



An
Bord
Pleanála

Board Order
ABP-319341-24

Planning and Development Acts 2000 to 2022

Planning Authority: Offaly County Council

Planning Register Reference Number: 23/259

Appeal by Oliver McGlinchey and Noel Cooney of Kockowen Rad, Tullamore, County Offaly and by others against the decision made on them 8th day of March, 2024 by Offaly County Council to grant subject to conditions a permission to Tullamore Vita Stilo Limited trading as Capital Homes care of Kenny Lyons and Associates of Block 6, Central Business Park, Clonminch, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of (A) the construction of 98 number dwellings, comprising of 10 number three-bedroom two storey semi-detached (Type A), 12 number four-bedroom two storey semi-detached (Type B), 10 number three-bedroom two storey end-terrace (Type C), 10 number three-bedroom two storey mid-terraced (Type D), 20 number two-bed terrace (Type J), three number three-bedroom two storey semi-detached (Type L), three number three-bedroom two storey corner semi-detached (Type M), six number three-bedroom two storey corner end-terrace (Type N), 16 number three-bedroom two storey mid-terrace (Type O), eight number two-bed apartments (Type P); (B) provision of a creché facility, a remote working hub space and gym for residents incorporated as part of the

residential apartment building; (C) associated site development works including road access connection via adjoining redwood development, internal roads, paths, paving, parking, drainage, amenity space, landscaped public open space, street lighting and associated boundary treatments; (D) alterations and diversion of the existing combined sewer crossing the site, providing an upgraded foul sewer with a separate storm sewer to connect to existing drainage infrastructure in the adjoining Redwood development and all associated site development works to complete the development, all at Clara Road, Tullamore, County Offaly. Further public notices were received by the planning authority on the 12th day of February, 2024.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provision of the Offaly County Development Plan 2021-2027 and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies and objectives of the Offaly County Development Plan 2021-2027 and aligns with national policy to achieve higher density and compact settlements in key towns. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 the planning authority on the 31st day of January 2024, 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. Prior to commencement of the development, the developer shall submit details for the written agreement and consent of the planning authority of a revised accessway to the south of Dame Avenue unit number 1 to form both a pedestrian and cycle link. No houses in Dame Avenue shall be occupied until the proposed cycle and pedestrian connection into Arden Heights has been completed. No houses in Alicia Grove shall be occupied until the proposed cycle and pedestrian connection into the adjoining Oaklee Development has been completed.

Reason: To comply with the requirements of the Design Manual for Urban Roads and Streets.

3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, an updated drawing showing boundary treatment, generally in accordance with drawing numbers 2207-KLA-00-DR-A-008 and 2201-KLA-00-00-DR-A-202, except where amended by conditions below:
- (a) Where public areas abut the site boundary, on either side, the proposed boundary wall shall either be finished in brick or as otherwise agreed with the planning authority.
 - (b) The proposed two metres high concrete post and bottom rail fencing with treated timber panels, specified on drawing number 2207-KLA-00-00-DR-A-008 Rev P02, forming the boundaries between rear gardens of individual sites, shall be amended by substituting the timber panels with concrete panels.
 - (c) Other than box hedges in front gardens, the development shall be open plan, and no front boundary walls/fences shall be erected, notwithstanding any 'exempted development' provision. This shall be included in the sales agreement of each dwelling house.
 - (d) The short abutment walls to the front of House Type J1/J2 shown on drawing number 2207-KLA-00-ZZ-DR-A-103, Rev P01, shall be revised so that the walls position aligns with the width of the house frontage, (the current proposed position of some walls between the door and living room window of a house detracts from the legibility of the street and the amenity of the unit).

Reason: In the interests of residential amenity, visual amenity and privacy.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. (a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.
- (b) The archaeologist should carry out any relevant documentary research and inspect the site. A programme of archaeological test excavation should be conducted at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the Department.
- (c) Having completed the work, the archaeologist should submit a written report to the planning authority (PA) and to the Department. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

6. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

7. Surface water drainage arrangements for the site, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of visual amenity.

8. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to 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.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility.

11. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Residential Site Development Standards document. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

12. 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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

13. 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:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of areas for construction site offices and staff facilities,
 - (c) details of site security fencing and hoardings,
 - (d) details of on-site car parking facilities for site workers during the course of construction,
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
 - (f) measures to obviate queuing of construction traffic on the adjoining road network,
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
 - (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,

- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) off-site disposal of construction waste and details of how it is proposed to manage excavated soil,
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

14. 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 94(4) and section 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 of the area.

15. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

16. 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.

17. 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.



Mary Henchy

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

Dated this 3rd day of September 2024.