



An  
Bord  
Pleanála

## Inspector's Report ABP-307418-20

### Development

A residential development of 27 units consisting of (a) 10 no. two-storey, three-bedroom houses, (b) 4 no. semi-detached, two storey houses, (c) 8 no. terraced two bedroom, two storey houses, (d) 2 no. terraced three storey units comprising of 2 no. one bedroom unit and 2 no. two bed duplex unit, (e) 1 no. detached one bedroom single storey house. All associated site works.

### Location

Crobally Upper, Waterford Road,  
Tramore, Co. Waterford

### Planning Authority

Waterford City & County Council

### Planning Authority Reg. Ref.

20/80

### Applicant

DFL Construction Limited

### Type of Application

Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant

Mary Higgins

**Date of Site Inspection**

7<sup>th</sup> October 2020

**Inspector**

Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site comprises of a long, relatively narrow area of land with a stated area of 0.824 hectares located to the east of the R675/ Waterford Road, approximately 1 km to the north of the centre of Tramore. The site is approximately 175 m long on a south west to north east axis and 60 m wide at the greatest relevant points. The site is located to the north east of a major road roundabout on the entry to Tramore; the Waterford Road continues through the roundabout into the centre of Tramore. To the south of the site is the Old Crobally Road, which projects to the south west, off the roundabout and the north western arm of the roundabout forms the ring road to the west of Tramore.
- 1.2. The site is located on the alignment of the Waterford to Tramore railway line and is now extensively covered by mature trees. The site boundaries consist of a mix of walls, hedgerows and fences. To the east of the site is the grounds and clubhouse facilities of Tramore GAA. To the north east are two single storey semi-detached cottages, the southern most of four such units. The western side of the Waterford Road is under grass. There is significant urban development to the north of this part of Tramore, the subject site and the lands to the west provide a break in the urban form between the town centre and the lands to the north.
- 1.3. Public transport is provided by Bus Éireann services 360/A between Waterford City Centre and Tramore, service frequency is approximately every thirty minutes. Bus stops are located along the Waterford Road adjacent to the site.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the following residential development:
  - 10 no. terraced two-storey, three-bedroom houses.
  - 4 no. semi-detached two-storey, three-bedroom houses.
  - 8 no. terraced two-storey, two-bedroom houses.
  - 2 no. terraced three-storey units, comprising 2 no. one-bedroom unit and 2 no. two-bedroom duplex unit.
  - 1 no. single storey detached one-bedroom unit.

Total of 27 residential units. Density is 32.75 units per hectare.

- New access onto the Waterford Road.
- All landscaping, open space and associated site works.

A further information request included a revision to the location of the three storey units and revised car parking provision. Other requested issues included details on waste management, tree removal/ protection, boundary details, contiguous elevations and open space mapping. No revisions to the three storey units or car parking were made in the further information response by the applicant. To relocate the units and/ or car parking would result in the loss of mature trees.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission subject to conditions. Conditions are generally standard. Condition no. 22 requires that mitigation measures contained in Section 6 of the submitted Ecological Impact Assessment Report and mitigation measures as outlined in the submitted Arboricultural Assessment Report be adhered to in full.

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

##### **3.2.1. Planning Report**

The Planning report reflects the decision to grant permission. The majority of the site is zoned commercial in the Tramore Local Area Plan 2014 – 2020 with a section along the roadside zoned for open space use. The development of this site for purely residential uses was considered by the Planning Authority Case Officer to be acceptable. The proposed density at 32.76 units per hectare is considered to be acceptable. The mix of unit types and the layout is appropriate considering the site layout. The importance of the trees on site was identified.

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

Roads & Transportation: No objection to the development.

### 3.2.3. **Prescribed Bodies**

Transport Infrastructure Ireland (TII): No observations to make.

### 3.2.4. **Objections/ Observations**

A total of 17 valid objections were received including one from Councillor J Conway.

In summary the main issues related to:

- The woodland on this site should be preserved and managed as a bio-diversity site. Its removal would be a loss to the Tramore area.
- The woodland serves to remove carbon from the area, release oxygen and serves as a green lung for the area.
- The woodland provides a sound barrier from traffic noise, especially for the adjoining GAA ground.
- The trees are a positive contributor for the quality of life of residents in the area.
- Potential traffic hazard due to the location of the site and access onto the Waterford Road. The proximity of the site to GAA and Soccer grounds were raised as matters of concern.
- Sightlines are restricted due to the mature trees etc.
- Zoning only allows for a single dwelling, not a housing estate.
- Health and safety issue, as waste would have to be brought through the houses for disposal.
- The developer has other sites that should be developed in advance of the subject site.
- Not opposed to development, just not at the expense of biodiversity.
- Planning history of this site includes refusals for housing and discount retail stores.
- The development of this site would prevent the future use of these lands as a greenway on the former Waterford to Tramore railway line.
- Potential for flooding in the area.
- The submitted Arboricultural tree has changed from that previously submitted – trees gone from good to fair condition to fair to poor.
- A bat survey should be carried out.

## 4.0 Planning History

**P.A. Ref. 19/549** refers to a September 2019 decision to refuse permission for a residential development comprising 12 no. terraced 3 bed houses, 2 no. semi-detached 3 bed houses, 12 no. terraced 2 bed houses, 2 no. terraced 1 bed houses, one detached 1 bed house and ancillary site works. Two reasons for refusal were issued as follows in summary:

1. The development is located in a prominent location and would represent a poor urban form and architectural quality. There would be significant loss of trees and the layout would be substandard with poor open space provision. The development would therefore be visually intrusive and inappropriate in this prominent location.
2. Due to the road layout and proximity of the site access to a bus lay-by, the development would endanger road users by reason of potential traffic hazard.

**P.A. Ref. 13/287** refers to a September 2013 decision to grant permission for 1 no. single storey dwelling and all associated site development works.

**P.A. Ref. 12/352** refers to a November 2012 decision to grant permission for the demolition of 2 no residential dwellings and construct a 2.4m high paladin fence around the perimeter of the site boundary and all associated site works.

**P.A. Ref. 09/482/ ABP Ref. PL24.236132** refers to a June 2010 decision to refuse permission for the demolition of dwellings and construction of a discount food store. The following reasons for refusal were issued:

1. The Board is not satisfied that the proposed development, by reason of its location outside of the designated town centre of Tramore, would not adversely affect the vitality and viability of the existing town centre of Tramore and the designated neighbourhood centre to the south-west of the site, and would, therefore, be contrary to the overall objectives set out in the County Waterford Update and Review of the County Retail Strategy (June, 2006), and to the objectives set out in Section 4.5 of the Tramore Local Area Plan 2007-2013. In

addition, it is considered that the sequential assessment provided with the planning application does not comply with the provisions of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in January, 2005, as it does not establish that there are not more suitable sites available within the town centre or on the edge of the town centre for additional retailing development, which would not have such an adverse impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site at the entry to Tramore, it is considered that, by reason of the undue loss of trees and its layout, the proposed development fails to respond adequately to this visually prominent location. The proposed development would, therefore, be visually intrusive and inappropriate in the context of its prominent location on the main approach road to the town centre of Tramore and be contrary to the proper planning and sustainable development of the area.

**P.A. Ref. 07/1576/ ABP Ref. PL24.229113** refers to a November 2008 decision to refuse permission for the demolition of a house, construction of foodstore (to include off-licence use), car park, signage, modification of existing vehicular access and all associated site works.

The following reasons for refusal were issued:

1. The Board is not satisfied that the proposed development, by reason of its location outside of the designated town centre of Tramore, would not adversely affect the vitality and viability of the existing town centre of Tramore and the designated neighbourhood centre to the south west of the site, and would, therefore, be contrary to the overall objectives set out in the County Waterford Update and Review of the County Retail Strategy (June 2006), and to the objectives set out in Section 4.5 of the Tramore Local Area Plan 2007 - 2013. In addition, it is considered that the sequential assessment provided with the planning application does not comply with the provisions of the Retail Planning Guidelines for Planning Authorities, published by the Department of the Environment, Heritage and Local Government in January 2005, as it does not establish that there are not more suitable sites available

within the town centre or on the edge of the town centre for additional retailing development, which would not have such an adverse impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site at the entry to Tramore it is considered that, by reason of the undue loss of trees and the predominance of surface car parking together with its layout and design, the proposed development fails to respond adequately to this visually prominent location. The proposed development would, therefore, be visually intrusive and inappropriate in the context of its prominent location on the main approach road to the town centre of Tramore and be contrary to the proper planning and sustainable development of the area.

## **5.0 Policy and Context**

### **5.1. Development Plan**

- 5.1.1. Under the Waterford County Development Plan 2011 – 2017, Tramore is designated in the County Settlement Hierarchy as a Secondary Service Centre, the only one in the County (Table 4.2 County Settlement Hierarchy). The development plan states the following:

‘Located within the catchment of the Gateway, Tramore possesses a good base for population and services that could attract investment and employment activities. It has the critical mass to support its own services and industry. It is recognised that Tramore must strengthen and widen its economic base so as to retain its population, and promote a balanced spatial structure to ensure its continued vitality and development. However, it is also acknowledged that the continued expansion of the town must be regulated to ensure that community, social and retail developments keep pace with recent rapid phases of mainly residential development. Land use planning in Tramore is guided by the Tramore Local Area Plan 2007-2013’.



**Note:** The Waterford County Development Plan 2011 – 2017 was extended until such time as the Regional Spatial and Economic Strategy is prepared by the Southern Regional Assembly and a new Waterford City and County Development Plan will then be prepared.

## **5.2. Tramore Local Area Plan 2014 – 2020**

- 5.2.1. The site is located within the Tramore Local Area Plan designated area and is therefore subject to the policies and objectives of this plan. The majority of the site is located on lands zoned for ‘Commercial’ development with an objective ‘To provide for commercial development’ and a narrow section along the R675/ Waterford Road is zoned for ‘Open Space’. The Commercial zoning only allows within the generally permissible category ‘Dwelling’ and ‘Park/ Playground’. A wide range of uses are open for consideration though I note that ‘Retail Comparison Goods’, ‘Retail Food Discount Store’ and ‘Retail Warehousing’ are not permitted. ‘Social Housing’ is listed in the not permitted category.
- 5.2.2. Full regard has been had to ‘Chapter 8 Development Management & Zoning Objectives’ of the Tramore Local Area Plan and Chapter 10 of the Waterford County Development Plan 2011-2017 (included in Appendix E).

## **5.3. Regional Spatial & Economic Strategy (RSES) for the Southern Region**

- 5.3.1. The RSES provides the following information on Tramore:
- ‘The high level of commuting (40%) into the Metropolitan Area from Tramore reflects its attractive coastal location with seafront and close proximity. Tramore is a considerable recreational and amenity asset for Waterford, with a relatively frequent bus route connecting Tramore to the City Centre. There is a low employment base in Tramore with a Jobs to Workers Ratio of 0.419 reflecting its role as a commuter town. Opportunities to improve the public realm and attractiveness of the Town Centre would support the sustainable development of the town as a place to live and work’.

## **5.4. National Guidance**

- 5.4.1. **National Planning Framework – Project Ireland 2040**

The National Planning Framework (NPF) recommends compact and sustainable towns/ cities and encourages brownfield development and densification of urban sites. Policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Other relevant policies from the NPF include the following:

- NPO 6 – Regenerate/ rejuvenate cities, towns and villages.
- NPO 13 – Relax car parking provision/ building heights to achieve well-designed high-quality outcomes to achieve targeted growth.

#### 5.4.2. **Design Manual for Urban Roads and Streets (DMURS).**

#### 5.4.3. **Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).**

These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. Chapter 6 of the Sustainable Residential Development in Urban Areas sets out guidance for residential development in small towns and villages.

#### 5.4.4. **Quality Housing for Sustainable Communities (DoEHLG, 2007).**

These guidelines provide for a range of information including detailing minimum room and floor areas.

### 5.5. **Natural Heritage Designations**

None on site.

Tramore Back Strand SPA (Code 004027) is located 445 m to the north east of the subject site.

Tramore Dunes and Back Strand SAC (Code 000671) is located 445 m to the north east of the subject site.

## 5.6. EIA Screening

Having regard to the nature of the proposed development comprising a residential development of 27 units in the form of apartments and houses 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

Mary Higgins has appealed the decision of Waterford City and County Council to grant permission for this residential development.

Mains grounds of appeal include:

- Site is zoned for commercial development and the development of more than one house would contravene the Tramore Local Area Plan 2014 – 2020.
- Site was zoned Open Space and then zoned Commercial as is the current situation. A discount retail supermarket was refused permission in 2010 and the land did not revert to Open Space zoning.
- The trees on site are locally important and are important for biodiversity.
- Potential for bats to be on site.
- A total of 47 trees are to be felled.
- There is no protection afforded to this woodland.
- Potential flooding due to the proposed development.
- Increased traffic and potential traffic hazard associated with this development.

- References newspaper comment by former An Bord Pleanála Chairman.  
General comment about the inconsistencies in planning.

A number of documents have been provided in support of the appeal including a letter from Waterford County Council Senior Planner dated 23<sup>rd</sup> October 2013, a 3D map of Tramore and other documents.

## 6.2. Applicant's Response

6.2.1. The applicant has engaged the services of Halley Murphy & Associates to prepare a response to the third-party appeal. The following points are made:

- History of planning applications and pre-planning consultation is set out.
- The proposed development was lodged having regard to traffic concerns and ensures the retention of the maximum number of trees possible.
- The site is zoned for commercial development.
- Trees and planting along the roadside/ western side will be retained as is.
- The submitted Ecological Report considers that the impact on biodiversity will be low.
- There is no record of flooding in the immediate area.
- Detailed consultation was held with the Area Engineer in relation to traffic and it is noted that Waterford City and County Council propose to introduce traffic calming measures in the area.
- The proposed houses are to be taken over as social and affordable housing by Waterford City and County Council.
- The overall design was considered acceptable by Waterford City and County Council planners.
- A number of the trees are non-native and are near the end of their life span.

JM McConville & Associates – Arboricultural Consultants on behalf of the applicant, have submitted an arboricultural report in response to the appeal. In summary many of the trees are in poor condition, the growth of trees/ planting have not been managed, no badgers or bats were found on site and referenced reports in the appeal are from 2007 and are therefore no longer relevant.

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

6.3.1. None

## 7.0 **Assessment**

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

- Nature of Development
- Layout and Density
- Impact on the Character of the Area
- Impact on Residential Amenity
- Access and Transportation
- Drainage and Water Supply
- Other Issues
- Appropriate Assessment Screening

### 7.2. **Nature of the Development**

7.2.1. The proposed development is for 27 houses/ apartment/ duplex units on this site to the northern side of Tramore, Co. Waterford. The site is linear, and the residential units are located to the eastern side of the site. Open space and car parking are located to the western side along the public road.

7.2.2. The majority of the site is zoned for 'Commercial' development with the remainder along the roadside, zoned for 'Open Space' use. No houses or associated car parking etc. is proposed to be provided on the 'Open Space' zoned lands and primarily this area will be used to retain existing trees/ planting.

7.2.3. It is important to address the issue of zoning at this stage and what is permitted on site. The 'Commercial' zoning generally permits 'Dwelling' on such lands. I am satisfied that this is not describing a singular unit but refers to residential development. Ms Higgins and a number of the objectors to the original application referred to the 'Dwelling' as meaning one house. Ms Higgins has included a letter from the Waterford County Council Senior Planner in October 2013 and refers to

dwelling in the singular form though this is in the context of P.A. Ref. 13/287 for a single house. I accept that this is somewhat confusing but having looked at 'Table 8.2 Land Use Matrix' in the Tramore Local Area Plan, it could not be the case that dwelling means only one house as this description applies to the R – Residential zoning where it would make no sense to only allow a single house on such zoned lands. I again appreciate the confusion that has arisen, but I am satisfied that more than one house is acceptable on lands zoned for 'Commercial' use. The acceptability of the overall development is considered further in this report.

### **7.3. Layout and Density**

- 7.3.1. The site is restricted by its linear nature and the fact that the western side is zoned for 'Open Space'. In general, the layout is appropriate for this site and its restricted nature. It would be preferable if the units could be located closer to the public road, however the zoning prevents this. Moving the houses north west would result in the internal road layout becoming difficult to achieve. Car parking is not in curtilage but is located such that it is overlooked by the house that it serves.
- 7.3.2. A higher density of development could be achieved on this site, and which would ensure that the residential amenity of existing and future occupants is protected. This could be in the form of more terraces or through a revised layout. The density is just under 33 units per hectare, slightly below the standard of 35 units for an urban location. Omitting the 'Open Space' zoned lands will increase the density to over 35 units per hectare. I note that 28% of the site is given over to open space to serve this development and this is in excess of what would normally be required.
- 7.3.3. I note the relatively good public transport provision in the area in the form of the Bus Éireann 360/A bus routes and the bus stops adjacent to the site. The site is also less than 1 km from the centre of Tramore. I am satisfied that the proposed layout and density are acceptable. The density could be increased but in real terms may only generate an additional one or two units and to increase the density to a higher rate of 40 to 50 units per hectare would require the removal of more trees/ planting from the site.

### **7.4. Impact on the Character of the Area**

- 7.4.1. The applicant has proposed a mix of terraced, detached and semi-detached houses on this site. As already detailed, the site is restricted and therefore limits the

development potential of the site. I do consider that the proposed development provides for a sufficient mix of house types whilst ensuring an integrated design approach.

- 7.4.2. The local importance of this site on the entry to Tramore is raised in the appeal and also in the objections to the original application. I am satisfied that a significant number of trees/ planting will be retained and that the general character of the area is retained. The houses are generally two-storey units with a central block rising to three storeys. The existing trees to be retained will screen most of these houses from view and therefore the visual impact will be minimal. A denser development would result in a greater loss of character than is the case with the proposed development.
- 7.4.3. The two-storey units will not dominate the existing single-storey houses located to the north of the site. Material finishes of brick and nap plaster are acceptable in this location, though it is considered that a more random mix of brick and plaster be used. For example some houses could be entirely finished in brick to the front. Final details on materials can be conditioned to be agreed with the Planning Authority in the event that permission is granted. Boundary details are generally acceptable as indicated on the submitted plans.

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

- 7.5.1. The proposed houses are considered to be generally acceptable in terms of room size provision and it is considered that adequate storage can be provided in each house. Some bedroom sizes do not demonstrate compliance with 'Section 5.3.2 Space Requirements and Room Sizes' of the 'Quality Housing for Sustainable Communities (DoEHLG, 2007)'. From my measurements, it should be possible to comply with these room sizes and minor revisions to internal walls/ floor plans will ensure full compliance.
- 7.5.2. Private amenity space is adequately provided for, all units have a rear garden and rear garden depths are generally in excess of 11 m. I note that units no. 25 & 26 only have a separation of 10.2 m to the eastern/ rear boundary, however this overlooks the rear of the adjoining GAA club and does not result in a loss of privacy etc.

7.5.3. Public open space provision, as already noted, is good. Whilst a sizeable part of this allocation is for the retention of trees/ planting, there will be sufficient space for play and passive recreation. A play area is indicated towards the centre of the western side of the site.

## **7.6. Access and Transportation**

7.6.1. I do not foresee any significant negative impact in terms of additional traffic leading to road safety or congestion issues. Whilst the proposed development will generate additional traffic, I consider that the existing road network is adequate to serve this increased volume. Reference is made to Waterford City and County Council proposing a traffic calming scheme along the R675/ Waterford Road and I do not foresee that the proposed development will impede any future proposals here.

7.6.2. A single vehicular access is proposed to the site. Car parking is provided throughout the site and as already reported, it will be located adjacent to the units they are intended to serve. A total of 39 spaces is proposed and this should be more than adequate to serve the 27 units.

7.6.3. Footpath provision is made throughout the site and in addition to the main access to the site, an additional pedestrian is provided approximately 75 m south of the main entrance on the western side of the site and another access is provided to the south onto the Old Crobally Road. No specific measures for cyclists are proposed, however the site is relatively small, and no such provision is necessary. Generally, permeability to/ from and within the site is good. Access to the bus stops, town centre and sports clubs are good.

7.6.4. Comment was made in at least one of the letters of objection, that the opportunity to provide a 'greenway' over the former Waterford to Tramore railway line would be lost if the development would be permitted. No proposals for such a route through this site are indicated within the local area plan. Suitable cycle facilities could be provided within the width of the road to the front of the site.

## **7.7. Drainage and Water Supply**

7.7.1. The Planning Authority raised no issues regarding surface water drainage and considering the scale of the site, suitable SuDS measures can be provided in addition to other measures. No concerns were raised either in respect of the provision of suitable foul drainage or water supply to serve the site.



7.7.2. No concerns were raised in relation to flooding by the Planning Authority. The site rises gently on a south to north axis and although much of the site will be developed, a significant proportion will remain under grass/ planting. It is therefore not foreseen that the proposed development will give rise to flooding.

## 7.8. **Other Issues**

7.8.1. I note the report from JM McConville & Associates – Arboricultural Consultants, in support of the development/ submitted in response to the appeal. It is important to state that there is no Tree Preservation Order (TPO) applied to this site and that the submitted report does not raise any concern in relation to the felling of trees. It would appear that the trees may be locally important from a visual point of view, but their biodiversity value may not be so important. No badger setts or bats were found on site.

7.8.2. The 'Commercial' zoning of the site was raised as a matter of concern and that previous permissions were refused for a discount retailer. I have noted the history of the site and permissions refused including most recently under P.A. Ref. 19/549. I cannot compare the residential development to the discount retail unit, however I do consider the current proposal to be visually far superior to that refused under P.A. Ref. 19/549 and which ensures the protection of the character of the area. I am not aware of any proposal to revise the zoning of this site to open space use. The site is located within walking distance of the town centre and adjacent to a relatively frequent bus service between Tramore and Waterford City and is therefore suitable for residential development.

## 7.9. **Appropriate Assessment Screening**

7.9.1. Having regard to the nature and scale of the proposed development and the location of the site in an established urban area, where services including foul drainage are provided and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Waterford County Development Plan 2012 – 2011 – 2017 as extended, the Tramore Local Area Plan 2014 - 2020, relevant National Guidelines and the zoning of the site for commercial purposes which allows for residential development, to the location of the site in an established urban area within walking of public transport 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, visual or environmental 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 13<sup>th</sup> of February 2020 and as amended by the further plans and particulars submitted on the 1<sup>st</sup> of May 2020, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>This permission is for 27 residential units and the layout shall be as per Drawing No. PL01 – Proposed Site Plan received by the Planning Authority on the 1<sup>st</sup> of May 2020.</p>

	<p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the Planning Authority:</p> <ul style="list-style-type: none"> <li>a) A more random mix of brick and plaster to be utilised in the front elevations of these houses, some houses/ terraces shall be entirely finished to the front in brick.</li> <li>b) 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.</li> <li>c) Revised floor plans to be submitted to demonstrate full compliance with 'Section 5.3.2 Space Requirements and Room Sizes' of the 'Quality Housing for Sustainable Communities (DoEHLG, 2007)' as not all rooms are compliant, though this can be addressed by revisions to the internal layout/ wall locations.</li> </ul> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The internal road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, and the junction with the public road to the shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<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><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
6.	<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.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<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><b>Reason:</b> In the interest of public health.</p>
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder which shall not include prunus species</p> <p>(ii) Details of roadside/street planting</p> <p>(iii) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment</p> <p>(c) A timescale for implementation</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously</p>

	<p>damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
9.	<p>a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p><b>Reason:</b> To protect trees and planting during the construction period in the interest of visual amenity.</p>
10.	<p>Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st – August 31st).</p> <p><b>Reason:</b> To protect birds and bird breeding habitats during the nesting season.</p>
11.	<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</p>

	<p>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><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
12.	<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> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
13.	<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><b>Reason:</b> In the interest of sustainable waste management.</p>
14.	<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><b>Reason:</b> To protect the amenities of the area.</p>

15.	<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><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
16.	<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><b>Reason:</b> 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>
17.	<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><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
18.	<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><b>Reason:</b> 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

13<sup>th</sup> October 2020