



An
Bord
Pleanála

Inspector's Report PL10.248925.

Development	Construction of 15 residential units consisting of 8 apartments and 7 houses with all associated works.
Location	Junction of College Road, Callan Road and Circular Road, Kilkenny City, Co Kilkenny.
Planning Authority	Kilkenny County Council.
Planning Authority Reg. Ref.	17/162.
Applicant	Elm Park Construction Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant of planning permission with conditions.
Type of Appeal	Third Party
Appellants	Dean Kavanagh Place and Circular Road Residents Association.
Observer	None
Date of Site Inspection	3 rd November 2017.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site, which is irregular in configuration is located approximately a kilometre to the southwest of Kilkenny City. The site, which is a prominent site is located at the junction of the College Road, Callan Road, which defines the site's southeastern boundary and Circular Road, which defines the site's northeastern boundary. The junction itself is a mini roundabout. The boundary to the northwest adjoins a residential estate Rose Hill Court a cul de sac development with 28 two storied dwellings a mix of terraced, semi-detached and detached dwellings. The remaining boundary to the southwest adjoins a commercial premises a commercial vehicles centre.
- 1.2. The site itself is a vacant site surrounded by hoarding and a metal fence and is a level site. In general, the predominant use in the area is established residential in particular along College Road and Circular Road. On Callan Road there is an increase mix of commercial uses including a hotel immediately opposite the appeal site.
- 1.3. There is a footpath along the site's roadside boundaries.
- 1.4. The site has a stated area of 0.2682 hectares.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 16th of March 2017 was for;

- The construction of 15 residential units consisting of
- 8 apartments in a 4 storey block with 2 apartment units on each floor. The apartments are two bedroomed units.

The block is located in the eastern area of the site adjoining the junction and has a ridge height of 12.35 metres and the design includes a mansard type roof on the top floor. The block incorporates a curved elevation on three of the elevations.

The floor areas of the units are between 91 and 100m² in floor area and all the units have terraces in the case of the upper floor units on the western

elevation and a projected terrace for the ground floor units outside of the main footprint of the building.

There is a communal open space to the south of the block.

A single storied waste store is also provided for which is located to the north of the apartment block and adjoins the Circular Road boundary.

- 7 houses which are in a single terraced block is located in the western area of the site. The block also incorporates a curve in its design. Each of the units has a private garden area to the rear (west).
- A vehicular entrance from the Callan Road.
- Parking which includes provision for 2 spaces for 5 of the houses and 3 spaces for the end of terrace units located to the front of the dwellings 9 other spaces for the remainder of the development.
- The provision of water and sewerage services.
- The provision of a new perimeter boundary consisting in part of a rubble facing wall in the eastern area of the site and a 600mm masonry wall with railing on the remaining section of the perimeter.

2.2. Accompanying documentation included a covering letter outlining the planning history and a design statement; a flood risk assessment and a civil engineering planning report.

2.3. Further information was submitted on the 2nd of June 2017 which included:

- A revised design of the apartment block including revised external finishes and fenestration.
- Revised parking providing 28 spaces.
- Revisions to the layout including footpaths, paving, the submission of a road safety audit revised drainage details, public lighting.
- Clarification in relation to the flood risk assessment.
- Clarification of boundary treatment.
- A revised open space layout.

- The provision of a cycle parking area.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority granted planning permission subject to 22 conditions. Conditions of note include;

Condition 4 relates to agreement in relation to Part V.

Condition 13 relates to agreement on landscaping and boundary treatment.

Condition 20 relates to agreement on external finishes

Condition 21 relates to agreement in relation boundary finishes and treatment.

Condition 22 requires the omission of the dormer windows to the rear of houses 5 and 6 be omitted.

3.2. Planning Reports

3.2.1. The planning report dated the 9th of May 2017 refers to

- The planning history of the site.
- Development plan provisions.
- Submissions received.
- The application is in excess of 10 units and Part V applies and the preferred option is to provide units off site.
- Reference is made to flooding and that the development satisfies the criteria of the justification test under the flood risk guidelines.
- Parking does not meet development plan requirements and there is an absence of provision for cycle parking.
- The proposal has a higher density than previous refused developments on the site.
- Reference is made to the design and the need for revision.
- Further information was recommended in relation to a number of matters.

The planning report dated the 28th of June 2017 in relation to the further information considers the proposal as submitted acceptable subject to revisions which can be conditioned. The report recommends permission.

3.2.2. Other Technical Reports

Road design in a report dated the 5th of May 2017 recommended further information in relation to footpath details, shortfall in parking, provision for a cycle track across the development access, further details on the centre island at the access, a road safety audit and public lighting. A subsequent report dated the 27th of June in response to further information submitted has no objections.

The environment report dated the 9th of May 2017 recommends further information in waste storage and conclusions of the flood risk study. A further report dated the 27th of June indicates no objections.

3.3. Other submissions

Irish Water in a submission dated the 7th April 2017 indicated no objections

Submissions were received by the residents of the area referring to the aesthetic appearance of the proposal, density, out of character with the area, height, flooding, traffic hazard lack of open space, impact on daylighting

4.0 Planning History

4.1. The site has a long planning history which includes recent refusals of permission.

4.2. P.A. Ref. 16/573

Refusal on the 20th of December 2016 of a 14-unit development of 8 apartments within a 4 storey block and 6 dwellings on the basis of design.

4.3. P.A. Ref. 15/824

Refusal on the 24th of February 2016 of a 12-unit development of 8 apartments in a 5 storey block and 4 dwellings on the basis of height, injurious to residential amenity, non-compliance with minimum storage requirement, design, traffic and flooding.

4.4. P.A. Ref. 08/99074

Permission granted for 33 apartments and a ground level medical centre on the 9th of January 2009.

5.0 Policy Context

5.1. National Guidance

5.1.1. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas DHLG 2009** outlines policy and guidance in relation to the provision and assessment of residential development.

5.1.2. **The Planning System and Flood Risk Management Guidelines for Planning Authorities November 2009.**

5.1.3. These guidelines require the planning system at national, regional and local levels to:

- Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;
- Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and
- Incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.
- Carry out a site-specific flood risk assessment, as appropriate, and comply with the terms and conditions of any grant of planning permission with regard to the minimisation of flood risk.

The core objective of the Guidelines is to avoid inappropriate development in areas at risk of flooding.

5.1.4. Three types or levels of flood zones defined for the purposes of the Guidelines:

- Flood Zone A – where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding or 0.5% or 1 in 200 for coastal flooding);
- Flood Zone B – where the probability of flooding from rivers and the sea is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding and between 0.1% or 1 in 1000 year and 0.5% or 1 in 200 for coastal flooding); and
- Flood Zone C – where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding). Flood Zone C covers all areas of the plan which are not in zones A or B.

5.1.5. The guidelines in requiring assessment of flood risk sets out a methodology in chapter 3 to examine proposals through a series of stages including where identified the need for a justification test where identifiable risks are outlined. Chapter 5 indicates guidance in relation to development management of applications for development.

5.2. Development Plan

5.2.1. The current operative plan is the Kilkenny City and Environs Plan 2014-2020.

5.2.2. The site is zoned residential.

5.2.3. Chapter 5 refers to housing and community. Relevant sections include 5.2 and 5.3 regarding residential development and universal design.

5.2.4. Chapter 6 refers to recreation, tourism and arts. Relevant section includes 6.5.4 regarding provision of open space in residential development.

Chapter 10 refers to transport. Relevant sections include standards for walking parking and cycling in new development and sections 10.4.8 which refers to car parking and table 10.5 are noted.

Chapter 11 refers to development management standards. In particular I would refer to 11.4 in relation to sections urban design, 11.4.1 in relation to residential density, 11.5 apartment development, 11.7 open spaces and in particular 11.7.3 and 11.8 infill development

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appellant in a submission dated the 20th July 2017 refers to:

- The proposed development is contrary to chapter 11 of the development plan which clearly states proposed residential scheme shall pay particular attention to the local character of the area in terms of blocks, plots and buildings.
- Reference is made to the established form of development in the area.
- There is no objection to the development of the site but the proposal is over intensive.
- The primary objection is to the apartment block and additional housing units could be incorporated.
- The setback of the apartment block is not satisfactory and there is no good reason for the development of high rise apartment blocks.
- Reference is made to overlooking and loss of privacy.
- Reference is made to the scale and disruption of the skyline.
- The development will have an adverse impact in relation to traffic and there is chaos in relation to parking in the area arising from the hotel.
- Reference is made to historical issues of flooding in the area and the proposal will exacerbate this problem

6.2. Planning Authority Response

The planning authority in a submission dated the 21st of August 2017 indicate that they have no further comments.

6.3. First Party Response

The applicant in a response dated the 4th of August 2017 refers to:

- Reference is made to the background to the proposal and the planning history and in particular the site's location and the need for a strong edge and landmark design for any development.

- The challenge was to develop a design solution to reconcile the residential character of College Road and the commercial character of Callan Road.
- In this context the development is not out of character with the area and sits comfortably in the transition between both areas.
- The terraces at the upper levels face southwards towards the car park of the Hotel Kilkenny and there is no overlooking of residential properties.
- The development is accessed off Callan Road and a left in left out access removes the prospect of traffic hazard close to the roundabout and residential properties.
- The applicant is not aware of parking on the roundabout.
- The local authority has not raised concerns in relation to the capacity of the road network.
- The local authority is satisfied in relation to information submitted in relation flooding.
- 4 storeys is used as a maximum benchmark height by the planning authority and there are examples of this applied including a previous permission on the appeal site.
- The proposal makes efficient use of serviced land and meets density requirements.

7.0 **Assessment**

- 7.1. The main issues which arise in relation to the appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.
- 7.2. Principle of development.
- 7.2.1. The site is within an area zoned residential and the current proposal complies with the zoning. I would also note that the appellant has not raised the use of the site for residential purposes and the issue raised relates to the nature and type of residential units proposed and in particular the construction of apartments.

7.2.2. The development plan Core Strategy envisages continued population growth and falling household sizes and continued consequent demand for new housing. The development of this infill site would assist in meeting this demand and would also facilitate this demand as envisaged by the utilisation of zoned serviced land as set out in the department guidance for sustainable residential development. It would also facilitate the principle of a compact city within the boundary of the city and the provision of a range of dwelling types and densities within the city boundary.

7.2.3. The use of the site for residential purposes is therefore acceptable.

7.3. Residential Density, Design and Layout.

7.3.1. Density

The development as proposed equates to a density of 56 units per hectare. It is above the guidance on sustainable residential development for outer suburban development which refers to a range of 35-50 per hectare in outer suburban areas on sites in excess of 0.5 hectares.

The site, however, is an infill site with a stated area of 0.2682 hectares and within a kilometre of the town centre. The site is also adjoining a major junction and although the density is marginally high it is considered acceptable in principle given the location, configuration and context of the site in a transitional zone from residential to a commercial area.

Notwithstanding the acceptability or otherwise of the density there is a need to attain a balance between the provision of additional housing and protection of the amenities of adjoining properties and a consideration of the development in the context of the area and these matters require assessment in the context of the details submitted for the proposed development.

7.3.2. Design and layout

Design

The site presents a challenge in relation to design given its location and the configuration of the site. The planning authority refer to the need to consider the site in the context of a landmark site and I would broadly agree with is viewpoint as it is located on one of the arterial routes into the city, is on a roundabout and at the transition between two distinctive character areas. Also fronting the roundabout is a

large hotel set back from the roundabout but representing a building of scale and mass. The site, therefore, I consider can accommodate a building of a greater scale, mass and height and in this context a four storied building is reasonable.

The overall concept of curvilinear buildings and elevations in particular at the junction itself addresses constraints posed by the curved nature of the site boundary at the junction. The standalone nature of the site also facilitates a four storey element in particular adjoining the roadside boundary. The provision a curved elevation and footprint for the terrace of houses provides balance and symmetry to the overall design and layout.

In relation to the design of the apartment block itself the design provides for 8 apartments of between 91 and 100m² which exceed the minimum requirement of 73m² stated in the 2009 guidance. The units are dual aspect and all units have patio and balcony private amenity space which exceeds the minimum requirement of 6m². In general, other than a deficiency of storage space for the units the individual units exceed the minimum requirements as set out in the 2009 guidance and the shortfall in the storage is offset by large circulation areas and incidental areas of storage within the individual units which are large units in terms of overall floor area.

The design provides for a strong and defined entrance feature for the development facing southwards. The amendment to push back the roof service area will ameliorate though not eliminate the visual impact of this protrusion on the roof but it is acceptable. The increased vertical emphasis is also acceptable.

In relation to houses they are 3 storied in design. Four of the units are 3 bedroomed and three of the units are four bedroomed and all units exceed the minimum floor area of the 2009 guidance.

Open space

There is a rear garden/open space for each of the units varying between 47 and 102m² for the 3 bedroomed houses and between 56 and 83m² for the 4 bedroomed units. The development plan in table 11.5 specifies a minimum 60 to 75m² provision of private open space and a number of the units fall below the minimum but this is considered acceptable given the generous floor areas of the dwellings and that the open space areas provided are useable and functional. As already indicated all units

have patio and balcony private amenity space which exceeds the minimum requirement of 6m².

In relation to public open space section 4.20 of the sustainable urban housing guidelines recommend a minimum of 10% of the total area for infill sites.

Section 11.7.3 of the current development plan specifies the provision of open space based on a provision of 2.4 hectares per 1,000 population. There is provision for relaxation but the provision of open space should not fall below 10%.

The site has a stated area of 0.2682 hectares and based on this area the minimum provision should be 268m². Communal open space as it referred to on the drawings is provided in two sections firstly immediately to the north and east of the block in a strip between the block and the site boundary with a stated area of 54m². The second area is to the south of the block between the block and the site entrance with a stated area of 179m². The overall area provided is 233m². The level provided is therefore deficient and the 54m² communal space I consider is more of a buffer perimeter area and not a useable area.

The configuration of the site present problems in relation to the provision of a qualitative area of public open space. Additional space could be provided by the elimination of one of the terraced dwellings and converting this space to communal open space and dwelling no 1 would be the optimum site to consider. The issue is, however, whether in doing so a useable play space is provided and this, I consider, is questionable in that although the quantum is increased the overall benefit in terms of useable open space is not.

The site is an infill site and all of the units have reasonable provision of private open space and amenity areas. The communal space of 179m² allows for passive overlooking with limited scope as useable and active play area. Given the context of the site I consider that public open space although deficient is acceptable.

7.4. Impact on visual and residential amenities.

- 7.4.1. The location of the apartment block in the eastern section of the site largely addresses issues of overlooking as it is orientated towards public areas of roadway, a hotel, a commercial garage and the front gardens of properties on Circular Road. On the western side it will overlook the front of the proposed terraced dwellings on the site and the circulation space associated with the proposed development. I do

not consider given the distances between the proposed apartment block and existing development that there will be significant overlooking.

- 7.4.2. In relation to the terrace of houses there is a minimum separation of 14.64 metres between the apartment block and the nearest dwelling (no.3) which may give rise to a level of overlooking but it will not be significant and the level of overlooking diminishes with increased distance in relation to the other units. The rear of the terrace adjoins the property of 9 Rose Hill Court and the gable of this house faces towards the appeal site but given the orientation of the dwellings and separation I do not consider that significant overlooking arises.

The design provides for three storied at the front and two storied elevations at the area which addresses transition and between the appeal site and Rose Hill. I note that dwelling numbers 5 and 6 have dormer windows at second floor with the potential for overlooking and I would agree with the concerns outlined by the planning authority in relation to this aspect of the development and agree that these windows should be omitted.

7.5. Traffic, circulation and parking.

- 7.5.1. The development provides for access from the Callan Road in relative proximity to the roundabout. The entrance to the development provides for a left in and left out arrangement. This proposal is desirable and achievable as there is a further roundabout on the Callan Road approximately 220 metres to the southwest which is part of the overall outer ring road for Kilkenny and this enables traffic to enter and exit the site without crossing a busy carriageway and without a long diversion past the site when travelling outwards towards the site from the centre of Kilkenny.
- 7.5.2. I note in the grounds of appeal reference to the level of traffic in the area and this is correct as the Callan Road is one of the main arterial routes to and from the city centre in terms of traffic and pedestrian movement. The applicant I also note has submitted a road safety audit stage ½ in respect of the proposal.
- 7.5.3. The site is located within the 50kph speed zone in part of an established built up area. There is no objection from the roads department and there is nothing to suggest that the road network does not have the capacity to accommodate the scale of development proposed.

7.5.4. Internally in relation to parking a total of 28 parking spaces are provided, 18 for the dwellings and 8 for the apartments and 2 visitor spaces. The spaces for the dwelling complies with standards and the provision for the apartments broadly complies with department guidance and is slightly under the development plan standards. There is also provision for cycle parking. I would have no objection in relation to this aspect of the development.

7.6. Flood risk.

7.6.1. In relation to flood risk the applicant submitted a site specific flood risk assessment and justification test having determined that an area of 207m² approximating to 8% of the overall site in the northwestern area of the site is located within flood zones A and B areas considered as highly vulnerable under the flood risk guidelines.

7.6.2. The site is located within an urban area within an area zoned for development and the overall assessment of flood risk is considered to be low and the site was taken into consideration as part of an overall strategic flood risk assessment undertaken for the Kilkenny City and Environs Development Plan 2014-2020.

7.6.3. Measures are included in the proposed development to minimise flood risk to people, property and the environment including that the finished floor level will be 53.35 metres AOD which is 0.53 metres above the predicted 0.1% flood level in the Breaghagh River and this level also takes into consideration future hydrological outcomes arising from climate change. The assessment also concludes that the development will not have adverse impact on adjacent lands or existing properties.

7.6.4. It is noted that the surface water drainage proposals for the site including a number of attenuation measures which include the use of permeable surfaces and the use of an attenuation tank to accept overflows and excess run off in storm events.

7.6.5. I am satisfied in the context of the matters considered that there are no flooding issues in relation to the proposed development.

7.7. **Appropriate Assessment**

The following sites are located within 1 kilometre of the development site:

The River Nore SPA (Site Code 004233)

The River Barrow and River Nore SAC (Site Code) 002162).

I note the AA screening report on file by the planning authority which concludes that significant impacts can be ruled out and AA is not required. I note the nature of the development and its location within the urban area and the absence of connections with regard to source pathway receptor.

It is reasonable to conclude on the basis of the information on the file which I consider is reasonable to issue a screening determination that the development, individually or in combination with other plans and 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 is not required.

8.0 Recommendation

- 8.1. In view of the above assessment permission for the proposed development is recommended.

9.0 Reasons and Considerations

- 10.0 Having regard to the provisions of the provisions of the current Kilkenny City and Environs Development Plan 2014-2020; the zoning of the site as "Existing Residential"; the nature and pattern of uses in the vicinity; the nature, scale and design of the proposed development and the availability in the area of infrastructure, it is considered that subject to 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 and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 16th of March 2017 and the

2nd of June 2017, 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 interests of clarity

- 2 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.

- 3 Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour of the dwellings shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity

- 4 The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

The applicant 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 the agreed recommendations contained in the audit

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 5 Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.

Reason: In the interest of pedestrian safety

- 6 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.

- 7 The 2 dormer windows at 2nd floor level at the rear of houses nos 5 and 6 shall be omitted from the overall design and replaced with Velux type windows.

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.

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

- 9 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 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 of the development shall be erected until the developer

has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

- 10 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.

- 11 A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following: -

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed boundary treatments at the perimeter of the site, and internally within the site including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and shall include a timescale for implementation.

Reason: In the interest of visual amenity.

- 12 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

- 13 Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

- 14 The surface water drainage system shall be constructed in accordance with the details submitted and shall provide for an attenuation system as outlined which shall be installed and with provision for ongoing maintenance in accordance with the detailed requirements of the planning authority.

Reason: In the interest of orderly development and to ensure the proper and satisfactory servicing of the development

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

Reason: To provide for the appropriateness management of waste and in particular recyclable materials in the interests of protecting the environment.

- 16 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.

- 17 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

- 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 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.

- 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 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.

Derek Daly
Planning Inspector

14th November 2017