



An
Bord
Pleanála

Inspector's Report ABP-301525-18

Development	Erect 20 wheelchair accessible apartments.
Location	Site located between no.4 & no.10 Mary Street, Drogheda, County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	17/866
Applicant(s)	Manorgrove Contracts Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Niamh Marron
Observer(s)	Dr Jamal Nasser
Date of Site Inspection	3 rd August 2018
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located on the SE side of Drogheda in County Louth and the surrounding area is residential in character. Scotch Hall Shopping centre is located to the N of the site along the Dublin Road and Mary Street rises steeply from this road in a southerly direction. The site is located on the E side of Mary Street and the W side of The Dale. There is a small car parking area located to the N of the site along Mary Street to the fore of the neighbouring terrace of houses. The site is located outside the medieval Town Walls and there are several heritage features in the wider area. Drogheda train and bus stations are located c.600m to the E and W of the site.
- 1.2. The rectangular shaped site is bound to the N and S by existing residential uses with terraces of 2-storey houses to the NW and SW along Mary's Road, and a terrace of houses to the SE and an apartment block to the NE along The Dale. The S site boundary is defined by a set of steep steps that connect Mary Street to The Dale. The site, which slopes down steeply from W to E and from S to N, is overgrown and occupied by a dense mix of trees, hedgerows and wildlife.
- 1.3. Photographs and maps in Appendix 1 describe the site and environs in more detail.

2.0 Proposed Development

- 2.1. Erect a c.2,354sq.m. apartment development on the 0.1007ha comprising:
 - 2 x interconnecting 2-3 storey blocks fronting Mary Street & The Dale
 - 20 x 1-bedroom wheelchair accessible units (with communal stairs & lift)
 - Stepped height ranging from c.8-16m (E to W) & c.8m-9.0m (N to S)
 - 14 x car & 6 x mobility scooter parking places in an integrated car park.
 - Vehicular access off Mary Street (NW corner of block)
 - All associated site works

Accompanying documents:

- Flood Risk Assessment report.

3.0 Planning Authority Decision

3.1. Further Information

Further information was requested in relation to the following:

1. Revised balcony design along Mary St. elevation - submitted.
2. Revised balcony design at unit no.2 to protect amenities at the neighbouring & adjacent apartment (no.2 Marydale) - submitted
3. Details for open space adjacent to Marydale apartments - submitted
4. Details of the foul water & water network systems - submitted
5. Design details for storm water management & soil permeability testing to determine the infiltration characteristics of the site - submitted
6. Site layout plan to show sightlines in compliance with DMURS - submitted
7. Details for footpath crossover points - submitted
8. Revised public notices – submitted.

3.2. Decision

Following the receipt of FI, the planning authority decided to grant planning permission for the proposed development (as amended by FI) subject to 14 standard conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The Planning Officer recommended that planning permission be granted.

3.3.2. Other Technical Reports

Infrastructure: No objections following receipt of FI (surface water run-off, sightlines, & footpath details) subject to conditions.

3.4. **Prescribed Bodies**

DAHG: located adjacent to the zone of archaeological potential around the town of Drogheda RM and archaeological pre-development testing of the site is required.

Irish Water: No objections following receipt of FI subject to conditions.

3.5. **Third Party Observations**

Two submissions received from local residents who raised concerns in relation to: - excessive height & scale; overdevelopment; overlooking & overshadowing; loss of mature trees, hedges & biodiversity (badgers, squirrels & birds); contrary to previous ABP decision (PL54.235378); and antisocial behaviour

4.0 **Planning History**

PL54.235378: Permission granted for 12 residential units on a 0.098ha site (3 x townhouses & 9 x wheelchair accessible units) & 15 car parking spaces.

Reg. Ref. 00/104: Permission granted for 5 x townhouses with front car parking.

Reg. Ref. 86/119: Permission granted for 6 x houses fronting onto Mary Street.

5.0 **National Policy Context**

Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016

This document seeks to accelerate housing supply, tackle the housing shortage and address the needs of homeless people and families in emergency accommodation by accelerating the provision of social housing, delivering more housing, utilising vacant homes and improving the rental sector.

Sustainable Urban Housing Design Standards for Apartments Guidelines, 2015

These guidelines update the “Sustainable Urban Housing: Design Standards for New Apartments” guidelines (2007), they take precedence over local planning policy and standards, and apply to both public and private schemes. They seek to uphold proper standards for apartment design to meet the accommodation needs of a

variety of household types and sizes and to ensure that new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

Guidelines on Sustainable Residential Development in Urban Areas, 2009

These guidelines set out the key planning principles which should be reflected in development plans and local area plans, and which should guide the preparation and assessment of planning applications for residential development in urban areas and they are accompanied by a non-statutory residential design manual. Chapter 5 provides advice on appropriate locations for increased densities whilst sites in excess of 0.5ha may have the potential to set their own density, subject to environmental and residential amenity considerations.

Design Manual for Urban Roads and Streets

This manual provides guidance relating to the design of urban roads and streets. It seeks to address street design within urban areas and it sets out an integrated design approach which must be influenced by the type of place in which the street is located, and balance the needs of all users. It also aims to put well designed streets at the heart of sustainable communities which can create connected physical, social and transport networks that promote real alternatives to car journeys, including walking, cycling or public transport.

Flood Risk Management Guidelines for Planning Authorities 2009: The Guidelines seeks to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere (including from surface water run-off) and they advocate a sequential approach to risk assessment.

The Regional Planning Guidelines for the Border Region 2010-2022

These guidelines provide a long-term strategic planning framework for the development of the Border region, they set out a population growth framework, housing targets and housing land requirements for each local authority. Drogheda has been identified as a Primary Development Centre.

6.0 Local Policy Context

6.1. Louth County Development Plan & Drogheda Town Plan

The site is located within an area covered by the Louth County Council Development Plan 2015 to 2021 & the Drogheda Borough Council Development Plan 2011-2017.

Zoning: The site is located within a Level 1 Settlement in the County Development Plan and it is covered by the “RE” zoning objective which seeks “To protect and/or improve the amenity of developed residential communities” in the Drogheda Plan.

Core strategy:

Policy CS 1 seeks to promote household & population growth in accordance with Table 2.5 & 2.6 of the Core Strategy.

Policy CS 2 seeks to facilitate orderly and sustainable development through the implementation of an overall phasing strategy.

Policy CS 3 seeks to require the submission of a ‘Core Strategy Population and Phasing Statement’ with all applications for residential development on zoned land.

Settlement Strategy:

Table 2.2 Drogheda is a Large Growth Town in the Settlement Hierarchy.

Policy SS 1 seeks to maintain the settlement hierarchy within the County and to encourage residential development within each settlement that is commensurate with its position in the hierarchy and the availability of public services and facilities.

Policy SS 2 seeks to facilitate the development of Dundalk and Drogheda and to maintain their positions at the top of the settlement hierarchy.

Policy SS 4 seeks to review the Drogheda Borough Council Development Plan 2011-2017 and to prepare a Local Area Plan for Drogheda and Environs which will be consistent with the provisions of the County Plan.

Residential development standards:

Density (minimum):	Town Centre (50/ha) & Inner suburban infill (50-100/ha)
Height:	Consistent with area, should not exceed 1.5 stories & taper down to boundaries in established residential areas
Plot ratio:	1.0-2.5 (Town Centre & close to public transport)

Site coverage:	80% max (Town Centre & close to public transport)
Internal space:	Comply with national standards
Separation distances:	22m between opposing first floor windows
Car parking:	1 space per dwelling
Private amenity space:	20sq.m. (1bed unit)
Public open space:	14% of Site Area (general) & 10% (Infill sites)
Infill development:	Should have due regard to existing surrounding development in terms of design, scale, height & building line should be in keeping with the existing development and should not be detrimental to the local existing residential amenities in the area.

6.2. Natural Heritage Designations

- River Boyne & River Blackwater SAC to N
- Boyne Coast & Estuary SAC & pNHA to E
- Boyne Estuary SPA to E

7.0 The Appeal

7.1. Grounds of Third Party Appeal

Ms. Marron is the owner of the neighbouring apartment at Marydale to the NE.

- Satisfied that the previous schemes would have no adverse impacts on residential amenity, unlike the current proposal which is significantly different.
- Request a comparison of the side elevation from The Dale with the previous & proposed schemes, which are different in terms of scale, mass and bulk.
- Insensitive design, overbearing, overshadowing, loss of light & privacy.
- No objection in principle to the redevelopment of the site.
- The Dale is mentioned in the Medieval Wall Study by M. Gowan.
- Relationship with adjacent site worsened by the FI response.
- Several other units affected by overbearance, overshadowing & loss of light.

7.2. First Party Response

- The PA was satisfied with that the proposed scale, massing & bulk is equivalent to the previously permitted scheme (PL54.235378)
- The only real design issue raised during the Pre-app meeting related to the proximity of a balcony to the Appellants' apartment which was re-designed.
- A wall was proposed in lieu of railings along with substantial screening and the wall would not be overbearing or give rise to overshadowing.
- The Appellant's property has full height windows which allow for considerable light penetration and any early morning loss of light would not be significant.

7.3. Planning Authority Response

No further comment.

7.4. Observers

Dr. Jamal Nasser of no. 4 Marydale raised the following concerns:

- Excessive height, scale and design which is inappropriate for the area.
- Adverse impact on neighbouring medical practices by way of overshadowing, overlooking, loss of sunlight and privacy.
- Existing public car park at the War Epitaph serves the medical practices, surrounding business, church-goers and schools as well as local residents.
- Inadequate car parking with overspill parking on surrounding streets.
- Traffic generation & congestion along Mary St & impact on nearby bus stop.
- Loss of green space which is a valuable local amenity.
- Inadequate environmental services in terms of sewage & water capacity.
- The previously permitted scheme of 12 units would be more appropriate.

7.5. Prescribed Bodies

No additional submissions from prescribed bodies.

8.0 Assessment

The main issues arising in this case relate to the following:

- Principle of development
- Design, layout & visual amenity
- Residential amenity
- Movement & access
- Environmental services & flood risk
- Other issues

8.1. Principle of development

The proposed development (as amended by FI) would comprise 20 wheelchair accessible dwelling units and it would be located within Drogheda Town which is a designated Level 1 Settlement in the Louth County Development Plan 2015 to 2021.

The Core Strategy seeks to support the realisation of more sustainable towns and villages appropriate to the scale of the settlement and its position in the settlement hierarchy, and the preferred Development Strategy seeks to achieve critical mass in the main growth towns of Drogheda and Dundalk. The proposed development would also be located within an area that is covered by the “RE” Residential zoning objective in the Drogheda Borough Development Plan which seeks “To protect and/or improve the amenity of developed residential communities” and the proposed development is acceptable in principle.

The proposed development would therefore be compatible with the core strategy, settlement strategy and zoning objective for the area, and it would constitute an appropriate and sustainable use of residentially zoned lands.

8.2. Design, layout & visual amenity

The proposed development would be located on the SE side of Drogheda and the surrounding area is not a designated Conservation Area and there are no Protected Structures on the site or in the immediate vicinity.

Design and layout:

The proposed residential development (as amended by FI), would provide comprise two interconnected 2-3 storey blocks on the 0.1007ha site. The proposed blocks would front on to Mary Street to the W and The Dale to the E. The blocks would step down from W to E and from S to N to take account of the steep gradients which characterise the site and the surrounding area, and the existing building heights on the neighbouring plots which are mainly 2-storey. This stepped arrangement would be in accordance with Development Plan requirements for urban infill developments on sloping sites. The proposed flat roofed blocks would have a contemporary design with a mix of external finishes including brick, plain cast render and timber, and the Mary Street balconies would be defined by solid walls (as amended by FI) as opposed to railings. The proposed vehicular access to the integrated car park would be located in the NW section of the building and off Mary Street to the W in close proximity to the neighbouring 2-storey terrace.

The proposed building line along Mary Street to the W has been influenced by the established building lines to the S and N of the site which have different setbacks from the public road, and the proposed front building line would be staggered to take account of this difference. Although the NW section would project forward of the adjoining terrace to the N the impact on the streetscape would not be significant in terms of visual amenity. The proposed building line along The Dale to the E has also been staggered to take account of the different building lines to the N and S which is considered acceptable.

The landscaped communal open spaces would be located at various levels throughout the development and they would be either S or E facing which is acceptable. However, the long narrow strip of open space located along the N site boundary should be enclosed at the Mary Street section, gated at The Dale section and maintained by the management company in the interest of residential and visual amenity.

Comparison with previous scheme:

Planning permission was previously granted under PL54.235378 (Reg. Ref. 09/50) for 12 residential units on a 0.098ha site. The Appellant and Observer submit that this previously permitted scheme was preferable to the current proposal in terms of height, design scale, bulk and massing. The applicant submitted comparison plans which illustrate the relationship between the two schemes in relation to massing.

The current proposal has less massing at Levels 1 and 2 at The Dale than the previous scheme and Levels 3 and 4 to The Dale and Mary Street are similar. Levels 5 and 6 to Mary Street extend further to the E at full height although the separation distances to the N and S are similar for the overall development whilst the extended sections would be located c.11m from the main S elevation and c.18m from the main N elevation. The heights and massing for the W and E elevations to Mary Street and The Dale are similar, although the height and massing has been reduced in the NE corner close to Marydale under the current proposal.

The height and massing of the central section of the proposed development would be larger than previously permitted. However, having regard to the separation distance from the main side elevations and the neighbouring properties, and the minimal change in the overall height of the proposed development I am satisfied that the proposed development would be acceptable in terms of height, scale, bulk and massing.

Conclusion:

Having regard to the foregoing, the contemporary design and staggered layout of the proposed development would be acceptable in terms of visual amenity and it would not have an adverse impact on the streetscape or the visual character of the surrounding area.

8.3. Residential amenity

Proposed units:

The proposed 20-unit residential development on the 0.1007ha site would provide for a relatively high residential density for the area which is mainly characterised by 2-storey houses. However, having regard to close proximity of the site to Drogheda

town centre to the immediate N, and the bus and rail stations to the W and E (c.500m to 600m), the proposed density is considered acceptable for the location.

The proposed development would provide for 20 x 1-bedroom units. Although national and local planning policy require a mix of dwelling units in new residential developments, the proposed units would comprise wheelchair accessible apartments. The applicant submitted a letter from FOLD Ireland which confirms that they are currently negotiating the purchase of the 20 units for their housing association although no contracts have yet been signed. Having regard to the design and layout of the proposed apartments and the intended use as wheelchair accessible units, the proposed exclusive provision of 20 x 1-bed units is considered acceptable. However, a condition should be attached which would ensure that the units are permanently retained for occupation by persons with mobility difficulties and other similar disabilities.

The proposed wheelchair accessible units would provide for an acceptable level of residential amenity with respect to floor area, room size, orientation, storage and private amenity space, which would be broadly in line with national and local planning standards. The units would be served by an internal communal stairway and lift, and all of the units would have balconies and access to landscaped open spaces.

Having regard to the foregoing, the proposed development would provide for an acceptable level of residential amenity for future occupants.

Adjoining sites:

Relationship to N:

The proposed development would be set back between c.0.5m and 2m from the N site boundary and the proposed units would be set back between c.0.5m and c.5m from the side elevations of the neighbouring properties to the N along Mary Street and The Dale respectively. The relationship is between opposing gables although there would be N facing balconies in the NE corner of the proposed 2-storey block at The Dale. The Third Party raised concerns in relation to overshadowing, overlooking and loss of privacy, and although the ground floor balcony railing was replaced with a solid N facing wall by way of the FI response, this did not alleviate the Appellant's concerns.

The side elevation of the adjacent apartment at no.2 Marydale (The Dale) has a balcony and windows to habitable rooms in the side S facing elevation. The NE section of the proposed 2-storey block at The Dale would contain ground and first floor level apartments with an open space at second floor level. Each of these apartments would have N facing patio doors and corner balconies (c.12sq.m.) which would be N and E facing. The proposed patio doors and balconies would be located within c.9m and c.5m respectively of the neighbouring residential unit to the N. Although the erection of a full height solid wall along the N perimeter of the ground floor balcony would address the Appellant's concerns in relation to overlooking and loss of privacy, it could exacerbate overshadowing at this location. However, this concern could be addressed by way condition which requires the replacement of the solid wall with a screen which should either comprise obscure glazing or glass blocks. Having regard to the stepped down design of the proposed development, the proposed 2-storey section in the NE corner would not be overbearing relative to the neighbouring 2-storey block.

Although the adjacent building at Mary Street contains windows in the side elevation, the side elevation NW section of the proposed block does not, and the neighbouring property would not be overlooked, although it would be overshadowed in the middle part of the day. However, it is noted that the concerns raised by the Observer relate to a medical practice and not a residential use and there would be no significant adverse impacts on neighbouring residential amenities at this location.

Relationship to S: The proposed units would be set back c.2m and c.7m from the side elevations of the neighbouring houses to the S along Mary Street and The Dale respectively. The relationship is between opposing gables although there would be S facing balconies in the SE corner of the proposed 3-storey block at The Dale. The neighbouring houses would not be overshadowed due to the orientation of the proposed blocks to the N of the existing houses. The side elevation of the adjacent house at The Dale does not have windows in the side elevation. Although the side elevation of the adjacent house at Mary Street does contain windows, the side elevation of the proposed block does not. Therefore, the neighbouring houses would not be overlooked to any significant extent.

Relationship to E & W: The proposed units would be set back a substantial distance from the front elevations of the existing houses to the W and E along Mary Street and The Dale which is acceptable, with no significant adverse impacts anticipated.

I am satisfied that the proposed development would not give rise to any significant loss of amenity in relation to overshadowing, overlooking or loss of privacy, subject to compliance with conditions. The proposed blocks would be stepped-down to take account of the site gradients and they would have a contemporary urban design which would not adversely affect the visual amenities of neighbouring properties.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed development would provide for an acceptable level of residential amenity for future occupants and that it would not have an adverse impact on the amenities of any neighbouring properties in the vicinity, subject to compliance with conditions.

8.4. Movement, access and car parking

Movement:

The local road network has sufficient capacity to accommodate the additional traffic movements generated by the proposed development and the site occupies an accessible location close to the town centre and the bus and rail stations.

Vehicular access:

The proposed development (as amended by FI) would be located on the E side of Mary Street and the W side of The Dale and to the S of the Dublin Road. The vehicular access to the proposed car park would be via an entrance located in the NW corner of the proposed building off Mary Street which would involve crossing over the existing footpath. The proposed entrance has adequate visibility sight lines in either direction having regard to the urban location. The proposed vehicular access arrangements would not give rise to a traffic hazard or endanger the safety of other road users. The council's requirements in relation to the proposed crossover should be complied with in the interests of pedestrian safety and any outstanding issues related to an existing sign and bus stop in the vicinity along Mary Street should be addressed by way of a planning condition.

Car parking:

The proposed 20 unit development (as amended by FI) would provide a total of 14 car parking spaces and 6 mobility scooter parking spaces an integrated car park. It is noted that the minimum Development Plan requirement for 1 space per apartment would not be achieved. However, this would be acceptable having regard to the intended use of the units by persons with mobility difficulties and the mix of car and scooter parking spaces is considered acceptable. The proposed development would not give rise to overspill car parking on the surrounding area.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed development would not give rise to an unmanageable traffic generation, overspill car parking or a traffic hazard and it would not endanger the safety of other road users, subject to compliance with conditions.

8.5. Environmental services and flood risk

The proposed water supply, wastewater drainage and surface water drainage arrangements would connect to the existing public system along Mary Street to the W. This arrangement is acceptable in principle subject to compliance with the requirements of Irish Water and the planning authority.

In relation to the management of surface water run-off within the proposed development it is proposed to use a SUDS approach to surface water management which is considered acceptable. However, the greenfield site occupies an elevated position relative to the River Boyne and it slopes down steeply from W to E and from S to N, and there is an increased risk of flooding from surface water runoff.

The applicant's Flood Risk Assessment report utilised the existing OPW's Draft Tidal and Fluvial Flood maps (CFRAM) and Flood Risk Assessments maps (PFRA) for Drogheda. The report states that the site is located within Flood Zone C (low probability of flooding). The site is located to the S of the River Boyne and outside the extent of tidal flooding however it is located within an area prone to pluvial flooding although there is no of record of flood events. The proposed development could lead to an increase in the rate and volume of surface water runoff from the site (pluvial) to surrounding low lying areas, attenuation measures are required a SUDS approach to the management of surface water runoff is proposed.

The Council's Infrastructure Division raised concerns in relation to storm runoff from the site and requested the applicant to submit detailed design proposals and drawings for storm water management which should include soil permeability testing to determine the infiltration characteristic of the site. Although the applicant submitted the required information the Infrastructure Division noted an error in the Infiltration rate calculations which has had a knock-on effect in the calculations for the proposed soakaway. However, this information could be requested by way of condition, prior to development commencing for the written agreement of the planning authority. Alternatively, the Board may wish to seek further information.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed water supply, waste water disposal and surface water drainage arrangements are acceptable, subject to compliance with conditions related to the submission of revised infiltration and soakaway calculations.

8.6. Other issues

Appropriate Assessment: Having regard to the nature and scale of the proposed development and its location within a long established built up urban area which is connected to existing public services, and the separation distance to the nearest sensitive location and lack of a direct aquatic connection, there is no real likelihood of significant effects on any European sites arising from the proposed development and the need for Appropriate Assessment screening is not required.

Environmental Impact Assessment: Having regard to the nature and scale of the proposed development and its location within a long established built up urban area and the separation distance to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Archaeology: The site is located adjacent to the zone of archaeological potential established around the town of Drogheda which is a designated Recorded Monument and there are several other features of archaeological interest in the wider area. Pre-development testing is therefore required.

Biodiversity: The site is currently overgrown and occupied by mature trees, hedges and wildlife and the loss of biodiversity is noted however the site is not covered by any sensitive natural heritage designations.

Social & affordable housing: It is noted that the proposed houses would provide for wheelchair accessible housing, however the standard Section 96 condition should still be attached.

9.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below.

10.0 Reasons and Considerations

Having regard to the provisions of the County Louth Development Plan 2015 to 2021, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further information received by the planning authority on the 14th day of March 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. The units shall be exclusively occupied by persons with mobility difficulties or similar disabilities.

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

3. The development shall be amended as follows:
 - a. The balconies attached to the apartments located at Level 1 and Level 2 in the NE section of the development along The Dale shall be amended to provide a for a full height screen for the entire width of the N boundary of the balconies. This screen shall be constructed of obscured glazing or glass blocks.
 - b. The narrow section of open space located parallel to the northern site boundary shall be enclosed by a 1.5m high wall along Mary Street and 1.5m gated entrance along The Dale and the space shall be landscaped, maintained and kept free from litter on a regular basis.

Details shall be submitted for the written agreement of the planning authority before development commences.

Reason: In the interest of residential and visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed apartment block 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. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development 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.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

7. The developer shall submit the following surface water runoff details for the written agreement of the planning authority prior to commencement of development:

- a. Revised and corrected calculations for the soil infiltration rate and soakaway design.
- b. Resided soakaway calculations which show inflows, outflows, storage requirements over a range of storm event durations for a 1 in 100-year return period.
- c. Revised layout drawing showing that the proposed soakaway complies with all relevant requirements.

Reason: In the interest of public health and to ensure a proper standard of development.

8. The developer shall comply with the following roads requirements:
 - a. Submit revised details clarifying the extent that the proposed car park entrance will impact on the existing road sign and bus stop along with appropriate mitigation measures.
 - b. Submit revised drawings for the locations of any dropped crossing to be installed as part of the development.
 - c. Apply for licence for the proposed hoarding, footpath diversion and road openings.
 - d. Be responsible for the full cost of repair in respect of any damage caused to the public footpath and roadway as a result of the works.Items a. and b. shall be submitted to the planning authority for written agreement prior to commencement of development

Reason: In the interest of orderly development and to ensure a proper standard of development.

9. Proposals for an apartment block name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

10. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 hours 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: To safeguard the residential amenities of property in the vicinity.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site.

In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

15. 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.

16. The developer shall pay to the planning authority a financial contribution of one hundred and eight thousand euro (€108,000) 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. The application of any indexation required by this condition 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.

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.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to the value of sixty six thousand euro (E66,000) to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Karla Mc Bride
Planning Inspector

13th September 2018