



An
Bord
Pleanála

Inspector's Report ABP-300392-17

Development	A 96 bed nursing home including service wing and all associated works.
Location	Rathangan Demesne, Rathangan, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	17/215
Applicant(s)	James Fagan
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Paul and Ann Marie Foran
Observer(s)	None
Date of Site Inspection	13 th March 2018
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located in Rathangan, Co. Kildare. Rathangan is a small town to the west of Kildare, c.1.5km from the boundary with Co. Offaly. The Kildare County Development Plan 2017 – 2023 states that Rathangan has a population of 2,374 persons according to the 2011 census. The 2016 census states that the figure increased to 2,506 persons.
- 1.2. The appeal site is located within the Rathangan Town Boundary to the east, c.1km from the main street. It is on the southern side of the R401 road which links Rathangan with Kildare town and the M7 motorway to the south-east. It is located within the 50kph speed limit, and is zoned 'Community and Education' in the County Development Plan.
- 1.3. The site itself is stated as being 3.3Ha in area. It is accessed from the R401. The access track leads to a site which is roughly square in shape and is located to the rear of three dwellings to the north, and to the east of the housing development St. Patrick's Park. The appellant resides in one of the three dwellings to the north. The general area in the vicinity of the site is residential in nature, with mainly low rise cottages and bungalows. A footpath exists on the northern side of the road and there is a relatively wide grass margin along the roadside in front of the site.
- 1.4. The site is currently a green field and has mature field boundaries. It is partly covered in a tree plantation.
- 1.5. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposal is for a 96 bedroom nursing home centred around a number of courtyard type gardens. A new 6m access road, with footpath and cycle path, from the R401 along the existing track is proposed to feed into the main body of the site. This access road leads to a roundabout which serves as a set down area and onwards to 37 no. visitor car parking spaces and 16 no. staff parking spaces. 16

bicycle stands are also provided. A service road runs around the perimeter of the site.

- 2.2. The building is mainly a single storey structure with a hipped roof profile and comprises a main spine off which there are a number of corridors serving the bedrooms. There are a number of lounges and dining areas dispersed throughout the corridors. The corridors are 10.5m wide with bedrooms either side. All bedrooms overlook gardens of different designs serving a wide range of needs and different purposes, such as a dementia friendly garden.
- 2.3. There are other rooms to serve the facility such as plant and equipment rooms, kitchen and storage facilities, a library and an oratory. The building is mainly single storey throughout with a maximum height of 5.997m. A central pavilion type structure with a glazed skylight incorporates an office at first floor and is 9.414m in height.
- 2.4. A new foul sewer pumping station is proposed to connect to the existing sewer line, and an open drain and attenuation tank are proposed. A new connection to the existing public water supply is proposed. The footpath on the southern side of the road is proposed to be extended to the entrance.
- 2.5. A Dementia Garden Report and landscape drawings, Services Report, Traffic Report, a Photomontage, and a letter from a Fire Consultant accompanied the planning application, as well as the standard documents and drawings.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 39 conditions. Condition no.20 requires the applicant to design a new footpath along the R401.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Refers to general arrangement of development and that each bedroom measures c.15.2sq.m with ensuites of 5.2sq.m.

- Refers to policy RN46 and considers applicant should be afforded an opportunity to submit an arborists report with survey and recommendations for tree preservation/retention on site.
- Notes site boundary does not include an area of land also zoned E – Community and Educational, to the north of the proposed footprint which abuts the three residential dwellings. Notes the dwellings have mature screening but considers applicant should be afforded the opportunity to clarify what the indicative layout for this area is. Notes this land is illustrated with a proposed entrance off the access road which is 4m in width and is accommodated over the footpath and cycle path. Notes that the service road to the rear also indicates an access to lands to the south and this should be clarified.
- Recommends Further Information is requested in relation to (inter alia) the proposals for the other entrances indicated on the drawings, an Arborists Report, a fully specified Landscape Plan, considers the site boundaries need to be detailed, notes direct footpath linkage along the south of the R401 is poor and requests applicant to provide a new footpath, requested to address Road Safety Audit recommendations, and surface water.
- The applicant responded to the request on 16th October 2017. The applicant states that the lands to the north will be for future development of sheltered housing, and access to the south is for access to the commercial forestry plantation. An Arborist report and landscaping details were submitted as well as responses to the Transport Department.
- The Planner is satisfied with the response and recommends permission is granted subject to conditions.

The decision is in accordance with the Planner's recommendations.

3.2.2. Other Technical Reports

- **Transportation:** Following response to Further Information, no objection subject to conditions.
- **Area Engineer:** No objection subject to conditions.

- **Environment:** Following response to Further Information, no objection subject to conditions.
- **CFO:** No objections subject to Fire Safety cert etc.
- **EHO:** Following response to Further Information, no objection subject to conditions.

3.3. Prescribed Bodies

- **Irish Water:** Following response to Further Information, no objection subject to conditions.

3.4. Third Party Observations

There were two third party observations. One was submitted by the appellant which is expanded upon in Section 6 below. The other is from a Consultant on behalf of the owners of land zoned as Town Centre in Rathangan. In summary, it states:

- Have vision for their land for a mixed use development of a nursing home with age friendly houses, residential units, and re-use of a Protected Structure.
- Proposal will be supported by a significant design team and will be an economic driver for Rathangan. A stipulation was inserted into the Development Plan that a Masterplan for the site had to be prepared.
- The Masterplan has hampered progress of the site, and team have been disadvantaged due to the immediate lodgement of the subject proposal which was lodged within days of the Development Plan being adopted.
- Submission is not an objection but wish the Planning Authority to take cognisance of their plan to lodge an application for a 60 bed nursing home.
- Believe applicants should defer their application until Rathangan is developed sequentially.

4.0 Planning History

There have been recent planning applications on the site and adjoining sites.

4.1.1. On the site:

- **ABP Ref. PL09.236657, KCC Reg. Ref. 09/597:** Permission was refused by the Board in August 2010 for the development of a 52 bedroom nursing home, following the decision of the Planning Authority to grant permission following a material contravention of the Plan. Only the access road was located within the Town Boundary and was zoned for agricultural purposes. The Board refused for the following reason:

The proposed development would be predominantly located on unzoned land outside the development boundary for the town of Rathangan, as defined in the current local area plan, within which there is ample undeveloped land which would be capable of accommodating the proposed development. The proposed development would fail to renew, consolidate and develop an existing town, as advocated in the National Spatial Strategy, 2002-2020. It would be at an excessive distance from the urban amenities and facilities of the town and contrary to the orderly sustainable expansion of the town. The proposed 52 bedroom nursing home and ten associated sheltered housing units would, therefore, constitute a haphazard, piecemeal form of development which would be contrary to the proper planning, orderly and sustainable development of the area.

4.1.2. On the site to the east of the subject site, there is a Planning Application at Further Information stage.

- **KCC Reg. Ref. 17/856:** Permission sought for 10 serviced sites and a new entrance off the R401, submitted in July 2017.
- **KCC Reg. Ref. 06/2912:** Permission was granted in January 2008 following a material contravention process for 18 dwellings. No development has taken place.

5.0 Policy Context

5.1. Kildare County Development Plan 2017 – 2023

- 5.1.1. Chapter 4 of Volume 1 of the Plan refers to Housing. Volume 2 includes Rathangan within the “Small Town Plans and Environs Plan”.

5.1.2. Section 4.7 of Chapter 4 refers to Specific Needs Housing. The Plan states: *The changing nature of the age profile of the county requires greater consideration of the housing needs of the elderly.* Policies include:

SN 1 *Seek to ensure that groups with special housing needs, such as the elderly, people with disabilities, the homeless, those in need of emergency accommodation and Travellers are accommodated in a way suitable to their specific needs.*

SN 2 *Support the provision of accommodation for older people in established residential and mixed use areas that offer a choice and mix of accommodation types to older people for independent living, semi independent living and assisted living.*

SN 3 *Provide for and facilitate the provision of accommodation to meet the needs of older people and to encourage the provision of a range of housing options for elderly persons in central, convenient and easily accessible locations and to integrate such housing with mainstream housing.*

Objectives include:

SNO 1 *Support: (a) The provision of housing for groups with specific housing needs, including the elderly, people with disabilities, the homeless, those in need of emergency accommodation and Travellers, at appropriate locations and in accordance with the policies and objectives of this Plan. (b) Geographical balance in the provision of housing for groups with specific housing needs.*

5.1.3. In Volume 2 of the Plan with respect to Rathangan, the Plan refers to policy **RN46** which states:

Identify trees which are worthy of protection and seek their retention.

The site is zoned 'E – Community and Education' in the County Development Plan. Nursing Homes are Permitted in Principle in this zoning.

5.2. **Natural Heritage Designations**

Pollardstown Fen SAC (Site Code 000396) is located c.11km south-east of the site. Mouds Bog SAC (Site Code 002331) is located c.10km to the east of the site. The

River Barrow and River Nore SAC (Site Code 002162) is located c.9km south-west of the site. The Long Derries, Edenderry SAC (Site Code 000925) is located c.12km north of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by residents in a dwelling just north of the site. In summary, it states:

- Proposal is on bogland and applicant has not taken into account need to remove considerable soil and trees.
- Proposal is located directly behind appellants dwelling and will impact on their residential amenities. It is a huge development of nearly 100 bedrooms – impact has not been properly assessed.
- Currently live in a semi-rural area. This is the biggest floor plan in Rathangan with only a small narrow roadway.
- Eco system supported by the trees is being removed.
- Understood trees and forests are protected.
- Common knowledge that Town Centre zoned lands are being masterplanned for a nursing home – consider a town centre location is more appropriate.
- Cannot see how proposal has overcome previous reasons for refusal by the Board in relation to “sequential development” and “leap-frogging”.
- Cannot understand what is community or educational about a Nursing Home. Rathangan does not have the capacity to fill 96 bedrooms. No robust report justifying the proposal. Purely for monetary gain.
- Not convinced traffic assessment gives a realistic picture of the situation.
- There are better sites in the town for nursing homes – location is too far from the town centre and is essentially an out-of-town development.

6.2. Applicant Response

The applicant responded to each point made in the appeal. In summary, it states:

- **Bogland:** State that the site is not located on bogland. Notes soil infiltration tests were carried out at 4 separate locations confirming site is not bogland. Site is part greenfield and part coniferous forest plantation which was harvested some years ago. The broad-leafed specimens will be retained and supplemented. There is no plan to remove soil.
- **Residential Amenities:** The proposal is situated 140m south of the appellant's dwelling. It is single storey with a floor level more than 3m below their home. It is highly likely that the proposal will not be visible from their home. The nature of the use is normally associated with a quiet and tranquil environment. Photo taken from nearest point of proposal to dwelling included.
- **Impact on Rathangan:** Proposal will provide 150 temporary construction jobs and 110 permanent jobs, supporting policies RN6 and RN7.
- **Semi-rural area:** Do not agree area is a semi-rural area. Services exist and census indicates growing population. Subject lands and lands past the site are zoned for development. Plan envisages this particular part of the town to be significantly developed in future years.
- **Eco system:** Trees that were once there prior to the harvest were not planted to stabilise the ground. Refute appellant's charge that trees are 'being ripped out of the ground'. Proposal takes note of the site's setting and context and policy RN46. Arborists Report acceptable to the Council. The retention of trees and varied new planting are planned; the development will provide an enhanced landscape.
- **Trees and forests are protected:** Rathangan LAP Map V2-1.7B details Trees and Woodlands Preservation Orders. There are none affecting the site.
- **Town Centre proposal:** Subject site is 1km from the town. The proposal is linked to the town centre by a footpath which staff, visitors and mobile residents can avail of.

- **Previous Refusal:** There was no mention of sequential development or leap-frogging in the Board's reason for refusal of the 2009 application. The 2009 proposal was on a site 260m further south of the current site but using the same entry point from the R401. At the time the site was unzoned and located c.230m outside the development boundary. The site is now zoned 'E – Community and Educational'. The site is on zoned lands which specifically permits nursing homes and is located inside the town boundary between existing dwellings and a site zoned for residential development. A proposed new constructed footpath forms part of the proposal which ensures the site is accessible to the town centre.
- **Capacity to fill 96 bedrooms:** Report for the Department of Health notes that a minimum of 60 bedrooms is required for feasibility and optimum size is 100 bedrooms. There are no private dementia care providers in Kildare, or surrounding counties. The subject proposal will cater for the needs of Rathangan and further afield.
- **No robust report:** References to various detailed reports including the Regional Planning Guidelines and the Kildare County Development Plan are made. These Plans and reports reference increasingly elderly population and the need to accommodate this growth.
- **Traffic:** AECOM report was accepted as satisfactory by the Transport Department. Traffic associated with a Nursing Home tends to be low and does not impact on peak time traffic.
- **Town Centre site:** The applicant has provided a specific response on the Town Centre site referred to as Drummonds Mill site.

Concludes that appellants have made a number of false statements and consider appeal to be vexatious and without substance, and request the Board to uphold the decision of the Planning Authority.

6.3. Planning Authority Response

The Planning Authority responded with a copy of the comments from the Transport Department on the appeal. In summary it states:

- Department satisfied that the Report prepared by AECOM demonstrates that the traffic generated can be accommodated and should have no adverse impact on surrounding roads.
- Facilities have been provided for vulnerable road users.
- A Road Safety Audit Stage 1 has been carried out.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Previous reason for refusal
- Residential Amenities
- Traffic
- Landscaping, soil conditions and existing trees
- Appropriate Assessment

7.1. **Principle of Development**

7.1.1. The appellants consider the area to be semi-rural and query how the proposal is proper planning. It is also stated that the site is too far from the town centre, and a more appropriate town centre site should be chosen.

7.1.2. The plan boundary of Rathangan was enlarged to include the subject site and an adjacent site to the east, as part of the County Development Plan 2017 – 2023. The site is zoned for Community and Educational land uses. The Plan states that a Nursing Home is a use that is 'Permitted in Principle' in the Community and Educational zone. The proposal is c.1km from the town centre, within the 50kph speed limit, and it is proposed to extend the footpath on the southern side of the R401 to the site. I am satisfied that the principle of development is acceptable, subject to compliance with other policies and objectives.

- 7.1.3. The appellants consider the site to be semi-rural. I agree with the applicant that as the subject site and the site to the east are zoned for development, it is likely that development will occur. The area on the approach to the town along the R401 currently exhibits characteristics of an edge of town location, however, I note that three sites have been zoned for future residential development south of the R401 in the vicinity of the subject site (sites C5, C4 and C9). It is likely that more development will occur in this part of the town and therefore, it is unlikely to remain semi-rural in nature. The site is within 1km of the town centre, within walking distance for staff and visitors alike.
- 7.1.4. The appellants state that there is another site currently being masterplanned for a Nursing Home closer to the town centre and consider that site to be a more appropriate location. I note that an observation was submitted at Planning Authority stage from owners of the town centre site, however no appeal has been lodged. From a review of the Planning Authority's online planning enquiry system, there appears to be no extant permission in place for a Nursing Home on that site and the Planning Authority have not referred to any such application or permission. It is unclear what the plans are for that site, however, the subject site will be assessed against the policies and objectives of the Kildare County Development Plan 2017 - 2023.
- 7.1.5. The appellants consider that the development is too large and that Rathangan will not have the capacity to fill the Nursing Home. The applicant responded stating that there are no private specialised Dementia Care units in Kildare or surrounding counties. The applicant also refers to various government reports outlining the need for additional nursing home bed spaces. I am satisfied having regard to the growing and aging population of Rathangan and surrounds that the subject proposal is not too large, and will comply with policies and objectives of the Regional Planning Guidelines as well as policies SN1, SN2 and SN3, and objective SNO1 of the County Development Plan.

7.2. **Previous Reason for Refusal of permission**

- 7.2.1. The appellants do not consider that the subject proposal has addressed the reason for refusal of permission by the Board in August 2010. Reviewing that application, at the time the site was not within the town boundary of the Local Area Plan. That is no

longer the case and the site is now within the town boundary, is appropriately zoned and as noted above, in a general area where development is likely to occur. The site to the east of the subject site is currently at Further Information stage with the Planning Authority for development indicating growth in this part of the town in accordance with the Development Plan.

- 7.2.2. I am satisfied that the services have sufficient capacity to accommodate the proposal, and with the extension of the footpath is within a 1km walk of the town centre.
- 7.2.3. The appellants referred to concerns with leap-frogging and sequential development of sites. I am of the view that the proposal is of a scale and design that cannot be accommodated on too many sites within the town centre, having regard to the nature of the proposal and the landscaping and gardens proposed.
- 7.2.4. I am satisfied that the proposal has overcome the reasons for refusal of the 2009 application.

7.3. Residential amenities

- 7.3.1. The appellants express concern with respect to the impact on their residential amenities. They state that the proposal is directly behind them. This is not strictly the case, as a field remains between their home and the development. The Planning Authority queried what the plans for the field were as part of the Further Information request. The applicants submitted an indicative plan for 8 sheltered homes. These dwellings are not part of the current application, but low density development is indicated on the site which is also zoned 'E – Community and Educational'.
- 7.3.2. The applicant provides a photo as part of the response to the appeal which indicates the mature trees between the site and appellant's dwelling. A distance of 140m is also noted between the Nursing home and the rear façade of the appellant's dwelling. I can confirm to the Board, following my site visit that there are numerous trees and hedgerows which are to be maintained on the site and there is substantial screening in place between the sites. The Landscaping Plan also indicates the addition of trees.
- 7.3.3. I am satisfied based on the existing tree cover, and the distances involved, there will not be a seriously negative impact on the privacy of the appellant's dwelling.

Furthermore, having regard to the nature of the development, I am satisfied that there will not be noise issues, which could impact on the appellant's residential amenities.

7.4. Traffic and Transport

- 7.4.1. The appellants are concerned with the traffic and state that they are not convinced that the traffic impact assessment gives a realistic picture of the situation.
- 7.4.2. A Traffic Impact Assessment (TIA) and a Stage 1 Road Safety Audit were prepared by the applicant. The TIA and drawings state that the sightlines are 90m in both directions. The site is within the 50kph zone.
- 7.4.3. I agree with the applicant that the traffic patterns associated with a nursing home are unlikely to generate much traffic at peak hours. It is noted that there will be 16 car parking spaces for staff and 37 for visitors. It is likely that traffic will be spread across the day and over the weekend as shifts changeover. Furthermore, visitors are unlikely to arrive at peak hours.
- 7.4.4. With the improvements to the external and internal footpaths and the new cyclepath, and its location within 1km of the town centre, I am satisfied that it will not create serious traffic congestion or lead to conditions which would be prejudicial to public safety.

7.5. Landscaping, soil conditions and existing trees

- 7.5.1. The appellants consider that the site is bogland and will require a significant quantity of soil and trees to be removed. They are concerned that it will give rise to environmental concerns and require waste licences and permits. The applicant has stated in response, that soil infiltration tests were carried out at 4 separate locations which confirm that the site is not bogland. The site comprises part green field under grass, and part former coniferous commercial plantation which was harvested a number of years ago. What remains is the residue of the 'lop and top' as well as some broad-leafed specimens. The applicant states that there is no plan to remove any soil. Nothing on file indicates a need for significant quantities of soil removal which would require permitting.

- 7.5.2. An Arborist Report has been submitted which identifies the trees and hedgerows that are to be maintained. A breakdown of the plans for each line or copse of trees and hedgerow is clearly detailed. Of importance is the treeline on the northern boundary between the proposal and the appellant's dwelling, which is to be maintained. There are plans to incorporate the line of trees along the eastern boundary and the conifer planting to the south within the overall plan for the development. I am satisfied that with the retention and addition of trees, screening already exists for neighbours, as well as providing immediate visual relief for the future residents.
- 7.5.3. I would recommend that should the Board consider granting permission, a condition requiring the applicant to protect the trees during construction is appended, as well as a condition to carry out the landscaping in the first season after the main construction works are completed.

7.6. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the sites location within the Rathangan town boundary on lands zoned "E- Community and Educational" in the Kildare County Development Plan 2017-2023, to the nature, scale and design of the proposed development, to the pattern of existing development in the area, and to the provisions of the Kildare County Development Plan 2017 – 2023, 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 16th day of October 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 interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Proposed Gate B as illustrated on Drawing No.17 entitled "Fence Details" received by the Planning Authority on the 16th day of October 2017, shall be no higher than 1.8m overall including gate piers, gate, wing walls, and associated capping details.

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 amenity.

3. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed development 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. All planting/landscaping required to comply with the specification of the

landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

5. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

6. (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 applicant shall comply with the detailed standards of the planning authority for such road works.

(e) The developer shall provide a footpath as detailed on AECOM Drawing number 60533804-SHT-10-C-0100 received on 16th day of October 2017 and as agreed final detailed design with the planning authority.

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

7. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the occupation of the development.

Reason: In the interests of amenity and public safety.

8. 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, dust minimisation measures, and off-site disposal of construction/demolition waste.

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

9. 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.

10. Details of all proposed external advertising/signage for the premises shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity.

11. 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.

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. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

14. 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.

Ciara Kellett
Inspectorate

14th March 2018