



An
Bord
Pleanála

Inspector's Report

ABP-306867-20

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| Development | Alterations to previously approved development permitted under PL Ref No's. 161671 & 171289 including increased site area, change of house types, increase in number of units from 3 retail, & 17 residential to 26 residential units. |
| Location | Convent Road, Kinvarra, Co Galway |
| Planning Authority | Galway County Council |
| Planning Authority Reg. Ref. | 19/1937 |
| Applicant(s) | OCC Capital Ltd. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | OCC Capital Ltd. |
| Observer(s) | None. |
| Date of Site Inspection | 5 th May 2020. |
| Inspector | Bríd Maxwell |

1.0 Site Location and Description

- 1.1. The appeal site which is irregular in shape extends to 0.85 hectares and is located to the south western end of Kinvarra village in South County Galway. A residential estate Convent Park adjoins to the east. To the west the site includes frontage onto a laneway, known as Nally's lane which serves as access to a number of individual dwellings and agricultural land. The main frontage of the site 40.25m is onto the N67 Convent Road, which is a continuation of Main Street and the site is within the 50kmph speed limit. The roadside boundary is defined by a stone boundary wall with the main access located towards the eastern end of the site. Works are currently ongoing at the site with four houses towards the western end of the site backing onto Nally's lane (units 9-12) and now appearing to be substantially complete and works in relation to the construction of site access roads, boundary treatments and services underway. Lands adjoining to the south are in agricultural use. St Joseph's National School is located opposite and the church is within 250m to the east of this.
- 1.2. There are three national monuments in the vicinity, namely St Joseph's Presbytery and St Joseph's Church to the east and a country house to the west. Ground levels on site fall naturally from north to south.

2.0 Proposed Development

- 2.1. The proposal as set out in public notices involves alterations to the previously approved development (currently under construction) permitted under PL Ref No 161671 and 171289 including increased site area, change of house types, increase in number of units from 3 no retail and 17 no residential to 26 no residential units comprising 4 no one bed apartments (66 sq.m) 4, no three bed duplex apartments (122sq.m) 14 no semi detached four bedroom dwellings (141 sq.m) and 4 no terraced three bedroom dwellings (120 sq.m). Total residential gross floor area proposed (3,206sq.m) site development works, boundary treatments and all associated works.
- 2.2. The proposal provides for the creation of two communal green areas with all units fronting onto an area of open space area.
- 2.3. The proposal provides for the following mix of units:

| No of dwellings | House Type | Description | Gross Floor Area | No of Bedrooms |
|-----------------|---------------|------------------------|------------------|----------------|
| 14 no | House Type B | Semi detached | 141sq.m | 4 |
| 2 no | House Type C1 | Terraced (Mid terrace) | 120sqm | 3 |
| 2 no | House Type C2 | Terraced (End terrace) | 120sq.m | 3 |
| 4 no | Apartment D1 | Duplex Apartment | 122sq.m | 3 |
| 4 no | Apartment D2 | Apartment | 66sq.m | 1 |

2.4. The dwellings are generally arranged as semi-detached houses with a terraced block (houses 19-22). The proposed apartment units are located in a three-storey building towards the front of the site adjacent to Convent Road.

2.5. In essence in terms of the change from the previous permission the proposal is to replace the permitted retail aspect with 8 residential units. The proposal increases the site area to the southwest and results in an increase in the number of residential units from 19 to 26. I also note that the proposal provides for a change involving raising of the level of the houses to the rear of the site in order to eliminate the requirement for a foul pump station. This also results in a requirement for a retaining wall along the southern and southwestern end of the appeal site.

3.0 Planning Authority Decision

3.1. Decision

By order dated 14th February 2020 Galway County Council issued notification of its decision to refuse permission for 5 reasons as follows:

1. *The Sustainable Residential Development in Urban Areas Guidelines state that the scale of new residential schemes for development should be in proportion to the pattern and grain of existing development. Having regard to the location of the subject site at the edge of settlement of Kinvarra, the excessive density proposed at this location, the proposal for 2 and half story units, the unit types and that are*

deficient in satisfactory private and communal open space provision and the severe deficiency in public open space in the overall estate, the proposed development is considered to provide for a substandard form of development, and would fail to compliment the village of Kinvarra in terms of character and provide the required standard of urban place making urban assimilation and amenity called for in the current Galway County Development Plan 2015-2021. Therefore, if permitted as proposed the development would be contrary to Section 6.3(a) and 5.12 of the Sustainable Residential Development in Urban areas Guidelines and contrary to Objective UHO 7 and UHO 8 of the Galway County Development Plan 2015-2021 and to the proper planning and sustainable development of the area.

2. Having regard to the following

- a) The absence of a Road Safety Audit carried out for the development proposal.*
- b) The absence of autotracking analysis*
- c) Absence of turning hammers within the development.*
- d) The absence of demonstrating satisfactory sightlines at the entrance to the site in accordance with DM standard 20 of the Galway County Development Plan 2015-2021, the Planning Authority considers that if permitted the proposed development would materially contravene objectives TI9 and TI 10 of the Galway County Development Plan 2015-2021 and also endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.*

3. In the absence of a design statement from Irish Water, it has not been demonstrated to the satisfaction of the Planning Authority that the public water mains and public sewer infrastructure has the capacity to cater for the additional loading and additional water supply needs arising from the proposed development and that in the absence of information in relation to the satisfactory disposal of wastewater and water supply arising from the proposal, the planning authority consider the development to be prejudicial to public health.

4. The proposed development would materially contravene Condition 1 and 5 of PL ref 02/4575 and would in the absence of suitable remedial measures be contrary to the proper planning and sustainable development of the area.

5. *Having regard to the requirements of Article 6(3) of the Habitats Directive, the information including with the planning application and available to the Planning Authority, in conjunction with the absence of satisfactorily demonstrating that the site can be adequately serviced in terms of wastewater disposal and the absence of information in relation to the impacts of the proposed development on European sites, the Planning Authority consider that likely significant effects, either individually or in combination with other plans or projects, on Galway Bay Complex SAC and Inner Galway Bay SPA, in view of their conservation objectives cannot be ruled out at this time. Therefore, the proposed development would contravene materially objectives NHB1 and DS 6 & DS 7 contained in the current Galway County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner's report notes no objection to proposal to omit the retail use, however concern is expressed regarding density, lack of open space and impact on residential amenity. Refusal recommended. Discrepancies omissions of detail are also noted.

3.2.2. Other Technical Reports

3.2.2.1 None

3.3. Prescribed Bodies

3.3.1 Transport Infrastructure Ireland submission asserts that the proposal is at variance with official policy in relation to control of development on /affecting national roads. . Road safety audit is required.

3.4. Third Party Observations

3.4.1 None

4.0 Planning History

17/1289 Permission granted for 4 semi-detached two storey 3-bedroom houses, 140sq.m total floor area 560sq.m site development works boundary treatment and associated works. Accessed from convent road through adjoining proposed development 16/1671. Gross floor area 560sq.m. Expires 11/3/2023

16/1671 Permission for retail units totalling 258 sq.m, 3 no two-bedroom apartments 82sq.m 2 no 5 bed detached houses 195sqm, 8 no three bed semi-detached houses 140 sq.m., site development works boundary treatment and all associated works. Total floor area 2014 sq.m. Expires 13/8/2022

13/421 Extension of duration for permission 07/5377 for construction of a 2 storey development stepping down to single storey along the western boundary comprising (bar restaurant and associated basement, 2 no retail units, 2 no office units, 4 no townhouses associated wastewater treatment plant and percolation area ancillary car parking and associated site development works. Expires 17/6/2018.

07/5377 Permission for construction of 2 storey development stepping down to single storey along the western boundary comprising bar restaurant and associated basement.

Nearby site to the northwest

ABP-304064-19 19/52 Permission granted for construction of a residential development comprising 28 number dwellings consisting of four number detached dwellings and 24 no. semi-detached dwellings comprising two bedroom, three bedroom, four bedroom and five bedroom dwellings and associated garden sheds, hard and soft landscaped areas and associated site works and services.

Site adjoining to the west. (referenced in refusal reason no 4)

02/4575 Permission granted for construction of a dwelling house septic tank and percolation area.

5.0 Policy Context

6.1 S28 Ministerial Guidelines.

- Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities. Department of Environment, Heritage and Local Government, May 2009.
- Urban Design Manual A best practice Guide. May 2009.
- Design Manual for Urban Roads and Streets, DMURS
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') Dept Environment Heritage and Local Government November 2009.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – Department of Housing Planning and Local Government March 2018
- Urban Development and Building Height Guidelines, Department of Housing Planning and Local Government, December 2018

6.2 Development Plan

6.2.1 The Galway County Development Plan 2015-2021 refers.

- Kinvara is listed in Tier 5 of the Settlement hierarchy.
- Section 3.3 relates to Housing location design and densities in urban areas.
- At 3.3.1 it is noted that there are a number of villages within the County that do not have Local Area Plans and therefore it is important that the County Development Plan addresses the main facets of urban housing / design.
- 3.3.2 Layout and Design. The Council's primary aim in relation to residential development is to deliver high quality, sustainable living environments which are

attractive, safe and vibrant and meet the needs of the residents and the community. In planning for future development and in assessing future development proposals, the Council will seek to ensure that:

- The overall design approach is to create a community rather than a new housing development.
- While residentially zoned areas are intended primarily for housing development, a range of other uses, particularly those that have the potential to foster the development of new residential communities may be considered e.g. crèches, schools, nursing homes or homes for older persons, open space, recreation and amenity uses.
- To create high standards of layout, design, and landscaping, and to achieve a general segregation from roads used by through traffic from the outset.
- Appropriate provision is made for amenity and public open space as an integral part of new development proposals.
- The physical design of a proposed development should accord with the policies and objectives set out in the development standards contained in Chapter 13 (Development Management Standards and Guidelines) of this plan.
- Proposed developments must also have regard to the policies and objectives for architectural and archaeological heritage set out in Chapter 9 (Heritage, Landscape and Environmental Management) of this plan.

- **Housing Types / Design Mix.**

The mix of house types proposed in an area should therefore be influenced by a range of factors including:

- Consideration of the nature of the existing housing stock and existing social mix in the area.
- The desirability of providing for mixed communities.
- Provision of a range of housing types and tenures to meet demand.
- The need to provide a choice of housing, suitable to all age groups and persons.

It is important when developing a scheme for a particular area that the end result is a neighbourhood with a good mix of unit types. Mixed communities can be created by providing a range of unit types and tenures.

- 3.3.4 Housing Density - regard will be had to the Departmental Guidelines for Sustainable Residential Development in Urban Areas (2009) and also the Design Manual for Urban Roads and Streets. It is stated that higher densities will be encouraged at appropriate locations. However, in order to attract development back to towns and villages, lower densities will be permitted in instances where it can be demonstrated that development can provide an attractive living environment especially in town centres and areas comprehensively serviced by public transport subject to appropriate design and amenity standards.
- Section 3.4 sets out details of locations for appropriate new residential development in urban areas. Section 3.4.3 makes reference to infill development/subdivision of individual sites and town centre and brownfield sites. Centrally located sites within small towns and villages are also noted. The emphasis on design in such locations should be on achieving a good mix and quality of development that reinforces the existing urban form. With regard to edge of centre sites within small towns and villages the emphasis is on achieving a successful transition from central areas to areas at the edge of smaller towns and villages. Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, the density range will be assessed depending on the characteristics of the small town/village and the subject site on a case by case basis. There will be an encouragement of appropriate housing types with a high standard of design. This form of development needs to ensure that the definition of a strong urban edge and design that creates a clear distinction between the urban area and the open countryside while discouraging ribbon development on the approaches to towns and villages.
- Section 13.3 Guidelines for Residential Development (Urban and Rural Areas)
DM Standard 2 : Multiple Housing Schemes. Housing schemes will be assessed based on the following: • Quality of proposed layout and elevations, Context sensitive, Design innovation, Permeability, Natural features, Landscaping, Safety and security, Traffic safety and management, Cycling facilities, Building control and fire prevention, Site Boundaries, Private open space, Landscaping, Estate names and numbering, Housing layout assessment, Creche and childcare facilities, Overshadowing, Bin Storage, Densities.

In terms of densities for neighbourhood centres (typically within 400 metres walking distance of a centre point) the development plan indicates that these areas can most appropriately accommodate low to medium densities of 15-35 units per hectare. Urban periphery outlying lands are deemed most appropriate to accommodate lower densities and 5-15 units per hectare.

Regarding Public Open space - on green field sites, the minimum area of useable open space that is acceptable is 15% of the total site area (not including incidental lands). On brown field, infill sites or all other sites, a minimum of 10% public open space will be required.

5.1. Natural Heritage Designations

5.1.1 The site is not itself within a designated area. The closest Natura 2000, within 300m to the northeast sites are

Inner Galway Bay SPA

Inner Galway Complex SAC

5.2. EIA Screening

5.2.1 Having regard to the nature of the development comprising of 26 residential units in the village of Kinvarra which is considerably below the threshold for EIA as set out in Schedule 5 Part 2(10)(b)(i), it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by James O Donnell, Planning Consultant on behalf of the first party. Grounds of appeal are summarised as follows:

- Extant permission for 19 units on the site of which four units are currently nearing completion.

- Proposal seeks to omit the commercial content, replace it with apartments and increase the site area to the southwest to provide for 7 additional units. This is not a significant increase.
- Given the inner suburban infill nature of the proposal on serviced lands the intended development is consistent with the principles of consolidated urban development, efficient land use and the provision of a more sustainable and higher residential density. Proposal accords with the provisions of the National Planning Framework, Regional Spatial and Economic Strategy for the Northern and Western Region and County Development Plan.
- Site is an edge of centre or inner suburban and notably was designated Village Centre in the 2005 LAP.
- Height of the proposed apartment block is virtually identical to building granted under 16/1671. Proposed height of 9.8m is not excessive and is in keeping with existing and permitted development in this part of Kinvara. e.g. Type C/C1 two and half storey houses in Ard Mhuilinn Estate to Northwest (18/1197)
- As regards public open space provision, two green areas are proposed with playground facilities. Given the low level of traffic on cul de sac roads within the layout they have potential to function as shared surfaces.
- Regarding private open space provision all 4 bed houses have private open space provision in excess of the 70sq.m minimum requirement and actually range between 73.5sq.m and 130sq.m. All 3 bed houses have private open space areas in excess of the minimum area of 60sq.m with the exception of house no 21 (59sq.m).
- Apartments have open space provision in accordance with the guidelines. 1 bed have 7sq.m and 3 bed have 9sq.m.
- Proposal is consistent with the provisions of the development plan in terms of settlement strategy objective SS6 Development of Other Villages and will enable Kinvara to fulfil its residential function. Proposal is plan led.
- In relation to the issue of turning hammers, road A to the south of Unit 22 has the ability to function as a turning hammer. A large turning area is available at

the end of road C in front of units 13 and 14 and level of car spaces to the front of house 9-14 will be at grade with the estate road. Provision of large turning hammers would be contrary to best practice and are unnecessary.

- Regarding sightlines at the entrance notably this entrance is permitted and established.
- Regarding reason no 3 - a pre connection enquiry has been submitted to Irish Water and confirmation of feasibility has been received.
- Regarding material contravention of condition 2 of 02/4575 the original application it is proposed to connect the existing house to the public sewer and mains water supply and existing septic tank will be decommissioned in accordance with best practice.
- Regarding refusal reason no 5 an AA screening report accompanies the appeal and concludes that no significant effects are expected on the qualifying interest or conservation objectives of the surrounding Natura 2000 sites alone or in combination with other plans or projects.
- Revised drawings accompany the appeal which clarify issues raised in Planner's report. Amendments are provided to gable treatment of units 22, 18, 1, 7 and 15. Boundary treatment is detailed.

6.2. Planning Authority Response

6.2.1 The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

7.1. Having read the contents of the file, visited the site and surroundings and having regard to the issues raised within the grounds of appeal I consider that the matters to be addressed can be considered under the following broad headings:

Principle of Development

Density Issues and Unit Mix

Traffic and Servicing

Layout and Design Issues

Appropriate Assessment

7.2 Principle of Development

7.2.1 Having regard to the Planning History on the site and in particular extant permissions 17/1289 and 16/1671, I consider that the provision of housing development on the site in lieu of the permitted mixed residential and retail is appropriate and indeed this was acknowledged by the Planning Authority, in the context of the distance to the village, potential impact on the village centre and questionable retail viability. In considering the proposal in light of the National Planning Framework which seeks to consolidate new development within the footprint of existing built up areas the proposal is considered to be acceptable in principle. Therefore, it is appropriate that the proposal is assessed in its detail on its planning merits in the context of proper planning and sustainable development.

7.3 Density Issues and Unit Mix

7.3.1 The National Planning Framework seeks to ensure that new residential development particularly in existing built up areas which can avail of infrastructural services would be developed at higher more sustainable densities. The National Planning Framework however does not set out prescriptive guidelines in respect of densities for smaller villages and settlements such as Kinvara. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 address Small Towns and Villages in Chapter 6. Key messages are that development in smaller towns and villages must be plan led, new development should contribute to

compact towns and villages. Higher densities may be appropriate in certain locations however special care will be required to protect the architectural and environmental qualities of small towns and villages of special character. Proposals for lower densities may be considered acceptable at locations on serviced land within the environs of towns or villages to offer an alternative to urban generated housing. The scale of new residential schemes for development should be in proportion to the pattern and grain of existing development. Density standards for small towns and villages should be generally be 30-40+ for centrally located sites, 20-35 for edge of centre sites and less than 15-20 for edge of small town /village. I consider it appropriate that the appeal site is classed as being located at the 'edge of the centre of the village'. On the basis that it is proposed to provide 26 dwellings on a 0.85-hectare site this equates to approximately 31 units per hectare which in my view constitutes an appropriate density and within the 20-35 range for a site located at the edge of a small town or village as espoused in the Guidelines. The proposed density in my view strikes an appropriate balance between being generally reflective of the prevailing suburban residential density of the periphery of the village centre while at the same time increasing densities as espoused in the NPF strategy.

- 7.3.2 In terms of unit mix the overall scheme provides five different house types ranging in gross floor area from 66 square metres to 141 square metres and ranging in size from 1 to 4 bedrooms. I consider that this provides an appropriate mix of units having regard to the limited scale of the overall proposal.

7.4 Traffic and Servicing.

- 7.4.1 The Council's second reason for refusal referred to the absence of a road safety audit, autotracking analysis and concerns with regard to the demonstration of adequate sightlines at the entrance. I note however that as outlined in the first party appeal the entrance is as permitted under planning reference 16/1671. I note that the first party outlines that 70m sightlines are achieved in the permitted development and well in excess of the 45m requirement as set out in DMURS.

- 7.4.2 On the issue of turning hammers within the development I note the site layout drawings 2267-2001A submitted with the appeal and Autoturn drawing 2267-2014A.

I am satisfied that the proposed layout provides adequate turning facilities and the provision of additional turning hammers is not necessary. Regarding provision for cyclists I consider that additional parking provision is required in accordance with the National Cycle Manual, The National Transport Authority as referenced within the Development Plan.

7.3.4 On the matter of water supply and wastewater treatment I note the correspondence from Irish Water (Appendix 5 to Appeal submission) which outlines that based on details provided with pre connection enquiry and the capacity currently available in the network as assessed by Irish Water proposed connection can be facilitated subject to a valid connection agreement.

7.3.5 As regards the existing dwelling adjacent to the west it is proposed to connect this dwelling to the foul sewer and decommission the existing septic tank serving this dwelling in accordance with best practice remediation and replacement measures. I consider that this is appropriate. Having regard to the details as submitted I am satisfied that it has been demonstrated that the proposed development can be accommodated in terms of water and wastewater services.

7.4 Layout and Design Issues

7.4.1 The Council's first reason for refusal refers to the density, layout and design, and cites a deficiency in open space provision, poor standard of design and urban place making. The proposal to provide for a two and half storey unit on the site is also deemed to be inappropriate. I note that the proposed front block extends to 9.8m in height and in terms of the design and scale is similar to the permitted mixed-use block. I consider that in its context it is not out of character and not unduly dramatic in terms of its height. As regards design character and external finishes the proposal provides a contemporary approach to conventional type housing with external finishes including a smooth render finish natural stone cladding and blue-black slates. The overall layout takes its reference from the permitted layout providing for two areas of public open space which are overlooked by a number of dwellings. The communal green areas amount to 851 sq.m or 10% of the overall site area. Having regard to the planning history on the site and the infill nature of the proposal I consider that this area of open space is acceptable. In reviewing the residential

amenity of the proposed dwelling units, I note that the floor areas of the proposed units meet and largely exceed minimum standards in terms of floor area, private open space provision and provide for an adequate standard of residential amenity. All four bed houses have private open space ranging from 73.5sq.m to 130 sq.m. All three bed dwellings have open space areas ranging generally from 60-117msq.m with exception of house 21 which provides 59.sq.m. Apartment units all meet the minimum requirements as set out in the Apartment Guidelines. Overall, I am satisfied that the proposed design and layout provides for a reasonable standard of residential amenity.

7.4.2 Appraising the relationship of the proposed development to the established dwellings

I note that arising from the separation distance involved and orientation no overlooking or overshadowing issues arise. I note that the proposal involves raising the levels within the rear part of the site which results in a requirement for retaining wall along the southern and southwestern part of the site. I consider that additional landscape mitigation will be required to ameliorate the impact particularly on the adjacent dwelling site to the southwest and this should be addressed by way of condition. In my view the proposal is otherwise appropriately designed to mitigate any potential negative impacts arising.

7.4.4 As regards individual house designs, I note that within the appeal submission amendments are proposed to gable treatment of units 22, 18, 1 and 2 in order to provide for improved animation. Landscaping and boundary treatments are fully detailed.

7.5 Appropriate Assessment

7.5.1 I note that the appeal submission is accompanied by an appropriate assessment screening report by Piaras O Guibúin BSc in partnership with James O Donnell, Planning Consultant. A total of 26 Natura 2000 sites within 15km radius are identified. All are screened out based on lack of connectivity and distance save for

Galway Bay Complex SAC and Inner Galway Bay SPA which are within 0.35km to the north east of the site.

7.5.2 The Galway Bay Complex SAC is of conservation interest due to the presence of 15 habitats listed under Annex I of the EU Habitats Directive and 2 species listed under Annex II. The Inner Galway Bay SPA is designated for the presence of several bird species listed on Annex I of the EU Birds Directive. No direct impacts on designated sites are identified. Having regard to the distance from the Natura 2000 sites no adverse impact is identified during construction phases. During the operational phase the proposal will discharge wastewater to the municipal sewer and treatment at the Kinvara wastewater treatment plant prior to discharge into the Bay. On the basis of the fully serviced nature of the appeal site, I am satisfied that it has been demonstrated that the proposal will not give rise to any adverse impact on the qualifying interests of the Inner Galway Bay SAC or SPA.

7.5.3 It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant impact on the Galway Bay SAC or Inner Galway Bay SPA, or any other European Site in view of the site's conservation objectives and a stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

8.0 Recommendation

8.1. Grant permission for the proposed development in accordance with the plans and particulars based on the reasons and considerations below.

9.0 Reasons and Considerations

It is considered that the proposed residential development, subject to conditions set out below, would not adversely affect the residential or visual amenities of the area, would

be acceptable in terms of urban design, height and quantum of development, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. 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 received by An Bord Pleanála on the 11th day of March 2020 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

- 2 Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions granted on 4th day of July 2017 under planning ref 161671, and 12th March 2018 under planning ref 17/1289, and any agreements entered thereunder. This permission shall expire on 11th March 2023.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The road works associated with the proposed development including the setting out of the entrances, paving and surface finishes shall be carried out and completed in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety and orderly development.

- 4 The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard the developer shall –
- (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) Employ a suitably qualified archaeologist who shall monitor all site excavations and other excavation works, and
 - (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authorities considers appropriate to remove.

In default of any of these requirements the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. Details of the materials. Colours and textures or all external finishes 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services, and shall be agreed in writing with the Planning Authority prior to commencement of development.

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

8. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site.
Reason: In the interest of the visual amenities of the area.
- 9 Detailed mitigation measures providing for a graduation of the retaining boundary wall treatment and incorporating additional landscaping measures shall be implemented to the southwestern site boundary. Details shall be submitted for the written agreement of the planning authority prior to the commencement of development.
Reason: In the interest of residential and visual amenity.
10. All rear gardens shall be bounded by block walls, 1.8m 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.
11. The areas of public open space shown on the lodged plans 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. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.
Reason: In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.
12. The landscaping scheme shown on drawing no 2267-2003A as submitted to An Bord Pleanála on the 11th day of March 2020 shall be carried out within the first planting season following substantial completion of external construction works. 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 5 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.

13. Bicycle parking spaces shall be provided within the site in accordance with the standards outlined within The National Cycle Manual by the National Transport Authority Section 5.5.7. The layout and demarcation of these spaces shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of sustainable transportation and safety.

14. 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.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. 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.

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 an satisfactory completion of roads, footpaths, watermains, drains, 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 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.

Bríd Maxwell
Planning Inspector

19th June 2020