



An
Bord
Pleanála

Inspector's Report ABP.304841-19

Development	Two-storey house, front boundary wall, entrance and connections to all existing services
Location	Enniscough, Rathkeale Co. Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	19/101
Applicant(s)	Margaret Boswell
Type of Application	Planning permission
Planning Authority Decision	Grant permission s.t. conditions
Type of Appeal	Third Party
Appellant(s)	Eric Steele
Observer(s)	None
Date of Site Inspection	22 nd October 2019
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located within the built-up area of Rathkeale Town, in an area known as Enniscoush, to the south of the centre of town. The appeal site is accessed from a local cul-de-sac road L52307 which branches off Church Street (R523) in a south-easterly direction. This road provides access to several detached houses, sheltered housing and a boxing club. The site is situated on the southern side of the road, approx. 35m from its junction with Church Street. There is a pair of semi-detached two-storey houses fronting Church Street which have been recently permitted and constructed, on the corner with the local road, the rear boundaries of which form the western boundary of the site. There is a row of terraced houses to the south with a laneway separating the corner site from the row of houses, and providing rear access to Nos. 1-6. This laneway also forms part of the rear boundary of the appeal site and has a gate at the Church Road entrance.
- 1.2.** The site with a stated area of 0.044ha, is irregular in shape and forms part of a larger green field site, which in turn forms part of a larger landholding within the applicant's family ownership. The appeal site is bounded to the north by the cul-de-sac road, with a stone wall along part of the roadside boundary and with two access points from this road. The remaining boundaries are currently either undefined or delineated by a post and wire fence with the laneway.

2.0 Proposed Development

- 2.1.** It is proposed to construct a new 2-storey detached house fronting the cul-de-sac with a stated floor area of 147sq.m. The submitted drawings (7/02/19) include proposals to construct a new wall on the roadside boundary, which would be set back to facilitate the provision of a footpath, and to plant a beech hedge along the western boundary with the corner site, with the laneway and along the rear boundary with the overall site. It is also proposed to provide obscure glazing to all of the first-floor windows on the rear elevation and to provide parking for two cars at the rear of the site, which would be accessed from the front.
- 2.2.** The application was accompanied by an Archaeological Assessment and by an "updated masterplan of the future neighbouring development to the east", with a contiguous elevation. It was pointed out that this land is not owned by or affiliated to

the applicant. This indicative plan shows a pair of semi-detached houses fronting the cul-de-sac road with parking in the rear gardens. It is proposed to connect to all services.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to **grant** permission for a revised scheme subject to 18 conditions. These were generally of a standard type. Conditions 10 and 11 required a written report, with photographic evidence, from a qualified and indemnified person certifying completion of development in compliance with the planning permission. Condition 12 prohibited the parking of caravans on the site. Condition 16 required the provision of a footpath along the full frontage of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

It was noted in the initial planning report that the proposed house was similar to that refused under 17/935 (ABP.300599-18). The proposed layout and design were considered inadequate and did not overcome the reasons for refusal. The setbacks from the western boundary and the proposal to park cars in the rear garden were considered to be unacceptable. It was further noted that the 'masterplan' submitted only dealt with part of the overall lands and that it had indicated that each of the future house plots would include parking in the rear gardens, which was unacceptable.

Further information was requested on 29/03/19 in respect of the following: -

- A masterplan for the site and overall lands demonstrating how the overall lands would be developed, but it should include adequate private open space and exclude parking in rear gardens.
- The proposed obscure glazing to the first-floor rear windows was unacceptable and the house should be redesigned with a narrower footprint to

allow adequate separation from the lands to the west. The parking in the rear garden should be omitted.

FI submitted on 17/05/19 showed the rear bedroom windows omitted and moved to side/front elevations instead and feature windows and stone removed from front elevation. House was re-sited closer to eastern boundary and setbacks from western and rear boundaries increased. The parking in the rear garden was omitted. The Masterplan was also amended and a masonry wall (1.2m high) was indicated along the dividing line with the appeal site.

It was concluded that the revised proposals were acceptable, and that permission should be granted for the current proposal, subject to conditions. However, it was considered that the design of the future development of the overall lands would need to be revised.

3.2.2. Other Technical Reports

Archaeology – No objection.

Mid-West National Road Design Office – no observations.

3.3. Prescribed Bodies

Irish Water – conditions to be attached.

TII – No comments.

3.4. Third Party Observations

Objection to P.A. from appellant with c.74 signatures. The comments raised are similar to those raised in the grounds of appeal (summarised below). The main concerns raised related to the planning history of the site, the potential for a traffic hazard and concern that the development would impede access to the laneway. Other issues included inadequacy of masterplan in terms of details of future development and of land ownership, and the failure to address the Protected Structure “An Seabhac Puc”.

4.0 Planning History

300599-18 – (17/935) planning permission **refused** for construction of a dwelling house, site entrance and connection to public services for two reasons. The first related to haphazard and piecemeal development in the absence of an approved layout for the overall lands which would prejudice the orderly development of the lands and materially contravene the zoning objective to ensure that new development is compatible with adjoining development. The windows on the rear elevation were also considered to be unacceptable in terms of their proximity to the rear site boundary. The second reason related to the lack of sufficient information to rule out an injurious impact on the Recorded Monument in the vicinity of the site.

16/116 – planning permission refused for construction of dwelling, entrance connection to public services. Refusal reasons included piecemeal and overdevelopment of the site, traffic hazard and archaeology.

15/1070 – permission refused for parking of caravans on site and for a domestic services utility building.

Adjacent site

17/936 – permission refused for a dwelling in the SE corner of the overall landholding on the grounds of design and layout, substandard amenity, haphazard development, overdevelopment and undesirable precedent. A second reason for refusal related to archaeology.

16/1111 – Permission refused to retain temporary parking of caravans.

16/532 – Permission refused for construction of 2 dwellings on larger site which included the site of the appeal. Refusal reasons included piecemeal and overdevelopment of the site, traffic hazard and archaeology.

5.0 Policy Context

- 5.1. Limerick County Development Plan 2010-2016 (as extended). Rathkeale is designated as a Tier 3 Town Centres on Transport Corridors in the Settlement Strategy for County Limerick.

5.2. Objective SSP8 seeks to encourage and facilitate sustainable, balanced development and for Tier 3 towns to act as a primary focus for investment in infrastructure, housing, transport, employment, education, shopping, health facilities and community. Other relevant policies and objectives include: -

Policy SSP2 – to support the sustainable development of settlements within tiers 2-6

Obj. SS01 – scale of such development should be in proportion to pattern and grain of existing development.

Obj. SS02 – Design, layout and character of new development shall relate to the local character and heritage of existing towns and villages and shall enhance the existing village character and create or strengthen a sense of identity and distinctiveness in the settlement.

Policy HOU P3 and **HOU P6 (a)** seek to promote high quality living environments in new and existing residential areas in the interest of quality of life and sustainable communities, and which has regard to the pattern and grain of existing development.

Section **10.5.5** sets out the **Development Management Guidelines for Residential Infill Development in Urban Areas, Towns and Villages** – such development is particularly encouraged by the L.A., especially on small gap sites, unused or derelict lands and backland areas.

5.3. Rathkeale Local Area Plan 2012 - 2018 (as extended) –

Rathkeale is a Tier 3 town, and these towns are generally located on major transport corridors and are promoted as secondary development centres for significant future development. However, no significant development has taken place within the town since the adoption of the LAP and the Chief Executive has extended the life of the LAP to 2022.

The site is zoned **Existing Residential**, the objective for which is “To ensure that new development is compatible with adjacent uses and protect the amenity of existing residential areas.” Lands further to the south along Chestnut Grove (the access road serving the site) are zoned POS and a Residential Development Area (Enniscouch). Indicative Access from the lane is also shown on the Zoning Map.

Chapter 4 **Housing** includes Section 4.4 which relates to Infill Development. It is stated that the Council will encourage Infill Development in Town Centre sites.

Objective H4(c) promotes sensitive infill development where the site is not required for access to backland sites.

Chapter 6 relates to **Transport and Movement**. It is stated that it is proposed to demolish An Seabach Public House, which is located at the junction of Church Street and the access lane serving the site, notwithstanding the fact that the public house is a Protected Structure.

Objective T1 – that any development of the Residential Lands at Enniscouch, south of Mount Southwell House, will be subject to the upgrading of the existing access road and provision of adequate sightlines at the junction onto Church Street. The provision of adequate sightlines will involve the demolition of An Seabach Public House and the setting back of the roadside wall onto Church Street.

5.4. Natural Heritage Designations

There are three European sites within 15km –

Askeaton Fen Complex, (002279), which is 3.5km to the North the town.

Curraghchase Woodlands, (00174), which is 6.5km to NE of the town.

Lower River Shannon SAC (002165), which is 13km to the NW of the town

6.0 The Appeal

6.1. Grounds of Appeal

The third-party appeal was submitted by Eric Steele, a local resident of Church Street. It was accompanied by a petition with c. 70 signatures and several documents which were already forwarded by the planning authority in response to the appeal. The main points raised may be summarised as follows:

- **Previous reasons for refusal still valid** - The current application is no different to previous applications on this site and the reasons for refusal have not been adequately addressed.
- **Piecemeal and haphazard development** - The development would result in piecemeal and haphazard development which would prejudice the orderly development of adjoining zoned lands in the vicinity. Given that the board

recently refused permission on these grounds and that the P.A., when requesting F.I. on the current application, also made this point, it is considered that this issue remains valid.

- **Residential amenity** – the proposal would seriously injure the amenities of the area and of property in the vicinity and would set an undesirable precedent – this was the reason for refusal by the P.A. in 16/532 and remains relevant.
- **Traffic hazard, public safety and free-flow of traffic** – this is a small narrow cul-de-sac which is already straining to cope with the current amount of traffic.
- **Undesirable precedent** - The P.A. in its refusal of 17/935 stated that the development would set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area. It is considered that this is still applicable to the current application/appeal.

6.2. Planning Authority Response

The P.A. has not responded to the grounds of appeal.

6.3. First party response to appeal

The first party responded to the grounds of appeal on 24th July 2019. The main points raised are as follows:

- The applicant has made numerous changes to the development since the first application to the P.A. was declined. The current proposal includes a site layout for the adjoining lands and an archaeological assessment as requested by the P.A.
- The Masterplan is not a definitive final layout forming part of the current planning application. Any development of these lands will require a separate planning application, which will involve third party participation in the process.
- Parking and traffic – the current situation on the lane is that vehicles owned by the Council and associated with the Local Authority compound further down the lane, park on this very narrow road, thereby restricting traffic flow. The

vehicles associated with the proposed dwelling would park within the confines of the site.

- The objections from local residents are not based on opposition to the construction of a house or its design, but rather to the fact that the applicants are of the traveller community. The applicant has a genuine housing need to build a house in this location, on lands in close proximity to the aging parents' house.
- The changes made to the house design since the original application was made in 2015 are as follows:-
 - The house design was altered to remove stone and bay windows from the front façade in the interest of a simpler appearance.
 - The rear facing windows (Bedrooms 2 and 3) have been omitted and moved to the front/gable end instead. The only overlooking is of the parents' property to the west.
 - The site layout has been revised so that the house is setback further from the rear boundary and that car parking at the rear is omitted. Parking is now proposed at the side of the house.
 - The Master Plan has been amended to have 3 no. houses on the plot, to open up more recreational space and to utilise all of the space neighbouring the application site.
 - The boundary of the site is to be planted with Beech hedgerow to address overlooking. Southern boundary and roadside boundary to have 1200mm walls with smooth plaster.
 - Sightlines have been shown on the site layout plan and there should be no problem achieving 90m sight lines.
 - The size of the house has been reduced by 15sq.m.

6.4. Prescribed bodies

The Board issued a Section 131 notice to prescribed bodies on 19th August 2019. A response was received from the Development Applications Unit of the Dept. of

Culture, Heritage and the Gaeltacht on 16th September 2019 in respect of archaeology.

6.4.1. Development Applications Unit 16/09/19

The proposed development site has been the subject of an archaeological assessment carried out in 2016. The report concluded that the visual impact of the proposed development on the archaeological heritage was insignificant. The site was also subject to archaeological test excavation in 2018, which found no archaeological features on the site, and recommended no further archaeological investigation to be carried out. It was recommended that a condition be attached to any permission requiring archaeological monitoring during construction and notification of the National Monuments Service in the event of any finding of materials or artefacts.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows:-

- Principle of development
- Impact on visual and residential amenity
- Traffic and parking
- Impact on Archaeology in vicinity of site

7.2. Principle of development

7.2.1. Rathkeale is a Tier 3 Town in the Limerick County Settlement Strategy and these towns are promoted in the CDP as secondary development centres for significant future development. Both the County Development Plan and the Rathkeale Local Area Plan seek to support the sustainable development of lands in such settlements, particularly where sites are located on zoned and serviced lands within close proximity of local amenities and community facilities. The site of the proposed development is in such a location and is zoned Existing Residential, the objective for which is to ensure compatibility with adjacent uses and the protection of existing residential amenity.

7.2.2. The planning history of the site, and of the adjoining lands in the overall ownership of the family, indicates that permission has been declined on several occasions, principally on the basis of piecemeal and haphazard development and the lack of an appropriate masterplan for the overall lands. Other issues related to archaeological impact, traffic hazard and residential amenity. The scheme refused by the Board (300599) did not include any indication of how the remainder of the landholding would or might be developed, and the site layout for the subject site showed an awkwardly shaped site where the proposed house did not achieve the optimum layout in terms of the amenities of either the future residents of the site or those of the adjoining sites (both existing and prospective). Hence, the development as proposed at that time would have undermined the potential for the optimum development of the overall landholding to the detriment of the residential amenities of the area.

7.2.3. The current proposed layout, (as revised by the F.I. received on 17/05/19), differs from the previously refused scheme in that a four metre setback to the rear boundary has been proposed, as the house is now closer to the road, and a beech hedge is proposed along the western and rear boundary with the parents' property and the rear laneway. An indicative layout plan showing the potential development of the overall lands to the south and east has also been provided. This shows that it is intended to provide a further three house plots with individual houses on these lands, subject to a separate planning permission. Thus, the feasibility of the development of the adjoining lands has been demonstrated and the layout of the subject site has been improved by moving the house away from the rear lane and addressing the privacy issue along the boundary with the lane and the parents' property.

7.2.4. It is considered, therefore, that provided that the design and detailed layout of the proposed dwelling house meets other criteria such as appropriate scale and respect for the character, grain and pattern of existing development, the proposed development would not constitute piecemeal or haphazard development.

7.3. Impact on visual and residential amenity

7.3.1. The site is located in a residential area within the urban built-up part of Rathkeale, with frontage to a public road with a semi-rural character. This is due to the fact that sites have been developed for individual houses on an ad hoc basis to date.

However, the site is within 50m of Church Street, which is a main street within the town, and is zoned as Existing Residential. It is further noted that the LAP has zoned a large tract of land to the south for future residential development, which would be accessed from the same public road. Thus, the development of the appeal site with a single house which fronts onto the public road is acceptable in principle.

- 7.3.2.** The design and scale of the two-storey detached house, with smooth render and blue/black slate roof, is considered to be appropriate to this suburban setting, particularly as the house to the west is 2-storey and it is proposed to develop the remainder of the landholding with 2-storey detached houses. Although the shape of the site is awkward, with an L-shaped rear garden incorporating two narrow strips, the layout as revised, with 4m and 9.2m set-backs from the laneway and adjoining property, respectively, together with the proposed beech hedge is considered to be appropriate.
- 7.3.3.** The revised layout with parking spaces at the side of the house is an improvement on the scheme originally submitted to the P.A., where parking was proposed to the rear of the proposed dwelling. However, the parking area is quite substantial and occupies the full site depth to the side of the house (c.10m). It is considered that, in the interests of residential amenity, the parking spaces should be moved to the front of the site with the remainder of the site laid out as private amenity space.
- 7.3.4.** The removal of the windows on the rear elevation address the issue of overlooking, but it is considered that this solution would result in a poor quality of accommodation within the proposed dwelling. Bedroom 2 overlooks the applicant's own rear garden and it is considered unnecessary to remove the window in the room on the rear elevation. Bedroom 3 overlooks the corner of the laneway with the end of private gardens beyond. It is considered that a window could be inserted into the rear elevation of this room to enable adequate levels of daylight to be achieved without causing any significant loss of privacy or overlooking of neighbouring rear gardens. Should the Board be minded to grant permission, it is considered that this could be addressed as a condition of any permission.

7.4. Traffic and parking

- 7.4.1.** The concerns raised in the grounds of appeal related to the additional traffic that would be generated and the narrow width of the lane, together with the tendency for people to park cars along the lane. I note that the Board did not raise this issue in the previous reasons for refusal (300599) and that the Inspector had considered that the vehicular movements that would be generated by the dwelling could be accommodated without giving rise to concerns in terms of traffic hazard. It is further noted that the Inspector had commented that a single access point to serve the entire landholding would be appropriate, but I consider that the layout and shape of the appeal site would not facilitate such a solution.
- 7.4.2.** The Planning Authority's Roads engineer noted that the site is located within the 50kph zone for Rathkeale and that sightlines in both directions are adequate and in accordance with the 45 metres required under the Design Manual for Urban Roads and Streets, provided that the front boundary is set back as proposed. It is noted that the proposal includes the setting back of the front boundary and the provision of a new 1.8m wide footpath for the entire length of the frontage. The Inspector (300599) also pointed out that there is a utility pole which could hinder the achievement of adequate sightlines, but that this could easily be moved. I would agree and note that the P.A. Roads Engineer also requested that it be moved to the back of the proposed footpath. Should the Board be minded to grant permission, a condition to this effect could be attached to any such permission.
- 7.4.3.** The sightlines at the junction of the road serving the site and Church Street are very poor in an easterly direction. This is due to the fact that An Seabach Public House is positioned forward of the building line of the terrace to the west of the junction. It is noted that Objective T1 (Transport chapter) of the Rathkeale LAP, which is associated with the aspiration for the development of lands further to the south, (accessed from the same lane), includes a proposal to demolish this public house and the setting back of the roadside wall onto Church Street. This is to ensure that adequate sightlines can be achieved at the junction with Church Street, notwithstanding the fact that the public house is a Protected Structure. This objective also requires that the existing access road be upgraded to facilitate the development of these lands and it is suggested that it may include a home zone approach.

7.4.4. It is considered that the current proposal to set the boundary back and to incorporate a footpath is consistent with the transport policies and objectives for the area, as outlined above. The proposed development of one additional house on the lane is unlikely to generate any significant level of additional traffic that would warrant a refusal of permission.

7.5. Archaeology

7.5.1. The site lies within the Recorded Monument LI029-031 as an Historic Town and is located close to the medieval parish church and graveyard (RMP LI029-031004/005) and the bridge (RMP LI029-031002). Under previous planning applications, the developer was requested to carry out a site assessment including testing. Although it is stated in the submissions from the P.A. that a desktop study was carried out in 2017, site testing was not undertaken until 2018. The application was accompanied by an Archaeological Test Trenching Report by Aegis Archaeology Ltd. This indicated that ground works had occurred previously and that there were no features of archaeological significance recorded and that the test trenching had covered a significant area of the proposed development.

7.5.2. The Executive Archaeologist for Limerick City and County Council was satisfied (25/03/19) that no further archaeological mitigation was required in respect of the proposed development. The Development Applications Unit of the Dept. of Culture, Heritage and the Gaeltacht (16/09/19) came to a similar conclusion and recommended that a condition be attached to any grant of planning permission requiring the developer to notify the National Monuments Service should any archaeological material or artefacts be found during the course of construction.

7.6. Environmental Impact Assessment

7.6.1. Having regard to the nature, size and location of the proposed development, 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.

7.7. Appropriate Assessment

7.7.1. There are no Natura 2000 sites within the town of Rathkeale. The site is located approximately 4km from the closest designated site, namely, Askeaton Fen Complex cSAC (002279) and approx. 7km from Curraghchase Woods SAC (000174). It is

located c.14km to the southwest of the Lower River Shannon SAC (near Adare). Given the distances involved, and as the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

- 8.1. It is recommended that planning permission be granted for the reasons and considerations set out below subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within the town of Rathkeale, to the zoning of the lands as Existing Residential and to the policy objectives as set out in the Limerick County Development Plan 2010-2016 (Extended to 2019) and in the Rathkeale Local Area Plan (Extended to 2022) to encourage sustainable development on serviced sites within the centres of town and villages in proximity to local services, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not adversely impact the character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 17th day of May 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance

with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:-
 - (a) The proposed parking bays shown on the Site Layout Drawing submitted to the planning authority on 17/05/19, shall be relocated so that they are closer to the roadside boundary. The bays shall be delineated on site with the rear line set back no more than 7.0 metres from the front boundary. The remaining area to the side of the house shall be laid out as private amenity space and shall be defined by a low hedge or plinth wall.
 - (b) The windows to Bedroom 2 and Bedroom 3 on the rear elevation shall be reinstated as shown on the drawing submitted to the planning authority on 7th February 2019.
 - (c) The utility pole located alongside the front boundary shall be moved to the rear of the proposed footpath.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the residential and visual amenity of the area.

3. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interests of public health.

4. 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.

5. 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.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provision modifying or replacing them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of residential amenity.

7.
 - (a) The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.
 - (b) The proposed front boundary wall shall consist of natural stone to match the existing wall along the front boundary, the exact height and location of which shall be submitted and agreed with the planning authority prior to commencement of development.
 - (c) A new public footpath with a minimum width of 1.8 metres shall be provided over the full length of the proposed development and shall be ditched at the junctions with the local road.
 - (d) The existing second entrance to the site from the public road shall be permanently closed.

Reason: In the interests of road safety and of pedestrian safety

8. No caravans shall be parked on site to the front, side or rear of the dwelling.

Reason: In the interest of amenity.

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

Reason: In the interest of visual and residential amenity.

10. The Developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) Notify the planning authority in writing at least four weeks prior to commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

11. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

12. 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 apartment unit.

Reason: In the interest of amenity and public safety.

13. 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.

14. The construction of the development shall be managed in accordance with a Construction and Environmental 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.

15. 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 interest of sustainable waste management.

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 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.

Mary Kennelly
Senior Planning Inspector

6th November 2019