



An  
Bord  
Pleanála

## Board Order ABP-319017-24

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Leitrim County Council**

**Planning Register Reference Number: 23/69**

**Appeal** by Francis McTague care of Vitruvius Hibernicus of Convent Road, Longford against the decision made on the 17<sup>th</sup> day of January, 2024 by Leitrim County Council to grant subject to conditions a permission to Frank Maxwell 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:** Construction of a residential development of 10 number dwellinghouses consisting of 10 number four-bedroom three-storey semi-detached type dwelling houses, entrance, access road, boundary fence/walls, proposed connections to the existing foul sewer, surface water and watermain networks servicing the adjoining "Pairc Fea" residential estate on a site which formed part of the previously permitted planning permission application P.03/1388 and all ancillary site works, all at Pairc Fea, Park Road, Ballinamore, County Leitrim as revised by the further public notices received by the planning authority on the 18<sup>th</sup> day of December, 2023.

## 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 zoning objective for the site, as set out in the Leitrim County Development Plan 2023-2029, the pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of the safety and convenience of pedestrians and road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by the planning authority on the 4<sup>th</sup> day of December, 2023 and the 15<sup>th</sup> day of December, 2023, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission is for a total of seven number residential units.

**Reason:** In the interest of clarity.

3. Prior to commencement of development, the developer shall submit revised plans for the written agreement of the planning authority which illustrate the following:

- (a) The two-metre-high block wall shall be extended in line with the front building line of the dwelling on site number 7.
- (b) The provision of at least one car parking space equipped with two EV charging points with the remainder of the car parking spaces constructed so as to be capable of accommodating future charging points as required.

**Reason:** In the interest of residential amenity and to provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

4. The boundary treatment shall be in accordance with the details illustrated on drawing number 1 (Boundary Treatment and Landscaping Layout) received by the planning authority on the 15<sup>th</sup> day of December, 2023. The proposed two-metre block walls shall be capped and plastered on both sides.

**Reason:** In the interest of visual and residential amenity.

5. Prior to commencement of development, full details of the proposed street lighting (to include column type and height and lantern type and energy rating) shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In order to provide appropriate lighting to serve the development.

6. Water supply and 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.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the requirements of the planning authority and 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.

8. Proposals for a 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 street signs and house numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

9. The developer shall enter into water and wastewater connection agreements with Uisce Éireann prior to commencement of development.

**Reason:** In the interest of public health.

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.

**Reason:** In the interest of visual amenity.

11. The construction of the proposed 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the proposed development, including a detailed traffic management plan, pollution control and contingency plan, and noise/dust management measures.

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

12. 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 or public holidays. Deviation from these times shall 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.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of the development.

14. (a) Prior to the commencement of any house in the development, 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) 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 by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified house, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified houses, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified house.

**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.

15. 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.

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.

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Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 10<sup>th</sup> day of September 2024.