



An  
Bord  
Pleanála

## Inspector's Report ABP-305045-19

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<b>Development</b>	Construction of office building at site adjacent to Old Church / library.
<b>Location</b>	Oranmore, Co Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	19561
<b>Applicant(s)</b>	Patricia Kilraine
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. Caroline Deehan and Mark Nolan 2. Brendan and Margaret Keigher
<b>Observer(s)</b>	Mr. A.M. Lavery.
<b>Date of Site Inspection</b>	10 <sup>th</sup> September 2019
<b>Inspector</b>	Irené McCormack

## 1.0 Site Location and Description

- 1.1. The appeal site is located on Main Street, Oranmore in County Galway. The site fronts onto the R338 Regional Road and is located on the eastern side of the road leading to the village core. There is a range of land uses in the vicinity of the site. The site is bounded to the northeast by St. Mary's Church and graveyard which is a protected structure and now is use as a library. A number of residential units to the south are now in use as commercial business.
- 1.2. The site is a vacant infill site measuring 0.0761ha. in area and is triangular in shape. The topography of site is hollow in the centre and gently rising to meet the adjoining land levels and consists of some trees and scrub. The roadside boundary consists of an attractive stone boundary wall and a pedestrian access gate. The northern site boundary adjacent to the church is post a rail timber fence.
- 1.3. The site is located within an Architectural Conservation Area and within the zone of archaeological potential established around Recorded Monument GA095-114 - Church.

## 2.0 Proposed Development

- 2.1. The proposed development will comprise of the following:
  - The construction of a single storey office building (total floor area 184sqm) with landscaping, boundary treatment and associated site works.
- 2.1.1. In response to a request for additional information from Galway County Council some amendments were made to the proposal resulting in a reduction in glazing on the northern elevation and a reduction in the width of the gate fronting the streetscape to reflect a pedestrian access gate only.
- 2.2. The design reflects a modern design approach with a combination of a gabled ended pitched roof element fronting the road linked to a flat roof annex forming a T-shape with a combination of large glazed elements, natural stone and rendered finishes.
- 2.3. The application was accompanied by a Design and Architectural Impact Statement, Flood Risk Assessment and an Appropriate Assessment Screening Report.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The planning authority granted permission subject to 13 conditions. The following conditions are of note:

**Condition no. 3** refers to Construction Management Plan.

**Condition no. 8** refers to surface water.

**Condition no. 9** refers to opening hours.

**Condition no. 13** relates to Development Contribution.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. **Planning Reports**

Initial Planning Report notes concerns regarding the design, scale and height of proposed development, site boundary details and car parking/access arrangements. It was concluded following receipt of further information that the development was acceptable, would not be injurious to the residential, visual or general amenity of the area and would be an appropriate form of development.

##### 3.2.2. **Other Technical Reports**

**Tuam Area Office** – Email report dated 25/4/2019 raised no objection subject to conditions.

#### 3.3. **Prescribed Bodies**

**Department of Culture, Heritage and the Gaeltacht** – In their report dated 22/5/2019 the Dept. recommended archaeological monitoring be carried out as the site is within the zone of archaeological potential established around Recorded Monument GA095-114 Church.

#### 3.4. **Third Party Observations**

3.4.1. A total of four submissions were received by Galway County Council. The concerns raised include the following: -

- Sensitive site location adjacent to St. Mary's Church, a Protected Structure,

- Zoning
- Planning History
- Traffic
- Car parking already at capacity in the village
- Excess of commercial property in the village
- Only a few green areas remain - impact on ecology and biodiversity
- Privacy and security
- Site orientation and building design
- Levels
- Storm water drainage

#### 4.0 **Planning History**

GCC 18/606 – Permission refused by Galway County Council in 2018 for the construction two-storey (250sqm) retail and office space.

ABP Ref. PL.07.128498 / GCC 01/1002 – Permission refused in 2002 for the erection of a shop with offices over.

#### 5.0 **Policy Context**

##### 5.1. **Development Plan**

Galway County Development Plan 2015-2021

Oranmore is recognised as being within the Galway Metropolitan Area and is also identified as a Key Town.

The following objectives are outlined in the development plan:

- Objective SS1 – Galway Metropolitan Area.
- Objective SS 5 – Development of Key Towns.
- Section 2.6.2

##### 5.2. **Oranmore Local Area Plan 2012-2022**

The site is zoned – C1 Town Centre/ Commercial in the LAP.

*Objective LU 1 – Town Centre/Commercial (C1) states:*

Promote the development of the Town Centre as an intensive, high quality, well-landscaped, human scaled and accessible environment, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail, services, facilities and amenities to the local community and visitors to the town. The town centre and associated main streets shall remain the primary focus for retail and service activity within Oranmore.

5.2.1. Section 3.7 relates to Urban Design and Landscape

Policy UD 1 – Urban Design and Landscape

Ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area. New development proposals will be required to complement the existing character of the town centre/area in terms of scale, height, massing, building line, urban grain and definition and through high quality design proposals for buildings/structures/shop fronts, the use of high quality, appropriate materials and the provision of appropriate signage, lighting, landscaping proposals and other such details

Objective UD 1 – High Quality, Context Sensitive Design

Objective UD 5 – Street-Oriented Development and Responsive Frontages

Objective UD 6 – Design Statements

5.2.2. Architectural Conservation

Objective HC 3 – Architectural Conservation Areas

Objective HC 4 – Development Relating to Protected Structures and ACA'S

5.2.3. Archaeology

Objective HC 7 – Archaeological Heritage

Objective HC 8 – Monuments and Places

Objective HC 9 – Archaeological Assessment

### 5.3. **Natural Heritage Designations**

The site is not located within or directly adjacent to any Natura 2000 sites. The site is located 0.27km east of the Galway Bay Complex SAC (site code 00268) and 0.3km east of Inner Galway Bay SPA (site code 004031).

### 5.4. **EIA Screening**

On the issue of Environmental Impact Assessment screening I note that the relevant class for consideration is class 10(iv) "Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere". Having regard to the size of the development site (.0761Ha) and scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. Two appeal submissions were made in relation to the development.

1. Caroline Deehan and Mark Nolan, 2 Clookarkin Drive, Oranmore, Co. Galway.

The grounds of appeal can be summarised as follows:

- It is set out that should archaeological material be discovered during monitoring building work may stop and the site will be left looking like a building site indefinitely.
- The office building will not make a positive addition to the historical and archaeological value of the land.
- Owing to site levels even when the southern boundary wall is completed the development will have full view of the appellants back garden and easy access to cross into their garden. This could also encourage anti-

social behaviour and staff smoking outside would be facing their back garden.

- Concern is expressed regarding water logging on site as storm water is proposed to be disposed of on site.
- The impact of the loss of a small undisturbed ecological habitat and green space would be detrimental to wildlife.
- Owing to the lack of on-site car parking concern is expressed that there will be even more traffic congestion and lack of car parking.
- It is set out that there are numerous vacant units in the village and the development could lead to an unsightly surplus of vacant units in the village.

2. Brendan and Margaret Keigher, 3 Clookarkin Drive, Oranmore, Co. Galway. The grounds of appeal can be summarised as follows:

- It is set out that the archaeological condition recommended by the Department was not included in the recommendation to grant planning permission issued by the planning authority. In the event that monitoring were to proceed and material discovered building work may stop and the site and associated ecological biodiversity will have been cleared unnecessarily.
- The impact of the loss of a small urban ecological habitat and green space would be detrimental to wildlife.
- The proposed infilling works will increase ground levels on the site with a resulting impact on the height of the dividing boundary wall which will be between 0.7m and 1m only above the gardens to the south. The conditions do not address this issue.
- Concern is expressed regarding water logging on site as storm water is proposed to be disposed of on site.
- Owing to the lack of on-site car parking concern is expressed that there will be even more traffic congestion and lack of car parking.

- The opening hours specified in the planning conditions contradict the submission of the applicant and allows for longer opening hours adding to concerns regarding noise levels, traffic congestion and security.

## 6.2. Applicant Response

- It is set out that the planning decision did not include the recommendation from the Department of Culture, Heritage and the Gaeltacht in relation to archaeological monitoring. The applicant has no objection to adhering to the recommendation of the Dept. in this regard.
- It is set out that it is proposed to retain the existing 1.5m high stone boundary wall along the southern site boundary and rebuild the wall where required. The infilling works on site relate to the central hollow and the levels at the site boundaries will be maintained. It is also set out that the adjacent properties to the south and thoroughly planted and screened from the site.
- A Flood Risk Assessment was submitted with the planning application and determined that the site is not part of a floodplain. The finished floor level is set above the 200 year plus climate change allowance of 600mm (fluvial and sea level increase) in addition to a freeboard of 500mm for uncertainty.
- The FFL is approx. 500mm only above the street level and with the building line set back of 8.5m, the level difference is minor and will be addressed through appropriate landscaping. The FFL is at a maximum 260mm above the adjoining properties to the south and will have minimum impact.
- In reference to surface water, it is set out that the applicant considers condition no. 8 adequately address the matter. However, the applicant suggests that stormwater should be piped to the storm sewer pipe at the front of the site.
- An Appropriate Assessment screening was carried out on the site which determined that the site is of relatively low value to faunal species, no evidence of animal burrows were discovered and no invasive species noted.
- In relation to car parking, it is set out that the site is located in the town centre, there are 3 no. on-street car parking spaces located directly in front of the site and a public car park 30m from the site on the opposite side of the road linked



to the site via a pedestrian crossing. There is ample car parking in the vicinity to cater for staff and visitors and the development will not give rise to changes in traffic flows within the town centre nor have adverse impacts on traffic movements.

- It is set out that development will not result in a surplus of vacant office units in Oranmore and the building located within the core area will enhance the range of uses within the town and is in accordance with the zoning objectives.
- It is set out that the planning condition in relation to opening hours allows for flexible working hours and off-peak working which can reduce traffic congestion. It is suggested that this condition should be upheld.

### 6.3. **Planning Authority Response**

None

### 6.4. **Observations**

#### 6.4.1. One no. observation was received.

Mr. A.M. Lavery, 9 Clookarkin Drive, Oranmore, Co. Galway. The observation can be summarised as follows:

- The site planning history is referenced and the impact of climate change and rising sea levels causing increased risk of flooding.
- It is set out that Oranmore has experienced flooding in recent years.
- The risk of flooding on the site may impact on adjoining graves and the crypt with lies underneath St. Mary's Church.
- Impact on residential amenity and privacy noted.
- Surface water should connect to the public sewer .
- Oranmore is already heavily congested because of traffic and lack of car parking.
- The development contravenes the development plan in relation to works adjacent to a protected structure.
- The development will overshadow of St. Mary's Church interior.
- The character of the development is out of keeping with the area.

## 6.5. Further Responses

None

## 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 Development
- Design - Impact on Architectural Heritage and on the Character of the Conversation Area
- Archaeology and Ecology
- Impact on Residential Amenity
- Surface Water
- Flooding
- Appropriate Assessment

## 7.2. Principle of Development

7.2.1. This application proposes the construction of a single storey office building (total floor area 184sqm) with landscaping, boundary treatment and associated site works.

7.2.2. The site is zoned – C1 Town Centre/ Commercial in the Oranmore LAP. *Objective LU 1 – Town Centre/Commercial (C1)* seeks to promote the development of the Town Centre as an intensive, high quality, well-landscaped, human scaled and accessible environment, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail, services, facilities and amenities to the local community and visitors to the town.

7.2.3. I note that no car parking has been provided on site. The site is located in the town centre where there is ample public car parking available in the wider area including on street car parking fronting the site and a public car park located opposite the site. There is no issue with car parking provision at this location. With respect to concerns raised by the appellants and the observer regarding opening hours, I note the

building is for office use which by its nature will not generated significant noise, and I do not consider the opening hours between 0700hrs – 2000hrs unreasonable in a town centre.

7.2.4. I am satisfied that the principle of developing a vacant infill site in the town centre commercial core is acceptable in this location and in accordance with the zoning provision for the site.

### **7.3. Design - Impact on Architectural Heritage and on the Character of the Conversation Area**

7.3.1. The site located within an Architectural Conservation Area and the site is bounded to the northeast by St. Mary's Church and graveyard, which is a protected structure.

7.3.2. The third-party appellants and the observer are critical of the architectural expression and materials proposed and assert that the structure is out of character in this locale. I note the innovative contemporary character of the design and as regards the façade treatment the use of natural stone and rendered finishes contrasts effectively with the rendered finishes elsewhere in the area. The design is of an appropriate scale and bulk and does not represent a dominant feature in the streetscape at this location. This is clearly demonstrated in the photomontages submitted with the planning application.

7.3.3. In terms of the relationship with protected structure St. Mary's Church immediately adjoining the site to the north, I note that the new building would be completely independent of the Church. The works do not encroach upon or overhang the Church and there would be a 10m separation distance between the southern gable of the church and the new building. With respect to contextual references, the building would be subordinate to the church with a building line matching that of the church. The t-shaped design of the building and varying roof profiles significantly reduces the scale of the development. The contemporary design approach sets a clear distinction between the old and the new and the single storey nature of the building allows for selected views of the church as you approach from the south. I consider this approach acceptable and in line with Objective HC 3 – Architectural Conservation Areas and Objective HC 4 – Development Relating to Protected Structures and ACA'S of the Oranmore LAP which seek to ensure that

developments are appropriately designed to protect, conserve and enhance the character and setting of protected structure and Architectural Conservation Areas.

- 7.3.4. I am satisfied that the development is reflective of good contemporary architecture and provides a high-quality design approach. I consider in relation to the visual impact and impact on architectural heritage that the proposal is of a high standard and is innovative and contemporary yet acknowledging of its context. I note also that a shadow cast study submitted by the applicant established no significant overshadowing as a result of the development on either the Church or neighbouring properties to the south.
- 7.3.5. In conclusion, I am satisfied that the design, form, scale, height, proportions, siting and materials of the proposed development do not detract from the special character of the protected structure or the Architectural Conservation Area.

#### **7.4. Archaeology and Ecology**

- 7.4.1. The site is located within the zone of archaeological potential established around Recorded Monument GA095-114 - Church. In this regard, I note that the archaeological condition recommended by the Department of Culture, Heritage and the Gaeltacht was not included in the recommendation to grant planning permission issued by the planning authority. The applicant's response recognises this and sets out that the applicant has no objection to adhering to the recommendation of the Department in this regard.
- 7.4.2. Subject to compliance with the requirements of the of the Department of Culture, Heritage and Gaeltacht, I am satisfied that archaeology on the site will be appropriately addressed.
- 7.4.3. The appellants have also raised concerns that in the event that monitoring were to proceed and material discovered building work may stop, and the site and associated ecological biodiversity will have been cleared unnecessarily. In this regard, I note that the site is a small infill site in an urban setting and has been the subject of unauthorised dumping in recent times. I further note that the Appropriate Assessment screening carried out as part of the planning application determined that the site is of relatively low value to faunal species and there was no evidence of animal burrows on site. Whilst, I acknowledge that the site has remained as a

greenfield site and inevitably supports some wildlife and plant species, there is no evidence that there are any protected species on the site and the works proposed include the retention of semi-mature trees towards the rear of the site and the provision of additional planting which will support urban wildlife.

## **7.5. Impact on Residential Amenity**

- 7.5.1. The appellants argue that the proposed development will negatively impact on their residential amenity by reason of overlooking and potential anti-social behaviour.
- 7.5.2. It is argued that the proposed infilling works will increase ground levels on the site with a resulting impact on the height of the dividing boundary wall with the properties to the south which will be reduced to between 0.7m and 1m only above the gardens to the south. As a result, the development will have full view of their back gardens and easy access to cross into their gardens.
- 7.5.3. The applicant sets out that it is proposed to retain the existing 1.5m stone boundary wall along the southern site boundary and rebuild the wall where required. The infill works on site relate to the central hollow and the levels at the site boundaries will be maintained. It is also set out that the adjacent properties to the south and thoroughly planted and screened form the site. I have reviewed the cross-section drawings submitted with the application and I am satisfied that existing ground levels at all site boundaries will be maintained. Notwithstanding same, in the interest of residential amenity and to prevent overlooking, I consider it appropriate to increase the height of the dividing boundary wall to the rear of the recessed front building line of the proposed office building to 2 metres. This will prevent overlooking of third-party rear gardens and ensure an appropriate level of security for these properties.

## **7.6. Surface Water**

- 7.6.1. Surface water disposal is proposed by means of on-site permeable paving and a rainwater soakaway located to the rear of the site. The appellants argue that the development should connect to the storm sewer located to the front of the site. In this regard, I note the disposal of surface water and rain water generated on site is consistent with sustainable urban drainage systems and also serves to reduce demands on the public network in accordance with the principles of sustainable development. I have no objection to the disposal of rainwater and surface water on site subject to adherence to best practice methods.

## **7.7. Flooding**

- 7.7.1. A Flood Risk Assessment accompanied the planning application. The source of flood risk for the site is determined to be a combination of tidal backwatering combined with fluvial flows from the Oranbeg Stream located 120m northeast of the site. The computed 200 and 1000 year combined flood levels in the Oranbeg Stream channel are 4.03m and 4.45m O.D Malin respectively. The Flood Risk Assessment study determined that the site is located within Flood Zone A and B.
- 7.7.2. The Planning System and Flood Risk Management Guidelines, 2009 outlines in Table 3.1 the 'vulnerability of different types of development'. The proposed office use is considered a "less vulnerable" development in terms of the sensitivity to flooding.
- 7.7.3. The justification test carried out by the applicant sets out that the OPW CFRAM flood inundation coastal and fluvial mapping shows the site not be subject to tidal or fluvial flooding as flood waters in the Oranbeg Stream are unable to directly inundate the site being cut off from flooding sources by the surrounding built environment. It is also set out that the infilling proposed would raise the site at this point by c. 1.0m and such infilling does not constitute a loss of flood storage and the site is not considered a floodplain nor is it connected to a floodplain and therefore the development will not impact on flooding elsewhere. Furthermore, it is noted that a high groundwater table does not affect this site, nor does it cause flooding as the site is well draining.
- 7.7.4. I note that the finished floor level is set above the 200 year plus climate change allowance of 600mm (fluvial and sea level increase) and a freeboard of 500mm for uncertainty. This represents a finish floor level of 5.1 O.D Malin.
- 7.7.5. It is noted that the Planning Authority raised no concerns regarding the proposed development. I have reviewed all the submitted relevant documentation and I would conclude that the proposed development would adequately satisfy the flood risk concern.

## **7.8. Appropriate Assessment**

- 7.8.1. An Appropriate Assessment screening report was submitted with the planning application.
- 7.8.2. The site is not located within or directly adjacent to any Natura 2000 sites. The site is located 0.27km east of the Galway Bay Complex SAC (site code 00268) and 0.3km east of Inner Galway Bay SPA (site code 004031).
- 7.8.3. Having regard to the nature and scale of the proposed development, impact pathways would be restricted to noise. There is no hydrological pathway.
- 7.8.4. Conservation objectives have been prepared for the Galway Bay SAC (site code 00268) and Galway Bay SPA (site code 004031).

**Conservation Objectives:** to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.

<b>European Site</b>	<b>Site Code</b>	<b>Relevant QI's and CI's</b>	<b>Distance</b>
Galway Bay SAC	00268	<p>Conservation Objectives:</p> <p>To maintain the favourable conservation of the priority habitats listed below.</p> <p>Priority habitats include:</p> <p>Tidal Mudflats and Sandflats, Coastal Lagoons*, Large Shallow Inlets and Bays Reefs, Perennial Vegetation of Stony Banks , Vegetated sea cliffs of the Atlantic and Baltic coast, Salicornia Mud, Atlantic Salt Meadows, Mediterranean Salt Meadows, Turloughs* , Juniper Scrub, Orchid-rich Calcareous Grassland* ,Cladium Fens* ,Alkaline Fens, Limestone Pavement* ,Otter (Lutra lutra), Common (Harbour)</p>	0.27km west of the subject site.

		Seal ( <i>Phoca vitulina</i> )	
Galway Bay SPA	004031	<p>Conservation Objectives:</p> <p>To maintain the favourable conservation of the priority habitats listed below.</p> <p>Priority habitats include</p> <p>Great Northern Diver <i>Gavia immer</i> ,  Cormorant <i>Phalacrocorax carbo</i>, Grey Heron <i>Ardea cinerea</i>, Brent Goose <i>Branta bernicla hrota</i>, Wigeon <i>Anas Penelope</i>, Teal <i>Anas crecca</i>, Shoveler <i>Anas clypeata</i>, Red-breasted Merganser <i>Mergus serrator</i> , Ringed Plover <i>Charadrius hiaticula</i>, Golden Plover <i>Pluvialis apricaria</i>, Lapwing <i>Vanellus vanellus</i>, Dunlin <i>Calidris alpina</i> alpine, Bar-tailed Godwit <i>Limosa lapponica</i> , Curlew <i>Numenius arquata</i>, Redshank <i>Tringa totanus</i> , Turnstone <i>Arenaria interpres</i> A, Black-headed Gull <i>Chroicocephalus ridibundus</i> , Common Gull <i>Larus canus</i> , Sandwich Tern <i>Sterna sandvicensis</i>, Common Tern <i>Sterna hirundo</i> , Wetlands</p>	0.3km west of the subject site.

7.8.5. I am satisfied that Galway Bay SAC can be screened out of any further assessment due to the absence of relevant qualifying interests in the vicinity of the works and the absence of an aquatic connection between the European site and the proposed development.

7.8.6. In relation to Galway Bay SPA the potential indirect effects relate to:



- Disturbance from noise and light pollution and emissions during the construction phase.

7.8.7. The development is for an office building and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not expected that any habitat fragmentation would take place. The already established pattern of urban development in this location would mean that any limited periods of disturbance caused by the works would not add to any disturbance or displacement effects that would result in lessening of species density.

7.8.8. I consider it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European site, the Galway Bay SAC (site code 00268) and Galway Bay SPA (site code 004031) or any other site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 8.0 Recommendation

I recommend that planning permission be granted for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

## 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity and the policies of the Galway County Development Plan 2015-2021 and the Oranmore Local Area Plan 2012-2022 , it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity and would not adversely impact on the character of the Conservation Area and adjoining Protected Structure. The proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 21<sup>st</sup> June 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 height of the southern site boundary dividing boundary wall to the rear of the recessed front building line of the proposed office building shall be increased to a height of 2 metres.

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

Reason: In the interests of residential amenity.

3. Details, including samples, of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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 the 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.

5. Drainage arrangements, including the 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

6. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. The office opening hours shall be between 0700hrs and 2000hrs, unless otherwise agreed in writing with the planning authority.

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

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

9. The construction of the development shall be managed in accordance with a detailed 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 and dust management measures, site operational hours, and off-site disposal of construction/demolition waste.

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

10. 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 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.

11. 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.

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Irené McCormack  
Planning Inspector

10<sup>th</sup> November 2019

