



An
Bord
Pleanála

Inspector's Report ABP-301524-18

Development	The construction of 2 no new semi detached townhouses connecting to public services and ancillary site works, including 3 parking spaces, new footpath, hard landscaping and planting.
Location	Tarmon, Dublin Road, Athlone, Co Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	17/7229
Applicant(s)	Eoin Egan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Jennifer McGuire and Jim Derwin
Observer(s)	None
Date of Site Inspection	4 th July 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.057 ha, is located on the southern side of the Dublin Road (R446) in Athlone, Co. Westmeath.
- 1.2. The appeal site is roughly rectangular in shape, and is located on the eastern side of the junction of the R446 with a local road known as the Derries Road, or the Derries Lane (L5414). The site is currently undeveloped and overgrown, however it appears to be associated with a single storey dwelling to the east, which is indicated as being in the same ownership. The northern and western boundaries of the site are defined by a low stone/concrete block wall, the eastern boundary is defined by a hedge and the southern boundary is defined by temporary construction-style fencing.
- 1.3. A recently built two storey house is located to the south of the appeal site, with its front elevation facing north, towards the appeal site. The site on the opposite side of the Derries Lane to the appeal site (i.e. the western side) is currently undeveloped. Facing the appeal site on the opposite side of the R446 is a public house known as The Tack Room, to the rear (north) of which is a three storey apartment development. The Derries Lane, which appears to be a cul de sac, is a narrow laneway type road which serves a number of residential, agricultural and commercial premises.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 2 No. two storey semi-detached townhouses with 3 No. on-street car parking spaces on the Derries Lane, new footpaths to the R446 and the Derries Lane and associated development.
- 2.2. The proposed semi-detached houses would be arranged such that one would be a four-bedroom unit with its entrance on the R446, while the other would be a two-bedroom unit with its entrance on the Derries Lane.
- 2.3. The proposed finishes are not stated, but appear to comprise render with feature elements clad in brick. The proposed development would have a total stated gross floor space of c. 258 sq m, and a maximum ridge height of 8.8m.
- 2.4. Proposed water and wastewater connections would be to the public systems.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Monaghan County Council decided to grant permission. The following summarised conditions are noted:

- **C2(i):** Revised plans to be submitted illustrating:
 - Overall max. height of 8m.
 - Introduction of fenestration on first floor west elevation (serving ensuite/bed 1) to provide a degree of symmetry.
- **C4:** Details of boundary treatments to be submitted.
- **C6:** Detailed requirements for car parking spaces and footpaths.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- It is considered that the proposal would not give rise to significant adverse direct, indirect or secondary impacts on the integrity of any nearby Natura 2000 sites having regard to their conservation objectives.
- Site is outside of any flood designated area.
- No objection in principle to the construction of two townhouses, subject to planning considerations.
- Having regard to context, the proposed development is in keeping with the form and context of existing built form. The proposed design provides for a high quality streetscape which addresses the Old Dublin Road and Derries Lane.
- Design ensures no overlooking and loss of existing residential amenity and respects the character of the area.
- Having regard to existing and surrounding site levels and heights, the applicant will be requested to submit revised proposals illustrating a max.

height of 8m. Reduced height should aid in integrating the development within its surroundings more comfortably.

- Proposed design is acceptable and does not adversely impact upon visual amenity/streetscape.
- The proposed development does not adversely impact upon adjacent residential amenity.
- Applicant will be requested to submit revised plans illustrating fenestration on first floor west elevation to provide a degree of symmetry.
- Stone cladding is not acceptable and shall be replaced with natural stone and/or render.
- Housing Section is satisfied that Part V is not applicable.

3.3. Other Technical Reports

- **District Engineer:** No objection, subject to conditions.
- **Fire Officer:** No objection, subject to conditions.

3.4. Prescribed Bodies

- **HSE:** No objection, subject to conditions.

3.5. Third Party Observations

3.5.1. None.

4.0 Planning History

4.1. Appeal Site

4.1.1. **PL25M.247784 (Reg. Ref. 16/7138):** Permission refused in 2017 for demolition of existing dwelling and construction of new two-storey with part three-storey apartment building comprising seven apartments in total. The reasons for refusal were as follows:

1. It is considered that the intensification of traffic movements generated by the proposed development directly onto the busy and heavily trafficked route R446 would tend to create serious traffic congestion and would endanger public safety by reason of traffic hazard which would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
 2. Having regard to the overall density of the proposed layout, it is considered that the development proposed would constitute over development of a restricted site in a suburban area and would provide a poor standard of residential amenity for the potential future occupants by reason of deficiencies in private open space and usable communal open space. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 4.1.2. **Reg. Ref. 15/7136:** Permission refused in 2016 for construction of a new part 3 storey, part 2 storey dwelling house and associated development.
 - 4.1.3. **Reg. Ref. 07/3128:** Permission granted in 2007 for demolition of existing habitable dwelling and construction of new 2 storey with part 3 storey apartment building consisting of seven apartments.
 - 4.1.4. **Reg. Ref. 05/3122:** Permission refused in 2006 for demolition of existing habitable dwelling and construction of new 2 storey with part 3 storey apartment building consisting of eleven apartments.
 - 4.1.5. **Reg. Ref. 04/3214:** Permission refused in 2005 for demolition of existing bungalow and construction of new 3 storey block containing seven apartments and five duplex units.

4.2. Surrounding Area

- 4.2.1. **Reg. Ref. 14/3013:** Permission granted in 2014 for demolition of existing dwelling, construction of new dwelling house, construction of new gated entrance to replace existing substandard gates entrance. This is the appellants' house, which is nearing completion.

5.0 Policy Context

5.1. Athlone Town Development Plan 2014-2020

5.1.1. The appeal site and surrounding area are zoned as 'existing residential' under the Development Plan. Agricultural grasslands further to the south along Derries Lane are zoned as 'proposed residential'.

5.1.2. The following Policies are noted:

- **P-CS7:** To ensure a sequential approach to development and promote residential development, prioritisation of infill sites / developments and the occupation of residential units in the town core, in order to promote the achievement of critical mass and protect and enhance town centre function.
- **P-SR2:** To encourage and promote the development of underutilised infill and backland development in the town subject to development management criteria being met.
- **P-SR4:** To promote residential accommodation in the town centre as part of mixed use development.
- **P-RD2:** To promote higher residential density development in the town centre, and on brownfield and infill sites subject to Development Management Standards and the Evaluation Considerations in the NSS being met and existing residential amenity not being compromised.
- **P-RLD1:** To achieve attractive and sustainable development and create high standards of design, layout, and landscaping, for new housing development.
- **P-RLD7:** To ensure that all new urban development especially in and around the town centre is of a high design and layout quality and supports the achievement of successful urban spaces and sustainable communities.
- **P-POS1:** To ensure that the provision of public and private open space for new residential development is of a high standard, overlooked and integral to the overall development. Narrow tracts of land or 'left over areas' will not be included within open space provision.

- 5.1.3. Section 12.9.3 relates to ‘New Residential Development in an Urban Area - Infill Residential Development’. It states that “in residential areas where the character is established by its density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of the established character and the need to provide residential infill. The design approach should be based on recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities”.
- 5.1.4. The transportation and movement related Objectives O-TM1 to O-TM15 and Policies P-TM1 to P-TM9 are also noted.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located within or in the immediate proximity of any sites with a natural heritage designation. The closest Natura 2000 sites are Middle Shannon Callows SPA (Site Code 004096) and River Shannon Callows SAC (Site Code 000216) which are c. 1.7km to the west, Crosswood Bog SAC (Site Code 002337) which is c. 1.8km to the east, Lough Ree SPA and SAC (Site Codes 004064 and 000440), which is c. 3.8km to the north and north west, and Carn Park Bog SAC (Site Code 002336) which is c. 4.6km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal was submitted on behalf of Jennifer McGuire and Jim Derwin by Emma Pillion Planning. This followed an application for leave to appeal, which the Board granted on 16th April 2018 (Ref. ABP-301196-18). The issues raised in the appeal can be summarised as follows:
- Appellants are currently building a house immediately to the south of the appeal site in order to live closer to their family equestrian training and breeding business.
 - Their new house has been designed with an open aspect to the local road so that they can see trucks and suppliers pass into the yard.

- Planner's report made use of Google images rather than up-to-date photographs which would have shown appellants' house nearing completion.
- The Derries Road is c. 3.2m wide at its narrowest point at the location of the proposed parallel parking.
- There are 22 No. residential properties, 4 No. businesses and 3 No. farms located on the Derries Road. There are poor sightlines at the junction with the Dublin Road.
- CD with video footage of vehicles trying to egress from the junction is included with appeal.
- Intensification of the junction would result in over-development of the appeal site and give rise to serious traffic safety concerns.
- Proposed development contravenes Policies P-TM1, P-TM3 and P-TM4.
- Proposed development would prohibit Objectives O-TM14 and O-TM15 ever being realised, because of overdevelopment of the site.
- Impact on pedestrian, cyclist and vehicular safety due to inadequate sightlines.
- The Derries Road is heavily trafficked due to riding school, equestrian facilities and residential development. Appellants' facility is located on both sides of the road and it is crossed hundreds of times per day.
- Proposed development would contravene Policies P-WC3, P-TM8 and Objective O-WC12.
- Parallel parking arrangement is severely deficient due to proximity to junction and lack of turning facilities.
- Proposed development contravenes Objectives O-TM6, O-TM10, O-TM11 and O-TM12.
- Appellants wish to expand their long-established equine facility over the coming years, and future residents will probably not support the expansion of the facility so close to their rooms.

- The Board have previously refused permission for dwellings in close proximity to established agricultural facilities on the basis that they would have a negative impact on the viability of existing agricultural facilities.
- The only private open space the appellants have is to the front of their house. This will be overshadowed by the proposed two storey dwelling houses.
- The proposed dwelling cannot meet the 22m from opposing first floor windows requirement. While there may only have been an en suite window proposed on the southern elevation, by virtue of condition 2, the design is open to a myriad of possibilities.
- The proposed development is quite high and represents the overdevelopment of a small site in close proximity to an adjoining single storey dwelling and would have no amenity for future residents and would detract from the amenities of those adjoining it.
- The proposed dwellings would be visually obtrusive and have an overbearing impact on residential amenity and devalue the appellants property.
- Appellants are concerned that lack of turning facility within the appeal site will result in cars seeking to turn in their equine yard, with resultant safety risks to their children and horses.
- Proposal represents haphazard development that would prejudice the future development of a safe junction with the Derries Road and R466 and would prohibit the development of the Derries Road in a co-ordinated manner.

6.2. Applicant's Response to Appeal

6.2.1. The applicant's response to the appeal can be summarised as follows:

- Proposed scheme has gone through a thorough design process, including numerous planning applications and in-depth pre-planning meetings.
- Scheme will have a positive impact on the area, significantly improve pedestrian and traffic safety, provide well designed attractive housing and result in the beneficial use of an overgrown well located urban site.

- Revised drawings are submitted with response to appeal that have been amended in accordance with Condition 2. These show a reduction in ridge height to 8m above FFL and a window added on the west façade.
- Proposed development will improve the junction of the Dublin Road and the Derries Road. The width of the junction will be increased, the curve radius will be increased, sightlines will be improved due to the set back of the boundary wall, 2m wide footpath will be provided on the Derries Road where is currently none, and an increased footpath width will be provided on the Dublin Road.
- Proposed development assists Objective O-TM14 by improving the junction.
- The provision of a footpath on Derries Road will dramatically improve pedestrian safety. Car parking spaces will act as a buffer between pedestrians and traffic.
- The proposed parking layout does not impact the current width of the road and is of a similar layout to the 12m x 3m parking strip conditioned as part of the appellants' application. Parking issue was not raised as an issue in pre-planning or in the planning application.
- While the appellants commercial business exists close to the site, it is their new house which is directly adjacent to the scheme, so the site is surrounded by houses rather than commercial amenities.
- Sustainable urban development is not in any way restricted by unsustainable agricultural land use in an urban location.
- It is not possible for overshadowing to occur, due to the site being directly north of the appellants site.
- With regard to the appellants' concerns regarding child safety, the frequent use of heavy agricultural machinery close to the appellants home and within an urban setting is a concern. The proposed footpath should allow them safe access to their home.
- Minimum residential standards have been exceeded through generous design.
- Proposal addresses all of the concerns raised by the appellants.

6.2.2. As noted above, revised drawings were submitted with the response to the appeal.

6.3. **Planning Authority Response**

6.3.1. None.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. Appellants' Response to Applicant's Response to Appeal

6.5.2. The appellants' response to the applicant's response to their appeal can be summarised as follows:

- The width of the Derries Lane is less than 0.5m wider as a result of the proposed development, but is intensified by the parallel parking with no turning circle provided.
- Increased curve radius will in theory improve the junction of the Dublin Road with the Derries Lane but the improvement overall will be negligible.
- Set back of the wall is by 13cm and will have a negligible impact on sightlines.
- Footpath on the Derries Lane will improve pedestrian safety in theory, but turning manoeuvres will decrease road safety.
- Footpath on Dublin Road is welcomed but it doesn't go far enough to fulfil Objective O-TM14.
- Parking spaces are put on laneway because the site cannot absorb the scale of the development proposal.
- Parking spaces severely limit the safe carrying capacity of the Derries Lane.
- The town has grown around the Derries Lane. The riding school and equestrian facilities are accessible from the town.

- Proposed development would be overbearing. The space in front of the appellants house is the only private space they have. The adjoining house to the east will lose its garden.

7.0 **Assessment**

7.1. I consider that the key issues in determining the appeals are as follows:

- Design and layout.
- Residential amenity.
- Roads and traffic.
- Appropriate Assessment.

7.2. **Design and Layout**

7.2.1. The proposed development comprises two semi-detached houses, one of which is a two-bedroom unit, and the other of which is a four-bedroom unit. The arrangement of the houses is non-typical, with one house having its front entrance onto the R446, and the other having its front entrance onto the Derries Lane. As a result, the proposed house fronting onto the Derries Lane has its private open space to the side, while the other has its space to the rear. In both cases the private open space provision is compliant with the requirements of the Development Plan.

Notwithstanding the unusual configuration of the two houses, the fenestration arrangement is such that they will not overlook each other's private open space.

7.2.2. The elevational treatment of the proposed houses is relatively simple and contemporary. In terms of finishes it appears to comprise a mix of render with feature elements around the entrances clad in brick. The drawings submitted are lacking in clarity regarding the exact nature and colour of the proposed finishes, and if the Board is minded to grant permission, I recommend that a condition be included requiring that materials be agreed with the Planning Authority prior to commencement.

7.2.3. The applicant has submitted revised drawings with his response to the appeal which include the changes required by Condition 2 of the Planning Authority's decision. These changes comprise a reduction in the ridge height to 8m above FFL, and the

addition of a window to the west elevation. Having reviewed the revised drawings, I consider that they represent a slight improvement to the proposed development. The reduction in ridge height will reduce the potential for the proposed development to be visually obtrusive or overbearing, while the additional window on the west elevation introduces a more symmetrical arrangement to this elevation, reducing the extent of blank wall and resulting in a more balanced architectural composition.

- 7.2.4. From my site inspection it is clear that the area surrounding the appeal site is an area that is in transition from a rural/outer suburban character to a more urban character, as exemplified on the one hand by the three storey mixed use development and the Athlone Institute of Technology located a short distance to the east, and the three storey apartments to the north (to the rear of the Tack Room public house), and on the other hand by the appellants' equestrian premises to the south and the single storey bungalows to the east. Given the nature of the land use zonings in the area, it is likely that this emerging pattern of urban development will continue.
- 7.2.5. The appeal site is currently vacant and overgrown. Given its urban location, residential zoning and proximity to existing amenities and community facilities, I consider that it is a suitable location for infill development at an appropriate scale that respects existing residential amenities. The stated area of the appeal site is 0.057 ha, and the proposed development would therefore equate to a density of c. 35 units/ha, which is within the range of acceptable densities for such sites as set out in the Development Plan and the Sustainable Residential Development in Urban Areas Guidelines 2009 (albeit at the lower end of the scale). Given the small size of the appeal site and the proximity of existing houses, I consider this density of development to be appropriate for the appeal site.
- 7.2.6. In conclusion, I consider the design and layout of the proposed development to be generally acceptable, subject to consideration of the potential impact on residential amenity.

7.3. Residential Amenity

- 7.3.1. Having regard to the location, layout and orientation of the proposed development and existing houses in the vicinity, I do not consider that there will be any significant

overshadowing or loss of sunlight/daylight as a result of the proposed development. With regard to the appellants' house, I note that this is located directly to the south of the appeal site, and noting the proposed separation distance, I do not consider that any significant overshadowing is possible. The only other house with the potential to be affected by overshadowing is the single storey house to the east, which is within the ownership of the applicant. Since both the existing house to the east and the proposed development share a common building line and face north, and are separated by c. 5m, I do not consider that any significant overshadowing will result.

- 7.3.2. With regard to overlooking, I note that only two windows are proposed at first floor level on the southern elevation of the proposed development, facing the appellants' property. Due to the layout of the proposed development, the larger of the two windows, which serves a bedroom, will be located more than 22m from the directly opposing window in the appellants' house, which is sufficient to mitigate any overlooking impact in my opinion. The smaller window on the southern elevation serves an en suite bathroom and is indicated as being opaque glazed, which will prevent any undue overlooking impact. A number of windows are proposed on the eastern elevation at first floor level, facing the adjacent single storey house. I note that these are all indicated as having opaque glazing and that the bedrooms they serve also have the benefit of larger clear glazing to north and south. I am satisfied, therefore, that no significant overlooking or loss of privacy issues will arise as a result of the proposed development.
- 7.3.3. With regard to the potential overbearing impact of the proposed development on the appellants dwelling, I note that their recently constructed house is orientated side-on to the Derries Lane, such that its front elevation faces north towards the appeal site. The proposed development would have a minimum separation distance from the front elevation of the appellants' house of c. 17m, and would present a gable-fronted elevation with a single opaque glazed window towards the appellants' property. The set back of the proposed development from the southern boundary is c. 5m. I note that the layout for the appellants' house, which as noted above is nearing completion, includes tree planting along its northern boundary (i.e. between the appeal site and the appellants' house). This tree planting, which has not taken place as of yet, will serve to screen the proposed development to a degree, while the slight reduction in building height proposed by the applicant in his response to the appeal

will also assist in mitigating the potential for the proposed development to be visually obtrusive or overbearing.

- 7.3.4. In conclusion, and subject to suitable conditions, I do not consider that the proposed development would have an unacceptable impact on residential amenities, and I do not recommend that planning permission be refused on this basis.

7.4. Roads and Traffic

- 7.4.1. The appellant contends that the proposed development would give rise to additional traffic on the Derries Lane and endanger public safety by reason of traffic hazard, primarily due to the current design of the junction between the Derries Lane and the Dublin Road (R446). Videos submitted with the appeal show the current difficulties that large vehicles encounter when entering/exiting the Derries Lane.
- 7.4.2. Having inspected the site, I would concur with the appellant that the existing junction between the Derries Lane and the R446 is substandard. The applicant is proposing to provide a slightly wider junction, with a corner radius of 6m, to set back the northern boundary wall to provide a wider footpath and to set back the western boundary of the site to provide a 2m wide footpath on the Derries Lane where there currently is none, and to provide three parallel parking spaces along the Derries Lane.
- 7.4.3. Having regard to the location of the appeal site, I consider that the provisions of the Design Manual for Urban Roads and Streets are applicable, rather than the more onerous National Roads guidance. The DMRB notes that reducing corner radii improves pedestrian and cyclist safety at junctions by lowering the speed at which vehicles can turn corners. Section 4.3.3 of the DMRB states that a 6m radius will generally accommodate larger vehicles, which is what is proposed in this instance.
- 7.4.4. I consider that the proposed development, which comprises two houses, will not generate a significant amount of additional traffic and will not result in any additional traffic congestion or traffic hazard in and of itself. I further consider that the proposed development with its new/widened footpaths, set back boundaries and works to the junction will represent an improvement on the existing situation and will improve road safety for all users of the Derries Lane. The lands on the opposite side of the Derries Lane junction, which also have a residential zoning are currently undeveloped.

These lands are not in the control of the applicant, however an opportunity to further improve the junction as per Objectives O-TM14 and O-TM15 may arise in the future if these lands are brought forward for development.

- 7.4.5. With regard to the car parking layout, it is proposed to provide three parallel parking bays on the Derries Lane, each extending to 2.5m x 6m. The minimum car parking standards set out in Table 12.11 of the Development Plan for dwellings with 2+ bedrooms is one space per unit. As a 2-bedroom and 4-bedroom house are proposed, I consider three car parking spaces to be adequate. The appellants contend that the lack of a turning area will result in cars seeking to turn in their yard area, to the south of the appeal site. The Derries Lane is a narrow public road, and having regard to the limited scale of the proposed development I do not consider it unreasonable in the circumstances for cars to have to turn around at one of numerous wider points further along the road.
- 7.4.6. With regard to the Board's recent refusal on the appeal site (Ref. PL25M.247784) for reasons which included traffic hazard/congestion, I note that in that instance it was proposed to provide seven car parking spaces via a direct access onto the R446, rather than via the Derries Lane. I consider the current proposal to be more appropriate in the interests of minimising the number of direct accesses onto the relatively heavily trafficked R446.
- 7.4.7. In conclusion, having regard to the nature and scale of the proposed development, the limited number of car parking spaces and resultant traffic proposed, and the proposed improvements to the junction of the Derries Lane and R446 in the applicant's control, I consider that the proposed development represents an improvement to the existing situation and that it would not endanger public safety by reason of traffic congestion or traffic hazard. I further consider that the improvements to the junction would be consistent with Objectives O-TM14 and O-TM15 of the Development Plan, and that the proposed development should not prevent further future improvements to the junction, should this be deemed necessary.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, which relates to an infill development on a suitably zoned and serviced site and which is not within or

immediately adjacent to any Natura 2000 sites, I am satisfied that 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

8.1. 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

9.1. Having regard to the provisions of the Athlone Town Development Plan 2014-2020, 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 property in the vicinity, would be acceptable in terms of traffic impact and would 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 received by An Bord Pleanála on the 28th day of May 2018, 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. Details 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.

3. The works at the junction of the R446 and the Derries Lane to serve the proposed development, including junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works and shall be completed prior to the making available for occupation of any house.

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

4. Details of the height, layout, and external finishes of the boundary walls shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of construction of the dwellings.

Reason: In the interest of residential and visual amenity.

5. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

6. 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.

7. 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.

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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. 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.

10. 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.

Niall Haverty
Planning Inspector

27th July 2018