



An
Bord
Pleanála

Inspector's Report

ABP-317278-23

Development

Permission to construct a dwelling on a vacant plot, part of Phase 6, Whitestrand, Aylesbury Park, connection to services and associated site works.

Location

Site number 46, Phase 6, Whitestrand, Aylesbury Park, Sligo. .

Planning Authority

Sligo County Council

Planning Authority Reg. Ref.

23/60049

Applicant(s)

Jonathan McGoldrick

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party V. Grant

Appellant

Anne Haslette

Observer(s)

None

Date of Site Inspection

5th day of June 2024

Inspector

Fergal O'Bric

1.0 Site Location and Description

- 1.1 The appeal site forms part of the Whitestrand residential development which is one phase of part of the larger Aylesbury Park residential development located to the west of the Sligo town and accessed off the Second Sea Road within the 60 km/h speed control zone. The site is accessed via an internal access road serving the Whitestrand residential development, which in turn is accessed via the Aylesbury Park residential development.
- 1.2 The appeal site comprises an area of 0.21 hectares and is located approximately two kilometres west of Sligo town centre. The appeal site is centrally located within the Whitestrand residential development and comprises an undeveloped greenfield site within the residential development, which is substantially complete, in that forty-four dwelling units are constructed, and all of the units are occupied.
- 1.3 Immediately to the west, south and north of the appeal site are two-storey detached, semi-detached and terraced dwellings within the residential development. Immediately east of the appeal site is another undeveloped site within the residential development. To the south is the internal access road serving the development, and further north and south-east of the appeal site are areas of landscaped public open space which is to remain in situ under the current proposals.

2.0 Proposed Development

- 2.1 The proposal would comprise the following:

Construction of a two-storey detached dwelling, connection to on-site water services and associated site development works.

- 2.2 The two-storey dwelling would have a ridge height of approximately 9.4 metres and a floor area of 125 square metres (sq. m.). External finishes would comprise rendered

plaster and brick finish with blue/black roof tiles consistent with the finishes within the residential development.

- 2.3 The layout would continue the established built form within the Whitestrand, residential development, with an area of public open space, comprising c. 1,750 sq. m further north within the development and c. 925 sq. m further south-east within the development., The existing watermain and foul sewer network within the development would be utilised.
- 2.4 Access is proposed from the internal service road serving the residential development. The development is served by two-metre-wide footpaths and street lighting along the frontage (south) of the development. On-site car parking spaces for the residential unit would be provided.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority granted planning permission for the development subject to seven standard planning conditions. The following are considered to be the relevant planning conditions:

Condition number 2 (a) Frosted glass to be inserted in gable first floor windows.

Condition number 2 (b): External finishes

Condition number 3: Boundary treatments

Condition number 4: Drainage arrangements

Condition number 5: Construction Traffic Management Plan.

Condition number 6: Construction hours.

Condition number 7: Development Contributions.

3.2 Planning Authority Reports

The Planner's Report dated the 10th day of May 2023 set out the following:

- Accepted the principle of residential development on the appeal site.
- Noted the appeal site is within the established Aylesbury Park residential development.
- Accepted the design would be in keeping with the existing dwellings in the area.
- The existing access arrangements are to be used.
- It is proposed to connect into the existing estate water services.
- Noted the pattern of development in the area, the residential land use zoning pertaining to the site and stated that the development would not be injurious to the amenities of property in the vicinity, would be acceptable in terms of traffic safety and visual amenity and, therefore, would be in accordance with the proper planning and sustainable development of the area.
- Recommended that permission be granted for the residential unit as per the planning documentation submitted subject to the conditions as summarised in Section 3.1 above.

3.3 Technical Reports.

None received.

3.4 Prescribed Bodies

Not referred to any of the prescribed bodies.

3.5 Third Party Observations

One third-party observation received from a neighbouring resident of number 44 Whitestrand which included similar issues to those raised within the appeal submission including the following:

- Access to appeal site is onto a narrow cul-de-sac and there may be difficulty for cars turning out of houses.
- Entry and exit for bin lorries, oil lorries and ambulances would be restricted.

4.0 Planning History

4.1 The following is considered to be the relevant planning history pertaining to the appeal site:

Planning Authority reference number 18/238. In 2018, planning permission was granted for the construction of a pair of semi-detached dwellings, connection to public services and all associated site works on site numbers 45 and 46, in Phase 6 of the Whitestrand development. This decision was upheld by the Board under ref Bord reference number 303664-19 in May of 2019. This development was never constructed.

5.0 Policy Context

5.1 Draft Sligo Development Plan 2024-2030

Material alterations to the Draft Sligo Development Plan 2024-2030 came off public display in July 2024 and the Chief Executive's Report on the submissions received is currently being prepared. It is anticipated that the elected members will meet in early Q4 of 2024 and adopt the Development Plan thereafter. Volume 2 of the Draft CDP contains the Sligo Town Plan and its accompanying land use zoning map. The appeal site has the benefit of a eRes-existing residential land use zoning objective.

5.2 Sligo County Development Plan 2017-2023

The provisions of the Sligo Town and Environs Development Plan 2010-2016 have been incorporated within the Sligo County Development Plan 2017-23.

The relevant sections of the current plan to this appeal include:

The appeal site and the Aylesbury Park residential development is zoned RE- Existing residential areas where the objective is “To protect and enhance existing residential amenity” A residential use is permissible in principle under this zoning objective.

Chapter 5: Housing

Section 5.1.1 Sustainable residential development

Section 5.2 Urban Housing

Policy P-UHOU-4 Promote more compact forms of residential development, such as infill and backland development, and ensure – through the development management process – that access points to backland areas are reserved or that adequate road frontage is reserved to provide future road access, to enable comprehensive backland development.

Section 5.2.3 Vacant and unfinished housing

With regard to the remaining unfinished residential developments in the County, the Council will continue to work proactively with residents, developers and all relevant stakeholders to secure satisfactory completion.

Specific Objective O-UFHOU-1 Work with all relevant stakeholders to secure the satisfactory completion of unfinished housing developments in the County.

Section 13: Development Management Standards:

Section 13.3 Residential development in urban areas

Section 13.3.7-Private Open Space:

Rear garden space of 60-75 square metres for three-to-four-bedroom houses.

Section 13.3.12-Parking standards for housing development

2 spaces per dwelling

5.2 Natural Heritage Designations

The closest Natura 2000 site is the Cumeen Strand/Drumcliff Bay Special Protection Area (SPA) (site code 004035) which at its closest point is located approximately 0.37 kilometres north-west of the appeal site boundary. The Cumeen Strand/Drumcliff Bay Special Area of Conservation (SAC) (site code 000627) at its closest point is located approximately 2.3 kilometres east of the appeal site boundary.

The closest Natural Heritage Area (NHA) is the Cumeen Strand/Drumcliff Bay pNHA (site code 000627) which at its closest point is located approximately 0.21 kilometres west of the appeal site boundary.

6.0 The Appeal

6.1 Grounds of Appeal

A third-party appeal against the decision to grant planning permission have been submitted by a neighbour, resident within number 44 Whitestrand, Aylesbury Park, further east of the appeal site. The main issues raised by the appellant are synthesised as follows:

Traffic and Access:

- The internal access road, which is a cul-de-sac is very narrow.
- It is difficult for cars to turn on the internal access road.
- The internal access road is restrictive for bin and oil lorries and ambulances to access.

6.2 Planning Authority Response

The Planning Authority made the following comments in response to the third-party appeal submission.

- The Planning Authority refer the Board to the Planner's Report and other reports prepared in connection to the proposals as well as the decision of the Planning Authority to grant planning permission.
- The Planner did not specifically reference the observation received from the neighbouring resident within Section 7 of her report. However, the Planner did take note of the content of the observation received in relation to the appeal site being at the end of a cul-de-sac and the issues in relation to vehicle movement in the vicinity of the appeal site.
- No additional information has been submitted to the Board by the appellant that would alter the decision of the Planning Authority.
- It is considered that the development is consistent with the policies and provisions of the current Sligo County Development Plan incorporating the provisions of the Sligo and Environs Development Plan.
- They request that the decision of the Planning Authority be upheld by the Board.

6.3 First Party response to third party appeal submission

6.3.1 A response was received from a Building Engineer, on behalf of the applicant, Jonathan McGioldrick in relation to the issues raised by the appellant. These include the following:

Principle of Development

- The appeal site has the benefit of a residential land use zoning objective.
- Planning permission was previously granted on these lands and the adjoining site to the south in 2019 by the Board for a pair of semi-detached dwellings under Board reference number 303664-19.
- It is now proposed to develop the lands as two detached plots.
- The issues raised in the current appeal are similar to those raised under the appeal referenced 303664.

Traffic and on-site car parking:

- The internal access road is not proposed to be altered under the current proposals and, therefore, is as originally permitted by the Planning Authority and the same as permitted by the Board in 2019.
- Large refuse vehicles have no requirements to turn within this cul-de-sac.

7.0 Assessment

7.1.1 At the time the Planning Authority made its decision on the 12th day of May 2023, the appeal site was included within the settlement boundary of Sligo Town and Environs Plan as incorporated within the Sligo County Development Plan 2017-2023 (as extended to 2024). The Draft Sligo County Development Plan 2024-2030 is not expected to be adopted by the elected members and become operational under the final quarter of 2024.

7.1.2 The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The Planning Authority were satisfied that the design and layout as proposed is appropriate and that the proposals would not adversely impact upon the visual or residential amenities of property in the vicinity of the appeal site. The issues can be dealt with under the following headings:

- Principle of Development
- Traffic and Parking.
- Appropriate Assessment.

7.2 Principle of Development

7.2.1 The subject site is located within the Sligo Town and Environs settlement boundary and has the benefit of an Existing Residential zoning objective as defined in the Sligo County Development Plan 2017-2023. The objective is "To protect and enhance

existing residential amenity”, Residential development is permissible in principle on existing residentially zoned lands. Therefore, I am satisfied that the principle of development is acceptable in this instance.

7.2.2 The applicant is seeking to construct a dwelling house within a greenfield infill site of an established and permitted housing scheme which is substantially complete. A pair of semi-detached two storey dwellings were permitted on the appeal site and the lands immediately to its east under Board reference number 303664 in 2019. While residential development is permissible in principle on the site under the current zoning, other matters also have to be considered including access, parking and traffic safety issues which were raised by the appellant within her appeal submission. Appropriate Assessment will also be considered. These issues are examined in greater detail in the sections below.

7.2.3 I also note that Section 3.3.2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2023) pertains to development in Regional Growth Centres as identified within the National Planning Frameworks and the Regional Spatial and Economic Strategies, Sligo is one of the identifies regional growth centres for the western and northern region. Among the key priorities for growth in these areas include:

- To realise opportunities for adaptation, reuse and intensification of existing buildings and for incremental brownfield and infill development.

7.3 Access and Traffic

7.3.1 The layout for the residential development as originally permitted by the Planning Authority in 2001 under planning reference PL 01/548 remains in place and the appeal site would be accessed from the established internal service road. There are no proposals to alter the roads layout as originally permitted under the current appeal. This layout is dictated by the roads, foul and water services network routes. I

note that the Transportation Section within the Local; Authority failed to raise any objections to the proposed access/parking layout proposals.

7.3.2 The appeal site would be accessed via an existing internal service road within the Whitestrand residential development. I consider that the additional vehicular movements associated with the dwelling would not be material, relative to that generated by the remainder of the existing residential development. I note the location of the appeal site within c. two kilometres of the town centre and there is footpath connectivity (illuminated) between the appeal site and the town centre, thus making it possible to walk to the town centre and from the appeal site and reducing the need for a private motor car.

7.3.3 The car parking standards as set out within 13.3.12 of the current Sligo County Development Plan set out that 2 spaces are required for dwelling units. The applicants have not submitted a detailed parking layout as per their Site Layout Plan submitted as part of their planning documentation. However, from the dimensions included within their Site layout plan, I am satisfied that two cars could park within the appeal site curtilage and not interfere with the public footpath or internal service road. I note that the established detached and semi-detached dwellings within the development all have two car parking spaces within their curtilage. Therefore, I consider that the proposals would not cause interference with the free flow and safety on the internal service road.

7.3.4 In conclusion, I am satisfied that the proposed development is in accordance with the Development Plan standards from a traffic, access and parking perspective. I would not accept that the current proposal would materially exacerbate traffic nor access issues nor turning movements within the Whitestrand residential development.

7.4 Appropriate Assessment

7.4.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 371 metres east of the nearest European sites, namely the Cumeen

Strand/Drumcliff Bay Special Protection Area (SPA) (site code 004035) and the Cumeen Strand/Drumcliff Bay Special Area of Conservation (SAC) (site code 000627) is located approximately 2.3 kilometres east of the appeal site. The development description was set out with Section 2 of the report above. No nature conservation concerns were raised in the planning appeal.

7.4.2 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows [insert as relevant:

- The modest scale of the works proposed.
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- Taking into account screening determination prepared by the Planning Authority.

7.4.3 I conclude, that on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000(as amended) is not required.

8.0 Recommendation

I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands in the current Sligo County Development Plan 2017-2023 (as extended to 2024), to the policies and objectives contained within this Plan, specifically Policy P-UHOU-4 regarding infill residential development, and to the policies and objectives in the current Draft Sligo Development Plan 2024-30, and the development standards within this Plan, it is considered that, subject to compliance with conditions set out below, the proposed

development would not seriously injure the residential amenities of the area nor result in the creation of a traffic hazard by reason of increased levels of traffic that would be generated by the proposals. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the Planning Authority on the 20th day of March 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 The first-floor fenestration on the gable walls shall be fitted with obscure glazing.

Reason: In the interest of proper planning and sustainable development and residential amenity.

- 3 The rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

- 4 The internal road network serving the proposed development, including the street lighting standards, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

- 5 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

- 6 Details of materials, colours and textures of all the external finishes of the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

- 7 a) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

b) A land drain to the rear (northern) boundary of the site shall be installed prior to the occupation of the dwelling. Precise details of the land drain shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of public health.

- 8 The applicant shall enter into water and waste-water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

- 9 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 amenities of property in the vicinity.

- 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 interests of visual and residential amenity.

- 11 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fergal Ó Bric

Planning Inspectorate