

An
Coimisiún
Pleanála

Commission Order
ABP-319486-24

Planning and Development Act 2000, as amended

Planning Authority: Roscommon County Council

Planning Register Reference Number: 2360152.

Appeal by Tommy Mullaney care of Alan Cunniffe of Mount Prospect, County Roscommon against the decision made on the 14th day of March 2024 by Roscommon County Council to refuse a permission for the proposed development.

Proposed Development:

Planning permission for the following: (1) Demolish derelict dwelling house; (2) Construct new housing development consisting of four number four-bed two-storey corner units, two number four-bed two-storey detached units, and 10 number three-bed two-storey semi-detached units, together with all boundary treatments, road services, site development works and all ancillary site development works and connection to public services, at The Walk, Clooneybeirne, Roscommon, County Roscommon.

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 existing pattern of development in the area, the location of the site within Roscommon Town, which is a Key Town according to the Core Strategy and Settlement Policy under the Roscommon County Development Plan 2022-2028, at a location serviced by public sewerage, to the zoning of the site for residential purposes as set out in the Roscommon Local Area Plan 2024-2030, 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 be appropriate in terms of design, scale and layout and would be in accordance with the established built character of the vicinity and would provide an acceptable standard of amenity for future residents including pedestrians. 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 permission, the Commission first agreed with the Inspector that the proposed development would accord with the relevant Ministerial Guidance and local area plan policy context in terms of density, the provision of car parking and universal design principles, and that, subject to the detail set out in the appeal documentation would be acceptable in terms of surface water management.

In relation to recommended refusal reason number one of the Inspector (proposed development would not be conducive to pedestrian safety), the Commission considered the form and layout of the proposed development by reference to the full drawing material submitted with the application. Specifically, the Commission noted that the proposed development incorporates a sufficiency of open space and shows capability for vehicle turning movements within the overall site. The Commission also considered the modest scale of the development incorporating 16 homes all with off street parking and reasonable private open space, served via a short cul-de-sac

where vehicle speeds will be extremely low, where footpaths are provided and where the two areas of open space are both usable in themselves and can be easily reached by pedestrians without the requirement for a specific dedicated crossing points. Overall, the Commission determined that the proposed development would accord with the principles of proper planning and sustainable development and would not give rise to an unattractive environment for pedestrians, nor would it constitute a substandard form of development.

In relation to recommended refusal reason number two (bats), the Commission noted that no evidence on file suggested that the proposed development would result in the deterioration or destruction of either bat roosts or habitats. Furthermore, the Commission noted the report, as submitted by the applicant at appeal stage, which noted that there are no linear features present within the subject site connecting to the wider landscape. In this context the Commission determined that normal mitigation in the form of a pre-construction survey (and noting any associated licence obligations on the applicant would determine subsequent actions to ensure no significant effect on bat populations and which would be relevant at local level only) would be appropriate in this instance and that a refusal of permission was not therefore warranted.

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 received by the planning authority on 17th day of October 2024, and the further plans and particulars received by An Coimisiún Pleanála on the 10th day of April 2024, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interests of environmental protection, residential amenities, public health and safety and environmental protection.

A circular stamp of An Coimisiún Pleanála is visible in the bottom right corner, partially overlapping the page number. Overlaid on the stamp is a handwritten signature in black ink, which appears to be 'CMG' with a large '3' or '6' as a superscript.

4. Prior to commencement of tree felling and/or the demolition of existing structures, the developer shall engage a suitably qualified ecologist to carry out a bat survey of mature trees and structures to confirm the absence of roosting bats. In the event that trees/ structures are identified hosting a bat roost or with potential for same, the developer is obliged to adhere to the legal provisions set out in Regulations 51 and if necessary, Regulation 54 (seek derogation licence) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021. Prior to the removal of mature trees and/or the demolition of existing structures, the bat survey results, methodologies for felling and any derogation licences shall be submitted for the written agreement of the planning authority.

Reason: To ensure the protection of bats in the interests of proper planning and development.

5. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of Sustainable Urban Drainage Systems (SuDS) measures shall be submitted to the planning authority for written agreement prior to the commencement of construction. Specifically, the surface water attenuation proposals shall incorporate the details, received by An Coimisiún Pleanála on 10th day of April 2024, and contained in the report 'Engineering Services Report-Additional SUDs' prepared by James Lohan Consulting Engineer Limited.

Reason: In the interest of sustainable drainage and public health.

6. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interests of proper planning and sustainable development.

7. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection(s) to the water and wastewater collection network.

Reason: In the interest of public health and to ensure adequate wastewater facilities.

8. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development. The scheme shall include lighting along pedestrian routes and open spaces and shall take account of trees. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

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9. 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.

10. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 interests of residential and visual amenity.

11. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local 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.

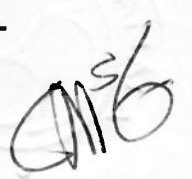
Reason: To ensure the satisfactory completion and maintenance of this development.

12. 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. Details of the ducting shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Any existing overground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

13. Proposals for an 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 and street 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 placenames for new residential areas.

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14. (a) Prior to the commencement of 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 or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers, that is, 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 housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units 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 housing units, 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 housing unit.

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. 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.

16. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún 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 for the area.

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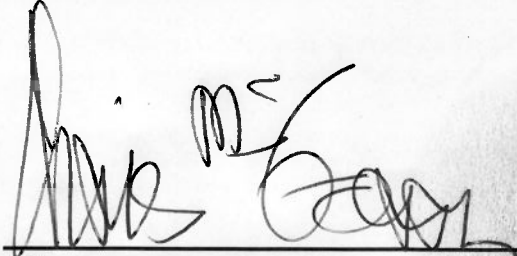
17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting 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 the 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.



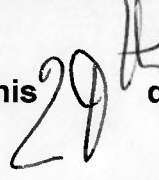
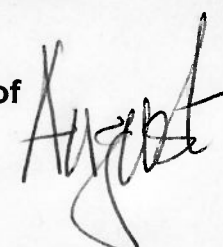
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Chris McGarry

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this  **day of**  **2025.**