



An  
Bord  
Pleanála

## Inspector's Report ABP-305397-19.

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<b>Development</b>	Demolition of existing structure and the construction of a new two storey community building including all associated site development works, access and egress and parking.
<b>Location</b>	Irishtown, Clonmel, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council.
<b>Planning Authority Reg. Ref.</b>	19/600477.
<b>Applicant(s)</b>	Tipperary Islamic Cultural Centre Lt.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V. Decision
<b>Appellant</b>	Bernie Reidy.
<b>Observer</b>	None.
<b>Date of Site Inspection</b>	20 <sup>th</sup> November, 2019.
<b>Inspector</b>	A. Considine

## 1.0 Site Location and Description

- 1.1. The site is located to the west of the town centre of Clonmel, Co. Tipperary, and approximately 90 to the north of the River Suir, which forms the boundary between Co. Tipperary and Co. Waterford. The site itself is currently unused and appears to be falling into a state of dereliction with the existing buildings on the site no longer occupied. The previous use of the site was commercial and there is an existing three storey building located to the south and fronting onto Irishtown which is included in the site area. The site extends from Irishtown to the south to Albert Street to the north, with access points present onto both streets.
- 1.2. The wider area adjacent to the site include a variety of uses including residential to the north and west, educational to the north west and commercial to the west, east and south. St. Marys Catholic Church lies to the south west of the site, fronting onto Irishtown, and backing onto the River Suir. There is a public car parking located to the south of the site.
- 1.3. The site has a stated site area of 0.174ha and as advised, has frontage onto both Irishtown to the south and Albert Street to the north. The existing building on the site to be demolished has a stated floor area of 276m<sup>2</sup>. There is no detail provided in relation to the existing three storey building which fronts onto Irishtown, No 86 Irishtown.

## 2.0 Proposed Development

- 2.1. Permission is sought for the demolition of existing structure and to construct a new two-storey community building including all associated site development works, access and egress and parking at Irishtown, Clonmel, Co. Tipperary.
- 2.2. The development proposes a community building for use as the Tipperary Islamic Cultural Centre which will provide for a number of activities including prayers, mother and toddler groups, breast feeding facilities, library facilities, youth club and will provide a opportunities for public to get correct information about Islam.
- 2.3. The building will rise to two storeys in height, to approximately 8.65m, with the following accommodation provided;

#### Ground floor:

- Large Prayer Room
- Library / small prayer room
- Sisters prayer room
- Kitchen
- Toilet facilities

#### First Floor:

- Community Room
- Prayer room
- Canteen
- Office

The proposed building will provide a lift, as well as stairs, for access to both floors and has a stated floor area of 740m<sup>2</sup>. The proposed site layout also provides for car parking. The building shall be finished with a rendered plaster finish, Grey insulated Kingspan panels to roof, aluminium windows and doors and metal roof gutters and square down pipes.

- 2.4. Following the submission of the response to the FI request, the applicant submitted a response to the surface water questions raised. In addition, clarity in relation to prayer times and the fact that there will be no amplified call to prayer as also provided.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following the submission of response to the further information request, the Planning Authority decided to grant planning permission for the proposed development, subject to 11 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

The Planning Officers initial report considered the proposed development in terms of the requirements of the Development Plan as well as the comments and submissions from internal departments and external bodies, including third party objectors. The report also includes AA Screening. The report recommends that FI is sought with regard to a number of issues including as follows:

- Details of soil infiltration test results
- Confirmation regarding the existing sliding gate
- Times of operation
- Amplified call to prayer.

Following receipt of the response to the FI request, the final planners report notes that the issues raised have been dealt with or can be dealt with by condition. The report acknowledges the third-party submissions in terms of the times of use and noise. With regard to the development contribution, the report notes that the applicant is a registered charity and therefore is exempt from payment of development contributions. The report recommends that permission be granted.

### 3.2.2. Other Technical Reports

**District Engineer:** The report notes that it is proposed to erect a new sliding 5.5m wide gate (onto Albert Street) but that a new 8.1m gate has already been installed, indicating that works may have already been carried out. Further information is required in relation to any proposed works to the existing footpaths at the entrance on Irishtown, results of 2 no. tests / trial trenches in the vicinity of the proposed soakpits, and in the event of a fail, alternative surface water disposal proposals for the site. Issues also raised in relation to the proposals relating to the disposal of foul sewage arising from the development.

Following the submission of the response to the FI request, a further report was submitted by the District Engineer. The report noted that only two of the issues raised by the original report were requested in the FI. No objections in relation to the surface water issues raised.

### 3.2.3. Prescribed Bodies

**DoCHG:** Notes that the site is located within the Zone of Archaeological Potential established around the historic town of Clonmel, a Recorded Monument subject to statutory protection under Section 12 of the National Monuments (Amendment) Act, 1930-2014. Given the location of the site, it is possible that previously unrecorded subsurface archaeological remains could be encountered during groundworks. It is recommended that a condition requiring archaeological monitoring be included in any grant of permission.

### 3.2.4. Third Party Observations

There are 7 third party submissions, including one with 208 signatures and a second with 21 signatures, in relation to the proposed development. Issues raised are similar to those in the grounds of appeal, and are summarised as follows:

- The building will overlook houses and impact privacy.
- Bottleneck parking as parking on Albert Street and Mary's Place is dangerous and overcrowded at the moment. Further traffic will cause disruption and traffic jams. Three schools in the area cause congestion already.
- Noise pollution implications.
- Scale of the development in the context of the single storey houses in the area.
- Proximity of site to St. Mary's Church.
- Inadequate infrastructure to accommodate the development.
- Impacts on amenities in terms of light pollution.
- Impact of the development on the historic context of St. Mary's Church.
- The description of the development is inaccurate as the building is a Mosque.

Following the submission of a response to the FI request, a further 2 third party submissions were submitted. The issues raised are summarised as follows:

- Friday prayers will cause major traffic problems in Irishtown.
- Older people in the area would be nervous that people would be in their area that late at night or early in the mornings, eg 3am.
- Noise issues restated.

## 4.0 Planning History

No relevant planning history associated with the subject site.

With regard to the applicant, the following planning history is relevant:

**PA ref: 14/600273:** Temporary planning permission granted on the 20/11/2014 for the change of use of offices to an Islamic Community Centre on the 1<sup>st</sup> and 2<sup>nd</sup> floors

with entry from ground level of the building on Mary Street, Clonmel and associated site works, all at 60 O'Connell Street, Clonmel, Co. Tipperary.

Condition 1(b) of the above decision limited the duration of the permission to a temporary period of 2 years.

**PA ref: 17/600976:** Planning permission was granted on the 20/11/2017, and subject to 3 conditions, to retain the use of the existing building on the 1st and 2nd floors with entry from ground floor level of the building on Mary Street, Clonmel and signage at entrance as an Islamic Community Centre. Planning permission for use of this building for the same purpose for two years and associated site works, all at 60 O'Connell Street, Clonmel, Co. Tipperary.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Clonmel and Environs Development Plan, 2013, as varied is the relevant policy document pertaining to the subject site. The site is located within an area zoned 'Town Centre' where it is the stated objective 'to preserve, enhance and/or provide for town centre facilities, and new development should comprise of mixed retail use, office, service, community and / or residential.'

5.1.2. Section 3.1.2 of the plan deals with The Central Area of the town which incorporates the primary retail area and surrounding streets. The subject site lies to the west of the primary retail area and the Plan seeks to accommodate a range of town centre functions at all levels of buildings noting that the central area has the ability to contribute to the diversity of the town centre and add to the experience for locals and visitors alike.

5.1.3. Section 8.5 of the Plan deals with Religious Facilities and states as follows: 'There are a number of religious facilities in the plan area including Catholic churches, Church of Ireland, Pentecostal Word of Life Church, Kingdom Hall of Jehovah's Witness and a Baptist Church. The Plan area has one active municipal cemetery at St Patricks Cemetery on the Waterford Road.....'

The Board will note that planning permission was granted in 2014 for the existing Tipperary Islamic Cultural Centre which is located on Mary Street, approximately

300m to the east of the current proposed site. The existing premises appears to occupy the upper floors of a building.

## **5.2. Natural Heritage Designations**

The site is not located within any designated site. The nearest Natura 2000 site is the Lower River Suir SAC (Site Code 002137) located c90m south of the site.

## **5.3. Environmental Impact Assessment**

Having regard to the brownfield urban nature of the subject site, together with the scale 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.

## **6.0 The Appeal**

This is a Third-Party appeal, submitted on behalf of the Residents Committee of Albert Street, St. Mary's Place and Irishtown, against the decision of the Planning Authority to grant permission for the proposed development.

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

The grounds of appeal are similar to those issues raised during the PAs assessment of the proposed development and can be summarised as follows:

- The development, including the prayer rooms, will significantly increase noise and light disturbance to the adjoining residential areas.
- The height of the building is a concern and conflicts with the predominantly 1-2 storey profile of adjoining residential areas.
- The development by its nature will seriously impact the amenities of nearby residential properties because of noise from cars and people coming and going on a 24-hour basis.

- The development would endanger public safety by reason of traffic hazard and obstruction of road users.
- No sound insulation measures are outlined.
- The development is incorrectly described and is a Mosque, not a Cultural Centre, as the building will be used between 6am and 10pm with 5 daily prayers.
- Planning history in the area refused permission for 4 x 2 bed town houses on the basis that it would injure the amenities of the area and endanger public safety by reason of traffic hazard. The current proposal is much larger in scale and will result in a huge increase in local traffic congestion, posing a much greater danger to public safety.
- The area of Irishtown includes a variety of uses including residential, educational, nursing home, church and community hall as well as commercial businesses.
- The existing developments do not have on-site parking and rely almost entirely on street parking.
- The subject site is not suitable for the proposed development with other sites in the town more suited to the development.

It is requested that the Board request the necessary information to address the above concerns or refuse permission.

## 6.2. Applicant Response

A response to the third-party appeal was submitted by Will McGarry & Associates, Consulting Engineers, on behalf of the applicants. The response provides a commentary on potential misunderstandings about what sort of activities would be carried out at the proposed development and notes that 2/3rds of the people who attend the centre live within 1 mile of the site which would eliminate the need for personal transport. The response is summarised as follows;



#### Noise & Light Disturbance:

- The previous use of the site was as a commercial shop / warehouse for the largest and busiest motor factors business in the town.
- The proposed usage would result in a significant reduction in the number of vehicles accessing the site as well as a significant reduction in noise.
- There will be no external call to prayer.
- There is no element of music in practice of Muslim faith and prayers.
- Educational classes etc are not high noise producing activities.
- The proposed height of the building is similar to that as exists on the site and the building will be located at a distance of 10m from the nearest residential premises.
- There will be full compliance with condition 4 of the grant of permission in relation to lighting.

#### Height of building:

- The proposed buildings architecture has been designed to be in keeping with the general look of modern buildings in Clonmel.
- The vacant site could attract all sorts of antisocial elements.
- The proposed buildings footprint is 22% of the overall site area.
- The height is similar to the current building – existing building 8.05m, proposed building 8.685m. There are a number of 2 to 3 storeys plus with heights of >10m.

#### Impact on residential amenities:

- The use of the proposed building does not envisage a 24-hour basis.
- Prayer timings and approximate numbers attending are submitted and each prayer service lasts approximately 15-20 minutes.
- The centre will almost always be accessed during normal waking hours so the fear that there will be hoards of people accessing the building throughout the night is incorrect and unfounded.

Endanger public safety by reason of traffic hazard and obstruction of road users:

- Adequate on-site parking spaces have been included.
- Traffic will enter the site from Albert Street and exit from Irishtown to ensure smooth traffic flow.
- Users of the centre will not necessitate vehicle usage.
- Only doctors not on-call will use the centre as there is a prayer room on the site of the hospital for on-call hospital staff. The site is located 6-8 minutes walk from the hospital.
- Provisions for cyclists will be provided.
- Busiest prayers are generally Friday afternoon prayers 1-2pm and there are no prayers scheduled between the hours of 7am to 12.30pm at any time of the year. There will be no clashing with peak traffic times.

Prayer rooms will have a negative impact on residential amenities:

- The centre will have a positive impact on the local amenities by proper development and use of the derelict, decaying site.
- The current Islamic Cultural Centre, Mary Street, Clonmel, whilst it no longer meets the needs of the Muslim community, has worked extremely well for the years it has been in use.
- Fears expressed in relation to noise and light disturbance, nature and times of use, local traffic congestion, parking problems etc did not materialise.

Sound insulation measures:

- The proposed development will fully conform with local Building Standards.
- No unusually noisy activities will be taking place in the building so there should be no requirement for extraordinary noise insulation measures.

The development should be described as a Mosque:

- In Islamic sacred law, mosques have certain requirements to be classified as a mosque that exclude other activities taking place inside it. A building is not a mosque simply because five daily prayers are performed in it.

- As the building has other intended uses, including community meetings, library facilities, educational classes, indoor recreation etc, it is not a traditional mosque and is a Cultural Centre as described.

The Response includes a number of enclosures, including photographs.

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

The Planning Authority submitted a response to the third-party appeal. The response is summarised as follows:

- The PA considers that the height, scale and design of the proposed building, which will be contained within the existing boundary walls, is acceptable. It is not considered that the building will impact on adjoining residential amenity.
- It is considered that the development will not give rise to noise nuisance or disturbance that would negatively impact on the residential amenity of the area.
- The applicant has supplied details regarding the times of use and the anticipated numbers using the development, noting that 40-50% of users will walk. It is not accepted that the development will lead to traffic congestion with consequent traffic hazard.
- The reference to previously refused development shows traffic and access concerns that did not meet the Roads Standards of the Development Plan, 2002. The current proposal has been examined relative to the current policies, objectives and standards and no traffic or access issues were raised.
- The Gaelscoil included 27 on-site parking spaces for staff.

### 6.4. **Observations**

None received.

## 7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of development
2. Residential & General Amenity
3. Roads & Traffic
4. Other Issues
5. Appropriate Assessment

### 7.1. Principle of development

7.1.1. The proposed development site is located within the settlement boundary of the town of Clonmel in South County Tipperary. The site is zoned Town Centre in the Clonmel and Environs Development Plan and this zoning objective is 'to preserve, enhance and/or provide for town centre facilities, and new development should comprise of mixed retail use, office, service, community and / or residential.' The proposed development seeks planning permission for the construction of a community facility in the form of an Islamic Cultural Centre.

7.1.2. Having regard to the nature of the proposed development, together with the location of the subject site within the town, I am generally satisfied that in principle, there is no objection to the development as proposed at this site. I would also acknowledge the brownfield nature of the site and consider that its' redevelopment would be an appropriate form of development which will benefit the wider area.

### 7.2. Residential & General Amenity:

7.2.1. A primary concern arising from the third-party appeal relates to the potential impact of the development on the existing residential amenity of the area. Of note, the

concerns relate to the scale of the proposed development, the potential for noise and light intrusion and roads and traffic issues.

#### 7.2.2. Design & Scale:

The proposed development will see the removal of a large existing metal agricultural type structure, which has been used for commercial purposes in the past, and its replacement with a new purpose built, two storey Islamic Cultural Centre. In the context of the proposed development, the Board will note that the existing site boundary walls rise to between 2.5-3m in height. These walls are to be retained in the redevelopment of the site. The proposed building will rise to an overall height of 8.685m which will be set back from the 3m high boundary wall fronting St. Mary's Place from between 3.85m and 4.5m.

I note that concerns were raised in terms of the potential for the building to overlook adjacent properties. On the western elevation, the design proposes 5no first floor windows which will serve the community room, stairwell and office. This elevation will face the street and the front of the existing houses, located to the west of St. Mary's Place and whos' front doors open directly onto the street, and therefore, will not overlook the private amenity spaces associated with these houses. Given the separation distance between the proposed building and the existing houses, together with the presence of the existing site boundary wall, I am satisfied that the development will not give rise to any overshadowing and will not reduce the light available in the existing houses to the north or west of the site.

#### 7.2.3. Noise & Light:

In terms of potential noise and light spill associated with the proposed development, the primary concerns appear to relate to activities in the evenings and night times and the impact on the existing residential properties in the area. While I acknowledge the issues raised, given the location of the site within the town centre, together with the nature of the development proposed, I would not necessarily agree with the concerns raised.

The site, in a town centre location, could be subject to late night activity with people walking home from nights out etc and I consider that people making their way to prayer would be less likely to create a noise issue in the area. In the same vein, the site, located within the town centre, is subject to existing street lighting in the area.

The applicant has provided details as to the timings of prayers and has clearly indicated that there will be no amplified call to prayer at any time from the site. I also note that during the dark hours, the numbers of attendees is lower than during the daylight hours and ranging between 10-15 people.

In terms of the other proposed uses associated with the community building, I am satisfied that the development is acceptable and if permitted, will not give rise to noise levels so significant as to impact on the existing residential amenities of properties in the area. I note the inclusion of condition 4 in the PAs decision to grant planning permission for the proposed development which relates to lighting. Should the Board be minded to grant planning permission for the proposed development, a similar condition should be included.

- 7.2.4. Overall, I have no objections to the proposed design and scale of the building proposed and consider that if permitted, the development will not significantly impact upon the existing residential amenities of adjacent properties by reason of overlooking or overshadowing and will not give rise to any significant noise or light spill as to impact on said amenities.

### **7.3. Roads & Traffic:**

- 7.3.1. Access to the subject site is proposed over the existing road network in the vicinity, and ultimately, cars will enter the site from Irishtown to the south and exit onto Albert Street to the north. The site already has two established access points and both are currently gated. The Board will note that a primary concern of third-party appellants relates to roads and traffic issues and in particular, the potential for the development to add to parking issues and congestion in the area. It is submitted that the existing residents in the area already experience significant dis-amenity in this regard given the location of the area in the context of the town centre, the level of existing development in the area and the presence of schools in the vicinity.
- 7.3.2. In terms of parking, the Board will note that the proposed development provides for 15 car parking spaces within the site. In terms of the Clonmel & Environs Development Plan parking requirements, the development does not provide for parking requirements for community centres or religious facilities. The Plan requires that an individual assessment be undertaken in this regard. Having regard to the

information submitted in support of the proposed development, and indeed, the concerns raised by third parties, I would note that there is on-street parking available in the wider area in the vicinity of the site. In addition, St. Marys Car Park, which provides 50 car parking spaces, is located directly across the road from the site, with Gordon Place and 100 parking spaces, located approximately 125m to the east and Westgate Car Park with 45 spaces a similar distance also to the east. In light of the above, I am satisfied that the development provides adequate car parking to service the proposed development in accordance with the Development Plan.

- 7.3.3. The proposed construction phase of the development has the potential to give rise to some impacts to existing road users. However, I am satisfied that these impacts are generally temporary in nature. In terms of general roads and traffic issues, and acknowledging the third-party submissions in this regard, I am satisfied, based on the information submitted to date, including reports from the District Engineer, the existing developments in the area and the potential impact of the proposed development and the traffic generated by same on the local road network, that the proposed development would not result in a significant traffic hazard for existing residents or businesses in the area. In addition, I am satisfied that the development, if permitted, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider area or the carrying capacity of the local road network by reason of the additional traffic resulting from the proposed development.

#### 7.4. **Other Issues:**

##### 7.4.1. **Description of Development**

The Board will note that third parties raised a concern with regard to the description of the proposed development as an Islamic Cultural Centre. It is submitted that the development constitutes a Mosque and should be advertised as such. In response, the applicant has advised that in Islamic sacred law, mosques have certain requirements to be classified as such excluding other activities taking place inside it. A building is not a mosque simply because five daily prayers are performed in it. As the building has other intended uses, including community meetings, library facilities, educational classes, indoor recreation etc, it is not a traditional mosque and is a

Cultural Centre as described. I am satisfied that the description of the proposed development is accurate and acceptable.

#### 7.4.2. **Water Services**

The proposed development will connect to the public services in the town of Clonmel. The Board will note that Irish Water was invited to comment on the proposed development by the Planning Authority but did not. I note the concerns raised by the District Engineer in relation to the location of a new foul manhole on the St. Mary's Place road. It was requested that further information be responded to in relation to the concerns raised but was not included in the PAs request. The Engineer recommends an alternative to the proposal however, but it is noted that Irish Water is responsible for matters relating to water services. Should the Board be minded to grant planning permission in this instance, I recommend that the standard Irish Water condition be included.

In terms of surface water management, the Board will note that the existing site has been extensively covered with hardcore and could not be described as a greenfield site. The details submitted provide for proposals to deal with surface water, including the installation of 2 no. 1m wide x 25m long and 1m depth Soakaway Hydrocells. I note that the District Engineer is satisfied with these proposals and I consider that adequate information has been submitted in relation to water services, in order to facilitate a decision being made. Subject to compliance with conditions of planning permission, I consider that the proposed development is acceptable in principle in terms of water services.

#### 7.4.3. **Flood Risk**

The subject site lies in close proximity to the River Suir and the most southern area of the site, and in the vicinity of the proposed access to the site, lies within the 1 in 1000 year flood zone – Flood Zone B of the River Suir. In the context of flood risk, I am satisfied that the development can be considered as a less vulnerable use and note that in the event of a flood event, persons using the proposed development would have an alternative escape from the site through the access to the north of the site. The only area of the site affected by the Flood B zone provides for roads and car parking spaces. The proposed building itself lies outside any flood risk zone.



Given the historical use of the site and its existing nature, I am satisfied that the development as proposed will not give rise to any significant flood risk issues either on the site or within adjacent properties.

#### **7.4.4. Development Contribution**

The Board will note that the applicant is a Registered Charity and did not pay a planning application fee to Tipperary County Council for the submission of the application. As such, no development contribution is payable should the Board be minded to grant planning permission in this instance.

#### **7.4.5. No. 86 Irishtown**

The proposed development site includes No. 86 Irishtown, a three storey building which forms the end of a terrace and is located to the south of the site. While the proposed site layout provides for the removal of the existing large detached metal structure located to the north west area of the site, there are no proposals or any commentary in relation to the building in the streetscape. Should the Board be minded to grant planning permission in this instance, I would consider it appropriate to clearly state that no permission is granted for the demolition of this building – which is currently unoccupied and appears to be falling into a serious state of disrepair. The building is not a protected structure but contributes to the streetscape.

#### **7.5. Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, being a brownfield site in the urban area, and notwithstanding the proximity of the site to the Lower River Suir SAC (Site Code 002137), 90m to the south of the site, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

It is recommended that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

## 9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Clonmel and Environs Development Plan 2013, and the zoning afforded to the site, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties 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 on the 02<sup>nd</sup> day of August, 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.

No permission is granted for the demolition of No. 86 Irishtown, the three storey building fronting onto Irishtown and contained with the subject site.

**Reason:** In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or

replacing them, the use of the proposed development shall be restricted to that as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

3. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

4. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

6. 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.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

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

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

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

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

8. Prior to the commencement of any development on the site, full detail for the lighting of the building and the site shall be submitted for the written agreement of the Planning Authority.

**Reason:** In the interests of orderly development and the protection of the amenity of the area.

9. Prior to the commencement of any development on the site, full details of all works to the public footpaths required to accommodate the development, if any, shall be submitted for the written agreement of the Planning Authority. The works, if any and including any Road Opening Licences, shall be carried out in accordance with the Council Specifications, and under the supervision of the County Council, and shall be undertaken at the expense of the applicant.

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

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A. Considine  
Planning Inspector  
16<sup>th</sup> December 2019