



An
Bord
Pleanála

Board Order
ABP-308626-20

Planning and Development Acts 2000 to 2020

Planning Authority: Sligo County Council

Planning Register Reference Number: PL 20/293

Appeal by John and Linda Heraghty and others care of McGinty Planning and Development Consultants of Lislary, Ballinphull, County Sligo against the decision made on the 14th day of October, 2020 by Sligo County Council to grant subject to conditions a permission to Aidan Tierney care of Darren Clancy Design and Planning Consultant Surveyor of Brickeen, Castlebaldwin, County Sligo in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Demolish existing dwelling house and attached garage, (2) construct two number three storey type detached dwelling houses, a new vehicular entrance onto Pearse Road (existing entrance onto Cleaveragh Road to remain), connect to public services and carry out other associated site works at the corner of Cleaveragh Road and Pearse Road, Knocknaganny Townland and Abbeyquarter South Towland, 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 residential zoning pertaining to the site and the design, scale and siting of the proposed dwellings, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would provide adequate levels of open space and would generally be acceptable in terms of pedestrian and pedestrian 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, 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 first floor balconies on the rear elevation of each house shall be bounded by obscure glazing/other obscure material to a height of 1.8 metres on all sides. Plans and particulars showing the final details, including materials and finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To avoid overlooking and in the interest of visual amenity.

3. The external finishes of the proposed dwellings, including colours, materials and textures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. Drainage arrangements, including the attenuation of surface water, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

5. Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

Reason: In the interest of public health.

6. A scheme indicating boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development:
 - (a) This boundary treatment scheme shall provide a screen along the eastern boundary of the site consisting predominantly of trees, shrubs and hedging of indigenous species of capable of growing to a height of three metres. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of extension of external construction works.
 - (b) Any plants which die or are removed or become seriously damaged or diseased within a period of three years from the completion of the development 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 order to screen the development and in the interest of visual amenity.

7. Any damage to the public road or footpath during the course of construction of works shall be repaired at the developer's expense. Details of the nature and extent of repair shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

8. Site development and building works shall be restricted to between the hours of 0800 to 1800 Monday to Saturdays inclusive and not at all on Sundays and public holidays. Deviations 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.

9. 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.

10. 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.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2021.