



An
Bord
Pleanála

Inspector's Report

ABP-307533-20

Development	Single storey patio lounge extension, new terrace area with bar and BBQ area, alterations to vehicular driveway, car parking and garden areas
Location	Anner Hotel, Dublin Road, Thurles, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	19600962
Applicant	Anner Hospitality Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Parties v Grant of Permission
Appellants	<ol style="list-style-type: none">1. Tim & Marion O'Regan2. Windsor Grove Residents Association3. Hugh Ryan, Dan Ryan & Mary Ryan
Observer(s)	None

Date of Site Inspection

08.10.2020

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The Anner Hotel is located on the N75/Dublin Road in the eastern area of Thurles.
- 1.2. The hotel building is two and a half/three storeys in height and it is located in the eastern area of the site. The main reception area is to the western side of the building. There is car parking to the front/north, partially to the north west/side and the main car parking area is to the rear/south east. There is a garden area to the south west. There is an external patio area on the footprint of the proposed lounge extension. The vehicular access to the rear car park area is immediately to the side and rear of the hotel building. There are a number of trees within the site and on the site boundaries. Existing development in the vicinity of the site is primarily residential.
- 1.3. The site has a stated area of 0.7165 hectares. (This area only includes the area subject of the proposed works rather than the entire hotel site).

2.0 Proposed Development

- 2.1. The application is for permission for:
 - A single storey lounge extension,
 - A terrace area with a covered bar and barbecue,
 - Realignment of the access driveway and alterations to the car parking area and garden.
- 2.2. In addition to standard planning application plans and particulars the application was accompanied by a 'Planning Statement', an 'Access Road Lighting & Car Park Lighting' document and a 'Water Infrastructure Design Report'.
- 2.3. The proposed extension has a stated area of 117.2sqm and an indicated height of 4.3 metres. The proposed patio extends to 104.3sqm. The proposed gazebo has a stated area of 50.9sqm and an indicated maximum height of 5 metres.
- 2.4. Further information was submitted in relation to, inter alia, an amended site layout plan including minor revisions to site boundaries and car parking provision (resulting in a reduction in site area to 0.707 hectares and a reduction in car parking from 135 no. to

131 no. spaces), a noise assessment for both the construction and operational phases, revised public lighting detail and landscaping proposals. The application was re-advertised as significant further information.

- 2.5. An extension of time was sought and granted. Clarification of further information was submitted in relation to, inter alia, site ownership, a Construction Environment Management Plan and public lighting detail.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 12 no. conditions including surface water disposal, public lighting, submission of a Construction Environmental Management Plan, noise, construction practices, landscaping, the barbecue, bar and gazebo not to be used after 22.00 hours and development contributions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 23.10.2019, 02.01.2020, 05.02.2020 and 18.06.2020 form the basis of the planning authority's decision. The final Planning Report considers that the development complies with the policies and objectives of the North Tipperary County Development Plan 2010-2016 (as varied) and does not have an adverse impact upon the character of the area or the amenities of adjoining properties.

3.2.2. Other Technical Reports

District Engineer – Conditions recommended following further information response.

Environment – Conditions recommended following the clarification of further information response.

3.3. Prescribed Bodies

HSE – Observations made based on the clarification of further information response.

3.4. Third Party Observations

3.4.1. 11 no. submissions were received on the original planning application from local residents, including the Windsor Grove Residents Association. The issues raised are largely covered by the grounds of appeal with the exception of the following:

- Objection to the removal of boundary trees and trees within the site on a visual and acoustic barrier basis.
- Increased car parking proposed will impact on Windsor Grove.
- The vacant site adjoining No. 1 Windsor Grove will be of no value because of the development.
- The development has been designed to direct noise away from existing guest bedrooms towards Windsor Grove. No mitigating solutions have been proposed.
- The access road realignment will bring all hotel traffic to the boundary of Windsor Grove.
- Removal of boundary trees directly contravenes a previous planning condition.
- One submission welcomes the continued investment in the hotel and the attractive proposal for the realignment of the access road and gardens while being concerned about further noise disturbance from increased use of a compressor which is used day and night.
- The development would encourage hotel guests to migrate outside.
- Affect the ability of residents to enjoy their own outside areas.
- Noise and disruption during the construction phase.

3.4.2. Eight no. submissions were received on foot of the further information response, both before and after the publication of readvertised notices, including two submissions from the same submitters. The issues raised are largely covered by the original submissions and the grounds of appeal with the exception of the following:

- The response in relation to noise focuses on construction noise rather than noise during the operational phase.
- The statement that traffic flow will not be increased is disagreed with.

- Landscaping and tree planting/removal is unclear/has not been complied with.
- Site ownership issues.
- The extension is to increase capacity accommodating more people for lunch and the bar area in general. Gatherings is a vague term and could refer to a range of different functions.
- A boundary wall must be completed between the site and No. 1 Windsor Grove and its adjoining site where there is currently no wall.
- The response has not addressed the further information request/concerns have not been addressed.

3.4.3. Four no. submissions were received on foot of the clarification of further information response. The issues raised are largely covered by the previous submissions and the grounds of appeal with the exception of the following:

- The response has not addressed the clarification of further information request/concerns have not been addressed.

4.0 Planning History

4.1.1. None relevant.

5.0 Policy Context

5.1. North Tipperary County Development Plan 2010 (as varied)

5.1.1. This Plan is in place until such time as a single County Development Plan is prepared for Tipperary subsequent to the preparation of the Regional Spatial and Economic Strategy. Section 1.6 (Relationship with Town Development Plans) states that Town Development Plans, including the Thurles Town and Environs Development Plan 2009-2015 (extended), will remain the statutory plans for these areas until a review and preparation of local area plans for these towns take place.

5.2. Thurles Town and Environs Development Plan 2009-2015 (as extended)

- 5.2.1. The site is in an area zoned 'Retail and Commercial' under the Plan where it is an objective to provide and improve retail and commercial activities.
- 5.2.2. Policy ECON 6(c) (Commercial Retail Development beyond the edge of the town centre) states it is the policy of the council to support the provision of retail and other commercial development provided that:
- (a) The proposal is on land that has been designated for such development in the Plan;
 - (b) it does not detract from the vitality and viability of the town centre;
 - (c) the proposed development accords with the County Retail Strategy and the Retail Planning Guidelines for Planning Authorities (2012); and
 - (d) the proposal accords with the design standards set out in Chapter 8 of this plan.
- 5.2.3. Policy SERV 14 (Environmental Nuisance) states it is the policy of the Councils to resist developments that give rise to unacceptable levels of noise, smell, dust, fumes, light or noxious emissions affecting areas beyond the site boundary, or to air or water pollution. Such restrictions will particularly apply to uses sensitive to disturbances such as housing, schools and hospitals etc.

5.3. Natural Heritage Designations

- 5.3.1. The closest Natura 2000 site is Lower River Suir SAC approx. 3.6km to the south west. The closest heritage area is Cabragh Wetlands pNHA approx. 2.2km to the north west.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal were received from Tim & Marion O'Regan, 15 Windsor Grove, Windsor Grove Residents Association and Hugh Ryan, Dan Ryan and Mary Ryan (Dan & Mary Ryan own the property adjacent to the eastern boundary of the hotel site). The main issues raised can be summarised as follows:

Hugh Ryan, Dan Ryan & Mary Ryan

- There is a frequent issue with noise and loud music from weddings. The sound buffer of the porch will effectively be removed, and the proposed extension appears to have fold away walls. The development may be contrary to Part E of the Building Regulations. If permitted, the appellants will be living next door to an outdoor nightclub with no sound protection and it does not comply with the development plan.
- It does not appear that the appellants' house was taken into consideration in the submitted Noise Assessment Report and this omission is a fundamental flaw in the report.
- There appears to be inadequate parking when a function takes place.
- Condition Nos. 3, 6 and, in particular, 7, require submissions to be agreed prior to commencement. Third party rights have been denied by not having these clarified prior to decision.
- The Guidelines for Planning Authorities (2007) states that conditions should be enforceable and precise. Condition No. 8 is not enforceable. The appellants have never been able to manage sound pollution from the hotel from weddings or graduations. There is a cardboard compactor that measures between 90db and 100db from the appellants' property.

6.1.1. Tim & Marion O'Regan and Windsor Grove Residents Association

- A line of poplar trees across the existing rear car park, which provides visual and audio screening for residents of Windsor Grove, is to be removed. The visual impact of the tree removal has been ignored by the applicant and the Council. The proposed planting of Portuguese Laurel Hedging along the boundary wall will not match the height of the poplars. Mature tree planting should be provided along the boundary with Windsor Grove to provide a visual screen.
- Condition No. 3 of the planning authority decision refers to a lighting plan to be carried out by the developer. A security light has previously been erected without permission. It will be up to residents to bring any issues with the lighting to the Council's attention. Permission should only be granted once the plan

has been formulated and available for oversight by the Council and which residents could examine.

- Condition No. 7 of the planning authority decision refers to a Noise Management Plan. Again, permission should not be granted until this has been completed and is available for examination by the Council and residents. Detail in relation to the in-house sound manager is unclear.
- More explicit instructions are required regarding music and gatherings outside 08.00-22.00 hours. It should be clear that all activity in this area must cease outside these hours. The opening of the bifold lounge doors in the extended bar should also be subject of the same time limits.
- Condition No. 10 states existing trees and shrubs on the site boundaries shall be retained and maintained. How can this be achieved given a new road system is to be constructed very close to these and may very likely destroy them as a result? What measures will be in place to protect the mature trees and shrubs which form part of the boundary of the hotel and Windsor Grove? There is a gap in the existing boundary between the site and Windsor Grove where there is anti-social activity and the issue with this gap has not been addressed.
- Some photographs have also been submitted.

6.2. Applicant's Response

Separate responses were made to the grounds of appeal. The main points made can be summarised as follows:

6.2.1. Hugh Ryan, Dan Ryan & Mary Ryan

- Noise was addressed in the further information response. The appellants' house was considered and ruled out from being most impacted because of the level of sound wave disruption created from the 3.8 metres high boundary wall and the existing hotel structure.
- Additional information in relation to noise during construction was submitted as clarification of further information. Noise is conditioned under Condition Nos. 7 and 8.

- Traffic was flagged as an issue of great concern at pre-planning. The hotel is fully compliant with the parking matrix set out in the County Development Plan.
- Conditions 3, 6 and 7 are fair, reasonable and wholly considerate of third parties. They are based on what was submitted in the application. While the applicant has accounted for all aspects of these requirements, more work has to be done in construction detailing and design to ensure unseen items are accounted for. Any unforeseen items will become known during finalisation of detailing/construction drawings. It would be punitive to submit the required information beforehand as it would require construction detailing to be completed without a grant being imminent.

6.2.2. Tim & Marion O'Regan and Windsor Grove Residents Association

- The car park was redesigned to accommodate a fire tender resulting in the loss of the row of poplars. As a consequence, planting was brought to the site boundary with Windsor Grove. A specimen that keeps its leaves all year round was chosen. Poplars are deciduous and are a notoriously poor choice close to buildings and roads as their root systems undermine structures.
- The issue of buffering was considered by the noise consultant prior to submission who refuted the notion the poplars act as a noise buffer.
- In relation to boundary trees, it was preferred that these be retained where possible. The applicant is loath to interfere with them as they are trying to create a country getaway in a less than rural area. The nearest house in Windsor Grove is 40 metres from the hotel, and further from the proposed extension, has no first floor habitable room openings in the gable and all ground floor habitable room openings behind a high concrete wall. It is believed the best possible approach has been taken by creating a barrier using alternative planting.
- Two lighting reports and drawings were generated. The light plan must be agreed with the planning authority prior to construction. However, it is possible some items may have to be moved, omitted or changed once construction details are generated due to unforeseen issues, or there may be no change, it is not possible to see all scenarios. The condition is fair and reasonable.

- Noise was a subject well queried and well covered. Data has to be submitted for agreement with the planning authority and it would be inaccurate to do so before the full cohort of information is available. The conditions in the grant of permission are fair and reasonable.

6.3. Planning Authority Response

The main points made can be summarised as follows:

- The planning authority is satisfied conditions attached to the grant of permission will control noise levels. They include practical measures to reduce the potential for adverse noise.
- The planning authority is satisfied the landscaping scheme proposed will provide adequate screening.
- A lighting report demonstrated lighting levels are acceptable and LUX levels are within an acceptable range. A condition has been attached to the grant of permission relating to the lighting scheme to include mitigation measures.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Reports and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Design & Layout

- Noise
- Landscaping
- Exterior Lighting
- Appropriate Assessment

7.1. Zoning

7.1.1. The site is located in an area zoned 'Retail and Commercial' in the Thurles Town and Environs Development Plan 2009-2015 (extended) which has an objective to provide and improve retail and commercial activities. The proposed development is for the extension of and alterations to an established and permitted hotel development. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2. Design & Layout

7.2.1. The existing hotel is two and a half/three storeys in scale. The planning application form gives the floor area as in excess of 1,000sqm. The proposed single storey, flat roof, lounge extension has a floor area of 117.2sqm and its impact, in the context of the existing structure, away from the public road and approx. 37 metres from the nearest site boundary, is limited. It has bifold doors to the south elevation which open onto the proposed external terrace. Elevation drawings state external finishes will match the existing building. I consider the design of the proposed extension to be acceptable.

7.2.2. The external terrace area adjacent to the proposed extension has an area of 104.3sqm and is surrounded with planter-type areas. Two structures, 6.6sqm in area and 2.566 metres in height and 5.4sqm in area and 2.535 metres in height respectively, are proposed just south of the terrace as covered barbecue and bar areas. The impact of these is limited. The gazebo in the garden area adjacent to the proposed realigned internal circulation road is also limited.

7.2.3. The current internal circulation road runs alongside the side and rear of the hotel building to access the main car parking area. The garden area is on the opposite side of the circulation roadway. The application proposes a significant reorganisation of the

internal access route, the garden area and a consolidation of car parking to the rear. I consider these revisions to be acceptable. The realignment of the internal circulation road to the boundary reduces the potential of conflict between vehicles and pedestrians while increasing the attractiveness of the garden area.

- 7.2.4. I consider the proposed extension design, provision of ancillary structures and revisions to the grounds to be acceptable.

7.3. Noise

- 7.3.1. Noise generated by the development, and in particular the external terrace area, is a significant basis for the grounds of appeal.

- 7.3.2. Further information was sought for comprehensive detail of noise generation, to include both construction and operational phases, and adequate attenuation measures. A noise assessment was submitted in response and noise from the use of the external area was briefly referenced. 60 no. people were considered in the external patio area because that is the capacity of the lounge extension. In reality, in good weather where there is an event such as a wedding, it can be assumed that more than 60 no. people will use the general area. The assessment considers that the noise level at the nearest residence will be 43 dB(A). This is below the general maximum limit for external night time noise of 45 dB(A), according to the assessment. However, this level assumes that all 60 no. people are speaking at a normal level which, for certain events and later in the afternoon and evening, I consider is unlikely to occur. The further information response cover letter states that the applicant will close the patio area at 10pm in the summer months and the cover letter also states that the noise consultant considers that the trees to be removed offer no sound buffer barrier.

- 7.3.3. The external terrace and barbecue and bar counters would likely generate significantly increased outdoor activity during good weather, whether associated with weddings or general use of the lounge area. However, I note that the capacity of the overall hotel is unaffected by an increase in the size of the existing function room or the number of bedrooms. The proposed development involves a better flow of people within the building rather than increasing the capacity, other than the capacity and attractiveness of the lounge and garden areas. The potential for noise generation from the external terrace is an issue and I acknowledge the concerns expressed in the grounds of

appeal in this regard. However, the proposed development is consistent with the zoning objective to provide and improve commercial activities. Notwithstanding, appropriate restrictions should be in place to mitigate impact on adjoining residential properties such as these areas not to be used after 10pm and a restriction on music levels at the site boundaries.

- 7.3.4. I consider that the proposed development is consistent with the established and permitted use of the hotel, would be a reasonable ancillary feature and would not have any undue impact on the residential amenity of adjoining properties, in terms of noise nuisance, subject to appropriate conditions.

7.4. Landscaping

- 7.4.1. The removal of trees and general landscaping proposals is a basis for the grounds of appeal.

- 7.4.2. The Planning Statement submitted with the application stated that trees are only removed as necessary but would include some trees near the boundary to allow for the roadway and the removal of other smaller trees in the garden. Larger scale layouts of the external terrace and garden areas were submitted which showed landscaping proposals which I consider to be acceptable. A comprehensive landscaping scheme was sought by way of further information to clearly include all trees proposed for removal and all planting proposals. In response, a 'Landscape Plan' site layout was submitted. Trees along the western boundary are to be retained 'where possible' with their lower limbs removed to allow clearance for vehicles. The poplar trees, referred to in the grounds of appeal, are to be removed to accommodate the revised car park layout. A layout drawing showing other trees within the site to be removed was also submitted. Additional tree planting is proposed throughout the site and the car park perimeter is to be planted with a 'hedging tree that will screen the perimeter wall and will also screen the residential buildings to the south'. The landscape plan identifies this perimeter hedging tree as a 'Portuguese Laurel Instant Hedge', which is an evergreen hedge that can grow to heights of approx. 12 metres if unmaintained. I consider the proposal for boundary planting at the car park to be acceptable. I also consider it reasonable that the site boundaries be identified and adequately secured.

- 7.4.3. The planning authority's Condition No. 10 states that the existing trees and shrubs on the site boundaries shall be retained. The applicant, in the Planning Statement and the further information response indicates this is not likely to be possible. The applicant's response to the grounds of appeal states a preference for retaining them where possible.
- 7.4.4. Therefore, while I consider that the general landscaping proposals are acceptable, boundary tree detail submitted, and the condition applied, conflict. Additional work may be required by the applicant to develop more advanced detail in relation to which boundary trees may or may not have to be removed to accommodate the realigned road and suggest replacement planting or otherwise. I consider that more robust landscape detail in relation to trees and the boundary treatments are required but I consider this can be carried out by way of a compliance condition.
- 7.4.5. In conclusion, while I consider the landscape detail as submitted is not sufficient, I consider that it can be addressed by way of a compliance condition.

7.5. Exterior Lighting

- 7.5.1. Exterior lighting is raised in the grounds of appeal.
- 7.5.2. A detailed Access Road Lighting and Car Park Lighting document was submitted with the initial planning application, which the planning authority considered was difficult to review. An 'Electrical Installation' layout was also submitted. Further information was requested to demonstrate light spill on adjoining properties. A revised Access Road Lighting and Car Park Lighting document was submitted as was a layout plan showing light spill. Light spill to adjoining properties does occur but with a general maximum in the range of the mid-teens adjacent to the overall boundary and a maximum of 8.7 on the southern site boundary with the nearest house (No. 10 Windsor Grove). Overspill levels very quickly reduce away from all boundaries. An effectively identical light spill layout was submitted in response to a clarification of further information request along with a very brief engineers' response which states the improvement works will provide better control of light distribution, better lighting uniformity and overspill light control.
- 7.5.3. Requiring compliance detail on issues such as exterior lighting is common practice and I acknowledge the applicant's response to the grounds of appeal in this regard. Section 7.9 (Conditions requiring matters to be agreed) of the Development

Management Guidelines for Planning Authorities (2007) states that these conditions should be avoided in cases where the matters involved are of a fundamental nature or such that third parties could be affected. In this case I consider that it has been adequately demonstrated that the overspill lighting that may occur to adjoining property is not significant and it is a matter of detail that may be subsequently altered, rather than a significant change. It must be borne in mind that there is car park lighting to the existing hotel grounds so the proposed exterior lighting would not be a new intervention and it is also open to the planning authority to not accept any compliance submission should it be deemed to be substantially outside of the framework of the original permission. Therefore, I do not consider any third party rights are materially affected by this, or other, compliance conditions in the planning authority's grant of permission.

7.5.4. I consider the public lighting to be acceptable, with matters of detail to be agreed with the planning authority.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from and with no hydrological pathway 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**

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Thurles Town and Environs Development Plan 2009-2015 (extended), and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the land use zoning objective, and existing use, of the site and would not seriously injure the residential or visual amenities of the area. 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 02.12.2019, 10.01.2020 and 30.04.2020, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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 1:250 showing –

- (i) Existing trees/hedgerows/shrubs specifying which are proposed for retention.
- (ii) The measures to be put in place for the protection of these landscape features during the construction period,
- (iii) Details of boundary treatments at the perimeter of the site, including heights, materials and finishes, and detail of the appropriate closure of any gaps which may exist in the perimeter,
- (iv) The species, variety, number, size and locations of all proposed trees and shrubs,
- (v) Details of screen planting,
- (vi) Details of roadside/street planting,
- (vii) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

(b) A separate, larger scale plan shall be provided showing specific identified trees to be retained along the western and south western boundaries adjacent to the realigned internal access roadway. Proposals to replace any trees to be removed shall be provided.

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

(d) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, 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 clarity and residential and visual amenity.

4. (a) The outdoor barbecue, outdoor bar area and external terrace area shall not be used after 22.00 hours on any night.
- (b) The bifold doors to the lounge extension shall be fully closed at 22.00 hours every night.
- (c) Prior to the first use of the external terrace area the developer shall submit a Noise Management Plan for the written approval of the planning authority. This shall address noise limits to live acoustic or amplified music or piped music to the external patio area.

Reason: In order to protect the amenities of residential property in the vicinity.

5. 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.

6. (a) Site development and building works shall be carried out only between the hours of 0800 to 1800 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.
- (b) 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 traffic management, noise management measures and off-site disposal of construction waste.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. Exterior/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.

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

8. 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.

9. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points. Where proposals relating to the installation of electrical vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.

Anthony Kelly

Planning Inspector

22.10.2020