



An
Bord
Pleanála

Inspector's Report PL 61 249373.

Development	Retention of Presbytery, outbuilding and Parish offices with revised boundaries and construction of six houses and one apartment seven car spaces and associated site development works.
Location	Presentation Road, Galway City.
Planning Authority	Galway City Council
P. A. Reg. Ref.	17/220
Applicant	Shaun Hennelly.
Type of Application	Permission.
Decision	Grant Permission.
Type of Appeal	Third Party X Decision to Grant.
Appellant	Dr. Jacky and Alan Jones, Kathleen Lavelle, Charles and Clare Doherty, Gabriel and Naomi Hurley, Bill Heaney and Denise Delaney, Dr. Elaine Keane and Dr. Owen Barrett and Janet Vinnell.
Inspector	Jane Dennehy
Date of Inspection:	5 th December, 2017.

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1.0 Site Location and Description

- 1.1. The application site which has a stated area of 1,692 square metres is located on the east side of Presentation Road in Galway City and is formed by two properties. Part of the site is that of the Presbytery for St. Joseph's Parish along with its gardens and parish offices buildings to the north side of which there is an access lane at the rear of adjoining school buildings. The other part of the site is immediately to the south side of the south boundary of the Presbytery buildings and gardens and is a vacant brown field site with a low front boundary wall and entrance gate on the Presentation Road frontage. Houses facing onto Presentation Road are located to the south side of the site and on the opposite side of the road. The Cathedral River and riverbank is located along the rear east boundary on the opposite side of which is Nuns Island. The river and river bank is inaccessible from the site or the lane adjacent to the Presbytery.
- 1.2. The area is primarily residential within which there are school buildings a parish church and Garda station and St. Joseph's Church. The university campus and Newcastle area is a short distance to the north and University Hospital is a short distance to the west and Galway Cathedral and city centre area is a short distance to the north east.
- 1.3. According to documentation on file a school gymnasium was previously on the site prior to being destroyed by fire. Permission was granted for replacement buildings which were not constructed. (P. A. Reg. Refs. 08/518 and 05/013 refer.)

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 27th July, 2017 indicates proposals for a development which entails the retention of the existing buildings and construction of seven dwellings along with seven car spaces on the site with access from Presentation Road via the existing site entrance. Five terraced dwellings are shown facing onto Presentation Road on the south side of the entrance. A bin store and cycle storage is shown immediately to the north side of the entrance with five car spaces at the rear. Behind these facilities is a single dwelling and rear garden with frontage onto Presentation Road adjacent to the Presbytery property.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 21st September, 2017, the planning authority decided to grant permission for the proposed development subject to conditions primarily of a standard nature.

Condition No 4 contains requirements for:

- (a) Extension of the front railing as far as the unit on the northern side with supplementary planting;
- (b) Substitution of timber fencing for walls along the rear boundaries of the gardens;
- (c) Realignment of Parking Space No 6 and relocation of the adjoining pedestrian access with use of '*grasscrete*' ground cover adjacent to the river. Car space No 5 is to be relocated at the rear of Unit No 1 subject to a five metre buffer zone from the rear boundary being achieved.

The reason provided relate to protection of architectural integrity and heritage value and public safety and residential amenity.

Condition No 6 contains requirements for a compliance submission with details of finishes including roof and rainwater goods, fenestration and colour schemes for reasons of visual amenity.

Condition No 7 contains a requirement for a compliance submission comprising a fully detailed landscaping scheme.

Condition No 8 provides for removal of exempt development entitlements for each of the units.

Condition No 12 has a requirement for lodgement of a cash bond or alternative agreed security to ensure satisfaction completion of the development.

Planning Authority Reports

3.1.2. **Planning Reports**

The planning officer in his report in which he provides a comprehensive account of the proposed development relative to the previously permitted development and notes the higher density of the current proposal at 0.63.1 indicated satisfaction with the application, particularly with the design and layout. However, provision for modifications, by way of compliance with a condition, to the proposed boundary treatment adjacent to the Cathedral River at the rear of the site on the west side of Nun's Island was recommended. These requirements were set out under Condition No 2 of the decision to grant permission and are outlined in section 3.1 above.

Other Technical Reports

- 3.1.3. According to the planning officer report, Irish Water has indicated no objection to the proposed development and no other technical reports were available. He notes that the Roads section in its recommendations on the previous proposal under P. A. Reg. Ref. P. A. Reg. Ref. 12/116: had indicated a willingness to accept a financial contribution in lieu of carparking provision on site. (See section 4.1 below.)

Third Party Observations

- 3.1.4. Observations were received from residents of properties on Presentation Road and on Mill Street.
- 3.1.5. The objections of the parties opposed to the proposed development comprise primarily of concerns about excessive intensity and density, traffic congestion and parking, overshadowing, and inconvenience during the construction stage.
- 3.1.6. Observations from multiple parties in support of the proposed development indicate support for provision additional housing in the central city area in which the site is located.

4.0 **Planning History**

- 4.1.1. PL 241576. / P. A. Reg. Ref. 12/116: Permission to grant permission for development of five houses on the southern section of the site, which is exclusive of the site of the Presbytery and associated structures was upheld following third party

appeals. Under Condition No 2 one house was omitted and a requirement was included for layout modifications to provide for a single terrace of four units, set back two metres from the street frontage and one entrance with four parking spaces. The reason provided was based on visual and residential amenity and provision for off street parking. The grants of permission were not taken up. (The Board's file is attached.)

4.1.2. According to the planning officer report there is also a prior planning history:

P. A. Reg. Ref. 11/240: Permission was refused for five houses and site development works on the basis of design and form which was incompatible with the established character of development in the area, excessive intensity and density having regard to the plot ratio and, the absence of an assessment of the impact on the river bank and protected structures.

(The planning officer also notes prior applications relating school facilities. (P. A. Reg. Refs 04/862, 05/913 and 08/518 refer.)

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site in entirety is subject to the zoning objective: "R: *To provide for residential development and for associated support development which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.*" Under Variation No 2. the zoning objective for the area of the site in which the Presbytery and associated structures is located was changed from "Cultural Community and Institutional" use to this zoning objective on 10th July, 2017.

Nos 8-10 Presentation Road, early twentieth century houses located opposite St. Joseph's Church come within a statutory Architectural Conservation Area. (ACA)

The Cathedral River at the rear of the site has some man-made features which are included on the record of protected structures. (Item 8501).

Maximum density for development within area subject to the “R” zoning objective is 0.46:1

Parking standards are set out in section 11.3.4. (d) according to which one space per dwelling is the maximum required for residential development in inner city areas.

General policies and guidance for infill residential development in inner residential areas are set out in chapter 2.

6.0 The Appeal

Grounds of Appeal

- 6.1. An appeal was received from Residents of Presentation Road and Mill Street on 9th October, 2017. (The signatories are: Dr. Jacky and Alan Jones, NO 5 Presentation Road, Kathleen Lavelle, No 8 Presentation Road, Charles and Clare Doherty 26 Presentation Road, and Gabriel and Naomi Hurley, NO 3 Presentation Road, Bill Heaney and Denise Delaney, No 20 Mill Street, Dr. Elaine Keane and Dr. Owen Barrett No 6 Presentation Road and Janet Vinnell, No 11 Presentation Road.)
- 6.2. According to the appeal:
- The change, by way of Variation of the Development Plan in zoning of the lands of the Presbytery and associated structures was to facilitate a developer and it was against the advice of the Chief Executive of the Council. Members are precluded, from considering enrichment of property values which is not a valid planning reason when considering a proposed change to the development plan. Residents were unaware of the attempts that were being made to rezone the Presbytery and associated lands. The rezoning has no community benefit and solely benefits the developer.
 - One house was omitted by condition in the prior grant of permission, reducing the plot ratio to 0.50:1 (PL 241576. / P. A. Reg. Ref. 12/116 refers.) The applicant seeks to build the five three bedroom houses, which were proposed in the previous application and in addition, a four-bedroom house and a two-bedroom apartment. The density, as acknowledged in the planning officer report is increased in the current proposal to 0:60:1 whereas the plot ratio for

residential development in the city centre according to the development plan is 0.46:1.

- A related issue having regard to the proposed density is the ongoing problem with the sewerage system in the area which would be exacerbated by the additional development proposed.
- The proposed height, especially that of Unit 1 at 15.77 metres which is adjacent to the Presbytery which is 15.42 m in height is greater than surrounding heights including No 26 which is fourteen metres in height.
- Overshadowing will occur at House Nos. 1,2, 3, 4,5, 6 and 26 Presentation Road. Unit 1 will significantly block light at No 6 Presentation Road opposite the site and Unit 7 will significantly block light at No 26 Presentation Road. The kitchen window is on the gable end of the house. The development is much higher than existing wall which does not obstruct light.
- The proposal involves considerable change in the living environment beside wildlife at the site.
- The existing parking will be exacerbated by the proposed development in which the seven proposed spaces are inadequate. There is illegal parking, parking on double lines and obstruction of entrances especially at times of Church activities. There is also no parking or drop off/pick up provision for the Presentation and Mercy schools which have been amalgamated. The existing situation during construction and post construction stages will become more intolerable.
- Presentation Road is a main route from Newcastle and surrounding areas and footpaths are heavily used by wheelchair users. Pedestrians, especially those with disabilities will be inconvenienced and will be at risk of accident due to the narrow entrance width.
- There will be a lot of disruption especially for pedestrians during construction for several months with traffic generated by workers, deliveries and with noise, dirt and disruption. One side of the street will be unusable for pedestrians during this period.

- The proposed development cannot be justified on grounds that it is not within the ACA. It will detract from the aesthetic value and ruin the character of the area and involves mature tree removal and interference with wildlife at the river. The developer had to be stopped from illegally clearing the site and removing mature trees. A formal environmental impact assessment is required.

6.3. Applicant Response

6.3.1. A submission was received from O'Neill O'Malley on behalf of the applicant on 6th November, 2017. Included are: a contextual drawing and plan drawing, a google map printout with details of bus stops in the area, a copy of a pre- connection agreement with Irish Water and, a copy of the design statement and schedule of areas included in the application. According to the submission:

- The planning authority followed the correct procedure with regard to the rezoning and there was nothing underhanded or unfair with the process.
- The current proposal is for development on a larger site than the previously permitted development. (PL 61 241576 refers.) One house was omitted because the requirements for the four car parking spaces with safe forward movement to egress onto Presentation Road was not delivered.
- The proposed development, in infilling the “gap” sensitively to assimilate into the established pattern and style of development a is a positive contribution for the location at the west of the city centre where higher densities are to be encouraged close to public transport and facilities. It is in accordance with Sections 5.5 and 5.8 of *Sustainable Development in Urban Areas: Guidelines for Planning Authorities*” DOECLG, 2009 (Extracts quoted in full in the submission.)
- The site location is within five hundred metres of several bus stops. (Details are shown in Appendix A of the submission.)
- The density is 41.3 units per hectare, which is below the minimum recommended and is appropriate to the site when appropriate design and amenity standards are designed in.

- The applicant is unaware of any sewerage problems in the area. A pre-connection agreement with Irish Water is included in Appendix B.
- The “heights” referred to in the appeals are levels so the height of the presbytery is 8.820 m. The scheme is sympathetic to the streetscape. The ridgelines are staggered to reflect the gradient within the street Drawing No 3005 included with the submission illustrates the development in the context of adjacent buildings.
- Minimal overshadowing would occur. The development is on the north side of No 26 Presentation Road. There is an existing three metres high wall on the north side facing the kitchen window on the gable end of the house. There is a significantly greater separation from the building facades of Nos 1 to 6 on the opposite side of Presentation Road than elsewhere in the area where the street width is 9 to 9.5 metres on New Road and Mil Street. The distance from the proposed development to the façade of No 1 Presentation Road is 12.5 metres and to No 6 is 16.15 metres. The most significant overshadowing effect would be at Nos 1-6 Presentation Road which are to the south west but this degree of overshadowing is only to be expected at a city centre location.
- The proposed car parking provision accords with the standards set out in Section 11.3.4. (d) of the Development Plan in which a maximum of one space per dwelling is required for the City Centre residential areas.
- The concerns about pedestrian safety, traffic and noise and dust during the construction stage, will be the responsibility of the contractor who is legally obliged to comply with relevant Health and Safety codes. The applicant has no objection to a requirement, by condition, for preparation of a construction management plan for agreement with the planning authority. A copy was included with the Design statement included with the application and is available with the submission.
- The proposed development is sympathetically designed on its own merits, to complement the neighbouring ACA (Nos. 7-14 Presentation Road) and the character of the area.
- There are four semi mature trees at the front of the site which are no of significant quality. The more mature trees at the rear of the site within a

silted are of the canal are outside the site boundary and the control of the applicant and they will be unaffected by the proposed development.

- Works previously carried out at the site were of a maintenance nature allowing for sight lines through the site and for passive supervision so that trespass can be discouraged.

6.4. Planning Authority Response

6.4.1. A submission was received from the planning authority on 9th November, 2017 according to which the planning officer set out the basis for the decision to grant permission in his report. According to the submission:

- It can be confirmed that a valid decision, (by way of Reserved Function) was made by Council Members with regard to the rezoning of the lands on which the Presbytery and associated structures are located.
- The density is noted but the proposed development, is acceptable subject to the modifications provided for in the requirements of Condition No 2 attached to the decision to grant permission.
- Irish Water has raised no objection with regard to provision for connection to the sewerage system serving the area.
- The contentions in the appeal with regard to height does not take into account the existing variable floor levels. The height over ground for House No 1 ranges from 9.1 to 9.25 over a level of +6.65 M OD rising to a ridge height of 15.77 OD. The other houses have heights ranging from 9.0-9.3 m (No 2); 8.9 m (No 3) 9.1 (No 4) 8.7m (No 5), 8.8 m (No 6), and 8.9 m (No 7.) The Presbytery height is 8.7 metres and No 26 Presentation Road has a height of 8.6 m so the maximum variance between existing and proposed ridge lines is less than 0.65 m which is not significant.
- The site which is vacant is a brownfield site which previously accommodated a school gymnasium and subsequently was subject of grants of planning permission for a replacement structure with ridge heights of two and 2.2 metres. (P. A. Reg. Refs 05/913 and 08/518 refer.)

- The proposed development faces onto a road with a width of ten to twelve metres and is north east of the houses to which it is contended that light will be blocked. It is not accepted that sunlight or daylight loss at these properties would be significant.
- The kitchen window in the gable end of No 26 Presentation Road faces onto an existing wall and appears to be a new window installed as an alternative source of light to a room at the rear which has been extended. No windows are proposed in the side elevation of Unit 7 which will be positioned five metres north of No 26.
- The Council, following complaint from the residents did investigate the works that were taking place at the site and was satisfied that the works were limited to clearance of undergrowth and new growth and some removal of branches but no trees were removed during the nesting season. The planning authority is satisfied that environmental impact assessment is not required and that the applicant did not breach any planning obligations.

7.0 **Assessment**

7.1. The issues considered central to the determination of the decision and considered below are:

Strategic Policy and Zoning objectives.

Scale and intensity of development

Height and Design and Architectural Heritage.

Overlooking and Overshadowing of adjoining property

Traffic, Parking and Pedestrian Safety,

Sewerage Infrastructure

Wildlife and amenity – Cathedral River.

Appropriate Assessment.

7.2. Strategic Policy and Zoning objectives.

- 7.2.1. It is considered that the planning authority in its submission has satisfactorily clarified the position with regard to Variation No 2 of the Galway City Development Plan, 2017-2023 which provided for the change in zoning objective for the site of the Presbytery buildings. Adoption of a Variation to a Development Plan is a Reserved Function confined to the members, that a Variation, once made by the Members, may be contrary to professional advice and recommendation provided to the Members by the Executive. As such, without doubt, the applicable zoning objective for the site in entirety is "R": *To provide for residential development and for associated support development which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.*"

7.3. Scale and intensity of development

- 7.3.1. It is agreed that the plot ratio for the development on the site in entirety exceeds that the plot ratio provided for in the development plan of 0.46:1 For an inner city location designated for residential development, the density, calculated at application stage is not unreasonable. Minimum standards have been achieved for private open space provision and on site car parking having regard to the relevant development management standards set out in Chapter 11 of the development plan. The high plot ratio, intensity of the proposed development, notwithstanding and lack of public open space provision within the site, the proposed development, when considered from the perspective of the attainable residential amenities of the dwelling for the future occupants is satisfactory. While the shared communal space is a parking and utility area and the development would be enhanced by some communal centrally focused amenity space there is ample public waterway, park and coastal recreational and amenity areas in close proximity to the location.

7.4. Height and Design and Architectural Heritage.

- 7.4.1. The proposed development can be regarded as a small infill cluster although it is linear with continuous infill to read as a terrace of dwellings along the frontage of Presentation Road with the entrance being built over at first floor level. As has been clarified in the submission of the planning authority there is little variation in height relative to the heights of adjoining and surrounding residential development and the ridge heights and finished floor levels reflects the slight variation in gradient in the

ground level. The streetscape on Presentation Road and surrounding roads is largely made up of terraced housing. Consideration could be given to modification providing for a break so that there as an opening for visual but this is unwarranted.

7.4.2. The front façade treatment, eaves height, roof slope, fenestration, materials and finishes are relatively simple and are acceptable within the streetscape and the presentation is enhanced by the inclusion of steel gates and railings. The proposed development does not give rise to any concern as to adverse impact on the integrity of the Architectural Conservation Area at Nos 7-14 Presentation Road.

7.4.3. The boundary treatment at the rear adjacent to the Cathedral River and separation distance of the structures are such that there is no adverse impact on any man made elements included on the record of protected structures. However, a condition should be inserted, for the purposes of clarity and to allow for the space in close proximity to be retained free of development so as to protect the amenities and context of the river and any associated manmade structures in addition to trees with or which at future could have crown spread encroaching over the site area.

7.5. Overlooking and Overshadowing of adjoining properties.

7.5.1. It is appreciated that the occupants of properties on the opposite side of Presentation Road and adjacent to the southern boundary would have become accustomed over time to the vacant site and the views across it and, previously, the institutional use by way of the school gym which was on the site before it was damaged by fire and removed. The insertion of an infill residential scheme at the location results in a major change in land use in characteristics. It can lead to serious concerns about impact on the privacy and amenities attainable at surrounding residential properties and enjoyed by the occupants.

7.5.2. However, the orientation of the site and proposed development *vis a vis* the properties to the west and south west and south, and the separation distances are such that no significant change with regard to access to daylight and sunlight would occur at existing properties. Furthermore, no undue degree of overlooking would occur. The separation distance between No 26 Presentation Road and House No 7 is in excess of five metres thus restricting the attainable visibility directly over the rear garden from upper floor windows. The properties on the opposite side of the

road are separated by ten to twelve metres and this is typical and reasonable for front building lines and facades in urban areas, especially within inner city areas.

7.6. Traffic, Parking and Pedestrian Safety,

- 7.6.1. The proposed development which accords with development standards for car parking provides for one off street space per dwelling. The impact on demand for on street parking, (where there are pay and display and residents' permit parking facilities) is considered to be relatively neutral or marginally increased. It is acknowledged that occupants of some dwellings are reliant on public parking facilities along the street edge and that congestion and conflicting movements will occur at times of school student drop offs and collection and that significant parking demand is attributable to attendees at ceremonies at St Joseph's Church.
- 7.6.2. However, outside of these peak times with regard to demands for parking, the existing facilities would appear to be relatively adequate. It is not accepted that there are sufficient grounds for reconsideration of the proposed development on the existing vacant brownfield site in the area over deficiencies in car parking and the case made with regard to the inner city location and proximity to public transport and to services and facilities is reasonable. It can be concluded that the current proposal, due to the on-site car parking provision would result in negligible increased demand for use of the existing on street parking facilities.
- 7.6.3. The existing footpath widths and condition are not ideal for pedestrian convenience and safety and the location is in close proximity to schools and place of worship where at certain times significant pedestrian movement and stopping and starting of private transport would occur. There is an expectation that reasonable care and attention is required of pedestrians, cyclists and private car users as a result of which there would be negligible increased risk to pedestrian safety, including mobility impaired persons especially outside of arrival and departure times from the schools and religious ceremonies.

Sewerage Infrastructure

- 7.6.4. The concerns of the appellant party as to inadequate capacity in the existing sewerage facilities to which the proposed development is to be connected are noted. However, there does not appear to be any evidence of any issues specific to the

area in which the site is located and it is noted that Irish Water has indicated that the arrangements for the proposed development are satisfactory.

7.7. Wildlife and amenity – Cathedral River.

- 7.7.1. The site is adjacent, at the rear to the Cathedral River and embankments to the far side of which is Nuns Island. Man-made structures such as walls, weirs and bridges are included on the Record of Protected Structure and there are trees, vegetation and wildlife of interest and amenity value. It is agreed with the planning officer that an environmental impact assessment is unwarranted but that appropriate mitigation measures to provide for the protection of this area from construction stage impact is warranted and can be addressed in a construction management plan. The site boundary is adjacent to but does not extend over into this area. In the event that any crown spread of mature trees of interest potentially extending over into the site area measures to be taken to provide for protection of roots would be required.

7.8. Appropriate Assessment.

- 7.8.1. The Lough Corrib SAC, (Site Code 000297) is approximately two hundred and fifty metres from the site. However, having regard to the location and nature the proposed development within the inner city on a fully serviced brownfield site for which a construction management plan providing for good construction practice is available, and implementation of a buffer zone from the site boundaries notwithstanding the proximity to a watercourse, it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that the planning authority decision be upheld incorporating the amendments and requirements in the attached conditions.

9.0 Reasons and Considerations

- 10.0 Having regard to the brownfield site which is serviced and the location within an area subject to the zoning objective: R: *To provide for residential development and for*

associated support development which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods” according to the Galway City Development Plan, 2017-2023, to the established pattern and character of development in the area, particularly the group of houses at Nos, 7-14 Presentation Road, a designated Architectural Conservation Area, to the layout which includes provision for one off street parking space for each dwelling, and the density, scale, height, design and finishes for the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an appropriate density of development, would not seriously injure the visual and residential amenities and the established architectural integrity and character of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and, would 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 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) The front railings shall be extended as far as the cycle store entrance in the front elevation and climbing plants shall be planted in the inner side.
 - (b) Timber fencing to a height not in excess of two metre shall be erected along the rear boundaries.

(c) The pedestrian entrance shall be positioned to the north east of the site and car space No 6 shall be relocated to align with car space No 5. A five metre buffer zone from the rear boundary shall be retained free from structures and a "Grasscrete" or similar surface shall be installed instead of hard standing or similar.

Prior to the commencement of the development the applicant shall and agree revised plan, section and elevation drawings with the planning authority.

Reason: In the interest of the protection of the Cathedral River from potential for pollution, its amenities and integrity and character and the residential amenities of the area.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellings without a prior grant of planning permission.

Reason: To allow for further planning review and to ensure the retention of the buffer zone of five metres from the boundary adjacent to the Cathedral River free from development.

4. Details, including samples, of the materials, colours and textures of all the external finishes 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.

5. 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 interests of visual and residential amenity.

6. 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) Existing trees, hedgerows and stone walls, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs comprising predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (b) A timescale for implementation;

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, 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.

7. Site development and building works shall be carried out between 0700 hours and 1900 hours Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays. Deviation from these times shall only be allowed in

exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity.

8. A Construction Management Plan 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 the following:
- (a) mitigation measures to avoid accidental spillage or sedimentation of the adjoining river,
 - (b) the creation of a buffer zone to prevent any damage to the protected structure along the river bank,
 - (c) details of any excavation works in proximity to the river bank,
 - (d) details of the methodology for the removal of the existing fence and the construction of the replacement fence along the rear boundary,
 - (e) construction traffic management measures,
 - (f) noise management measures, and
 - (g) off-site disposal of construction waste.

Reason: In the interest of preserving the architectural integrity and heritage value of the protected structures, in the interest of public safety and residential amenity and to avoid any adverse impact on the integrity of the European site.

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 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

11. Prior to the 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 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.

12. 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 or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Jane Dennehy
Senior Planning Inspector
15th December 2017.