



An
Bord
Pleanála

Inspector's Report

ABP-307289-20

Development	Demolition of an existing single storey disused health centre, construction of a 3 storey, mixed use building comprising a restaurant, café and retail space at ground floor level with 8 no. apartments above and all associated ancillary site works
Location	Ballinagappa Road, Clane, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19/757
Applicant(s)	H&I Partnership
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	James Browne
Observer(s)	(1) Clane Community School

(2) Mai and Michael Bergin & others

Date of Site Inspection

17th September 2020

Inspector

Elaine Power

1.0 Site Location and Description

- 1.1. The appeal site is located on Ballinagappa Road, approx. 40m north west of the junction with Main Street, in the centre of Clane. The site is bound to the north west and west by a private laneway, which provides access to a single storey detached house, located to the south of the appeal site. To the east the site is bound by a 2-storey, mixed-use building. To the north the site is bound by Ballinagappa Road. There is a motor sales garage and ground floor commercial units located on the opposite side of Ballinagappa Road to the appeal site.
- 1.2. The site has a stated area of 1.33ha and currently accommodates a vacant health centre, associated car parking and open space. There is an existing gated vehicular access at the north east portion of the site, onto Ballinagappa Road. The remaining boundaries comprise a blockwork wall and a timer fence approx. 1.8m in height.
- 1.3. The proposed development is located within an area of archaeological potential

2.0 Proposed Development

- 2.1. It is proposed to demolish an existing single storey disused health centre, with a gross floor area of 118sqm and to construct a 3-storey mixed use building with a gross floor area of 1,274sqm. The proposed building would comprise a restaurant (81sqm), café (81sqm) and retail unit (96sqm) at ground floor level with, 8 no. apartments above. The 8 no. apartments comprise 6 no. 2 bedroom apartments and 2 no. 3 bedroom apartments provided above. The apartments range in size from 88sqm to 110sqm.
- 2.2. The development is designed around 3 no. blocks with interconnected circulation areas. The development is a contemporary design approach. The external materials include brick and zinc with large sections of glazing. The development is 3-storeys in height with a flat roof with a maximum height of approx.11.3m
- 2.3. The buildings are generally located along the northern and western portion of the site. A public square and a play area are proposed in the centre of the development, adjacent to the development and would accommodate outdoor seating areas associated within the restaurant and café use. 7 no. car parking spaces are proposed in the south east portion of the site.

2.4. Access to the development is proposed from a new 4.1m wide access onto Ballinagappa Road.

2.5. The application included a Site Lighting Report, Daylight Analysis and Overshadowing report and a Water Services and Flood Risk Assessment Report.

2.6. ***Response to Further Information lodged 2nd December 2019***

In response to 16 no. items of further information, the applicant submitted a revised scheme which rearranged the ground floor units, in particular it omitted the proposed retail unit and provided 2 no. interconnected restaurant / café units with total gross floor areas of 8140sqm and a yoga / Pilates studio with a gross floor area of 49sqm. A café / restaurant unit was relocated to the front (north eastern) portion of the development to provide an active frontage onto Ballinagappa Road. The refuse and storage areas associated with the apartment units were relocated to the rear of the site. The proposed works also result in minor alterations to the layout of the 8 no. apartments above and the elevational treatments.

The outdoor seating area was also omitted, and a landscaped area provided in the southern portion of the site. The proposed play area was relocated to the south of the proposed building. The revised layout also provides for an additional car parking space, to provide a total of 8 no. spaces. Cycle parking has also been provided in the southern portion of the site.

The submission included a Mobility Management Plan, a Site Lighting Report, a Road Safety Audit and a Traffic and Transport Assessment

2.7. ***Response to Clarification lodged on the 21st February 2020***

In response to 2 no. items of further information the height of the rear portion of the scheme was reduced by omitting the 3rd floor. The applicant has stated that 8 no. apartments are required to ensure the scheme is financially viable. Therefore, the ground floor of the development was redesigned. The proposed yoga / Pilates studio was omitted, and the ground floor was rearranged to provide 1 no. ground floor apartment, circulation areas, refuse storage and bike storage for the apartments. The

gross floor area of the interconnected café / restaurant units was increased to approx.154sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 28 no. conditions. The relevant conditions are outlined below: -

Condition 1 clarified that permission was granted for the scheme submitted by way of further information on the 2nd December 2019 and by way of clarification of further on the 21st February 2020.

Condition 2 clarified that permission was granted for residential use and restaurant / café use and does not include any retail use.

Condition 3(a) clarified that permission is granted for a cafe / restaurant use were the principle use relates to the preparation and consumption of food on the premises and not as a fast-food outlet.

Condition 3(b) limited the hours of operation of the café / restaurant to between 8am – 11pm Monday to Saturday and 9am – 6pm on Sundays.

Condition 3(c) required that signage proposals to be agreed in writing with the planning authority.

Condition 4(a) required that any alteration to the external finishes to be agreed in writing with the planning authority.

Condition 4(b) required that all glazing in bedroom windows and circulation areas on the northern elevation shall be obscured to a height of 1.8m

Condition 4(c) required that all glass balustrades on balconies be fully obscured.

Condition 4(d) required that boundary walls on the northern, southern and western boundaries be 2m in height.

Condition 6 required electric charging points be provided for all car parking spaces.

Condition 9 required archaeological monitoring of the proposed works.

Condition 20 and 25 limited noise emissions from the development

Condition 22 required landscaping works to be agreed with the planning authority

Condition 23 required a stage 3 Road Safety Audit to be carried out prior to occupation of the development

Condition 27 required a bond to be paid to the planning authority

Condition 28 required a Section 48 development contribution to be paid.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planners report raised some concerns regarding the proposed development and recommended that 16 no. items of further information be sought regarding the following: -

- The location and viability of the ground floor uses having regard to Objective RO3.1 of the Clane LAP to ensure all new development contributes positively to and enhances the streetscape and to the existing level of commercial vacancy in Clane.
- Address concerns regarding the proposed height and submit context elevations
- Details and samples of materials
- Auto-track drawings for the development
- Compliance with DMURS
- Details of cycle parking
- Traffic and Transport Assessment is required
- Road Safety Audit is required
- An Acoustic Design Statement is required
- A Mobility Management Plan is required
- Details of the proposed lighting scheme is required
- A bat survey is required

- Details of Biodiversity Enhancement Measures to be undertaken
- Details of ventilation
- Detail of staff and customer toilets for the commercial units
- Details of the commercial vents

Following receipt of further information, the area planner recommended that 2 no. items of clarification of further information be sought regarding the following: -

- A Solar Shading Study for the existing building on site and address concerns of potential overlooking and overshadowing from apartments 5 and 6.
- Compliance with DMURS, detail of surface drainage, details of refuse storage and details of how car parking spaces would be assigned.

Following receipt of clarification of further information, the area planner considered that all items had been fully addressed and recommended that permission be granted subject to conditions.

3.2.2. **Other Technical Reports**

Maynooth Area Office: recommended that permission be refused due to the scale of the development and the potential traffic generated.

Transportation Department: Final report recommended clarification of further information be submitted. There is no report on file from the Transportation Department in response to the revised scheme submitted by way of clarification of further information.

Fire Officer: No objection subject to compliance with building regulations

Conservation Officer: No objection

Heritage Officer: Final report raised no objection.

Environment Section: No objection subject to conditions

Water Services: No objection subject to conditions

3.3. **Prescribed Bodies**

Irish Water: No objection

Department of Culture, Heritage and the Gaeltacht: No objection subject to conditions relating to archaeological monitoring

3.4. **Third Party Observations**

There were 9 no. third party submissions received by the planning authority. The concerns raised are similar to those in the third-party appeal and observations which are outlined below and raised the additional concerns: -

- It is unclear if the proposed access would impact on a proposed pedestrian crossing on the Ballinagappa Road.
- Development should include electric vehicle charging points, solar panels and bike storage.
- All new planting should be of native species.
- The additional traffic generated by the development cannot be accommodated on the surrounding road network.

4.0 **Planning History**

Subject Site

None

Surrounding Sites

Reg. Ref. 19/765: Permission was granted in 2020 for the construction of 8 no. self-contained dwellings for sheltered accommodation for the elderly on a site located to the south of the appeal site and accessed via the private laneway to the north west and west of the appeal site.

5.0 **Policy Context**

5.1. **Clane Local Area Plan 2017 - 2023**

The appeal site is zoned 'Town Centre' with the associated land use objective to protect, improve and provide for future development of town centres.

It is a Strategic Objective of the plan *'to protect and enhance the primacy and character of the town centre, so that it remains attractive to businesses and meets the retailing and service needs of the town and its hinterland, in addition to offering a pleasant and attractive environment for shopping, business, recreation and living'*.

The following policies are considered relevant: -

Policy R1 - Town Centre: 'It is the policy of the Council to protect and enhance Clane's role as a vibrant and attractive town that provides a range of retail, commercial, civic, social and cultural services'.

Policy R3 – Public Realm: 'It is the policy of the Council to actively encourage, support and facilitate environmental and public realm improvements in Clane Town Centre to address environmental quality, urban design, safety, identity and traffic impact'.

The upgrading of the Main Street / Ballinagappa / Kilcock / Celbridge roads junction is a specific roads and transportation projects outlined in Table 8.1.

5.2. Kildare County Development Plan 2017 - 2023

The settlement hierarchy identifies Clane as a small town. The function of a small town is to develop as key local centres for services with levels of growth to cater for local need at an appropriate scale and to support local enterprise to cater for local demand.

Chapter 2 – Core Strategy, Chapter 3 – Settlement Strategy, Chapter 4 – Housing and Chapter 17 – Development Management Standards are considered relevant. In addition, the relevant policies and objectives of the Plan are set out below: -

Policy MDO 1 Require that new residential developments provide for a wide variety of housing types, sizes and tenures.

Policy DL 1 Promote a high quality of design and layout in new residential developments and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy HC 1 Support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Objective ECD 33 Facilitate the development of tourism infrastructure such as accommodation, restaurants, car and coach parking and toilet facilities in the designated hubs throughout the county.

5.3. ***Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 - 2031***

It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

5.4. ***National Planning Framework (2018)***

The relevant policies of the National Planning Framework which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4
- Policy Objective 6
- Policy Objective 11
- Policy Objective 33
- Policy Objective 35

5.5. ***National Guidance***

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice (DOEHLG, 2009)
- Design Manual for Urban Roads and Streets

5.6. Natural Heritage Designations

There are no designated areas in the vicinity of the site.

5.7. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was received from James Brown. The concerns raised are summarised below: -

- The proposed development is located outside of the core development zone. There are already a sufficient number of retail and café units within the core development zone which have been vacant for some time.
- The proposed development by reason of its mass, scale, density and site coverage etc. does not conform with the character of the existing built environment.
- The redevelopment of this brownfield site does not integrate by way of style or mass with the surrounding retail, commercial and residential properties.
- Clane Main Street comprises an interesting mix of small scale buildings creating a lively streetscape. The proposed development is more suited to a regional town. It would negatively impact on the unique village atmosphere of Clane.
- The development extends to three of the site boundaries, overlooking of the adjoining single storey properties would have a significant impact on the amenity and value of those properties.

- Appellant has recently received planning permission (reg. ref. 19/765) for 8 no. self-contained dwellings for sheltered accommodation for the elderly, located adjacent to the site. The design and layout of the proposed development would negatively impact on the residential amenities of the future occupants.

6.2. Applicant Response

The applicant's response to the appeal is summarised below: -

- The development has been designed in accordance with the policies and objectives of the Clane LAP 2017-2023 and the Kildare County Development Plan 2017-2023.
- The café / restaurant unit is located to front of the scheme, along Ballinagappa Road. The front elevation to the street comprises large sections of glazing and would be a positive contribution to the streetscape and public realm. This is an active street frontage that would add significantly to the vibrancy and vitality of the town.
- The proposed uses are in accordance with the sites 'Town Centre' zoning objective. There are currently 76 no. commercial units located on and off Main Street in Clane. Of these 3 no units are cafes and 2 no. units are restaurants, all of which are fully occupied and trading. A photographic survey of Main Street has been included with the submission. It was noted that of the 76 no units only 6 were unoccupied. Clane is a vibrant town which is growing and evolving.
- It is considered that the mixed-use scheme is sited on an appropriately zoned lands and would provide public amenities for the benefit of all existing and future residents of Clane. The development would contribute to the town centre in the context of place making and community integration.
- The appeal site is visually prominent within the town. The layout, design, density and scale optimise a zoned and serviced site within a town centre while maintaining the existing amenity of adjacent properties in terms of overshadowing or overlooking.

- The scheme has been designed to ensure it does not negatively impact on the existing residential amenities. Obscure glazing and timber louvres are provided as part of the development to reduce any potential overlooking.
- The Solar Study submitted with the application also indicates that the proposed development would not result in undue overshadowing or overbearing impacts of the adjoining properties.
- This is a high quality in-fill development. It is considered that the height and design of the development would not unduly impact adjoining properties and would make a positive contribution to the existing streetscape and urban environment.
- It is noted that there is precedent for 3-storey buildings in Clane.
- The rear element of the development is 2-storeys in height. This ensures that it does not result in any negative impacts on residential amenities.
- The development would not negatively impact on the proposed development to the rear of the site. The proposed development allows for a shared entrance arrangement ,which ensures both developments can be designed in accordance with DMURS. This is a condition of the appellants permission under 19/765.

6.3. **Planning Authority Response**

The planning authority note that the appeal site is zoned 'Town Centre'. The proposed development is considered appropriate at this location having regard to the policies and objectives of the Clane LAP 2017-2023 and the Kildare County Development Plan 2017-2023. It is recommended that the planning authority's decision to grant permission be upheld.

6.4. **Observations**

2 no. observations were received from Clane Community Council and Mai and Michael Bergin & others. The concerns raised in both observations are similar and are summarised below:

- The height of the proposed development would have a negative impact on the residential amenities of adjoining properties, in terms of overlooking and overshadowing.
- The scale, design and siting of the proposed development is out of character with the established pattern of development
- Permission was refused on an adjoining site under Reg. Ref. 07/369 for a 3-storey building.
- The proposed finishes are out of character with the area

7.0 **Assessment**

As indicated the appeal refers to the development as submitted to the Planning Authority on the 2^{1st} February 2020 by way of clarification of further information. The following assessment, therefore, focuses on that proposal. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having inspected the site, and having regard to the relevant local / regional / national policies and guidance, I consider that the main issues in this appeal can be dealt with under the following headings:

- Principle of Development,
- Design, Layout and Height,
- Residential Amenity
- Appropriate Assessment

7.1. ***Principle of Development***

- 7.1.1. The proposed development accommodates a part 2-storey part 3-storey mixed use building comprising 2 no. café / restaurant uses and 8 no. apartments. Concerns were raised by third parties that the proposed site is located outside of the core development zone and there are a sufficient number of retail and café units within the core development zone which have been vacant for some time.
- 7.1.2. The appeal site is located on Ballinagappa Road, approx. 40m from the junction with Main Street in Clane. It currently accommodates a vacant health centre and

associated car parking. The site is zoned 'Town Centre' with the associated land use objective to protect, improve and provide for future development of town centres. In accordance with Table 13.1.1 – Land Use Zoning Matrix of the Clane LAP the proposed uses are permissible.

- 7.1.3. It is noted that the retail element of the development was omitted by way of further information and clarification of further information. In response to the appeal the applicant submitted a vacancy survey of Clane. It found that there are currently 76 no. commercial units located on and off Main Street in Clane. Of these 3 no. units are cafes and 2 no. units are restaurants, all of which are fully occupied and trading. It was noted that of the 76 no. units only 6 no. were unoccupied. Section 2.5.3 of the Retail Planning Guidelines, 2012 states '*the planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation*'. Therefore, the issue of oversupply of restaurant / cafes will not be given consideration in the assessment.

7.2. Design, Layout and Height

- 7.2.1. It is proposed to demolish an existing single storey vacant health centre, with a gross floor area of 118sqm and construct a part-2 storey, part 3-storey mixed use building with a gross floor area of approx. 1,254sqm. The site has a narrow frontage, approx. 7.7m in width, onto Ballinagappa Road. To allow for vehicular access to the site the front building line is set back approx. 11m from the boundary with Ballinagappa Road. The development is designed around 3 no. blocks with interconnected circulation areas. The building generally fronts into the centre of the site with the café / restaurant units also provided a glazed frontage towards Ballinagappa Road.
- 7.2.2. The development is a contemporary design approach with a staggered building line. The external materials include render, elements of grey brick, predominately at ground floor level, timber louvers and large sections of glazing. 2 no. blocks, which are located at the front (north east) and centre of the site are 3-storeys with a flat roof with a maximum height of 10.4m. 1 no. block located to the rear (west) of the site is 2-storeys with a flat roof with a maximum height of 7.3m.
- 7.2.3. At ground floor level the development would comprise a café / restaurant unit with a total gross floor area of 154sqm, 1 no. apartment, refuse storage, bike storage and associated circulation areas. 7 no. apartments are provided above. The apartments

comprise 6 no. 2 bedroom apartments and 2 no. 3 bedroom apartments provided above and range in size from 88sqm to 110sqm. Each apartment has been provided with private open space in the form of a terrace / balcony. Communal open space, approx. 84sqm, is provided along the south western portion of the site with a play area located in the centre of the site between the area of communal open space and the building. It is noted that the floor areas of the apartments reach and exceed the minimum requirements as set out in the Design Standards for New Apartments guidelines

7.2.4. Concerns were raised by third parties that the scale and height of the proposed development is out of character with the existing built environment and that the proposed development does not integrate with the adjoining properties. The applicant has stated that the proposed scheme is a high quality in-fill development which would make a positive contribution to the existing streetscape and urban environment. It is noted that the planning authority had no objection to the proposed development.

7.2.5. The site is bound to the south east, (towards the village) by a 2-storey building which fronts directly onto the public footpath and has a building height of approx. 9m as indicated on drawing no. 302 submitted by way of further information on 2nd December 2019. It is noted that the town is predominantly characterised by 2-storey buildings. However, having regard to the limited height of the proposed development, the high quality contemporary design and the siting of the building, it is my view that the proposed design would not be visually obtrusive and is appropriate at this town centre location and would make a positive contribution to the streetscape.

7.3. ***Residential Amenity***

7.3.1. Concerns have been raised that the proposed development would negatively impact on the existing residential amenities. The applicant has stated that the development has been designed to ensure it does not result in any negative impact to existing residential amenities.

7.3.2. The site is bound to the north west and west by a private laneway, which provides access to a single storey detached house which is located to the south of the appeal site. Permission was granted (Reg. Ref. 19/765) in 2020, for the construction of 8 no.

self-contained dwellings for sheltered accommodation for the elderly on this site located to the south of the appeal site and accessed via the private laneway. To the north west of the site on the opposite side of the laneway, fronting onto Ballinagappa Road, is a 2-storey dwelling and to the east of the site, on the opposite side of the laneway, is the rear gardens of 2-storey houses located in the Liffey Lawns residential estate.

7.3.3. The proposed scheme has been designed to front onto the central portion of the site. All apartments are dual aspect. Balconies for apartments 3, 4, 5, 6, 7 and 8 are provided on the south eastern elevation, a minimum of approx. 11m from the southern boundary with the adjoining commercial development. Apartments 5 and 8 are dual aspect and also have balconies on the northern elevation. The balconies on the northern elevation are located approx. 11m from the site boundary with Ballinagappa Road. To prevent undue overlooking and to ensure privacy for future occupant's timber louvres are also provided on portions of these balconies. The balcony for apartment no. 2 is located approx. 3.5m from the south eastern boundary and approx. 35m from the north eastern boundary. Timber louvres are provided on the south eastern elevation of the balcony to prevent overlooking. Windows are also proposed on the rear (north western) elevation. These are located a minimum of 11m from the gable end of the 2-storey dwelling, located on the opposite side of the private laneway. Windows located on the south western elevation are located a minimum of 25m from the rear building line of houses in the Liffey Lawns residential estate. Having regard to the design and layout of the apartments, including the use of timber louvres on the corner portions of balconies and the separation distances from existing and proposed residential dwellings it is my view, that the proposed development would not result in undue overlooking of adjoining residential properties.

7.3.4. Concerns were raised that due to the height of the development that it would result in undue overshadowing of existing and proposed adjoining properties. A Daylight Analysis and Overshadowing report was submitted with the application on the 3rd July 2019 and an additional solar shading study was submitted by way of clarification of further information (drawing. No. AR -104) which indicates that the proposed development would not result in undue overshadowing of adjoining properties.

7.3.5. In conclusion, having regard to the orientation of the site, the limited height of the development and the separation distances between the proposed development and existing and proposed residential properties it is my view that the proposed development would not negatively impact on existing and proposed residential amenities in terms of overlooking, overshadowing or overbearing impact.

7.4. ***Appropriate Assessment***

Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

It is recommended that permission be granted subject to conditions.

9.0 **Reasons and Considerations**

Having regard to the 'Town Centre' zoning objective of the subject site and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the 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 as amended by the further plans and particulars submitted on the 2nd day of December 2019 by way of further information and on the 21st day of February 2020 by way of clarification of further information, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

3. The hours of operation of the café / restaurant unit shall be between 07.00 hours and 23.00 hours Monday to Sunday unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of the residential amenities of property in the vicinity.

4. Final details of the signage associated with the café / restaurant unit shall be agreed in writing with the Planning Authority prior to occupation of the unit.

Reason: In the interest of visual amenity

5. The landscaping scheme shown on Drawing no. P1910-P003 submitted to the planning authority on the 14th day of February 2020 shall be carried out within the first planting season following substantial completion of construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. One clearly identified car parking space shall be assigned permanently to each residential unit and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

7. All proposed car parking spaces shall be capable of accommodating functioning electric vehicle (EV) charging stations / points, details to be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of sustainable transportation.

8. Prior to commencement of development final details of the location and facilities provided in the play area shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity

9. Proposals for the naming and numbering of the scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and 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.

Reason: In the interest of urban legibility

10. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs / materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

11. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of residential amenity

12. All external lighting of the proposed development shall be cowled and directed away from the public roadway and from surrounding residential dwellings.

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

13. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

14. 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 relating to the proposed development,

(b) 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.

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.

15. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

16. The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including but not limited to, hours of working, noise and dust management measures, the management of construction traffic and off-site disposal of construction waste.

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

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

21. 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.

Elaine Power

Planning Inspector

29th September 2020