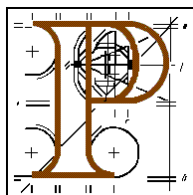


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

Offaly County

Planning Register Reference Number: PL 2/06/623

An Bord Pleanála Reference Number: PL 19.219185

APPEAL by Downshire Residential Properties Limited care of Rowe McGill Architects of 28 to 30 Rathmines Park, Rathmines, Dublin against the decision made on the 24th day of July, 2006 by Offaly County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Amendment to previously approved permission, planning register reference number 01/481, for two new apartment blocks in two and three storeys over semi-basement car park, surface car parking and associated site works, providing a total of 46 number apartments (four number three bedroom apartments and 42 number two bedroom apartments), on lands to the north of the Downshire development and to the west of the Carrick Road, Edenderry, County Offaly.

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 Residential Density Guidelines for Planning Authorities published by the Department of the Environment and Local Government in September, 1999, the residential zoning for the site, the size of the site and the pattern of development in the area, including proximity to services, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and 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 Board did not accept that the density as permitted would be unacceptable for this residentially zoned site and considered that, subject to conditions, the shortcomings identified by the Inspector could be overcome. The Board considered it appropriate to grant permission subject to conditions.

CONDITIONS

1. The proposed development shall be modified as follows:
 - (a) Ramped access shall be provided to the ground floor apartments.
 - (b) The ground floor apartments shall all be provided with west facing balcony areas directly off the living/dining rooms.
 - (c) The two number two-storey unit type E shall be omitted from the proposed development, and the footprint taken up by this area and the bike store area shall be re-used to provide individual storage areas of approximately two metres square for each of the proposed apartments.
 - (d) The bin storage area/waste management area shall be designed to provide for the separation of waste including recycling of materials in accordance with the requirements of the planning authority.
 - (e) Adequately sized balcony areas shall be provided to unit type A and all units type D on the first floor.
 - (f) The balcony area serving the proposed three bedroom units shall be increased in size by recessing the balcony area into the area shown as living space.
 - (g) The ridge height of the proposed blocks shall be reduced by one metre.
 - (h) The rear elevational treatment shall be modified to provide for omission of proposed gable features and to include contrasting materials to provide visual relief to the eastern elevation. The cill height of each bedroom number 2 shall be raised to the height of the upper part of the fixed lower panel.

- (i) The footprint of the proposed blocks shall be moved one metre to the west.
- (j) Disabled parking shall be provided at ground floor level.
- (k) Suitable boundary treatment of dwarf wall with railing shall be provided to the front of the site to provide a safe open space area in proximity to the adjoining road

Revised drawings showing compliance with this condition shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

- 2. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

- 3. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for agreement before development commences. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health and to ensure a proper standard of development.

- 5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of private open spaces, roads and communal areas in a satisfactory manner shall be submitted to the planning authority for agreement.

Reason: To ensure the adequate future maintenance of this private development in the interest of residential amenity.

7. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

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 of roads, footpaths, watermains, drains, public 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2007.