

An
Bord
Pleanála

Board Direction
BD-011250-22
ABP-311279-21

The submissions on this file and the Inspector's report were considered at Board meetings held on 17/05/2022 and 25/08/2022.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature, scale and extent of the proposed development, to the pattern of development in the area and to the zoning objective of the subject site, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not detract from the architectural character of the area, would not prejudice public health by reason of construction or operation of the proposed development, would be acceptable in terms of pedestrian and traffic safety and would otherwise constitute an acceptable form of development at this location.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of the documentation on file, including the revised plans and particulars as received by the planning authority as further information on the 12th day of July 2021, and subject to condition no. 3 of the decision of the planning authority to grant permission by date the 6th day of August 2021, and the amended

details as received by An Bord Pleanála on the 11th day of July 2022. Specifically, the Board shared the opinion of the planning authority that the proposed scheme as revised at further information stage, and with a further change by condition, would not detract from the character and visual amenities of the area, including the character of the St. Mary's architectural conservation area and the Seatown Castle landmark. Furthermore, the Board determined that the information received from the applicant by An Bord Pleanála on the 11th day of July 2022, satisfactorily addressed the concerns expressed by the Inspector in recommended reasons for refusal two and three of the Inspector's report dated 2nd December 2021 (which concerns were shared by the Board), on the matters of the nature of the construction of the proposed development and a lack of information in relation to daylight, sunlight and ventilation.

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 12th day of July 2021 and by the further plans and particulars received by An Bord Pleanála on the 11th day of July, 2022, 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.

ADD IN PA CONDITION NOS. 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22, 23

CONDITION

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.

Reason: In the interest of public health.

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.

CONDITION

Site development and building works shall be carried out only between the hours of 0800 and 1900 hours from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall 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.

CONDITION

Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The security to be lodged shall be as follows -

- (a) an approved insurance company bond, or
- (b) a cash sum to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority

The amount to be agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion of the development.

CONDITION

- (a) the construction and foundation methods as detailed by DCE Irl report dated 06/07/2022 which include the construction of the foundations using bored or Continuous Flight Auger piles shall be adhered to.
- (b) the transmitted ground vibration arising from any piling carried out on the site, when measured on the foundations of the house nearest the location

of the piling and not owned by the developer or on a part of the house in close contact with the foundations, shall not exceed a peak particle velocity of 5 millimetres per second in any one of three mutually orthogonal planes.

Reason: To safeguard the amenities of adjacent property.

CONDITION

The developer shall adhere the requirements of BS 5228 part 1 1997 (Noise and vibration control on construction and open sites).

- (a) The developers shall, if directed by the planning authority, monitor and record noise levels during construction of the development – Leq’s and any other levels which may be requested by the planning authority (L max etc.)
- (b) The developers shall, if directed by the planning authority, monitor and record the total dust emissions arising from all on site operation associated with the proposed development during construction.
- (c) The number and locations of the monitoring and recording stations for sound and dust deposition, necessary to comply with the requirements of Part (a) and (b) of this condition, shall be in accordance with the requirements of the planning authority for such monitoring of sound and deposition.
- (d) The planning authority shall be afforded access at all reasonable times in order to inspect, examine and check, or to have inspected, examined and checked all apparatus and equipment used or required to carry out monitoring or noise.

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

CONDITION

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

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

CONDITION

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.

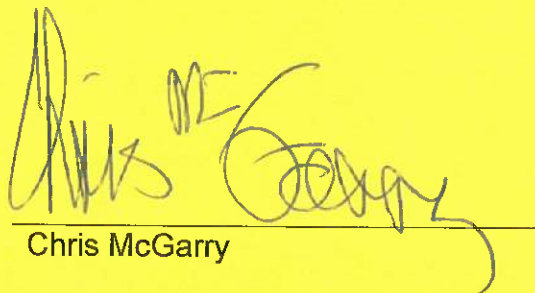
Reason: In the interest of sustainable waste management

CONDITION

The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member



Chris McGarry

Date: 12/09/2022

