



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306848-20

#### Development

Construction of (a) one mixed use building consisting of two retail outlets and two office units. (b) fourteen two storey and three single storey dwelling houses (c) all ancillary site works and connection to public services

#### Location

Junction of Chapel Street and The R462 , Tulla , Co Clare

#### Planning Authority

Clare County Council

#### Planning Authority Reg. Ref.

19776

#### Applicant(s)

Woodhaven Developments Ltd.

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

First Party V. Condition 2 (a) and condition 3 (a).

#### Appellant(s)

Woodhaven Developments Ltd.

#### Observer(s)

None

**Date of Site Inspection**

8<sup>th</sup> June 2020

**Inspector**

Irené McCormack

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the town of Tulla, Co. Clare at the junction of Chapel Street and the R462 to the southwest of the town. The site is 0.89ha. in area.
- 1.2. The site has recently been cleared. Prior to site clearance that site was occupied by the former St. Joseph's Secondary School, a one and two storey school building constructed in the early 1970s.
- 1.3. Residential development is located to the north and opposite the site to the east. To the south of the site to the west of the junction there is a service station and further residential development, to the east of the junction a new secondary school campus.
- 1.4. Chapel Street rises in an easterly direction and the eastern section of the site sits below the road. The internal site levels are relatively flat. The site is connected to the lands to the south via two pedestrian crossings either side of the junction.

## 2.0 Proposed Development

- 2.1. The development comprises the construction of the following:
  - (a) one no. mixed use building consisting of 2 no. retail outlets and 2 no. office units
  - (b) 14 no. two storey and 3 no. single storey dwelling houses
  - (c) all ancillary site works and connection to public services.
- 2.2. The design was revised following a request for further information. The revised layout provides for a two-storey commercial building on the southwestern corner of the site addressing both road frontages with a recessed front plaza area and adjacent car parking to the east. The residential units have been provided to the rear of the site Units 1 and 2 front the R462, unit 3 occupies an internal corner site and to the north (rear) of the site a liner pattern of two-storey dwellings stepping to single store detached bungalows at either end. Access to the site is proposed via Chapel Street. Open space has been provided to the southwest of the site.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority granted permission subject to 22 conditions. The following conditions are of note:

## **Condition No. 2**

The proposed development shall be amended as follows:

- (a) The use of unit no. 3 as a residential unit is not permitted and this unit shall be designed and used as a creche.**
- (b) The gable end of the north-eastern elevation of the retail/office unit that faces into the public car park shall be revised such that it create an active frontage towards the car park either by the provision of a shop front or significant revision to its material finishes. The boundary wall at this location shall be amended to allow the enlivened frontage by visible into the car parking area.
- (c) The public parking/road layout areas shall be amended to provide appropriate manoeuvrability of service, emergency and delivery vehicles in accordance with the Department of Environment and Local Government document, "Recommendations for Site Development Works for Housing Estates" and supported by auto track analysis for fire engine/refuse truck manoeuvrability.

Revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development including alterations to the design and layout of unit no. 3 required to facilitate a creche use.

Reason: In the interest of visual amenity, traffic safety, and having regard to the 'Mixed Use' zoning of the site, it is considered appropriate to amend the layout, design and use of the proposed development.

## **Condition no. 3**

- (a) The dwellings hereby permitted shall not be occupied unless and until the construction work to the retail and office units have been completed.**
- (b) Details of future occupiers of the retail and office units shall be submitted to the Planning Authority for agreement and approval prior to occupation of same.
- (c) No change of use shall occur to the uses hereby permitted for the retail/office unit without a separate grant of planning permission being obtained,

notwithstanding that such use might be considered exempted development but for the provisions of this condition.

Reason: To ensure the orderly development of the site and in the interest of visual and residential amenity, having regard to the 'Mixed Use' zoning of the site.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Initial Planning Report notes concerns regarding the design and layout of the development, traffic safety, service connections and Part V. It was concluded following receipt of further information and having regard to the recent planning history on the site, the brownfield nature of the site and the relevant mixed-use zoning, that the principle of the development was acceptable subject to inclusion of a creche. It was recommended planning permission be granted subject to conditions.

#### 3.2.2. Other Technical Reports

**Housing Department** – Final report (email dated 23rd January 2020) following receipt of further information notes note that the Part v element of the development has been agreed in principle. It is also noted that units 1 and 2 do not have dedicated parking.

**Chief Fire Officer** – No objection

**Area Engineer** – Planning reports notes telephone conversation following receipt of further information noting concern that surcharging remains in the surface water management system and the separation of car park and residential elements preferable.

**Roads Department** - Reports dated 11<sup>th</sup> February 2020 notes concerns regarding vehicular conflicts on site, car parking breakdown and allocation and no provision has been made for electric vehicle charging.

### 3.3. Prescribed Bodies

**Department of Culture, Heritage and the Gaeltacht** – report dated 18<sup>th</sup> November 2019 recommended that the existing building be survey for bats and the site

landscaping should provide for the retention of the mature trees on site as part of the development.

**Irish Water** – Report dated 10<sup>th</sup> October 2019 – No objection.

### 3.4. **Third Party Observations**

Two no. submission was made to Clare County Council. The following is a summary of the issues raised:

- The development is welcome in principle.
- No provision of elective charge points
- Bo solar PV panels or solar water heating panels
- Query water supply capacity
- Impact on privacy of adjoining dwelling

## 4.0 **Planning History**

Site

**CCC 18/643 / ABP 303679-19** - Permission refused in 2017 for seventeen houses (\*revised at further information stage of include a commercial element) for two reasons noting the following:

1. Having regard the “Mixed Use” zoning of the site, and its identification as an Opportunity Site (OP1 (MU2)) within the provisions of the Clare County Development Plan, 2017-2023, it is considered that the proposed commercial element of the development, by reason of height, scale and form, and by reason of the design detail and selection of the materials and finishes, would not constitute a positive and high-quality key landmark structure that would satisfactorily integrate into and contribute positively to the established character of the existing streetscape and surrounding built environment..
2. The proposed development, by reason of its layout, would be substandard, would seriously injure the residential amenities of the future occupants and the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

**CCC Reg. Ref. 17/896** - Permission was granted for demolition of the school buildings and site clearance.

The site also has a history extending back to 1969 for the development of the school campus and subsequent minor applications up to 2007 relating to proposals for extensions and additions.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The operative development plan is the Clare County Development Plan, 2017-2023. According to the plan for Tulla incorporated in Volume 3, the site location is subject to the zoning objective "Mixed Use" and is identified as an Opportunity Site. (OP1 (MU2) according to which:

"These lands are located at a prominent junction on the approach to Tulla, marking a key entrance point to the town. The vacation of the site by the secondary school presents an opportunity for the site's redevelopment for a mix of uses that would complement the range of established uses in the vicinity. A high standard of design and layout will be required of any future development proposals on the lands."

- 5.1.2. Other relevant Development Plan policies and objectives:

- CDP4.7 – Housing Mix
- Section 4.3.9 Housing and Accommodation for older people
- Section 4.3.10 – Housing for People with Disabilities
- CDP 4.15 – Green Infrastructure in Residential Development
- CDP 8.8 – Design Manual for Urban Roads and Streets (DMURS)

### **5.2. National Policy and Guidelines**

- National Planning Framework (2018)
- Design Manual for Urban Roads and Streets (DMURS), 2013.
- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009)

- Quality Housing for Sustainable Communities: Best Practice Guidelines for DELIVERING HOMES SUSTAINING COMMUNITIES (2007)
- Childcare Facilities Guidelines for Planning Authorities (2001)

### 5.3. **Natural Heritage Designations**

The site is not located within or directly adjacent to any Natura 2000 sites. The site is located 2.8km south of Slieve Aughty Mountains SPA (site code 004168) and 3.8km southeast of Newgrove House SAC (site code 002157).

### 5.4. **EIA Screening**

On the issue of Environmental Impact Assessment screening I note that the relevant class for consideration is class 10(iv) "Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere". Having regard to the size of the development site (0.89Ha) and scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The appeal relates to Condition no. 2 (a) and Condition no. 3 (a) only.

Condition No. 2 (a) – Provision of a Creche

- It is set out that that the condition was inserted without engagement with the applicant and without evidence of need and Clare County Council caused a material change of use by reason of the insertion of this condition.
- It is set out that the imposition of this condition does not take account of the Childcare Facilities Guidelines having regard to the Child Care (Pre-School

Services) Regulations, 1996 , in terms of the assessment of the suitability of child care facilities at this location as set out in the Guidelines.

- It is argued that the floor area of the house does not present an adequate of viable floor space for a creche and the provision of a creche can be reviewed as a use within the Commercial/Retail building proposed at a later date.

Condition No. 3 (a) – No occupation of dwelling units until commercial unit completed

- It is set out that the site is a brownfield site and the applicant has carried out enabling works in the form of site clearance. It is set out that this is the first proposed housing development in the area since 2006/2207 and the applicant has a proven track record for delivering residential development in Co. Clare.
- It is set out that there is demand for housing in the area, but their sales team have received no inquiries as regards availability of retail/commercial space.
- The level of commercial/retail vacancy in the town of Tulla is noted including additional space associated with the service station across the road from the site.
- It is argued that linking the construction of the commercial element and the housing restricts available financial funding for the construction of the housing development and would be restrictive as regards construction compound including statutory health and safety requirements.

## 6.2. Planning Authority Response

The Planning Authority has responded to the grounds of appeal.

The response includes:

- It is set out that the applicant was requested at further information stage to consider the provision of a crèche on site. It is noted that the applicant's response set out that a creche could not be justified in the context of the vacant building across the road.
- The planning authority set out that a creche is considered appropriate at this location noting the proximity to schools, residential development and proximity to town and the location adjacent to site car parking is appropriate.

- It is set out that condition no. 3 (a) is considered necessary to ensure the satisfactory completion of the entire site and to ensure the site is developed in line with the zoning objectives.

### 6.3. **Observations**

None

### 6.4. **Further Responses**

None

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. The assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Design, Layout and Principle of Development
- Condition No. 2 (a) – Provision of a Creche
- Condition No. 3 (a) – No occupation of dwelling units until commercial unit completed
- Appropriate Assessment

### 7.1.2. **Design, Layout and Principle of Development**

7.1.3. The site is located in the town of Tulla. The site is subject to the zoning objective “Mixed Use” and is identified as an Opportunity Site OP1 (MU2) in Volume 3 of the Clare County Development Plan which states that these lands are located at a prominent junction on the approach to Tulla, marking a key entrance point to the town. It is set out that the location of the site opposite the secondary school presents an opportunity for the site’s redevelopment for a mix of uses that would complement the range of established uses in the vicinity and a high standard of design and layout will be required on the lands

7.1.4. The development provides for a mixed-use scheme incorporating a commercial building housing two ground floor retail units with office units overhead and 17 no. residential units including 14 no. two storey units and three single storey units.

Therefore, subject to complying with other planning requirements, the principle of the proposal is acceptable.

- 7.1.5. The appeal site is located on the edge of the town, directly opposite a service station and the new secondary school which are connected to the site and the village centre via pedestrian crossings and a network of footpaths. The site has recently been cleared on foot of CCC Reg. Ref. 17/896.
- 7.1.6. In terms of the previous refusal of planning permission on the site CCC 18/643 / ABP 303679-19, I am satisfied that the revised **layout** submitted in response to the further information issued by the planning authority reflects an appropriate layout in terms of the site topography and addressing the corner site aspect. The commercial building in terms of scale and **design** reflects an appropriate architectural response in the context of the site on the approach to the town and the creation of a streetscape fronting the R462, which is enhanced by the recessed public plaza area fronting the site. The provision for improved activity and engagement at street level and enhancements to the public realm is in my view successful from an urban design perspective.
- 7.1.7. I note the planning authority as included a condition stipulating that gable end of the north-eastern elevation of the retail/office unit that faces into the public car park shall be revised such that such that it creates an active frontage towards the car park either by the provision of a shop front or significant revision to its material finishes. I agree and consider this condition should be repeated in this instance.
- 7.1.8. The scheme provides for an appropriate **mix** of dwelling types, the layout and design of which I consider appropriate in the site context having regard to the site topography and the retention of mature trees on site, the provision of rear private open spaces and central accessible and overlooked public open space. Policy CDP4.7 of the development plan seeks to ensure a balanced mix of house design, mix and tenure in all new developments. This mirrors national guidelines, in particular the Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities and the associated Urban Design Manual which recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good

mix of unit types will feature houses of varying sizes. I note the planning authority raised no concerns in this regard.

- 7.1.9. Connectivity between and within adjoining residential areas is a key principle in the creation of sustainable neighbourhoods. However, a balance must be met between achieving connections to other residential sites and providing a sense of place within the proposed development. The creation of a neighbourhood that is well connected and permeable for pedestrians and cyclists is of paramount importance. The proposed site provides for pedestrian access on the R462 and Chapel Street ensuring preambled connection both north and east of the site towards the village core and the service station and secondary school to the west and south respectively. Vehicular access is proposed from Chapel Street. I note there is an existing vehicular access at this location.
- 7.1.10. I further note that it is proposed to retain the existing mature trees on site and all visually prominent internal boundary walls will be stone faced with site boundary walls reflecting a 600mm stone boundary wall with galvanised steel rail to a maximum height of 1.5m. Subject to the implementation of additional soft landscaping, I am satisfied that the design and layout is acceptable in this instance.
- 7.1.11. I am satisfied that the design and layout of the scheme is acceptable in the context of the site and I consider the scale of retail and commercial proposed is proportioned in terms of the sustainable development and growth of the village in accordance with Section 6.3 of the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009) and the zoning objective for the site.

## 7.2. **Condition No. 2 (a) – Provision of a Crèche**

- 7.2.1. Condition no. 2 (a) of the recommendation of the planning authority stipulated that unit no. 3 shall be designed and used as a crèche and not as a residential unit. The applicant contends that the condition was inserted without engagement with the applicant and without evidence of need for a crèche and that Clare County Council caused a material change of use by reason of the insertion of this condition.
- 7.2.2. It is set out that the imposition of this condition does not take account of the Childcare Facilities Guidelines having regard to the Child Care (Pre-School Services) Regulations, 1996, in terms of the assessment of the suitability of child care facilities at this location as set out in the Guidelines. It is further argued that the floor area of

the house does not present an adequate of viable floor space for a creche and the provision of a creche can be reviewed as a use within the Commercial/Retail building proposed at a later date.

- 7.2.3. In response to the appeal the planning authority set out that the applicant was requested at further information stage to consider the provision of a crèche on site. It is noted that the applicant's response set out that a crèche could not be justified in the context of the vacant building across the road.
- 7.2.4. The planning authority set out that a crèche is considered appropriate at this location noting the proximity to schools, residential development and proximity to the town centre and the location adjacent to site car parking is appropriate.
- 7.2.5. Whilst, I note the zoning objective for the site seeks to provide for a mixed use development, site inspection indicated a significant level of vacancy in the town centre, in addition to the vacant commercial element across the road from the site forming part of the service station complex. Site inspection also indicated an existing childcare facility to the north of the site on the R462. Whilst, I agree with the planning authority that the site represents an accessible location in proximity to the secondary school, I consider the provision of a crèche needs to be balanced in terms of the requirement for the facility and the potential to provide for the facility within established and/or proposed commercial development without detracting from the commercial core, and the need to provide additional residential development which will increase the critical mass required to sustain small villages and towns.
- 7.2.6. In the context of the development. I agree with the applicant that house no. 3 is limited in terms floor space for a creche and the provision of a crèche can be reviewed as a use within the commercial/retail building proposed at a later date or accommodated within another vacant building within the town, subject to an assessment of need/demand and subject to meeting appropriate requirements.
- 7.2.7. For the reasons set out above, I consider condition no. 2 (a) should be omitted from any grant of planning permission should the Bord be minded to grant.
- 7.3. **Condition No. 3 (a) – No occupation of dwelling units until commercial unit completed**

- 7.3.1. Condition no. 3 (a) of the recommendation of the planning authority stipulated that the dwellings hereby permitted shall not be occupied unless and until the construction work to the retail and office units have been completed. The planning authority argue that condition no. 3 (a) is considered necessary to ensure the satisfactory completion of the entire site and to ensure the site is developed in line with the zoning objectives.
- 7.3.2. The applicant argues that this is the first proposed housing development in the area since 2006/2007 and while there is demand for housing in the area, their sales team have received no inquiries as regards availability of retail/commercial space.
- 7.3.3. It is further argued that linking the construction of the commercial element and the housing restricts available financial funding for the construction of the housing development and would be restrictive as regards construction compound including statutory health and safety requirements. I do not consider this a viable argument in the context of the site as all development sites are managed in accordance with a Construction Management Plan and a staged sequence of development works ensuring compliance with statutory health and safety requirements. The onus is on the developer in this regard.
- 7.3.4. Similarly, financial funding is an issue for the developer and not a planning issue. Notwithstanding, in terms of restricting available financial funding, I note the condition does not stipulate that the dwellings cannot be constructed but rather the individual houses cannot be occupied until the completion of the retail/commercial element of the scheme. I consider this condition reasonable and the imposition of same does not prevent the sale of houses but rather ensures compliance with the development plan objectives for the site and the satisfactory completion of the development. Should the Board be minded to grant planning permission for the development, I consider it appropriate to reimpose condition no. 3 (a) in this instance.

#### 7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature of the development, its location on a brownfield site in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

## 8.0 Recommendation

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

## 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, to the existing pattern of development in the vicinity of the site and to the “Mixed Use” zoning of the site, and to the relevant provisions of the Clare County Development Plan 2017-2023, 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, would not adversely affect the character of the area, would represent an appropriate form and density of development at this location close to the centre of Tulla. 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, as amended by the further plans and particulars submitted on the 16<sup>th</sup> February 2020, 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 proposed development shall be amended as follows:
  - a) The gable end of the north-eastern elevation of the retail/office unit that faces into the public car park shall be revised to reflect an active frontage towards the car park either by the provision of a shop front. The boundary wall at this

location shall be amended to allow the enlivened frontage be visible into the car parking area.

Revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development including alterations to the design and layout of unit no. 3 required to facilitate a creche use.

**Reason:** In the interest of visual amenity, traffic safety, and having regard to the 'Mixed Use' zoning of the site, it is considered appropriate to amend the layout, design and use of the proposed development.

3. a) The dwellings hereby permitted shall not be occupied unless and until the construction work to the retail and office units have been completed.
- b) Details of future occupiers of the retail and office units shall be submitted to the Planning Authority for agreement and approval prior to occupation of same.
- c) No change of use shall occur to the uses hereby permitted for the retail/office unit without a separate grant of planning permission being obtained, notwithstanding that such use might be considered exempted development but for the provisions of this condition.

**Reason:** To ensure the orderly development of the site and in the interest of visual and residential amenity, having regard to the 'Mixed Use' zoning of the site

4. Drainage arrangements, including the attenuation and 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.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

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

6. (a) The development, including all roads, footpaths, verges, public lighting, open spaces, foul sewers, surface water drains and attenuation provisions, and all other services, as permitted under this Order, shall be carried out and

completed in accordance with the “taking-in-charge” standards of the planning authority, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets (DMURS), in particular corner radii and maximum carriageway widths.

(b) The areas of open space shown on submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled, seeded and landscaped in accordance with the detailed requirements of the planning authority.

(c) All of the areas of public open space, as shown on the submitted drawings, shall be maintained by the developer until such time as the development is taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

Revised drawings showing compliance 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 proper development, pedestrian safety, the timely provision of open spaces and in order to comply with national policy in relation to the maintenance and management of residential estates.

7. 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. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) Existing trees, hedgerows, stone wall, specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]

(iv) Details of screen planting [which shall not include cupressocyparis x leylandii]

(v) Details of roadside/street planting [which shall not include prunus species]

(vi) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation including details of phasing

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.

(d) The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority in writing his/her opinion on compliance of the completed landscape works with the approved landscape scheme (as modified by this permission) within six months of substantial completion of the development hereby permitted.

**Reason:** In the interests of visual and residential amenity

8. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate 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.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include for the provision of lighting at the locations of proposed pedestrian/cycle links to lands to the north and south of the subject site.

**Reason:** In the interests of amenity and public safety

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. Site development and building works shall be carried out only between the hours of 0800 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.

12. 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 access and egress to the site during construction, noise management measures and off-site disposal of construction/demolition waste.

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

13. 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 96(4) and 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 for the area.

14. 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

15. 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 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 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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Irené McCormack  
Planning Inspector

6<sup>th</sup> July 2020