



An  
Bord  
Pleanála

## Inspector's Report PL10.247668

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<b>Development</b>	30 no. houses and 22 no. apartments and associated site works.
<b>Location</b>	Former James Stephens GAA Club, Nuncio Road, Kilkenny.
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	16429
<b>Applicant(s)</b>	Torca Developments Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Gearoid McNamara
<b>Observer(s)</b>	None on file.
<b>Date of Site Inspection</b>	18 <sup>th</sup> February 2017
<b>Inspector</b>	Sarah Moran

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## 1.0 Site Location and Description

1.1. The site is located in an established residential area less than 1km to the south east of Kilkenny city centre, within the townland of Deansground. The area is generally characterised by suburban style 1 and 2 storey housing. The site has a stated area of 1.102 ha and was formerly in use as a GAA training ground, with a single storey changing room structure at the entrance to Nuncio Road. The immediate surroundings of the site are as follows:

- The side boundary of no. 17 Larchfield to the east (facing Nuncio Road), also a laneway to the rear of terraced housing within St. Fiacre's Place.
- Rear boundaries of 2 storey housing within Dean's Court to the north.
- The former St. Joseph's Convent complex to the west. This contains two protected structures, i.e. St. Joseph's Convent and St. Joseph's Convent School. The complex is now used for various community services. This area includes a small area of sheltered housing to the immediate west of the site, with an access to Nuncio road next to the existing site access.
- Road frontage to Nuncio Road to the south. There is a high wall along the road frontage, which is set back from the road edge with a footpath and grass verge. There is an existing pedestrian crossing in front of the site.

1.2. Nuncio Road is a local distributor road. It meets the R710 Kilkenny – Waterford regional route at a roundabout c. 150m to the south of the existing site entrance. There is unregulated on-street parking along both sides of this stretch of Nuncio Road.

## 2.0 Proposed Development

2.1. The original application submitted to the planning authority on 4<sup>th</sup> July 2016 sought permission to construct an infill residential development with a total of 52 no. residential units, comprising the following:

- Demolition of the existing single storey changing room structure;
- 29 no. 2, 3 and 4 bed 2 storey terraced and semi-detached houses, located along the northern and western site boundaries;

- 2 no. 3 storey apartment blocks, each containing 11 no. apartments, located at the western side of the site. These are described as 'Block A' towards the rear (northern) end of the site and 'Block B' facing Nuncio Road;
- Landscaped open space between the apartment blocks, described as a pocket park on the site layout, bin stores and a children's play area within this space;
- New vehicular access from Nuncio Road, internal roads with a turning area to the rear of the scheme, 72 no. car parking spaces;
- The development is to connect to the public sewer and water supply.

2.2. The applicant submitted a revised proposal to the planning authority on 14<sup>th</sup> October 2016, in response to a further information request. This omitted house no. 1, that closest to Nuncio road. The total no. of residential units was thus reduced to 51.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

3.1.1. The planning authority requested further information on 23<sup>rd</sup> August 2016, in accordance with the recommendations of the planning and roads reports. It granted permission on 9<sup>th</sup> November 2016, subject to 23 no. conditions. Of note, condition no. 5 required the applicant to carry out a Stage 3 Road Safety Audit of the scheme as constructed and condition no. 6 required revised designs for houses nos. 17 and 18 at the north western corner of the site.

#### 3.2. **Planning Authority Reports**

3.2.1. Initial planning report dated 18<sup>th</sup> August 2016. Recommends a further information request for particulars requested in the roads report and revised apartment design, cycle parking provision, revised layouts for houses nos. 1 and 17. Second planning report dated 9<sup>th</sup> November 2016 considers the further information submission satisfactory and recommends permission subject to conditions.

3.2.2. Other Technical Reports:

- Senior Executive Engineer, Housing Capital, Kilkenny County Council, confirms that the proposed Part V provision is acceptable, 22<sup>nd</sup> July 2016.

- AA Screening Report, 8<sup>th</sup> August 2016, no likely potential for significant effects on designated sites.
- Roads report, 5<sup>th</sup> August 2016. Requires further details of road frontage treatment, cycle path and access to Nuncio Road. Revised parking layout required in accordance with DMURS and further details of proposed parking provision. Also details of pedestrian crossing, signage and public lighting layout. Second roads report dated 8<sup>th</sup> November 2016 notes the further information submission and states no objection subject to conditions.

### 3.3. Prescribed Bodies

- 3.3.1. Irish Water submission, 26<sup>th</sup> July 2016. No objection.
- 3.3.2. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, 31<sup>st</sup> August 2016, Development Applications Unit (DAU). Recommends a condition requiring archaeological testing.

### 3.4. Third Party Observations

- 3.4.1. The above named appellant submitted a third party observation, which objected to the development on grounds similar to those raised in the appeal.

## 4.0 Planning History

### 4.1. Reg. Ref. 15/50, PL10.245441

- 4.1.1. Permission sought by Torca Developments to construct 25 no. houses on the subject site, comprising 17 no. detached houses, 6 no. semi-detached houses and 2 no. bungalows. The development was amended post further information to 32 no. houses comprising 10 no. detached houses and 22 no. semi-detached / terraced houses. The PA granted permission for the revised scheme subject to the omission of one house, i.e. 31 no. units were granted. The Board refused permission for 2 no. reasons relating to (i) non-compliance with the design principles of the *Design Manual for Urban Roads and Streets* (DMURS) and (ii) insufficient density to provide for an attractive urban form, development did not comply sufficiently with the *DoECLG Guidelines for Planning Authorities on Sustainable Residential*

*Development in Urban Areas* (2009). The Board's decision also noted that, in deciding not to accept the Inspector's recommendation to permit development, the Board had regard to the importance of complying with government guidelines and did not consider that an attractive sense of place would be created by the proposal and considered that the development would be excessively car dominated.

## 5.0 Policy Context

### 5.1. Kilkenny City and Environs Development Plan 2014-2020

- 5.1.1. The site and surrounding areas have the general zoning objective 'Existing Residential' under the current development plan, with a specific zoning objective for residential development at the subject site, objective Z5. The institutional complex to the immediate west of the site has the objective 'community facilities'.
- 5.1.2. The following development plan policies and objectives are considered particularly relevant to the proposed scheme:
- Chapter 5: Housing and Community. In particular sections 5.2 and 5.3 regarding residential development and universal design;
  - Chapter 6: Recreation, Tourism and Arts. In particular section 6.1.2.3 relating to the provision of pocket parks and section 6.5.4 relating to open space in new residential developments.
  - Chapter 7: Heritage, in particular section 7.3 on built heritage and section 7.3.1 on archaeological heritage, section 7.4 on architectural heritage and section 7.4.5 on the National Inventory of Architectural Heritage (NIAH).
  - Chapter 10: Transport, in particular development management standard for walking and cycling in new developments, table 10.2 bicycle parking standards and section 10.4.8 on car parking and table 10.5 car parking standards.
  - Development management standards set out in chapter 11 including section 11.7.3 relating to open space in new residential developments, section 11.4 on urban design, 11.5 on apartments, 11.7 on open space and 11.8 on scale of development.

## 5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located within 15 km of the development site:

Site (site code)	Distance from subject site.
River Nore SPA (004233)	c. 800m
River Barrow and River Nore SAC (002162)	c. 400m

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of the third party appeal may be summarised as follows:

- The application was invalid as the site notice was erected at the site boundary above the 1.5m height specified in the Planning and Development Regulations. The notice was therefore not easily visible and legible by persons using the road. There would have been a higher number of third party submissions if the notice had been erected at the proper height.
- Nuncio Road is close to the city centre and is heavily trafficked. It is a main artery for Kilkenny and is used as an inner city by-pass serving traffic, pedestrians and cyclists. There are several schools in the vicinity, adding to traffic congestion. The road is regularly used by emergency services. Castle Road is often closed due to large events in Kilkenny and all town traffic is then diverted to Nuncio Road, which is then the only available artery to the town. Nuncio Road is also used as a bus overflow route, there is existing signage for same.
- There is currently a significant amount of on-street parking at Nuncio Road and in the surrounding area. The area is used by commuters and visitors to Kilkenny, which is a very popular tourist destination. Parking is currently unregulated at this location and there is frequently parking on double yellow lines, etc. Residents in the area place traffic cones outside their houses to ensure access to their homes.
- The proposed layout provides insufficient car parking for residents of the development. In addition, parking for 12 cars is currently available in front of the subject site, which would be lost as a result of the development.

- The development would create parking demand at Archersfield / Castlevue on the Bennettsbridge road and other surrounding areas. This would inconvenience local residents and add to local conflict about parking issues. There is a need for a parking strategy for the Nuncio Road / Bennettsbridge Road / Archersfield / Castlevue area, which should be in place before the subject site is developed.
- There is a lack of public transport provision in Kilkenny and there is no cycle lane on Nuncio Road. The overwhelming majority of people in Kilkenny use private cars as a means of transport due to lack of alternatives. The development does not include a Mobility Management Plan. It contravenes Development Plan transport policy and parking standards. There is no evidence to justify the lack of car parking provision in this development.
- The development would add significantly to existing traffic congestion in the area, including at Castle Road / Bennettsbridge Road and the Waterford Road.
- The development does not have cycle parking provision in accordance with development plan requirements.
- The internal roads layout of the scheme is restricted and will lead to further parking difficulties.
- The development would have transient residents and does not include family homes, in contravention of Development Plan housing policy. There are no 3 or 4 bedroom units in either apartment block.
- The density of development is excessive, the site would be overpopulated. This would result in even higher parking demand in the area.
- The plans submitted indicate that existing parking would be retained, this is misleading.
- The development will ruin the streetscape of Nuncio Road. It would contravene development plan recommendations for building height control of new developments, ref. development plan section 11.8.7. The height and mass of the apartment blocks is visually intrusive, disproportionate and out of character with the surrounding area. The development will have a negative impact on the built form and residential amenities of the area.



- The proposed mix of private, social and affordable housing is unclear. This should have been disclosed as part of the planning application and should be conditioned before any development takes place at the site.
- The pocket park would not be conducive to public access, due to its location within the scheme. The Inspector's report of PL10.245441 recommended that an open space and playground be provided next to the neighbouring sheltered housing, possibly with an access gate. This suggestion was not taken on board in the current proposal. In addition, the layout, location and quantum of public open space provided is deficient with regard to development plan standards.
- The density of the development does not have regard to the need to protect the established character and amenities of the existing adjoining residential areas and will not have the look and feel of a quality housing development.
- The private open space provision for the apartments is inadequate and does not meet development plan requirements.
- There are many fully serviced sites available in Kilkenny to meet current housing demand, including greenfield areas. The development of such sites would prevent adverse effects on existing established neighbourhoods.

## 6.2. Applicant Response

6.2.1. The applicant's response to the grounds of appeal may be summarised as follows.

### 6.2.2. Traffic and Parking Issues

- There is a high demand for on-street parking in the area. There is adequate parking provision in Kilkenny city centre to meet demand. The submission refers to information provided on the website [www.visitkilkenny.ie](http://www.visitkilkenny.ie), which states that Kilkenny is served by over 4,500 parking spaces. The Council is responsible for 2,100 of these including 930 on-street and 1,170 off-street spaces at 13 locations. A pay and displace disc system operates within the city centre.
- The subject site is some distance away from the appellant's address, which is closer to the Castle Street, Kilkenny Castle and the city centre than the site. It is unreasonable to assume that parking issues which might apply at that location are relevant in this case.

- It is submitted that there is no evidence of excessive on-street parking in the vicinity of the subject site. Public parking is a broader issue for Kilkenny County Council to address. It may be necessary to extend the city centre on-street parking restrictions to this area. Reducing on-street parking provision at this location would force workers and visitors to park within the city centre.
- On-street public parking concerns should not be used to restrict the development of this residentially zoned and well located site.
- The permitted development provides 72 no. car parking spaces for 51 residential units, i.e. a rate of 1.4 spaces per unit. This is considered a reasonable parking standard for a residential development located at the edge of the city centre. The development plan sets a range of parking standards from 1.25 to 2 spaces per unit. It does not set minimum standards. Section 19.4.8 of the development plan clarifies that the parking standards provided in table 10.5 may not always be possible or desirable for other valid reasons.
- The issue of parking was considered in the course of PL10.245441. The Inspector's report in that case commented that the development plan requirement for 2 spaces per unit is excessive for a location close to the city centre and is difficult to reconcile with national density and design guidance such as DMURS.
- The applicant submits analysis of the area around the development site, which was carried out using small area data from the 2011 Census. 54% of the 379 no. households recorded have only 1 car and 25% have no car at all. Therefore, 80% of households in the area have a maximum of 1 car. Assuming that no household has more than 4 cars, then the existing average parking rate is 1.1 per household. This is lower than the 1.4 rate proposed for the current scheme. The small area results also indicate that 30% of the existing households are rental properties, which contradicts the appellant's claim that rental accommodation requires at least 2 parking spaces.
- The development will not generate excessive traffic. Traffic generation was assessed and considered to be acceptable by the planning authority. A full Road Safety Audit of the scheme was submitted with the application. The internal roads layout has been prepared in response to the refusal of PL10.245441.
- The development includes communal bicycle stores at 2 locations.

### 6.2.3. Mix and Tenure of Residential Units

- Strategic aim 5C of the development plan requires new developments to provide a mixture of residential unit types and sizes. The application achieves a sustainable mix of residential units providing 8% 1 beds, 50% 2 beds and 42% 3 & 4 beds, in accordance with the county housing strategy and the residential policies and objectives of the development plan.
- It is submitted that most families living in urban areas do not require 3+ bed units. Census results for Kilkenny indicate that 65% of families in Kilkenny have only 1 or no children.
- The applicant contests the appellant's submission that apartment provision automatically entails rental properties, also that rental creates social exclusion and lack of community. There are no claims of existing social exclusion in the area despite the fact that 30% of the properties are rented.
- Condition no. 4 of the permission requires the applicant to enter into a Part V agreement with the Council. This is standard practice and the Board is invited to attach a similar condition.

### 6.2.4. Design and Visual Impact

- The 3 storey height of the apartment blocks is not excessive in the context of surrounding development. It provides an appropriate articulation in scale for this high profile site. The existing streetscape of this end of Nunco Road is poor and uninviting. The development will create a new urban frontage and add animation to the street. It will make a safer street for pedestrians.
- The layout maintains the existing building line as set by houses to the north.
- The development will make a positive contribution to the character of the area and will integrate well with existing developments. National and local planning policies promote new and innovate residential design.
- The site is not located within an Architectural Conservation Area.

### 6.2.5. Density and Open Space Provision

- It is not sustainable practice to seek low density housing on central infill and brownfield sites such as this.

- The development provides a density of 46 units / ha. This is appropriate for this central and accessible site and in accordance with the recommendations of the DoECLG *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*.
- The private open space provision for the apartments exceeds the minimum requirement for 2 bed units set out in the DoECLG *Guidelines for Planning Authorities on Sustainable Urban Housing Design Standards for New Apartments*.
- The development provides a pocket park of 1,830 sq.m., equating to 16.6% of the site area, in excess of 10% the minimum provision specified in development plan section 11.7.3. The location of the park has been carefully considered in consultation with the planning authority and with regard to the previous refusal PL10.245441. The layout facilitates the achievement of a proper urban frontage to Nuncio Road. The park is enclosed and overlooked by residential developments. It will be fully accessible to residents of the surrounding area.

#### 6.2.6. Procedural

- Sufficient public notification of the application by site and newspaper notice was carried out. The site notice was inspected and validated by the planning authority.

## 7.0 **Assessment**

7.1. The following are considered to be the principal issues for consideration in this case:

- Principle of development;
- Public open space provision;
- Housing design and private open space;
- Impacts on visual and residential amenities;
- Cultural heritage;
- Traffic, parking and compliance with DMURS;
- Density;
- Other matters;

- Conclusion.

These matters may be considered separately as follows.

## **7.2. Principle of Development**

- 7.2.1. The site and surrounding areas have the general zoning objective “*Existing Residential. To protect, provide and improve residential amenities*” under the current development plan. The development plan Core Strategy envisages continued population growth and falling household sizes, with a consequent demand for new housing. Additional lands are zoned for new housing in the Western Environs and Loughnamask areas of Kilkenny, to be developed on a phased basis. The proposed development would facilitate the accommodation of additional population on zoned, serviced land close to the city centre, in accordance with the recommendations of the DoECLG *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009) for infill sites. It would also be in accordance with the ‘compact city’, which is a key principle of the development plan Core Strategy and includes the provision of a wide range of dwelling types and densities within the city boundary. The development is therefore considered to be acceptable in principle. In addition, while the third party concerns regarding a lack of family accommodation within the scheme are noted, I also accept that the site is located in an area predominantly characterised by two storey, suburban style housing. The provision of apartments at this location would therefore introduce a wider variety of housing types and is considered to be a desirable aspect of the scheme and in accordance with the above Guidelines.

## **7.3. Residential Design and Layout**

- 7.3.1. The development is laid out around a single curving spine road with a turning circle at the northern end of the site. There are rows of 2 storey housing along the western and northern site boundaries and 2 no. 3 storey apartment blocks at the eastern site of the site (block A to the north and block B to the south). The main public open space is located between the apartment blocks and is accessed off the spine road. There are other landscaped areas along the road frontages and at the frontage to Nuncio Road. This layout differs from that proposed under PL10.245441 in that there is no public open space at the Nuncio Road frontage. The housing is of a traditional suburban style with a brick and render finish. The apartment blocks have a relatively

modern design with areas of glazing, brick, render and metal cladding at third floor level.

### 7.3.2. Public Open Space Provision

The DoECLG Guidelines recommend a public open space provision of at least 10% of the total site area for infill sites, with an emphasis on the provision of quality space that is suitably proportioned with adequate supervision and passive surveillance and designed to meet a range of user needs, including both active and passive recreation. In addition, the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2015) recommend the provision of well-designed, useable, accessible and secure communal amenity space for apartment schemes. The apartment guidelines also recommend the provision of children's play spaces (c. 85 – 100 sq. m.) for the specific needs of children under 6, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme of 25 or more units. A perimeter block layout with a central communal open space is identified as being particularly appropriate for children's play, especially if access from the street is controlled. These requirements are echoed in the development management standards for residential development set out in development plan chapter 11. Development plan section 11.7.3 states:

*“The Council will require a minimum public open space provision of 2.4 hectares per 1,000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an occupancy rate of 2.8 persons per unit. A reduction to this standard will only be permitted in exceptional circumstances as determined by the local authority. Where such a relaxation occurs the provision of open space within any scheme should not be below 10% of the site area.”*

Section 11.7.3.1 states:

*“A standard of a minimum of 10 sq.m. of dedicated playable space per residential unit is to be provided as an integral part of the required open space for each new development. This playable space can form part of the overall open space provision of a development but must be dedicated to play.”*

In addition, the site has the specific zoning objective Z5:

*“Nuncio Road – any development of this site must include for an appropriate level of open space which will be designed and laid out in a manner that will provide for a local pocket park to serve the general area.”*

The proposed site layout indicates an open space between apartment blocks A and B, which has a stated area of 1,830 sq.m. (0.1803 ha), or c. 16% of the total site area. The space has a central location within the scheme and is overlooked by the apartment blocks on both sides. It is also set back from the public road. The play area is gated and is accessed via the footpath. The layout allows good access for pedestrians, cyclists and for persons with disabilities. I consider that the space is well located and overlooked. It is generally acceptable from a quantitative and qualitative point of view and in keeping with national and development plan policy as set out above. It also meets the Z5 requirement to provide a pocket park that could be used by local residents. The applicant has not provided a detailed landscaping scheme or a specification / layout for the play area. These issues would need to be satisfactorily resolved to ensure the success of the scheme. However, it is considered that they could be addressed by way of condition.

### 7.3.3. Residential Design and Layout

The design and layout of the apartments and houses within the scheme may be considered with regard to the guidance provided in the DoECLG *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009) and the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2015) as follows (analysis based on the revised design and layout submitted to the planning authority as further information on 14th October 2016).

There are 4 no. house types within the scheme:

<b>House Type</b>	<b>No. of Units</b>	<b>Floor Area (sq.m.)</b>	<b>Details / Assessment</b>
A	2	105	2 no. semi-detached 3 bed units at the north western corner of the site.
B 1, 2, 3	9	99.8 – 114.5	3 groups of 3 bed terraced houses along the western side of the site.
C 1, 2	16	95, 78	4 groups of 2 bed terraced houses at the rear of the site.

D, D1	2	115	2 no. semi-detached 4 bed houses at the centre of the site.
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The applicant has not provided a schedule of rear garden areas and some of the rear open spaces would appear to be minimal, particularly at the northern end of the site. However, the minimum 22m 'back to back' distance is just achieved to the rear of houses within Deans Court. The internal layouts are generally considered to be acceptable and in accordance with the DoECLG recommendations for sustainable residential development in urban areas, as well as development plan standards.

The overall layout of the scheme is such that all houses will face the internal spine road or the parking and turning areas at the northern end of the site. There are no 'back to back' units within the layout, therefore the issue of overlooking between units does not arise. House no. 16, which is type C1, would present a blank gable to the parking area to the north. This elevation should be redesigned to provide greater interest at ground floor level, this matter could be dealt with by condition. I note that condition no. 6 of the planning authority permission requires the redesign of houses nos. 17 and 18 at the north western corner of the site, where the western boundary sits close to the front elevations. It also states that the developer may consider a single detached unit in lieu of the proposed 2 semi-detached units. This part of the site is also constrained by the presence of a 5m wayleave to the side of house no. 18 and at the rear (northern) boundary. A revised design for houses nos. 17 and 18 submitted as further information amends the front elevation such that the front door of house no. 17 is away from the boundary wall. However, this design is still problematic as the front window of one of the main habitable rooms looks onto a 2m high wall. Given the presence of the wayleave, I consider that a more satisfactory solution would be to omit one of the semi-detached houses in favour of a single detached unit at this location, as suggested by the planning authority in condition no. 6. While this would reduce the overall density of the scheme, the objective to achieve higher densities must always be balanced against that of creating a satisfactory standard of residential amenity for new housing as per national policy.

The apartment blocks A and B each contain 11 no. 1 and 2 bed apartments and have mirror image design and layouts. The apartments have minimal private open space provision in the form of balconies, however they are immediately adjacent to



the communal open space. Their internal design, floor spaces, storage provision and layouts are generally acceptable with regard to the DoECLG guidance for apartments. I note that there are 3 no. 'C' type 1 bed apartments and one 'E' type 2 bed unit within Block B that are single aspect north facing units, however they are looking onto the communal open space, which ameliorates the single aspect issue somewhat. The apartment blocks are set within areas of landscaping, which softens their visual impact. There is no direct access to ground floor apartments, however the ground floor terraces provide some opportunities for interaction with the public realm and overlooking of the central public open space. The landscaping also screens 2 no. bin storage / cycle parking areas adjacent to the apartments.

#### 7.3.4. Conclusion

To conclude, it is considered that the apartment and house designs and layouts are generally satisfactory with regard to national and development plan guidance and that there is a reasonable standard of residential accommodation for future residents of the development. I note that limited information has been provided regarding external finishes, landscaping and hard surfaces. It is imperative that high quality materials are used in order to ensure the overall success of the scheme, conditions requiring agreement with the planning authority can be imposed in the event of permission being granted. A limited palette of colours and textures should be selected to achieve visual consistency throughout the scheme.

#### 7.4. **Impacts on Visual and Residential Amenities**

- 7.4.1. There are residential properties to the immediate north of the site within Deans Court, to the east within St. Fiacre's Place and at Larchfield on Nuncio Road. There is also sheltered housing within the St. Joseph's complex, adjacent to the western site boundary, including both single and 2 storey structures.
- 7.4.2. I consider that the elevation to Nuncio Road is successful in its context. Most of the existing open space along the Nuncio Road frontage would be retained as such within the proposed scheme. The existing high boundary wall along the road frontage of the site is to be removed and replaced by railings, creating visibility into and out of the development. Apartment block B is close to the road frontage being set back c. 10 m from the front boundary. There is a landscaped area between the block and the road frontage, which improves the appearance from Nuncio Road and

gives a greater sense of amenity and privacy to the ground floor apartments. The block has a direct pedestrian access from Nuncio Road, creating greater pedestrian permeability in accordance with the principles of DMURS. Due to the proximity of Block B to the road frontage, the scheme has a greater presence on Nuncio Road than that proposed under PL10.245441. I consider that this stronger, more definite presence to Nuncio Road addresses the issue raised in refusal reason no. 2 of that case regarding the provision for an attractive urban form given the proximity of the site to the centre of Kilkenny. However, the 3 storey scale at 10.3m high is not excessive in relation to the existing 2 storey housing and the more substantial structures on the St. Joseph's site to the west. In addition, the roof profile of block B is stepped such that there is a 2 storey element to the east, matching the height of the existing housing, with the 3 storey element located towards the centre of the site. House no. 1, which is 2 storey semi-detached, is designed such that the side elevation addresses Nuncio Road rather than presenting a blank gable and also has a separate pedestrian entrance to Nuncio Road.

- 7.4.3. At the eastern side of the site, block B is located c. 5.7m from the side of no. 17 Larchfield, the house to the immediate east facing Nuncio Road. The 2 storey side elevation has been designed to prevent overlooking to the east with obscure glazing and screening louvers to the side of balconies. There is some potential for overshadowing given that block B is to the south west of the rear garden of 17 Larchfield. The applicant has not submitted any shadow analysis of the scheme, which is considered to be a serious deficiency given the potential for impacts on residential amenities. However, I note that no. 17 Larchfield has a long, narrow rear garden, most of which immediately abuts the public open space within the proposed scheme. It is therefore considered that the development is unlikely to have a significant adverse impact on the rear of no. 17 Larchfield by way of overshadowing. Further towards the rear of the site, block A is to the east of housing within St. Fiacre's Place and Larchfield. The laneway to the rear of houses within St. Fiacre's Place immediately abuts the site boundary, increasing the setback to those houses. The eastern elevation of Block A is stepped down in a similar fashion to Block B and has also been designed to prevent overlooking. There are additional open balconies on the southern side of block A and the northern side of block B, facing the public open space, which could result in overlooking, however these are set back c. 15m

and c. 20m respectively from the eastern site boundary. Potential overshadowing effects are obviated by the length of the rear gardens of the housing within St. Fiacre's Place and the presence of the intervening laneway.

7.4.4. The housing along the northern boundary faces the rear of 2 storey houses within Deans Court. The site layout does not accurately reflect the footprints of the existing housing within Deans Court. However, assuming that the stated distances on the layout are accurate, then the proposed houses achieve a minimum 22m intervening distance at first floor level in order to prevent direct overlooking and achieve a reasonable standard of residential amenities with regard to overlooking and visual impacts to the north.

7.4.5. The western side of the development abuts the St. Joseph's complex. This is generally in institutional / community use and therefore issues of residential amenity do not arise. However, there is a small area of sheltered housing on the eastern side of the complex which is to the immediate west of the proposed development and located c. 5-10m from the shared boundary wall, this area is therefore particularly sensitive. There are 2 storey houses along this boundary within the development, with rear garden depths reaching or exceeding c. 11m. The existing 2m high block work boundary wall is to be maintained. While the rear garden depths are adequate for the houses within the proposed scheme, they do not achieve a 22m distance to the sheltered housing within the St. Joseph's complex. However, due to the narrow width of the overall site, I consider that it would be impossible to achieve a 22m depth at this location if this area of the site is to be developed or to create a meaningful urban form and satisfactory density. Section 5.9(i) of the DoECLG *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) states:

*In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*

The layout of the western side of the proposed development is considered, on balance, to be acceptable on this basis.

7.4.6. To conclude, I consider that the development is generally in accordance with the design principles set out in the DoEHLG *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) and the accompanying urban design manual. I am also satisfied that the development would not have significant adverse impacts on residential amenities by way of overlooking or overshadowing to existing dwellings with Larchfield and St. Fiacre's Place to the east or Deans Court to the north. The relationship with the sheltered housing within St. Joseph's complex to the west is more problematic, however it is difficult to see how the site could be developed to achieve a reasonable density if housing in this area is omitted.

## 7.5. Cultural Heritage

7.5.1. There is a recorded monument to the west of the site within the St. Joseph's complex, record no. KK019-101. According to the documentation on file, this relates to the manorial castle of the Dean of Ossory, a now long demolished manorial house dating to the 16<sup>th</sup> / 17<sup>th</sup> century, of which no trace survives. The site is also located south east of the zone of archaeological potential identified in Kilkenny city, which is identified as recorded monument KK019-026. There are 3 no. buildings / structures listed on the National Inventory of Architectural Heritage (NIAH) within the St. Joseph's complex:

- NIAH ref. 12002002, Saint Joseph's Girls Convent School, described as a detached six-bay, two storey industrial school, pre-1900, rated as of regional importance.
- NIAH ref. 12002001, Saint Joseph's Girls Convent School, described as an attached nine-bay, two storey convent, built 1886, rated as of regional importance.
- NIAH ref. 12002003, associated gateway from St. Joseph's to the Waterford Road, built in 1886, also rated as of regional importance.

The structures are not listed in the 2014 Record of Protected Structures on the Kilkenny City and County Council website, or that listed on Appendix G of the City Development Plan.

- 7.5.2. The submission on file by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs states that, given the location of the site and the recent archaeological features that have been discovered in Kilkenny, it is possible that archaeological features / deposits associated with the early settlement of the town may be disturbed or destroyed during the course of the development. The submission recommends that archaeological testing be carried out in advance of any development at the site.
- 7.5.3. The documentation on file PL10.245441 includes an overview of the historical background to the site and an archaeological report based on a total of 7 no. test trenches at the subject site. The testing uncovered nothing of archaeological significance. I note the Inspector's conclusion regarding cultural heritage issues in that case, i.e. (i) that there are no significant features on the site so further archaeological study is not necessary and (ii) the development would not detract from the settings of the protected structures within the St. Joseph's complex. Having inspected the site and the vicinity and with regard to the available documentation, I am satisfied that these conclusions also apply to the current scheme.

## 7.6. **Traffic, Parking and Compliance with DMURS**

- 7.6.1. The proposed roads layout has been considered with regard to the *Design Manual for Urban Roads and Streets* (DMURS), which was jointly issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Planning and Local Government in 2013. I note that refusal reason no. 1 of PL10.245441 stated:

*... In particular, the Board considered that the provision of excessive corner splay radii at the entrance to the estate together with the provision of an excessive vehicular carriageway width, would lead to an environment inimical to pedestrian priority, would facilitate excessive car speeds within the estate and would result in a lack of pedestrian safety and would create a sense of car dominance within the estate. The Board further considered, notwithstanding the desire to provide open space at an area to the front of the site, that the failure to provide any building frontage onto Nuncio Road, and the over-reliance on off-street parking within the estate leading to the development of a street form without any proper sense of enclosure as recommended in paragraph 4.2.1 of the Design Manual for Urban*

*Roads and Streets (DMURS), would militate against the development of a sense of place either on the approach to, or within, the proposed development. Furthermore, the Board was not satisfied that increased pedestrian permeability, as recommended in the Design Manual for Urban Roads and Streets (DMURS) could not have been provided between the proposed development and surrounding developments...*

I also note that the third party appeal raised substantial issues in relation to traffic and parking at and around Nuncio Road. The following assessment is based on the design principles of DMURS and on development plan standards.

- 7.6.2. Nuncio Road functions as a link road between the arterial street of the R710 Waterford Road and the city centre, the 50 kph speed limit applies. There are no specific development plan transport objectives for Nuncio Road, however there is a completed cycle lane at the R710 to the south. Given the proximity of the site to the city centre, high levels of connectivity would be expected, in order to support higher levels of pedestrian and cyclist movements. The spine road serving the development is to have a simple priority junction at the access to Nuncio Road. Drawing no. 141107/PL/002 indicates sight distances of 45m in both directions, which is in accordance with DMURS section 4.4. The corner radius of 4.5m is as recommended for a junction between a local and an arterial link street, ref. DMURS section 4.3.3. The existing kerb line along Nuncio Road is to be maintained with a footpath and an unsignalled pedestrian crossing at the site access, denoted by tactile paving. There is provision for a future cycle track along the Nuncio Road frontage. I note that DMURS recommends minimal signage for local streets due to their low speed nature and low movement function. The proposed 'Home Zone' signage at the entrance should therefore be omitted as recommended by the planning authority.
- 7.6.3. The layout indicates a 4m wide raised, controlled toucan crossing across Nuncio Road in front of the site, with associated signage. This measure would generally enhance pedestrian permeability in the area. The layout was amended in the further information submission to address concerns identified in the Roads report on file and the Road Safety Audit. It now appears to be generally satisfactory, as per the second Roads report on file dated 8<sup>th</sup> November 2017.
- 7.6.4. The curving nature of the spine road is combined with traffic calming measures and varied paving / road surface to reduce overall traffic speeds, in accordance with the

principles of DMURS. The 5.5m carriageway width is in accordance with DMURS section 4.4.1. The house frontages at the western and northern side of the development have a high solid to void ratio and are close to the street with communal parking areas rather than front gardens. Block A also directly fronts onto the carriageway, with communal surface parking to the immediate north. This achieves a strong, active frontage with frequent pedestrian entrances, creating a sense of enclosure and also encouraging lower speeds. There is not a line of street trees, however areas of landscaping further strengthen the street edge at various locations. Block B is set further back, c. 25m from the edge of the carriageway, giving a more open aspect to this part of the site. However, the location of houses nos. 1-6 close to the spine road creates a strong frontage on the western part of the site at this location. The turning area is laid out as a shared surface, denoted by the use of coloured tarmac. This layout is suitable for an area where movement priorities are low. The applicant has submitted swept path analyses for refuse vehicles and large cars, indicating that a satisfactory turning circle can be achieved. Footpaths are located between the landscaped area to the front of houses / apartment blocks and the shared parking and are c. 2m wide, in excess of the minimum 1.8m recommend in DMURS and suitable for a local road.

7.6.5. The site layout includes a total of 72 no. car parking spaces, laid out perpendicular to the road carriageway. The proposed perpendicular parking layout is broken at intervals with landscaped areas and is generally in accordance with the DMURS provisions for on-street parking, ref. section 4.4.9. The dimensions of the parking bays are also satisfactory. Development plan table 10.5 specifies the following car parking standards for residential developments:

<b>Dwelling Type</b>	<b>Development Plan Standard.</b>	<b>Requirement</b>
House (29 units)	2 spaces per unit	58
Apts (22 Units)	1.25 spaces per unit	27.5
Visitor parking	0.25 spaces per house / apt	12.75
<b>Total Requirement</b>		<b>98.25</b>

As noted in the Inspector's report of PL10.247668, it is difficult to see how the above development plan standards can be achieved alongside national and local policies to promote higher residential densities for zoned lands in urban areas, particularly given the proximity of the site to the city centre. The proposed provision, which equates to a total of c. 1.4 spaces per unit, is apparently acceptable to the planning authority following discussions with the applicant. DMURS section 4.4.9 notes that at densities of 40-50 dwellings / ha the street will become saturated with parking and reduced parking areas (a maximum of 1.4 per dwelling) and / or supplementary off-street parking will be required. The provision of 1.4 spaces per unit is therefore considered reasonable. The layout includes 5 no. disabled spaces, all adjacent to the shared space. The layout should be revised such that these spaces are better interspersed throughout the scheme. The third parties have stated serious concerns about unregulated on-street parking in the area, and of the potential additional parking demand that would be generated by the proposed development. I visited the site on a weekday afternoon and did not observe parking congestion at Nuncio Road. Parking in the area is currently unregulated, which may exacerbate parking difficulties. However, the regulation of parking is a matter for Kilkenny County Council and is outside the scope of this appeal. Adequate cycle parking is provided for the apartment blocks in locked store areas. Additional communal cycle parking should be provided for the terraced housing units, this can be addressed by condition.

- 7.6.6. DMURS advocates a shift away from dendritic style housing layouts to highly connected networks which maximise permeability for pedestrians and cyclists. The proposed layout does not provide for any connections with surrounding housing developments. The site layout indicates a potential connection to the laneway to the rear of houses within St. Fiacre's Place at the eastern side of the site. The laneway is currently in poor condition. However, the creation of an additional pedestrian access at this location would create a shorter route towards the city centre and would integrate well with the proposed layout. It therefore should be required by condition if permission is granted.
- 7.6.7. I am satisfied that the design and layout of the scheme, including the parking provision, is generally in accordance with the guidance provided in DMURS. The application does not include a Traffic Impact Assessment. However, given its



relatively small scale and its location close to the city centre, it is considered that the development is not likely to generate significant amounts of additional traffic such as would result in a substantial increase in traffic congestion in the vicinity. The proposed roads design and layout and parking provision are therefore satisfactory.

## 7.7. Density

- 7.7.1. The proposed development of 51 no. residential units equates to a density of c. 46 dwellings per ha., which is significantly higher than that proposed under PL 10.245441. The development also has a higher density than the existing residential developments in the surrounding area. However, Section 5.9 of the DoECLG *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) states that infill sites within inner suburban areas of towns or cities can revitalise areas by utilising the capacity of existing social and physical infrastructure. Such locations are therefore identified as appropriate locations for increased densities. Having regard to the above assessment, it is considered that the scheme generally achieves a satisfactory standard of development with regard to design, layout, parking, impacts on residential amenities and the St. Joseph's complex and the overall standard of residential accommodation provided. The proposed density is therefore satisfactory.

## 7.8. Other Matters

### 7.8.1. Site Notice

Article 19(1)(c) of the Planning and Development Regulations 2001 (as amended) sets out the following in relation to the site notice:

*subject to sub-article (2), securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.*

- 7.8.2. The relevant site notice was observed in place at the Nuncio Road site frontage when the site was inspected (see photographs on file). I note section 3.6 of the DoECLG *Development Management Guidelines* (2007), which states

*“... the issue is one of informing the public and a reasonable approach has to be taken to the location of the site notice(s) on the lands.”*

I note that the planning authority validated the application and consider that the notice is adequately placed on the site frontage to inform the public.

7.8.3. Part V

7.8.4. Kilkenny Borough and County Councils prepared a joint housing strategy for the period 2014-2020. The strategy states that a total of 4,353 new households are required to meet the population targets set for Co. Kilkenny in the Regional Planning Guidelines for the period 2008 to 2014. 20% of land zoned for residential or a mix of residential and other land uses is to be reserved for social and affordable housing. The housing strategy also identified that there will be a requirement for a greater mix of unit types due to an increase in the number of single persons requiring accommodation. There is correspondence on file from the housing section of Kilkenny County Council, dated 30<sup>th</sup> June 2016. The housing section is willing to accept the applicant's offer of 5 no. housing units within the development in order to fulfil the Part V requirements, subject to certain requirements and final agreement with the planning authority.

7.8.5. Appropriate Assessment

I note the AA screening carried out by the planning authority and the AA report submitted by the applicant as further information. Both conclude that there are no likely specific effects on European sites within 15 km with regard to their conservation objectives. I note the urban location of the development, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

#### 7.8.6. Development Contributions

Condition no. 2 of the planning authority permission requires a standard financial contribution in accordance with the section 48 development contribution scheme. No special development contributions apply.

### 8.0 **Recommendation**

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

### 9.0 **Reasons and Considerations**

Having regard to the site's location close to Kilkenny city centre on lands with a 'Z5' specific zoning objective for residential development in the Kilkenny City and Environs Development Plan 2014-2020, the nature, scale and design of the proposed development, the availability in the area of a wide range of social infrastructure, to the pattern of existing and permitted development in the area, and to the provisions of the Kilkenny City and Environs Development Plan 2014-2020, the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December, 2015 and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian 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 submitted on the 14<sup>th</sup> day of October, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) omit houses numbers 17 and 18 and replace them with a single detached two story house.
  - (b) the side elevation of house number 16 shall be amended such that there is more interest at ground floor level.
  - (c) an additional bicycle storage area shall be provided to serve the terraced housing units.
  - (d) disabled parking spaces shall be interspersed throughout the scheme.
  - (e) a new pedestrian connection shall be created to the adjoining laneway to the rear of housing within St. Fiacre's Place.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

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

(i) The species, variety, number, size and locations of all proposed trees and shrubs

(ii) Details of screen planting

(iii) Details of roadside/street planting

(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels

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

(c) A detailed layout and specification for the play area

(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, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

5. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the Parks and Landscape Services Department, and in accordance with the permitted landscape proposals.

**Reason:** In the interest of the proper planning and sustainable development of the area.

6. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

**Reason:** In order to ensure the development of the public open space areas, and their continued use for this purpose.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual and residential amenity.

9. 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.

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 name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

11. (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.
- (d) The materials used, including tactile paving, in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) The developer shall provide footpaths and a toucan crossing on Nuncio Road as detailed on drawing number 141107/PL/002 received by the planning authority on the 14<sup>th</sup> day of October, 2016 and as agreed final detailed design with the planning authority.
- (f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

**Reason:** In the interests of traffic, cyclist and pedestrian safety.

12. 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.

13. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

15. 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.

16. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

17. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.  
  
(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the dwellings are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

18. 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 of roads, footpaths, watermains, drains, public open space 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 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 determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

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

the proper application of the terms of the Scheme.

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

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Sarah Moran  
Senior Planning Inspector

8<sup>th</sup> March 2017