



An
Bord
Pleanála

Inspector's Report ABP - 306276 - 19

Development	The development of 50 no. houses and all necessary roads, parking, landscaping and associated site works.
Location	Tullowbeg, Tullow, Co. Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	18466
Applicant(s)	Eurcon Dublin Limited.
Type of Application	Permission
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Date of Site Inspection	3 rd March 2020
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 1.78 hectares, comprises an area of undeveloped land with an irregular shape, located approximately 680 m to the western side of Tullow, Co. Carlow. Access to the site is by an existing road serving a number of large industrial/ warehousing units to the west of the subject site and this road connects to the southern side of the R725 – Carlow Road. The site is partially fenced off from public access and is relatively flat, rising gently from midway on the site from west to east. The gates providing access to the site, were open on the day of the site visit.
- 1.2. On the day of the site visit, there was evidence of construction materials and mounds of earth deposited throughout the site. There was also evidence that the site was recently used for off-road scrambling or other similar activity.
- 1.3. The industrial/ warehousing units are located on the opposite/ western side of the access road. To the north is a residential development, Craigowan and another residential development by the name of Cuanahowan is located to the south. Remaining lands to the south west and east are currently under grass/ in agricultural use.
- 1.4. Public transport provision in the Tullow area is of a low frequency, Bus Éireann route 132 operates four times on weekdays and reduced frequency at the weekends from Bunclody to Dublin. Other infrequent services are provided by Local Link, generally serving rural areas.

2.0 Proposed Development

- 2.1. The proposal is for a residential development of 50 houses consisting of:
 - 19 no. two-storey, terraced, two-bedroom house – Type A
 - 27 no. two-storey, terraced, three-bedroom house – Type B
 - 2 no. two-storey, semi-detached, three-bedroom house – Type B
 - 2 no. two-storey, semi-detached, four-bedroom house – Type C.

All associated site works, roads, footpaths, parking areas, open space, boundary treatment and landscaping. Vehicular and pedestrian access is via the existing access road to the Carlow Road/ R725.

- 2.2. Following the receipt of further information, the layout was revised and the number of Type B houses was reduced to 25, the number of Type C houses was reduced to 1 and 4 Type D (two-storey, terraced/ semi-detached, three-bedroom houses) and 1 Type E (two-storey, terraced/ semi-detached, three-bedroom house) are proposed. There is no change in overall unit numbers and other than a revised cul-de-sac to the south of the site, the proposed layout is generally retained as originally submitted.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission subject to four number reasons as follows:

1. The proposed development of 50 residential units on a site area of 1.78 ha does not comply with the Core Strategy targets pertaining to this site as detailed in Table 9 of the Tullow Local Area Plan, 2017 - 2023 which implements the provisions of the Core Strategy pertaining to Tullow as contained within Chapter 2 of the Carlow County Development Plan, 2015 - 2012.

The proposed development would therefore materially contravene the provisions of the Carlow County Development Plan 2015 - 2021 and stated policies HP1 and HP 2 of the Tullow Local Area Plan, 2017 - 2023 which seek to achieve the delivery of strategic plan led and coordinated balanced development within the town while ensuring compliance with the core strategy targets pertaining to Residentially Zoned Phase 1 lands. The proposed development would therefore be contrary to the provisions of the Core Strategy, would establish an undesirable precedent for further such development and would not be in accordance with the proper planning and sustainable development of the area.

2. The proposed development is located partially on lands identified for Enterprise and Employment purposes in the Tullow Local Area Plan, 2017 - 2023 where residential development is not permitted and where the objective pertaining to these lands is “To facilitate an appropriate mix of employment uses within a high-quality landscaped development including office-based industry, enterprise and incubator units, business, science and technology.” Furthermore, the proposed development seeks to provide a portion of public open space to service the overall residential development within lands identified as “New Residential – Phase 2” in the Tullow Local Area Plan, 2017 - 2023 and where it is stated policy that these lands “are not available for residential development within the lifetime of this LAP”. Accordingly, the proposed development would materially contravene the provisions of the Plan for the use of part of the lands subject of the application for particular purposes and as such would be contrary to the proper planning and sustainable development of the area.

3. The proposal as submitted does not address the stated provisions of Chapter 5 of the Tullow Local Area Plan 2017 - 2023 and in particular Policy HP6 and HP11 regarding “the provision of mixed sustainable neighbourhoods which contain a variety of house types and tenures ... the desirability of providing mixed communities” and would accordingly not be in the interests of the proper planning and sustainable development of the area.

4. The proposed development as designed fails to provide adequate proposals for surface water disposal, flood risk assessment, surface water management and all necessary legal entitlements to carry out works to adequately service the proposed development. Accordingly, it is considered that the proposed development would constitute a substandard form of development which would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to refuse permission subject to four number reasons. Further information was sought from the applicant in relation to the following points in summary:

1. Demonstration of compliance with the Core Strategy.
2. Part of the development site is zoned for enterprise and employment and not residential.
3. The applicant to demonstrate that they have consent to use the access road to serve these lands.
4. Requested to demonstrate how the development complies with the Tullow Local Area Plan 2017 – 2023 and in particular with Policy HP6 and HP11.
5. A range of issues in relation to design and layout of the development.
6. Submission of a Road Safety Audit.
7. Proposals to increase permeability/ accessibility to zoned open space lands to the east.
8. Landscaping plan/ details.
9. Details of all surface finishes.
10. Lighting plan for the site.
11. Request for an Appropriate Assessment Screening.
12. Construction Management Plan.
13. Surface water drainage details.
14. Details in relation to flood risk assessment, water rate run-off.
15. Part V housing are not in accordance with requirements.
16. Fire safety issues.

A time extension was granted to the applicant and the further information was submitted on the 29th of October 2019. The Planning Authority were not satisfied

with all aspects of the further information response and permission was recommended for refusal for the listed reasons.

3.2.2. **Other Technical Reports**

Transportation Planning: No objection subject to recommended conditions. Subsequent report following further information response raised no issues and recommended a grant of permission.

Environment Department: Further information was requested in relation to surface water drainage and flood risk assessment. Subsequent report following further information response recommended a grant of permission subject to conditions, however a number of issues of concern were raised in the report such as no Wayleave details provided, concern about the pond on site polluting the area and a 600 mm surface water pipe disperses into the River Slaney without any proposals for pollution elimination.

Housing Department: Further information was requested and on receipt of further information issues were raised in relation to design details and the encroachment of a wayleave on the proposed Part V houses.

Fire Officer: No objection subject to conditions. The Planning Officer sought further information in relation to a number of these conditions.

Water Services: As per Irish Water report and note that surface water disposal is to be agreed with Carlow County Council Roads and Environment Departments.

Carlow Municipal District: No objection from a roads point of view but note issues in relation to the pumping of a lagoon on site. Subsequent report following further information response raised no issues subject to conditions.

3.2.3. **Prescribed Bodies Report**

Irish Water: No objection subject to conditions and no further comments were made following the receipt of further information.

Department of Culture, Heritage and the Gaeltacht: In relation to Archaeology, no objection subject to conditions. In relation to Biodiversity/ Nature Conservation, an Appropriate Assessment Screening was requested by way of further information. Construction Management Plan details and relevant licensing were raised as issues.

Note: As per the Fire Officer report, the Planning Authority Case Officer included in her further information request items that were to be addressed by way of condition.

3.2.4. **Objections/ Observations**

None

4.0 **Planning History**

There are no recent, valid applications on the entire subject site. **P.A. Ref. 06/536** refers to an August 2008 decision to grant permission for 36 houses on the southern portion of the subject lands. This permission has expired.

The Planning Authority Case Officer in her report has outlined a long planning history which I have noted. These mostly refer to adjoining sites and many of these were lodged a considerable time ago and are no longer relevant to the current situation pertaining to this site.

5.0 **Policy and Context**

5.1. **Carlow County Development Plan 2015 - 2021**

5.1.1. Tullow is listed as a District Town in the County Settlement Strategy. Chapter 5 refers to a proposal for a Tullow Relief Road.

5.1.2. Chapter 11 – Design and Development of the Carlow County Development Plan 2015 – 2021 includes Section 11.3 Residential Development Standards and of particular relevance are Sections 11.3.4 Density, 11.3.5 Design and 11.3.6 Open Space in New Residential Development.

5.2. **Tullow Local Area Plan 2017 - 2023**

Chapter 5 of the Local Area Plan refers to 'Housing and Sustainable Communities' and the following Policies are relevant to this development:

'HP 1: To monitor the scale, rate and location of newly permitted development to ensure compliance with the core strategy with regard to population targets in order to achieve the delivery of strategic plan led and coordinated balanced development within the town'.

'HP2: To operate an order of priority for the release of residential lands to comply

with the Core Strategy of the Carlow County Development Plan 2015-2021 as follows:

- (i) The lands identified as “New Residential – Phase 1” land use zoning objective maybe appropriate subject to compliance with the core strategy targets for residential development within the lifetime of this plan.
- (ii) The lands identified as “New Residential – Phase 2” land use zoning objective are not available for residential development within the lifetime of this LAP unless the Plan is reviewed / amended in accordance with planning legislation’.

Policy HP4 refers to it being Council Policy to have regard to National Guidance, listing relevant documentation.

According to Map 6: ‘Residential Sites’, the site is a Phase 1 residential site and is labelled as Site 1. I note that this Site 1 has an area of 2 hectares and extends to lands outside of the applicants control.

The majority of the site is zoned ‘New Residential – Phase 1’ and a small section of the southern part is ‘New Residential – Phase 2’. An ‘Access Point’ crosses through the northern part of the site. A ‘Pedestrian Walkway’ crosses from south west to north east through the southern section of the site. A small section of the site to the south west corner is zoned for ‘Enterprise and Employment’; residential development is not permitted on such zoned lands.

Table 9 of the Local Area Plan indicates that Site ref. 1 (as per map 6) with a site area of 2 hectares has a Unit Potential of 40 units.

5.3. National Guidance

The following are relevant to this appeal:

- The National Planning Framework includes a specific Chapter, No. 6 - ‘*People Homes and Communities*’ which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:

- National Policy Objective 27 seeks to *‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’*.
- National Policy Objective 33 seeks to *‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’*.
- National Policy Objective 35 seeks to *‘Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’*.
- *Design Manual for Urban Roads and Streets (DMURS)*.
- *Sustainable Residential Development in Urban Areas (Cities, Towns & Villages)* (DoEHLG, 2009) and its companion, the *Urban Design Manual - A Best Practice Guide* (DoEHLG, 2009).
- *Quality Housing for Sustainable Communities* (DoEHLG, 2007).
- *Permeability Best Practice Guide* (NTA, 2015).

5.4. **Natural Heritage Designations**

The subject site is not located within any Natural Heritage designated lands.

The River Slaney which is a SAC (Site Code 004024) is located approximately 340 m to the north east.

5.5. **EIA Screening**

Having regard to the nature of the proposed development comprising a residential development of 50 units including all necessary site works, in an established zoned, urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has engaged the services of Hendrik van der Kamp, Town Planner to prepare an appeal against the decision of Carlow County Council to refuse permission for this development.

The grounds of appeal can be summarised as follows:

1. The development does not contravene the Tullow Local Area Plan, is zoned for residential development and the proposed density is appropriate for a greenfield site in a small town.
2. The areas of land outside of residentially zoned lands are small and are appropriate to be developed for residential use.
3. The density and mix of housing is appropriate for Tullow.
4. Surface water management including wayleaves can be addressed by way of condition.
5. Request that the Board overturn the decision of the Planning Authority and a revised layout can be provided that increases the number of houses from 50 to 54 with a consequent increase in density to 30.3 units per hectare.

6.2. Planning Authority Response

- 6.2.1. No further comments to make.

7.0 Assessment

- 7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Zoning and Compliance with Tullow Local Area Plan

- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic and Access
- Water Supply and Drainage
- Other issues
- Appropriate Assessment Screening

7.2. Principle of Development

- 7.2.1. The site is located to the west edge of the existing urban area of Tullow and is within walking distance of the town centre. In the County Carlow Settlement Hierarchy, Tullow is listed as a second level settlement with Carlow, the County Town at the first level.
- 7.2.2. In general, it is considered that residential development is acceptable in this location and having regard to the adjoining lands to the north, south and east which are in residential use, the proposal will integrate with the existing form of development in the area.

7.3. Zoning and Compliance with Tullow Local Area Plan

- 7.3.1. Three of the four reasons for refusal, issued by the Planning Authority, referred to either zoning or non-compliance with the Tullow Local Area Plan 2017 – 2023. The extensive further information request issued by the Planning Authority, clearly identified a number of issues of concern and requested that the applicant address these.
- 7.3.2. Refusal reason no.1 refers to the core strategy and the provision of 50 units on this site of 1.78 hectares is contrary to this strategy. The site is located within Area 1 of Map 5 and which extends to an area of 2 hectares, slightly larger than the subject site. The primary additional area outside of this site is located to the south of the proposed access road and to the west of houses no. 08 and 42 to 50. It should be possible to build houses on this area of land independently of the subject appeal whilst ensuring integration between the two sites. This could generate up to an additional 10 to 15 units; a potential for 65 houses on site Area 1 of the local area

plan and far in excess of the potential for 40 houses. The proposed development of 50 units provides for a density of 28 units per hectare.

- 7.3.3. I note the core strategy targets and the comments of the Planning Authority. I also note national guidance in relation to unit numbers, appropriate density and housing. The *Sustainable Residential Development in Urban Areas* indicates that Greenfield/ Outer Suburban sites for larger towns, should be providing for densities of 35 to 50 units per hectare. Tullow is not well served currently by public transport; however this site is within walking distance of the town centre and the development of this site would increase the consolidation of the urban area. Like a lot of Irish Towns, development in Tullow has been linear along the main road network; the subject site lies off a main road and its development would aid the process of consolidation of Tullow.
- 7.3.4. A density of 20 units per hectare would be contrary to national policy and would provide for an inappropriately low density of development that would set a poor precedent for similar development in the area. I do accept that the density at 28 units per hectare is below the recommended 35 units and the applicant has proposed in their appeal to provide for an additional 4 units, thereby increasing the density to just over 30 units per hectare. This is considered further in this report.
- 7.3.5. Refusal reason no.2 refers to part of the development encroaching onto lands zoned E1 for Enterprise and Employment use. The original submitted site plan indicates that most of unit no. 47 and a part of unit no. 48 would be located on this E1 zoned lands. The layout was revised by way of the further information response and now only part of unit no. 50 is within this zoned land, however the rear gardens of units no. 47 to 50 are wholly/ partially within this zoned area. I consider the private amenity area as a significant part of the residential unit and as such the revised plans have now resulted in four, rather than two units being affected by this zoning issue. There should be no residential development on lands zoned E1 having regard to the zoning matrix which specifically does not permit such development. The applicant was and is aware of this situation. This issue is addressed further under Section 7.4 of this report.
- 7.3.6. The second part of refusal reason no. 2 refers to part of the public open space encroaching into lands that are for Phase 2 Residential development as set out in

the Tullow Local Area Plan. The only development proposed here is for use as open space and the submitted site location plan indicates that the applicant owns these lands but no other to the south of the site. As public open space, there is no development on these lands and their inclusion into this development would not impact on the Core Strategy, population projections or house numbers of the Tullow Local Area Plan. They could be excluded from the development and fenced off from use, however such a proposal would be contrary to proper planning and would be difficult to manage. I consider it acceptable to include these lands as public open space only. Unlike private open space, they are not an associate part of an individual housing unit and have no impact on the number of houses to be generated either by way of Phase 1 or Phase 2 housing.

7.4. Design and Impact on the Character of the Area

- 7.4.1. I have considered the issue of residential development and the density of development at 28 units per hectare to be acceptable. The layout was revised from that originally proposed but other than the southern cul-de-sac, the layout has retained much of its original form. The southern cul-de-sac containing unit no. 43 to 50, was revised by way of further information to ensure that all houses were located on residentially zoned lands. House nos. 43 to 46 were within a terrace, are now proposed to be semi-detached units.
- 7.4.2. I note the applicant's attempt at ensuring that all houses are on residentially zoned lands, however from a layout point of view, the original proposal worked better. I would suggest that in the event that permission were to be granted, that units 43 to 46 revert to a terrace of four houses, units 47 and 48 be omitted and that units 49 to 50 become Type C – four bedroom houses and be relocated such that they are 11.5 m from the southern boundary and be relocated westwards only to accommodate the additional footprint/ floor area. In addition, the road and footpath should be extended westwards to the boundary to the west, to allow for future access to these adjoining lands.
- 7.4.3. I am not in support of the additional houses, as proposed by the applicant in their appeal, as an attempt at increasing the density on this site. The proposed units would reduce the area of useable open space, thereby negatively impacting on the public open space provision and would not improve the residential amenity of the

area. I accept that the loss of two units will reduce the density of development from 28 to 27, however this is a marginal decrease and not as significant as requiring a density of only 20 units per hectare.

- 7.4.4. The subject site does not present an opportunity to create a strong street frontage as the residentially zoned lands to the west are outside of the control of the applicant. An attempt at this stage to improve the frontage along the western side may prevent the future development of the lands to the west. It is considered that the boundary wall should be plastered, at a minimum, on the western side so as to present a high quality appearance here in the absence of any proposals for the development of these lands.
- 7.4.5. The end of terrace houses have additional windows to their sides to provide for additional passive surveillance of the adjoining open spaces/ street frontages. This is desirable. Two main character areas are proposed, and these are defined by a variation in material finishes. I note that there is a mix in variety of the finishes within the character areas and this is acceptable/ desirable. The house designs are acceptable.
- 7.4.6. Two areas of public open space are proposed, one to the north of the site and the other to the east/ south east providing for a total of 0.463 hectares. These are generally acceptable and as noted are sufficiently overlooked by adjoining properties. The public open space area makes up approximately 26% of the total site area.
- 7.4.7. The Landscaping Plan prepared by JBA Consulting indicates a small carparking area to the north east of the site within the open space area. This is not on the submitted site plans, however it does not impact negatively on the area whether provided or not. Its function may be to encourage a greater use of the open space from a wider area than just the future residents of this development.

7.5. Impact on Residential Amenity

- 7.5.1. The floor areas of the proposed houses are acceptable and storage provision is adequate. Although not indicated on the submitted plans, additional storage can be provided in the attic space. The Type A mid terrace houses have a very narrow floor width at 4.175 m, however the layout of these is acceptable and room sizes are acceptable.

- 7.5.2. All houses are provided with adequate private amenity space. I note that the two-bedroom units are provided with 49 sq m of private amenity space which is acceptable and will benefit from the garden depth of 11 m. I would recommend that exempted development rights with regards to extensions to the rear and the provision of sheds etc. be removed to ensure that the residential amenity is protected. Even a modest shed could impact negatively on the adjoining property through loss of daylight/ sunlight.
- 7.5.3. Adequate separation distances are provided between the proposed house and between the proposed/ existing houses, especially to the north of the site. Overlooking leading to a loss of privacy and overshadowing leading to a loss of daylight are not foreseen.

7.6. Traffic and Access

- 7.6.1. The proposed road and footpath layout is generally acceptable. Footpaths are provided to the front of all houses and I note that provision is made for cycleways also. Pinch points are located throughout the site and a raised table is also proposed. The site layout and the number of units proposed is such that this will be a low speed traffic environment. I note that some of the radii at junctions appear generous and may make it difficult for pedestrians to cross the road, however it is up to the Road Authority to ensure that such issues comply with relevant standards. The Carlow County Council Roads Department had reported no objection to this development.
- 7.6.2. Car parking is generally provided at the rate of two per three/ four-bedroom unit and one space per two-bedroom unit. Car parking is in-curtilage all cases. Additional visitor parking spaces are provided throughout the site and these benefit from suitable passive surveillance.
- 7.6.3. I note that provision is made to the east of the site for a future access to lands to the east of the site. A secured gate is proposed here, and this is appropriate as it makes clear that this may not be a permanent cul-de-sac. As per section 7.4.2 of this report, I consider that a similar access should be provided to the south west of the site to allow for future connection to the lands to the west of the site. This will improve permeability and demonstrate consideration of the NTA Guidance on this matter. Improved connections allow for a far better integration of residential

development and encourages a greater use of sustainable means of transport such as cycling.

- 7.6.4. The Tullow Local Area Plan indicates a west to east access point to the northern side of the site and the proposed development provides for this. Similarly, a Pedestrian Walkway on a south west to north east axis is accommodated in this development. Such routes are indicative, and the proposed development facilitates these in a practical manner.

7.7. Water Supply and Drainage

- 7.7.1. The fourth reason for refusal issued by the Planning Authority referred to the lack of sufficient information in relation to surface water disposal, flood risk assessment, surface water management and all necessary legal entitlements to carry out works necessary for the development. Irish Water have reported no objection to this development in relation to water supply and foul drainage. The Environment Section sought Clarification of Further information; however, no time was available for these details to be sought from the applicant and the Planning Authority decided to refuse permission.
- 7.7.2. In support of the appeal, the applicant has engaged the services of Donnachadh O'Brien & Associates Consulting Engineers to provide a response to Refusal Reason no. 4. I note the response and I consider that these issues can be agreed by way of condition prior to the commencement of development. These are issues that can be addressed between the applicant and the Planning/ Local Authority and should not give rise to any impact to third parties or the environment. No issues of flooding have been identified in this area and site is sufficiently sized to be able to accommodate/ manage surface water drainage.

7.8. Other Issues

- 7.8.1. I note the submitted Design Statement which sets out the context/ rationale for this development and it is clear that the applicant has had regard to the Urban Design Manual in the design of this development.
- 7.8.2. I note the report of the Department of Culture, Heritage and the Gaeltacht in relation to archaeology. A suitable condition can be provided in the event that permission is granted.

7.9. Appropriate Assessment (AA) Screening

- 7.9.1. A screening report was submitted in response to a further information request, prepared by Doherty Environmental. The AA Screening report concluded that significant effects are not likely to arise, either alone or in combination with other plans or projects to any SAC or SPA.
- 7.9.2. The proposed development is located within an urban area on zoned lands that are serviced area. 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 any Natura 2000 designated sites. A Stage 2 Appropriate Assessment is, therefore, not required.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following reasons and conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Carlow County Development Plan 2015 – 2021 and the Tullow Local Area Plan 2017 - 2023 and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of Tullow town centre and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. 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 submitted on the 29 th of November 2018 and as amended by the further plans and particulars
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	<p>submitted on the 29th of October 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development as submitted by way of further information and received by the Planning Authority on the 29th of October 2019, shall be amended as follows:</p> <ul style="list-style-type: none"> a) The southern cul-de-sac only shall be constructed as indicated on Drawing no. D1137-004 received by the Planning Authority on the 29th of November 2018. Houses no. 43 to 46 to be Type B units and in the form of a four-house terrace. b) House nos. 47 to 48 to be omitted. House no. 49 and 50 to be revised to be Type A – four-bedroom units. These shall be located a minimum of 11.5 m from the boundary to the south and shall be located westwards as appropriate within the residentially zoned lands only. c) The road and footpath to the south of House no. 46 shall be extended to the western boundary in a similar arrangement to that indicated at Point I – L on Drawing no. D1137-005 Revision C. d) The boundary to the west of the site shall be Type F for the entire length of the western boundary i.e. be capped and plastered on the western face of this wall. <p>Revised layouts, drawings and elevations showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>

3.	<p>This permission is for 48 no. houses in the form of 19 no. two bedroom units, 27 no. three bedroom units and 2 no. four bedroom units.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the junction with the public road to the west of the site, shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>b) A Stage 3 Road Safety Audit in relation to all road works including the junction with the public road, shall be prepared and submitted for the written agreement of the Planning Authority prior to the commencement of development. Any necessary revisions and/ or additions shall be agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
7.	<p>Footpaths shall be dished at road junctions in accordance with the requirements of the Planning Authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>Reason: In the interest of pedestrian safety.</p>
8.	<p>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 dwelling unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
10.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Full details of all surface water disposal, surface water management and all necessary legal entitlements to carry out works to adequately service the proposed development shall be agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>

11.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate is to be signed off by the Landscape consultant when all works are completed and in line with the submitted landscape drawings. This completion certificate shall be submitted to the Planning Authority for written agreement upon completion of works.</p> <p>Reason: In the interest of amenity.</p>
13.	<p>Vegetation clearance and any necessary tree removal shall take place outside the bird breeding season (March 1st – August 31st).</p> <p>Reason: To protect birds and bird breeding habitats during the nesting season.</p>
14.	<p>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 -</p> <p>(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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) shall carry out licenced metal detection surveys (including the field boundaries to be removed), develop an archaeological and artefact strategy on the basis of the results and in consultation with the Department</p>

	<p>of Culture, Heritage and the Gaeltacht and the National Museum of Ireland, agree protective measures in advance of site preparation and construction works to ensure the preservation/ protection of archaeological features (burnt mound material) and archaeological monitoring of topsoil stripping (licenced under the National Monuments Acts 1930 to present).</p> <p>(d) A detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post excavation reports, shall be submitted to the relevant authorities following the completion of all archaeological assessment. All costs shall be borne by the developer in this regard.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
16.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.</p>

	Reason: In the interests of public safety and residential amenity.
17.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>
18.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
19.	<p>(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
20.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p>

	<p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
21.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
22.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

23.	<p>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.</p> <p>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.</p>
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Paul O'Brien
Planning Inspector

1st April 2020