



An
Bord
Pleanála

Inspector's Report ABP-303427-19



Development	Construction of 54 new dwelling units.
Location	Drakelands Lower, Co. Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	17866
Applicant(s)	Chelmont Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	James Gibbons
Date of Site Inspection	08 th March 2019
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 1.874 hectares, is located on the outskirts of Kilkenny City at the junction of Circular Road and the R695. The site is currently agricultural lands and its eastern boundary is defined by Circular Road with the R695 running along its northern boundary. Lands to the south and west are agricultural lands similar in nature to the appeal site. There is an existing single-storey dwelling immediately adjacent the site adjoining the north western corner of the site (the appellant's dwelling). Levels on site fall from the north western corner which is the highest point in a westerly direction towards Circular Road and in southerly direction. There is an existing agricultural entrance off the R695 and boundary treatment consist of existing trees and hedgerow.

2.0 Proposed Development

2.1. Permission is sought for the construction of 14 no. Type A 4 bedroom semi-detached houses, 5 no. Type B 3 bedroom corner houses, 6 no. Type C 3 bedroom end terrace houses, 23 no. House Type D 4 bedroom terraced houses, 3 no. 2 bedroom apartments and 3 no. 3 bedroom duplex units plus all associated site works, site entrance boundary walls/railings, access roads (54 units).

2.2. The development was revised to consist of 10 no. Type A 4 bedroom semi-detached houses, 4 no. House Type A1 4 bedroom semi-detached houses, 1 no. Type B 3 bedroom corner houses, 9 no. Type C 3 bedroom end terrace houses, 23 no. House Type D 4 bedroom terraced houses, 3 no. House Type D1 4 bedroom terraced houses, 3 no. 2 bedroom apartments and 3 no. 3 bedroom duplex units and associated site works (56 units). The shape of the site was altered but is roughly the same area with the access road to the south removed and an additional lands added along the northern boundary. The permission granted included a condition omitting 15 no. houses located along the northern boundary.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 23 conditions. Of note are the following conditions...

Condition no. 2: Permission excludes 15 no. units with any future development on this section of the site subject to a spate planning application.

Condition no. 10: A number of details to agree prior to commencement of development including details of main access road and layout of cycle track and footpath.

3.2. Planning Authority Report

3.2.1 Planning Report

Planning report (22/02/18): Further information required including measures to deal with concerns regard impact on residential amenity of an adjoining property, revision of proposal to take account of plans for road network upgrade in the vicinity, revision of parking layout, revision of internal roundabout to a staggered junction, details of public lighting, detail of consent regarding access road and details of, provision of a play area in accordance with LAP policy, details regarding flood risk, and the provision of open space for all apartments.

Planning Report (05/09/18): Clarification of further information required including measures to deal with land available for development as a result of the final design of the road upgrades along the northern boundary, details regarding the junction on the main internal service road in the context of the Road Safety Audit, additional details on lighting design, geometric details of the main access road and revisions to the urban design along the external boundary of the site (northern).

Planning Report (17/12/18): The proposal was considered satisfactory in the context of Development Plan policy, adjoining amenity, visual amenity, traffic safety and subject to a number conditions being in accordance with the proper planning and sustainable development of the area.

3.2.2 Other Technical Reports

Irish Water (19/01/18): No objection.

Environment Section (12/02/18): Further information including future management of waste storage, details of areas to be taken in charge and a noise impact assessment.

Environment Section (23/08/18): No objection subject to conditions.

Road Design (04/09/18): A number of comments regarding the revised proposal in the context of the upgrading of the road network, on public lighting and the access road shared with the proposed residential development to the south.

Road design (14/12/18): A number of comments including the fact that there is still shortfall in car parking spaces, the need for Safety Audits of the proposed road layout, requirement to agree light details prior to commencement of development and the provision of the geometric details of the main access road.

3.3. Third Party Observations

3.3.1 A submission was received from James Gibbons, Kilcreene Road, Kilkenny.

- The issue raised include impact of development on residential amenity due to proximity and scale, compliance with section 3.06 of the Western Environs Local Area Plan, need for adequate boundary treatment, proposal premature pending infrastructural projects, lack of sufficient car parking and no proposal for a crèche.

4.0 Planning History

11/506: Permission granted for extension of duration of ref no. 00/1569.

00/1569: Permission granted for 100 dwellings and associated site works.

On the adjoining site to the north and on a portion of the application site.

17/801: Permission granted for the construction of 54 dwellings and associated site works on the adjoining site to the south east.

5.0 Policy and Context

5.1. Development Plan

The relevant Development Plan is the Kilkenny City and Environs Development Plan 2014-2020.

Chapter 11 contains development control standards in relation to public and private open space, and separation distances.

Table 10.5 outlines the car parking standards.

Kilkenny Western Environs Local Area Plan 2004

The appeal site is zoned Phase 1 Residential

The site is part of an area classed as Block E

Under Table 4.1 this block must contain the following...

- Residential development at a mean density of 36-40 units per hectare.
- A crèche or other preschool facility.
- Open Space LP12, laid out and landscaping incorporating a play area.

Sustainable Residential Development in Urban Areas (May 2009)

(f) Outer Suburban / 'Greenfield' sites

5.11 These may be defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. Studies have indicated that whilst the land take of the ancillary

facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

Urban Development and Building Heights (December 2018)

SPR4

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;

5.2. **Natural Heritage Designations**

None in the vicinity.

5.3. **EIA Screening**

Having regard to nature of the development comprising of a housing scheme of 56 units and associated site works, 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third party appeal has been lodged by James Gibbons, Kilcreene Road, Drakelands Lower, Kilkenny. The grounds of appeal are as follows...

- The appellant notes that at public consultation for the Western Environs Local Area Plan a policy was included providing a minimum set back of 15m, between new housing from the boundary of all housing under Section 3.06 as well as provision screening and an undertaking to protect the amenities of existing dwellings adjoining new developments. It is noted in granting permission for the proposed development there has been a failure to implement this policy.
- It is noted that the separation distance between House Type C to the rear of the appellant property is only 4.5m. This house type is two-storey and an inappropriate scale in comparison to the appellants dwelling (single-storey). The proposal would have an adverse impact on residential amenity through overlooking. The appellant notes that revised proposals submitted the separation distance reduced as well noting concerns regarding the proximity of House Type D to his property.
- The appellant notes that the applicant was requested to address concerns regarding impact on his dwelling and that the house adjoining his property have been excluded under condition no. 2. The appellant notes despite this in event of a first party appeal regarding this condition the appellant considers it important to raise these concerns.
- The appellant notes the applicant failed to take into account the policy under Section 3.06 of the Local Area Plan and the Planning Authority's request for further information. The appellant refers to an application elsewhere in Kilkenny (04/798) where consideration of the residential amenity of existing residences was taken into account appropriately.
- The appellant notes that Table 4.1 of the Kilkenny Western Environs Local Area Plan 2004 sets out certain infrastructure that must be in place before development will be permitted on the lands subject to the plan. It is noted that none of these infrastructural projects have commenced.
- The existing road infrastructure in the area is deficient in terms of alignment, footpaths, public lighting and additional traffic would create a traffic hazard. The appellant notes that the Inner Relief Road to the Waterbarrack roundabout should be completed before any further development is granted.

6.2. Applicant Response

Response from Dalton & O'Donnell on behalf of the applicant, Chelmont Ltd.

- It is noted that the appellant house is on the periphery of the area subject to the 2004 Local Area Plan and it is proposed to provide both screen planting and walling in combination of housing of reduced height.
- The appellant note that they met the appellant prior to lodging the application and revised the layout to take account of his concerns as well as revising the layout during the application to deal with the issues raised regarding the appellant property.
- It is noted that the houses to the east of his property have been excluded and at this point the only issue relates to House Type C located 4.5m from the boundary of the appellant property. It is noted there is no specific guidance regarding separation distances where there is gable wall facing the rear of property.
- The applicant notes that reference of a 2004 plan is inappropriate and that the standards that now apply are set out in the 2014-2020 Development Plan and National Guidelines. The applicants note policy under Section 11.4.4 and 11.4.5 of the Development Plan and that they have taken account of such.
- The applicants refute the appellant's claims that House Type C will have an adverse impact noting that there is only one window on the elevation facing the appellant's property and it is to have obscure glazing and that the design of the dwelling as revised so as there is no issue of overlooking.
- In regards to infrastructural projects referred to by the appellant, contracts have been awarded in relation to such. The applicants are liaising with the Roads Design Section of the Council to agree interface with road projects with indication that they will begin in March 2019 and November 2019 respectively.

6.3. Planning Authority Response

Response by Kilkenny County Council.

- The Council has no further comments to make on this appeal.

7.0 Assessment

7.1. 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 the proposed development

Density, development control standards, design and layout:

Adjoining amenity

Traffic

Flood Risk

Appropriate Assessment

Other Issues

7.2 Principle of the proposed development:

7.2.1 The appeal site is zoned for residential use and the proposed development is consistent with the zoning objective for the site.

7.3 Density, development control standards, design and layout:

7.3.1 The proposal was originally for 54 dwellings on site of 1.874 hectares. The scheme was revised to 56 units in response to further information requests. The site shape was also altered with land added to the northern boundary due to confirmation of the layout of upgrades to the public road network and the service road to the south being omitted from the site boundary. The appeal site is roughly a similar size to the original proposal. The permitted scheme is based on the revised layout however omits 15 units on a section of the site to be subject of further application. Based on the revised layout (56 units) the proposal has a density of 30 units per hectare. Under Section 5.11 of the Sustainable Residential Development in Urban Areas in relation to density it is noted in the case of Outer Suburban / 'Greenfield' sites which "may be defined as open lands on the periphery of cities or larger towns whose

development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares”.

7.3.2 Under the Urban Development and Building Heights (December 2018) SPR4 “it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines”. The Kilkenny Western Environs Local Area Plan 2004 identifies that a specific objective for this parcel of land is a “residential development at a mean density of 36-40 units per hectare”. The proposed development provides for the minimum density recommended under national policy. Given the fact the site is a greenfield site on the edge of Kilkenny City I would consider that the density proposed is acceptable but is at the lowest level permissible and should not be permitted to fall below this level.

7.3.3 Chapter 11 of the Kilkenny City and Environs Plan outlines the development control standards for residential development. The proposed development (revised layout of 56 residential units) complies with all relevant standards regarding separation distances (section 11.44), public open space (Section 11.7.3), Private open space (Section 11.5.1 and 11.71). There is a shortfall in terms of parking standards with the requirement being 121.5 based on Table 10.5 (2 spaces plus 0.25 visitor spaces per dwelling and 1.25 spaces and 0.25 visitor spaces per apartment. The proposal provides for 94 spaces which is at least 1 space per unit and 37 additional spaces.

The car parking standards are very high under the Development Plan and I would consider that sufficient car parking is provided. As noted above the density of the scheme is at the lowest permitted level and providing additional parking in line with Development Plan standards may impact such.

7.3.4 The overall design and layout of the proposal is satisfactory with the majority of the units on site overlooking the main open space area. I would consider that the proposal is not of exceptional quality in terms of urban design, but is of a standard that would be acceptable and is a generic/standard suburban type residential scheme. It is notable that the decision to grant permission included condition no. 2 which omits 15 no. houses, which are the dwellings that back onto the northern boundary as well as the three dwellings at the north eastern corner of the site. The motivation for this condition appears to be urban design issues and concerns that a better quality frontage along the road be provided in terms of design. This condition notes that this section of the site should be subject to a separate planning application for development on this part of the site. The dwellings in question back onto a realigned segment of the R695 with a new roundabout proposed adjacent the north eastern corner of the site. I would consider that the design of the 15 dwellings omitted and their relationship to the road frontage to be acceptable. What is proposed is typical two-storey suburban housing with rear gardens and that face onto a central open space. The nature of such development does lead to dwellings backing onto external boundaries and in this case the site has a significant degree of road frontage along the R695 and Circular Road. The road frontage along the R695 is the shorter of the two and the applicant has attempted to provide dwellings fronting onto Circular Road. I am satisfied that the revised layout for 56 dwellings is acceptable in regards to visual amenity and urban design quality and that omitting the 15 dwellings is not merited. In addition I would note that omitting the dwellings and having a later application is not ideal and it would be better to revise the entire design than to attempt to redesign this section of the site at a later time. I would recommend that the layout as proposed should be permitted with all 56 units included.

7.4 Adjoining amenity:

7.4.1 The appellant's dwelling is the dwelling located immediately adjacent the north western corner of the site. The appellant's property is a single-storey detached dwelling with a high hedgerow boundary along where it adjoins the site. The main issue raised by the appellant relates to the proximity of the proposed dwellings to this property with concerns regarding the height and scale relative to the existing dwelling and the potential for overlooking. The appellant notes policies under Section 3.06 of the Western Environs Local Area Plan 2004 that generally new housing should be set back a minimum 15m from the boundary of all existing housing.

7.4.2 The development proposal originally submitted provided for Type C end of terrace dwellings with their gables adjoining the southern and eastern boundaries of the appellant's property. The dwelling adjoining the southern boundary has separation of at least 4.5m (red line boundary) while in the dwelling adjoining the eastern boundary has separation distance of at least 2m at their nearest points. It is notable that the applicant was requested by way of further information to submit proposals to address concerns regard the impact on the appellant's property by way of further information. A revised layout was submitted with a number of changes including the layout and revisions to the location and numbers of particular dwelling types. Changes were made where the development adjoins the appellant's property. The dwellings adjoining both the southern and eastern boundaries of the appellant's property are still House Type C terraced dwellings however in both cases separation distances have been increased. The dwelling to the south has been moved to increase the separation distance by 0.5m. To the east the increase in separation distance has been greater with the proposed dwelling 4.5m at its closest point to the boundary, however angled away significantly from the adjoining property and with the provision of a small open space area between the proposed dwelling and the appellant's property. House Type C is a two-storey 3 bedroom dwelling with a ridge height of 7.6m and with only one window at first floor level, which is bathroom window to be fitted with obscure glazing.

7.4.3 The appellant refers to a policy under Section 3.06 of the 2004 Western Environs Local Area Plan. Under Section 3.06 of the plan it states that “particular care must be taken to ensure that the amenity of existing residential development in the plan area is not compromised. Generally new housing should be set back a minimum 15m from the boundary of all housing with the plan area existing at the time of adoption of this plan”. In relation to separation distances under the 2014-2020 Kilkenny and Environs Development Section 11.4.4 notes that there should be adequate separation between houses (about 22m between 2-storey dwellings, opposing first floor windows) and 2.3 between the side walls of all types of dwellings.

7.4.4 The Planning Authorities assessment that the revised proposal were satisfactory in terms of the amenities of the appellant’s property, however in deciding the application the dwellings to the east along the northern boundary of the site (15 dwellings) were omitted due to concerns regarding treatment of the road frontage. In assessing the proposal I would note that the site is zoned for residential development and the proposal is a suburban style housing development. The amenities of adjoining properties is a relevant consideration, however the notion that dwellings adjoining existing single-storey residential development should be single-storey is not realistic. The site is changing from an existing agricultural use to residential and a typical suburban pattern of development is to be expected. I would consider that the revised site layout plan submitted on the 21st of November 2018 has adequate regard to the amenities of the appellant’s dwelling. I would consider that adequate separation is provided between the dwellings proposed to the south and east of the existing property and that the fact there is only one window at first floor level on the gable that is to be fitted with obscure glazing deals adequately with any concerns regarding overlooking. The existing dwelling has a very well developed and strong boundary treatment in the form of a high and thick hedgerow, which would also protect the amenities of the existing property. In addition to existing boundary treatment a 2m high wall is being proposed by the applicant at this location. I am satisfied that the layout proposed (revised layout) has adequate regard to the amenities of the adjoining residential property (in relation to overall physical impact, overshadowing and overlooking), physical and provides a pattern of development that is not out of character at a suburban residential location. I would

acknowledge that the Section 3.06 notes that generally new housing should be set back a minimum 15m from the boundary of all existing housing. Notwithstanding such I would consider that the revised layout of 56 dwellings has adequate regard to the amenities of the existing dwelling. Implementing the policy under Section 3.06 in this case may also impact on the density of the development which is already at the lowest permissible density based on national guidelines. I would consider that the proposed development as submitted on the 21st of November 2018 is satisfactory and should be permitted.

7.5 Traffic:

7.5.1 The proposal is to be accessed from Circular Road with a new vehicular access and service road that runs east west and provides access to the proposed development to north as well as access to permitted development to the south (17/801, 54 dwellings) and providing access to future development to the west. There are proposals to upgrade Circular Road including widening and new footpath, the provision of a new roundabout junction adjoining the north eastern corner and realignment and upgrading of the R695 where it adjoins the northern boundary of the site. Based on the information on file and the relevant reports from Transportation/Road Design sections of the Council, the proposal has adequate regard to the design of future road upgrades in the vicinity. The location of the proposed entrance is within the urban speed limit zone and at a location where visibility standards are good due to the horizontal and vertical alignment of the Circular Road. As noted Circular Road is to be upgraded with improved pedestrian facilities. Having regard to the future upgrades to the road network and the position of the vehicular entrance, I am satisfied that the proposal would be acceptable in the context of traffic safety and convenience and that there is sufficient capacity in the road network at this location for the traffic likely to be generated.

7.5.2 As noted in the earlier section of the report I would consider that the proposal is satisfactory in the context of car parking provision. Provision is also being made for cycle paths along the central service road serving the appeal site, the approved development to the south and future development proposals to the west.

7.5.3 The appellant noted that existing road infrastructure in the area is deficient in terms of alignment, footpaths, public lighting and additional traffic would create a traffic hazard. The appellant notes that the Inner Relief Road to the Waterbarrack roundabout should be completed before any further development is granted. The Council have responded to this point in noting that contracts have been awarded in relation to such. The applicants are liaising with the Roads Design Section of the Council to agree interface with road projects with indication that they will begin in March 2019 and November 2019 respectively. Based on the information on file the road improvements are imminent and the proposal has adequate regard to such in the design and layout.

7.6 Flood Risk

7.6.1 The applicant submitted a Flood Risk Assessment. The site is located in Flood Zone C and is not effected by fluvial or pluvial flooding. A Stage 1 and Stage 2 assessment was carried out based on historical flood information, OPW flood maps and CFRAM mapping with it concluded that a Stage 3 (detailed Flood Risk Assessment) was not required.

7.7 Appropriate Assessment:

7.7.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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 a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the design, scale and layout of the proposed development and subject to the following conditions, it is considered that the proposal has adequate regard to the residential amenities of adjoining properties, the visual amenities of the area, and that the proposal would be acceptable in terms of residential amenity and traffic safety. The proposal 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 21st day of November, 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 windows in the first floor gable of the 2 no. House Type C dwellings adjoining the existing single-storey dwelling to the north west of the site shall be fitted with obscure glazing and such should maintained permanently as such.

Reason: In the interests of residential amenity.

3. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

5. 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. The applicant shall agree the full details of foul sewerage and surface water provisions in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of public health.

6. Proposals for an estate/street name, house and apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

7. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping plan submitted. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

9. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

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 noise management measures and off-site disposal of construction/demolition waste.

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

12. Prior to commencement of development, the applicant shall submit full details of a properly constituted Owner’s Management Company for the written agreement of the planning authority. This shall include a layout map of the development showing those areas to be maintained by the Owner’s Management Company. Membership of this Company shall be compulsory for all purchasers of property in the development. Confirmation that this Company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit. All roads and services within the privately managed areas shall be completed to the planning authority’s taking in charge standards.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

13. Prior to undertaking works to be carried out on the public road (including on footpaths, road markings and signage), the applicant shall obtain a Road Opening Licence from the Road Maintenance and Control Section.

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

14. Prior to commencement of development, details of the materials, colours and textures of all the external finishes for proposed dwellings and boundary treatment, shall be submitted to, and agreed in writing with, the planning authority. Samples of materials to be used shall be made available on site for inspection by the planning authority. Works to the Protected Structure shall be undertaken concurrently with the adjoining development. A schedule for the phasing of the development shall be submitted to the planning authority for its written agreement prior to commencement of development.

Reason: In order to safeguard the special architectural or history interest of the building.

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

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to 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.

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 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.

Colin McBride
Planning Inspector

24th April 2019