



Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: PL 21/331

Appeal by the Residents of Brooke Grove, Ardfinn, Farmhill Road and adjacent area care of Malachy Doyle of 1 Brooke Grove, Strandhill Road, County Sligo against the decision made on the 13th day of May, 2022 by Sligo County Council to grant subject to conditions a permission to Knoxpark Developments Limited care of Rhatigan Architects of City Gate, Sligo in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of three new dwelling units, comprising of two number three-bedroom semi-detached houses and one number four bedroom detached house, together with connection to existing public sewer system, works to site boundaries, and all other associated site works and services constructed in conjunction with previously approved planning application PL19/49, all at Farmhill Manor, Ard Finn, Rathedmond, Sligo, 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.

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Reasons and Considerations

Having regard to the location of the development in an established urban area, the zoning of the appeal site in the current Sligo County Development Plan 2017-2023 (as extended to July 2024), the modest nature of the proposed development and its detailed design, it is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of density of the development and traffic safety and would not detract from the visual or residential amenity of the area. 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, as amended by the further plans and particulars submitted on the 19th day of April 2022, 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. Glazing on first floor bathroom windows shall be frosted glass.

Reason: In the interest of residential amenity.

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3. Prior to the occupation of any house:
- (a) Visibility sightlines shall be achieved in accordance with the details indicated on the Visibility Splays Plan drawing number 18074.A.003 submitted to the planning authority on the 19th day of April, 2022.
 - (b) Revised details shall be submitted for the written agreement to provide one parking space for unit number 89, with the parking area indicated by treatment of block paving, outside of the sightline for unit number 88.
 - (c) Traffic calming measures shall be put in place at the junction of Farmhill Road and Rathfinn Close, to the written satisfaction of the planning authority, based on detailed survey of traffic speeds on the Fernhill Road and in accordance with the Design Manual for Urban Roads and Streets (2019).
 - (d) Development described in Class 5, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.
 - (e) Installations higher than 1.05 metres shall not be permitted within the footprint of the Visibility Splays Plan as indicated on drawing number 18074.A.003 (triangular green areas adjacent to number 90) submitted to the planning authority on the 19th day of April, 2022.
 - (f) Relocation of the public lighting pole that is situated south of dwelling number 90 to the written satisfaction of the planning authority.

Reason: In the interest of traffic safety.

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4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall discharge onto the public road.

Reason: In the interests of public health and traffic safety.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

6. 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.

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7. Prior to the commencement of any dwelling 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 i.e. 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.

8. 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.

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9. 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.



Peter Mullan

Member of An Bord Pleanála

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

Dated this *30th* day of *August*, 2023.