An Bord Pleanála under appeal reference number PL.14.212595, and (viii) construction of green open spaces, boundary fence/walls, (B) proposed construction of a pedestrian footpath and cycle lane to link the existing internal footpath which services phase 1 of the existing estate known as Dúnáras and the adjoining public road (public road number L-52182) which services Marian Terrace/Marian Villas housing estate so as to provide connectivity for the existing occupied dwellinghouses in phase 1 of the existing estate known as Dúnáras together with the proposed development to which this application relates and the main street of the town of Ballymahon. It is proposed as part of this planning permission application to upgrade the existing footpaths, car parking bays and carriageway that services Marian Terrace/Marian Villas housing estate so as to create a shared surface in accordance with the guidance and recommendations outlined in "The Design Manual for Urban Roads and Streets" (DMURS) and complete the pedestrian footpath, cycle lane and shared surface prior to the commencement of any of the proposed dwellings to which this application relates, (C) proposed construction of a 2.5 metres high capped and plastered wall along the boundary which separates the site to which this planning permission application relates and the property known as the Longford/Westmeath farmers mart. (D) Proposed removal of the existing 10 number ground floor slab foundations which serve the permitted 10 number two-storey three and four bedroom semi-detached type dwellinghouses which are currently constructed to ground floor finished floor level and which were previously granted planning permission by An Bord Pleanála under appeal reference number PL.14.212595, and which are located along the north-western boundary of the site to which this planning permission application relates and which is the same boundary that separates the proposed development site from the property known as the Longford/Westmeath farmers mart., and (E) Proposed construction of a

parkland and recreational amenity area along the north-western boundary of the site to which this planning permission application relates and which is the same boundary that separates the proposed development site from the property known as the Longford/Westmeath farmers mart, and all ancillary works, all at Dúnáras and Marian Terrace/Marian Villas, Ballymahon, 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 zoning objective for the site in the Longford County Development Plan 2015-2021, to the location of the site in a central location in Ballymahon, to the design and layout of the proposed development, to the proposed pedestrian and cycling link to Marian Terrace/Marian Villas and to the pattern of development in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic, cycling and pedestrian 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 did not agree that the site would be served by a road network which is substandard by reason of the non-provision of a public footpath and cycleway along the Ballymulvey Road. It was of the view that the proposal to provide a pedestrian and cycling link to Marian Terrace/Marian Villas would provide appropriate and safe pedestrian and cycling linkage for future residents. As such, the proposed development would not contravene materially Condition number 2 attached to the development permitted under An Bord Pleanála appeal reference number PL 14.212595 (planning register reference number 18/200). As the proposed development provides for a safe, convenient and public footpath and cycleway permeability linking the subject site and Main Street in Ballymahon via Marian Terrace/ Marian Villas, it is considered that the proposed development would not endanger public safety by reason of traffic hazard but would be acceptable in terms of pedestrian, cycling and vehicular movement.

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 received by An Bord Pleanála on the 9th day of September, 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. The development shall be carried out in accordance with the site layout plan submitted to An Bord Pleanála on the 9th day of September, 2020.

Reason: In the interest of clarity.

3. No development shall take place prior to the completion of the pedestrian footpath and cycling track from the subject site to Marian Terrace to the written agreement of the planning authority.

Prior to commencement of development, the developer shall subject to and agree in writing with the planning authority, a revised detailed plan of the proposed pedestrian access route and shall include extensive dimensioning and distances, along with a specification on the surfacing, lighting and a proposed CCTV security system, to include specification, management and location details.

Reason: In the interest of pedestrian/residential safety and the proper planning and sustainable development of the area.

4. The proposed removal of the existing 10 number ground floor slabs as shown shaded yellow on drawing number 01A shall be undertaken in advance of the proposed construction of proposed children's playground and exercise area.

Reason: In the interest of pedestrian/residential safety and the proper planning and sustainable development of the area.

5. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

6. 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, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works, and shall comply with DMURS (The Design Manual for Urban Roads and Streets).

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

8. The following roads requirements shall be fully complied with in the development.
 - (a) Sight distances in accordance with DMURS (The Design Manual for Urban Roads and Streets) shall be achieved. No part of this development shall affect the sightlines or safety of adjacent sites.
 - (b) The conditions of the Road Safety Audit shall be applied in full. A Stage 3 Road Safety Audit shall be carried out on the completed development and any recommendations shall be implemented by the developer at their own expense.
 - (c) All costs in relation to the proposed works on Marian Terrace shall be borne by the developer.

Reason: In order to provide for an adequate standard of development and in the interests of orderly development, residential amenity and the proper planning and sustainable development of the area.

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. 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.

11. 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 within each house plot 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.

12. 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.

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

Reason: In the interest of public health.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a landscape layout plan from a registered landscape architect addressing the following:-

- (a) Clearly identify areas of greenery and hardscape (and type paving, concrete and resin), additional tree planting, signage type and placement, and introduction and extent of limestone capped, dwarf walling in matching stone and hedging throughout the estate. French drains shall be employed where all hardscaping is abutting building edges.
- (b) Defined and considered area within the estate for the exclusive promotion of biodiversity (wildflower area, bug hotel, bat and bird boxes).
- (c) The public aspect of the rear boundary to numbers 43, 44 and adjacent rear boundaries numbers 34 and 35 shall be planted with native and established security hedging (blackthorn/hawthorn).

- (d) Ensure that all street lights are of the LED type, cowled to minimize disturbance to existing and proposed residences, and consideration of the environment. All lighting shall also be on a network with a timed shut off feature and switch to PIR sensor feature

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

- 15. 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.

- 16. 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.

17. 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 management measures and off-site disposal of construction/demolition waste.

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

18. 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.

19. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle (EV) charging points. Ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, to facilitate the installation of electric vehicle charging points/stations at a later date. Such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

Reason: In the interest of sustainable transport.

20. 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.

21. 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.

22. 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 day of 2020.