



Planning and Development Acts 2000 to 2021

Planning Authority: Leitrim County Council

Planning Register Reference Number: 20/212

Appeal by Lynda and Robert Curr care of Liam Madden of Convent Road, Longford, County Longford and by Kelly Hamilton care of Liam Madden of Convent Road, Longford, County Longford against the decision made on the 20th day of May, 2021 by Leitrim County Council to grant subject to conditions permission to Tommy Mulvey care of Francis Davitt Planning and Design Engineers of Main Street, Drumkeerin, County Leitrim in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retain works as completed to date as follows: (1) 13 number houses complete to sub floor level. (2) Site works complete to road base level also full planning permission to complete the construction of 13 number domestic dwellings, site services, site entrance and all ancillary works. Planning register reference number 04/1764 refers, all at Corryard, Dristernaun and Drumcoora, Drumshanbo, County Leitrim, as revised by the further public notices received by the planning authority on the 27th day of April, 2021.

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.

Reasons and Considerations

Having regard to the location of the site on a brownfield site within an existing residential development close to Drumshanbo town centre, the residential zoning objective for the site, national and local policy objectives, which support the redevelopment of brownfield/infill sites, the pattern of development in the area and the nature and scale of the proposed development and development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not seriously injure the residential or visual amenities of the area, would not constitute a traffic hazard, would generally be acceptable and would be acceptable in terms of the safety and convenience of pedestrians and road users. The proposed development and development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development and development proposed to be retained 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 the planning authority on the 8th day of April, 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. Prior to commencement of development, revised plans and details shall be submitted to the planning authority for written agreement showing:
 - (a) The existing pedestrian access to the site from the Hilly Road shall be landscaped and restricted to pedestrian and cyclist access only.
 - (b) Retention of the existing stream and mature ash trees along this access route.
 - (c) Revised proposals for the access road and provision of public open space in accordance with planning register reference number 04/1764/An Bord Pleanála reference number PL 12.213478.
 - (d) Revised boundary wall treatment and private open space for unit number 23 separate from the open space area.

Reason: In the interest of road safety and residential amenity.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed buildings, surface materials and public realm finishes shall be submitted for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

4. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping which accompanied the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure a satisfactory completion and maintenance of the development in the interest of residential amenity.

5. The internal road network serving the development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of pedestrian and traffic safety.

6. Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and public safety.

7. Development works, roads, footpaths, stormwater retention system and associated drainage, sanitary services and public lighting shall be carried out and substantially completed in advance of house construction. The extent of works to be completed prior to house construction shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of proper planning and sustainable development, in the interest of orderly development and to ensure the satisfactory completion of the development.

8. The management and maintenance of the 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 and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

9. All service cables associated with the 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 development.

Reason: In the interest of visual and residential amenity.

10. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. 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.

12. Prior to the commencement of any house in the development, as permitted, the developer, 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) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses permitted to first occupation by individual purchasers, i.e. those not being a corporate entity, and/or 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.

13. The construction and demolition of the development shall be managed in accordance with a Construction and Environmental 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 work, noise and dust management measures, a Traffic Management Plan, and details of disposal of construction/demolition waste.

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

14. 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.

15. Prior to commencement of development, the developer, 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. 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 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.

16. 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 planning 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.

17. 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.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *10th* day of *Aug*' 2022

