



Planning and Development Acts 2000 to 2020

Planning Authority: Laois County Council

Planning Register Reference Number: 20/72

Appeal by David and Gemma O'Shaughnessy care of Tully Rinckey of 8 Windsor Place, Lower Pembroke Street, Dublin against the decision made on the 27th day of November, 2020 by Laois County Council to grant subject to conditions an outline permission to Chris Finnegan and Edel O'Gorman care of Daniel P. Keane Architectural Technologist of 20 Church Street, Portlaoise, County Laois in accordance with plans and particulars lodged with the said Council.

Proposed Development: Outline permission for the construction of four number proposed dwelling houses, new site entrance and all associated site works at Derevald, Durrow Townparks, Durrow, County Laois.

Decision

GRANT outline 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 location of the site within the development boundary for Durrow, the existing pattern of development in the area, the planning history of the site, and the nature, scale, location and design of the proposed development, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not be out of character with the pattern of development in the area, and would be in accordance with the provisions of the Laois CDP 2017-2023. 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 outline permission, the Board did not consider the proposed development would represent a haphazard and piecemeal form of development that would result in an unsustainable form/density of development on the site.

Conditions

1. This outline permission relates solely to the proposed development submitted with the planning application, as amended by the further plans and particulars submitted to the planning authority on the 6th day of November 2020, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:
 - (a) a comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features,
 - (b) a site layout plan to a scale of not less than 1:500 showing the layout of the house and driveways,
 - (c) the finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance,
 - (d) proposals for the landscaping of the site (including planting), and
 - (e) details of external finishes.

Reason: To enable the application for permission consequent to be fully assessed.

3. The proposed development is for three number units only.

Reason: In the interest of clarity.

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 wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

6. 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.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

8. Any existing public utility poles/pylons along the frontage of the site shall be relocated immediately outside of the new front boundary wall/fence.

Reason: To reduce to a reasonable level the impact of the development on the safety of free flow of traffic on the public road.

9. 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.

10. Proposals for a development/estate 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 signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. The internal road 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 outlined in the Design Manual for Urban Roads and Streets.

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

12. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include for protection of trees and hedgerows on and adjacent to the site and shall comply with the requirements of the planning authority with regard to a post completion tree survey. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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 the interest of the protection of trees and landscape features and the implementation of an approved landscape design.

13. Site development and building works shall be carried out only between the hours of 0700 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.

14. The open spaces shall be developed for and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

Reason: In order to ensure the development of the public open space areas, and their continued use for this purpose.

15. At permission consequent stage, 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.



16. At permission consequent stage, 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 4th day of Aug 2021.