



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-307420-20

Strategic Housing Development

Completions of estate previously permitted under Reg.Ref:05/893 to include 155 no. residential units (115 no. houses 40 no. apartments) and associated site works.

Location

Foxburrow, Beladd, Portlaois, Co.
Laois

Planning Authority

Laois County Council

Applicant

Boderg Developments Limited

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
Laois Childcare Committee

Observers

108 no. submissions (as per Appendix A)

Date of Site Inspection

7th September 2020

Inspector

Rónán O'Connor

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site is located approximately 2km east of the centre of Portlaoise and forms part of a partially completed housing estate. The subject site is comprised of two non-adjointing portions of land. The majority of the site area is contained within the northern and eastern portion of the lands, which is surrounded by residential development at Grenville to the north, on Chantiere Gate to the west, and by housing on the Foxburrow Estate (Chestnut Avenue, Cherrybrook, Aspen Way and Walnut Close). This portion of the site also runs along the eastern boundary of the estate and extends to the rear of properties on Aspen Way, Cherrybrook and Walnut Close. The second portion of the site lies to the south of Chestnut Avenue and Cherrybrook and is bounded by Chantiere Gate to the west, Peter and Paul's Cemetery to the south and Walnut Close to the east. The overall site area is 4.492 Ha.
- 2.2. Both portions of the site are currently hoarded off and comprise in the main of scrubland with some semi-mature trees on the site. On the northern section of the site, site levels vary as a result of artificially created mounded areas, appearing to be left over from previous site works. Natural site levels generally decrease towards the north-east of the site. On this section of the site there is a partially completed estate road and a number of foundation slabs. There is an existing pump station to the north-east of this section of the site.
- 2.3. Both sections of the site are accessed from the existing Chantiere Gate development, which in turn is accessed from the Block Road. The Block Road is a distributor road which links the N80 to the south with the R445 Dublin Road to the north.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development will consist of the completion of the Foxburrow estate which is served by existing infrastructure completed under Reg. Ref. 05/893. The development will consist of:

- The removal or adaptation of existing foundation pads for the previously permitted and partially constructed houses; and the provision of 155 No. residential units comprised of 115 No. two-storey terraced, semi-detached and detached dwellings (44 No. 4-bedroom houses, 48 No. 3-bedroom houses and 23 No. 2-bedroom houses); 4 No. 1-bed maisonettes in a two-storey block; and 36 No. apartments provided in 3 No. three storey apartment buildings, with each block proposing 12 No. units, providing a total of 18 No. one bedroom apartments and 18 No. two bedroom apartments.
- The development also proposes the provision of 289 No. ancillary car parking spaces; cycle parking; the creation of a pedestrian link towards the north-west corner of the site through to the neighbouring Grenville estate and the facilitation of a vehicular link through to Grenville; hard and soft landscaping; boundary treatments; solar panels; the relocation of an existing ESB substation and the provision of a new substation; bin stores and all associated site development works above and below ground.

3.1.2. Table 3.1 Key Figures

Site Area	4,492 Ha
No. of units	155
Density (Net)	35.2 units/ha
Height	115 no. Houses: 2 Storeys 36 no. Apartments: 3 storeys 4 no. Maisonettes: 2 Storeys
Dual Aspect	100%
Public Open Space	4,207 sq. m.

Part V	16 units
Vehicular Access	Via Chantiere Gate
Car Parking	289

Unit Type	No	%
2 bed house	23	15
3 bed house	48	31
4 bed house	44	28
1 bed apartment	18	11.5
2 bed apartment	18	11.5
1 bed maisonette	4	3
Total	155	100

4.0 Planning History

Subject Site

4.1. The applications most relevant to the subject site are:

- 05/893 – Grant permission for a proposed development of 145 residential units (total units granted after further information was 137 no. units).
- 06/1928 – Grant permission for - the omission of 10 no. houses, 127 to 136 of previously permitted housing development ref 05/893. And full permission for the development of 24 no. residential units
- 11/79 – Extension of Reg. Ref. 05/893 - Granted Extension of Duration for 5 No. years.
- 12/196 - Extension of Reg. Ref. 06/1928 - Granted Extension of Duration for 5 No. years. (It is stated within the submitted Planning Report that no development took place on the foot of this permission and it has now lapsed).

The submitted planning report notes that the parent permission (05/893) led to the eventual completion of 34 no. units including 22 no. houses and 12 no. apartments.

Other Relevant Sites in Portlaoise

Rockview Mountrath Road, Portlaoise, Co. Laois.

ABP-300322-17 (PA Reg Ref 16/527) Grant Permission for Completion of development permitted under 03/5 and 06/1139 consisting of 141 houses, crèche, 330 parking spaces, vehicular access, closing off and landscaping of existing vehicular access and site development works.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of Laois County Council on 15th January 2020 in respect of a proposed development of 141 residential units and a Notice of Pre-Application Consultation Opinion was issued on 23rd January 2020 (ABP Ref 306014). An Bord Pleanála issued notification that, it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 5.2. The prospective applicant was advised that the following issue needed to be addressed in the documents submitted

Layout, Density and Open Space

- 5.3. Further consideration and/or justification of the documents as they relate to the rationale for the proposed residential layout and creation of future connections and permeability from the site to the lands to the north in particular having regard to the principles of DMURS and the need to provide optimal connectivity and permeability for all road users. In this regard, a vehicular access to the north should be considered.
- 5.4. Further consideration and/or justification for the proposed density having particular regard to density ranges provided in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) given the strategic location of the site to existing residential amenities and

employment centres. In this regard, further consideration should also be given to the proposed layout, house type and mix, distribution and functionality of public open space areas vis-à-vis the density proposed.

Specific Information Required

5.5. The prospective applicant was advised that the following specific information was required with any application for permission

1. All existing utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.

2. A construction waste management plan should be provided.

3. A Building Life Cycle Report as per Section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018.

4. A site layout plan indicating all areas to be taken in charge.

5.6. **Applicant's Statement**

The applicant has submitted a statement that sets out how the applicant has addressed the Board's opinion.

- Quantum of Units increased from 141 No. to 155 No. to provide a density of 35 No. units per Hectare. The required an increase in apartment blocks from 1 No. to 3 No. along with a maisonette block.
- Mix of units improved to provide a greater range of tenure from one bedroom apartments and maisonettes to 4 No. bedroom houses.
- Provision of a potential vehicular connection through to the adjoining Grenville estate.
- Revised landscaping treatment.
- Link though Grenville not possible – possible future connection maintained.
- Density increased to 35.2 units/ha from 32 units/ha
- Open space layout revised

The applicant has also addressed each item of specific information as detailed in the response to the opinion.

5.7. National Policy

Project Ireland 2040 - National Planning Framework

Chapter 4 of the Framework addresses the topic of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same.

Key Objectives include:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: 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: 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 71: City/county development plan core strategies to be further developed to ensure a co-ordinated and balanced approach to future population and housing requirements across urban and rural area

Section 28 Guidance

5.7.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant Section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2009).
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019).
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018).
- Childcare Facilities – Guidelines for Planning Authorities (2001).
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009).

5.8. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMRA)

- 5.8.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.
- 5.8.2. Portlaoise is defined as Key Town within the Gateway Region. The RSES-EMRA notes that these towns provide important connections with adjoining regions and have the capacity and future growth potential to accommodate above average growth in tandem with the requisite investment in employment creation, services, amenities and sustainable transport.
- 5.8.3. In relation to residential development in Portlaoise, the RSES-EMRA notes that focus will be on proactively encouraging housing delivery in a sustainable manner that acknowledges economic and market conditions, whilst ensuring housing need is

met including the housing needs of younger people, families, private renters and the ageing population.

5.8.4. Relevant objectives within the RSES-EMRA include:

RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES-EMRA.

RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES-EMRA.

RPO 4.26: Core strategies in local authority development plans shall support objectives to achieve a minimum of 30% of housing in Key Towns by way of compact growth through the identification of key sites for regeneration.

RPO 4.27: Key Towns shall act as economic drivers and provide for strategic employment locations to improve their economic base by increasing the ratio of jobs to workers.

RPO 4.72: Support transition of Portlaoise to a low carbon town centre by reducing car use and promoting walking and cycling and improving the mix of uses within the town centre.

5.9. **Local Policy**

Laois County Development Plan, 2017-2023

Zoning of the site is under the LAP for Portlaoise. There are however a number of development management policies contained in the County Development Plan that are of relevance to the proposed development and copies of the relevant policies are attached with this report. The following are specifically noted:

Portlaoise is identified as a Principal Town in the Midlands Regional Planning Guidelines, and supports a linked gateway comprising Portlaoise, Tullamore and Athlone.

As per Table 5 of the Core Strategy, the projected population growth over the plan period in Portlaoise is 5,237 which equates to 1,824 households and generates a housing land requirement of 78 ha. based on a density of 35 units per ha. The area of land zoned in the plan is stated to be 78 ha. Section 8.3 sets out principles for design and 8.3.1 states that the council will have regard to the detailed design guidance provided in the Urban Design Manual produced by the DoEHLG.

Policy DM01 states that developments will be assessed against the criteria set out in the Sustainable Urban Housing Guidelines for Planning Authorities.

Policy DM03 states that density should be consistent with the above guidelines.

Policy DM05 sets out the extent and range of open space that should be provided in residential developments.

Policy DM06 states that private amenity space of 60 sq. metres for a two bedroom house and 75 sq. metres for three and four bed houses is required.

Policy DM28 relates to childcare facilities and stated that proposals will be assessed in accordance with Childcare Facilities Guidelines for Planning Authorities (2001).

Policy DM42 requires compliance with DMURS.

Portlaoise Local Area Plan 2018-2024

- 5.9.1. The subject site is zoned “Residential 1 – existing residential” in the LAP. Key plan objectives include:
- Key Plan Objective No. 1 ‘To support and facilitate sustainable intensification and consolidation of the town centre and in established residential areas.’
 - Key Plan Objective No. 5 ‘To focus new residential development into brownfield sites.’
- 5.9.2. Other relevant objectives include:
- TM 07: ‘Encourage, promote and facilitate a modal shift towards more sustainable forms of transport in all new developments.’
 - TM08: ‘Promote sustainable and compact forms of development which reduce reliance of private car-based transport’.

- TM09: ‘Concentrate people intensive development in areas easily accessible to public transport’.
- TMP1: ‘Improve and provide pedestrian linkages, cycle networks and permeability including blue-ways and greenways throughout the town’.
- H 012 ‘To ensure an appropriate and sustainable mix of dwelling types, sizes and tenures to cater for all members of society, including homeless persons, the elderly, disabled and travellers.’
- Policy P5 ‘To require the creation of sustainable communities and high-quality residential areas at appropriate locations with a mix tenure and adequate amenities and facilities and to meet the standards and guidance of:
 - Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009
 - Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018;
 - The Design Manual for Urban Roads and Streets, 2013
 - The development management standards of the Laois County Development Plan 2017-2023 and
 - Technical Guidance Document L – Conservation of Fuel and Energy – Dwellings.

5.10. Statement of Consistency

5.10.1. The applicant has submitted a Planning Report and a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016. It is stated that the proposed development broadly complies with all relevant national, regional and local planning documents that pertain to the site. Of note is the following:

- A crèche is not being provided as sufficient capacity was identified in the area.
- 20 No. houses in total do not meet the Laois County Council Development Plan 2017-2023 minimum standards or general requirements for garden depth/ separation distances due to constraints of the existing road layout.
- A number of locations the required 22 metres between opposing first floor windows has not been achieved - In the ‘C’ houses to the south of Open Space 2

the dwellings have an innovative design such that there are no bedrooms at the rear of the first floor. Rather, any windows are opaque and serve ensembles etc. - The 'H' dwellings to the north of Apartment Block A towards the south of the site are bungalows and thus have no upper floors.

6.0 Observer Submissions

6.1. 108 no. observer submissions on the application have been received from the parties as detailed in Appendix 1. The issues raised are summarised below:

Principle/Density/Zoning

- Clear contravention of proper planning and development
- Does not comply with the existing planning permission having regard to; roads and road surfaces; not in accordance with DMURS; water drainage – location for outfall is not within the boundaries of the site; no vent pipes provided.
- Access routes/car parks are not permitted under R1 zoning
- Ample scope elsewhere for residential development in Portlaoise
- Object to the density of the proposed development.

Transport

- Required road infrastructure is not in place.
- Previous planning permission does not include any pedestrian/vehicular access through Grenville
- Other pedestrian through routes have been closed due to anti-social behaviour
- Traffic survey was invalid/invalid baseline for the report/was carried out on a day when schools were not back into a routine yet
- Sightlines are unsafe
- Inadequate construction impact assessment has been carried out
- LAP states that future housing development is contingent on the completion of key infrastructural project such as the N80 Portlaoise Orbital route

- This development should have a separate access/egress onto the main national and secondary road
- Development should connect with the new distributor road
- Other SHD app connects with road
- Provision for a pedestrian/vehicular connection through Greenville is not achieve as neither the applicant nor Laois County Council owns the property in question.
- Pedestrian walkways have been closed by Laois County Council due to anti-social behaviour
- Traffic congestion including on the Block Road
- Traffic Safety concerns at junction of R445/Block Road/Number of road traffic collisions in the R445/Block Road roundabout is 11 not 1 as reported
- Issues addressed in the road safety audit have not been addressed including sightlines, shared surfaces, stopping distances, pedestrian crossing.
- Access road through Chantiere Gate is not constructed to a DMURS standard
- Construction Management Plan fails to deal with the close proximity of the existing residential dwellings.
- Site compound location is not shown/development may use the existing road infrastructure to access the site
- Lack of sightlines at Chantiere Gate
- Hazardous junction between Chantiere Gate/Aspen Way
- Lack of smart mobility measures (walking and cycling) as part of this development
- No provision has been made for cycling facilities
- Strongly reject the findings of the mobility management plan – targets will not be achieved
- The two proposed bus routes due for introduction have not materialised to date/application is solely reliant on the implantation of these proposed bus routes as their smart mobility measures

- There is no cycle lanes existing
- ABP have previously refused a development in Lusk due to lack of cycling infrastructure
- Other SHD development in Portlaoise – 307411 – provision has been made for public transport infrastructure
- Application does not provide EV charging points
- Road safety issues as a result of increased traffic
- Additional vehicular access will introduce a rat run from Block Road to Dublin Road
- Overspill parking from the hotel
- Road is not able to sustain additional traffic
- Impact from the surrounding uses including Creche and Mosque/draws significant numbers of people
- No traffic measurements carried out on Grenville
- TIA states that by 2036 the road will not sustain the volume of vehicular traffic
- Proposal compromises public safety contrary to the NPF
- Lack of detail provided in in relation to proposed access routes/points
- Access routes have not been assessed/no mitigation has been put forward
- Does not comply with DMURS
- Does not comply the Design Manual including Sections 3.3.1 and 3.3.3
- No Parking Management Plan submitted
- Removal of trees to facilitate pedestrian and vehicular access
- Unsafe to access a bus route on the Dublin Road
- Contrary to Objective H08 – does not preserve existing residential amenity/raises major traffic safety issues
- Precedent to refuse applications where existing roads and footpaths are substandard. – APB Ref 206742/PA Ref 03/896

- Request that the Board remove the access to the Grenville Estate
- There is no existing footpath to the front of 33 Grenville to facilitate pedestrian access
- Proposed footpath is located in the front garden of this property
- No consultations have taken place with residents of Grenville in relation to the proposed access
- Access does not facilitate disabled access
- Grenville was not planned to take further expansion
- Width of road will not facilitate cycle lanes
- Overspill parking from the Mosque, the crèche, the hotel and the hospital
- Building of a new school will exacerbate traffic
- Will impede emergency access routes to the hospital – 4 no. letters of support submitted in relation to same from medical professionals.
- Existing parking on Grenville Road
- Maintenance issues as a result of increased use of roads/footpaths through Grenville
- Developer should pay for road/junction upgrades/lighting upgrades
- Connection through Grenville does not connect to any larger community and commercial facilities/paths or work/river or canal paths

Residential Amenity

- Overlooking/Impact on privacy
- Impact on daylight/sunlight
- Two storey houses on the boundaries should be amended to bungalows
- Lighting impacts including impacts from vehicles.
- Remove houses that overlook No. 33 Grenville
- Removal of boundary will result in loss of amenity to Grenville estate

- Grading of the land has not been properly accounted for/will lead to increased overlooking/overshadowing/loss of privacy
- Human Rights Act states that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land
- Units 112-115 should be single storey
- Impact on visual amenity
- Impacts of dwellings J1-116, J117, J118, J1-119 on adjacent dwellings at /overlooking
- Impact on light levels and overlooking to properties on Grenville including No.'s 23, 26, 33 and 37/Existing window to the side of these properties including No. 26
- Will overlook No. 23 Chantiere Gate/Less than 2m from the boundary/right to light will be impacted upon/will decrease property value.
- Provision of a green space adjacent to Grenville is a concern/has the potential to impact amenity/source of anti-social behaviour

Design/Layout/Mix/ Residential Standards

- Scale and design of the development is out of keeping with existing properties
- Proposed gardens would be very small
- Development lacks sufficient green space
- Development is over 4 times the original proposal for the estate
- Proposed development out of character and scale

Ecology/EIAR/Appropriate Assessment

- No formal EIAR screening was undertaken to support this application
- An EIAR should be carried out
- Disagree with the conclusions of the Environmental Report
- AA screening does not explain why impacts are not significant

- Surface water will be discharged into the Ratheven Stream, which is a tributary of the Triogue River and the River Barrow which is one of the most prolific salmon rivers in Europe.
- Does not cover all of the impacts on Fauna– including bats
- Reliance is placed on best practice measures and reliance is placed on these measures to avoid or reduce a likely significant impact on a European Designated Site.
- Does not consider the ‘in-combination effects’ of the project.
- Should have progressed to Stage 2 – NIS
- Impact on adjoining trees
- Environmental impacts of the removal the large boundary hedge between Foxburrow and Grenville
- NPWS should be consulted

Site Services

- Existing manhole is located outside the site boundary.
- Levels are incorrect
- Existing development has had numerous issues with foul water drainage/overloading of the sewerage system.
- Deficiencies in the storm water system including petrol interceptor
- Irish Water have stated that water infrastructure is not capable of support any further development in the town

Other

- Request an Oral Hearing
- Legal Defects in the application
- Necessary utilities are not in the control of the applicant
- Site notices were not put up for the requisite timescales – sworn affidavits submitted to support same

- Lack of clarity in relation to taking in charge
- Inadequate consultation with prescribed bodies
- Land Ownership/Proposed gardens on neighbours land
- Impact on property values
- Noise and Air pollution have not been considered

7.0 Planning Authority Submission

7.1. Laois County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

Principle

- The proposed development would be in accordance with the statutory planning documents and would be consistent with the proper planning and sustainable development of the area.
- Development is in accordance with the zoning.

Design/Residential Standards

- Density, mix and plot ratio are acceptable.
- Childcare capacity may be impacted by Covid-19.
- Quantity of public open space complies with policy.
- Does not provide for a multi-use games area.
- Private open space is adequate.
- Building heights are acceptable.
- Development has been assessed in relation to 12 criteria indicated in the Urban Design Manual. The development was considered to be broadly compliance save for the following:
 - Development requires additional footpath and cycle path linkages to the Block Road

- 22 separation distance not achieved for some dwellings.
- 10 % visitor parking not achieved/no ev parking has been provided.
- Shortfall in the number of bicycle parking spaces.

Transport

The submitted PA opinion sets out the Planning Authority's comments in relation to Transport. These are summarised below:

- Parking provision appropriate/10% should be for electric cars.
- Shortfall in the number of cycle spaces provided.
- No objection in general subject to the following conditions:
 - Proposed pedestrian access via Grenville Way should be removed.
 - Mitigation measures to address the mini-roundabout at the Block Road/Dublin Road junction operating in excess of capacity.
 - DMURS audit
 - Items highlighted in the Road Safety Audit to be addressed in the final design.

In addition, the Internal Roads Design Report highlights a number of issues which are summarised below:

- Full description and audit of the existing local road network and facilities for pedestrian and cyclists, including facilities for mobility and visually impaired users, has not been provided and no reference is made to DMURS.
- Increased demand from cyclists and pedestrian volumes has not been considered and the existing junction of Block Road/Chantiere Gate is not considered and no measures to improve same are put forward.
- Cumulative traffic impacts of the Foxburrow and Rathevan SHD (An Bord Pleanala Reference 307411) are not considered.
- Pedestrian/Cyclist crossing facilities and/or junction reconfiguration measures at the existing Chantiere Gate junction are not identified. Similarly such facilities/measures are not identified for the Block Road Junction to include existing footways condition, tactile paving and defined crossing location for Block Road west side footpath.

- Refers to proposed vehicular, cyclist and pedestrian link route between the Stradbally Road to the Dublin Road via HSE Lands, as per Map 1 of the Portlaoise LAP 2018-2024. Figure 2 of the Roads design report indicated the location of this link route,
- Refers to proposals for additional bus routes serving the town which are not yet in place/suggested that in the immediate absence of an NTA provided bus service, the applicant should contribute towards the interim provision of a town bus services.
- DMURS street design audit be undertaken on the finalised design and submitted to Laois County Council for agreement.

Water and Wastewater Infrastructure

- Wastewater – no capacity constraints
- Water Supply – potential capacity constraints/additional 3 no. Boreholes are available/critical that these are utilised/connected.
- Applicants should liaise with Irish Water for the various connection agreements.

Climate

- Condition should be included to allow for Electric car charging points.
- Levies suggested for the provision of a Public Bus facility

7.1.1. Section 5 of the Chief Executive's Report sets out the Chief Executive's Recommendation and it is stated that the Planning Authority recommends that planning permission be **GRANTED** for the reasons as set out in Section 6.

7.1.2. Section 6 of the Chief Executive's Report sets out a total of 30 no. conditions. Those of note include:

- Condition 1 (c) Omission of the proposed pedestrian access via Grenville Way.
- Condition 14: CCTV survey of the as constructed storm water sewer network.
- Condition 22 (b): 70 no. cycle spaces to be provided.
- Condition 29: Section 48(2)(c) Special contribution towards (i) addressing shortcomings in the road network pending cycle infrastructure improvements (ii) interim provision of a town bus service.

- Condition 30:
 - a) Pedestrian/Cyclist accessibility survey and audit to identify required improvements from the Foxburrow Estate to the Block Road intersections with the N80 and R445.
 - b) mitigation measures to address capacity issues during peak hours at the mini roundabout at the Block Road/Dublin Road junction/Liaise with LCC to conduct a study of improvements to reduce queuing/consider the option of a signalised junction.
 - c) DMURS street design audit.
 - d) Address all items in the Road Safety Audit.

Elected Members

7.1.3. A summary of the views of elected members as expressed at the Meeting of Portlaoise Municipal District held of 15th July 2020 is set out in Appendix A of the report. The issues raised are summarised below:

- No vehicle or pedestrian access through Grenville should be allowed.
- Development is too dense.
- Traffic Impacts/Traffic safety/Will result in congestion
- Impact on surrounding residents
- Why existing estate has not been taken in charge
- Issues with sewerage

8.0 Prescribed Bodies

Irish Water

- Recommends conditions.

Transport Infrastructure Ireland

- Proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted.

9.0 Screening

9.1. Environmental Impact Assessment (EIA) Preliminary Assessment

- 9.1.1. The applicant has submitted an Environmental Report which concludes that the proposal would not be likely to have a significant effect on the environment as result of the characteristics of the proposed development, location of the proposed development or the characteristics of potential impacts, and that it has been established that an Environmental Impact Assessment Report (EIAR) is not required to accompany the subject application.
- 9.1.2. I note observer submissions which state that an EIAR is required to be submitted along with this application.
- 9.1.3. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 9.1.4. The proposed development is for 155 residential units on a site area of c. 4.492ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended). As per section 172(1) (b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or an EIA determination is requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. Schedule 7 sets out the relevant criteria to be applied in the screening process. This

information has been provided by the applicant in the Environmental Report under the following headings with additional information under other sub criteria.

1. Characteristics of Proposed Development
2. Location of Proposed Development
3. Types and Characteristics of Potential Impacts

I have assessed the proposed development having regard to the above criteria and associated sub criteria having regard to the Schedule 7 information and other relevant information which accompanied the application, including *inter alia*, the Appropriate Assessment Screening Report.

Characteristics of Proposed Development

- 9.1.5. The proposal is for 155 no. residential units. The majority of the scheme reflects the original urban layout permitted for the parent planning permission. The development proposes to make full use of the brownfield lands which surround the existing Foxburrow estate. The subject site is of little ecological value having already been cleared and partially constructed upon for the previously permitted development and has been moderately reclaimed by immature scrub growth and various saplings. It is not considered that the construction or operation of the site will lead to excessive production of waste, pollution or lead to significant nuisances. Having regard to the use of best practice methods in construction and compliance with urban design principles, a risk of major accident or impact to human health is not expected. Surface water will be attenuated, will pass through a petrol/oil interceptor and discharged to the Ratheven Stream, with flow control devices limiting flow volumes to pre-development greenfield rates. Waste water will connect into the public system and no capacity issues have been identified. No capacity issues have been raised by Irish Water in relation to water supply. The cumulative impact of other development is considered in the EIA screening assessment and there are no permissions or large scale plans in the area which would lead to a significant environmental impact.

Location of Proposed Development

- 9.1.6. The proposed development is located on suitably zoned lands within a residential area which also features an existing residential development (Reg. Ref. 05/893) upon which the proposed development seeks to fully complete. The site is not

directly adjacent to any watercourse and the nearest watercourse is the Ratheven Stream approximately 151 m to the east of the site. The subject site is located within Flood Zone C. The main use of natural resources is the land, however the site is a brownfield site. The site does not contain any wetlands or watercourse. The Appropriate Assessment screening concludes there will be no significant effects on any European Site. In relation to visual amenity, the proposed design of the units is in keeping with existing development, and in my opinion the proposed development will have no significant negative impact on the visual amenity of the area. From this information I can conclude that there is sufficient absorption capacity of the natural environment for the proposed development

Types and Characteristics of Potential Impacts

9.1.7. The size and design of the proposed development would not be unusual in the context of a residential area. The proposed use as residential would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the vicinity and the site will connect to the public foul sewer and utilise the existing road network. The site is not zoned for the protection of a landscape or for natural or cultural heritage. The project will be managed during construction using best practice methods so as there is no likelihood of any impact to the environment. The design of the proposal is such that there will be no negative impact on any residents in the vicinity and any increase in traffic is minimal having regard to the carrying capacity of the surrounding traffic network. Having regard to:

- (a) Characteristics of the proposed development,
- (b) The nature and scale of the proposed development, on zoned lands served by public infrastructure,
- (c) The types and characteristics of potential impacts,

It is concluded that, by reason of the nature, scale and location of the subject site, there are no significant environmental sensitives in the area, accordingly the proposed development would not be likely to have significant effects on the environment. I consider the need for an Environmental Impact Assessment can, therefore, be excluded.

9.2. Appropriate Assessment (AA) Stage I Screening

- 9.2.1. An Appropriate Assessment Screening Report (dated June 2020) was submitted with the application. I have had regard to the contents of same. This report concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects to the Natura 2000 network.
- 9.2.2. I have had regard to observer submissions, as relates to AA issues, and as detailed in Section 6 of this report. I have also had regard to the submission from Irish Water, as detailed in Section 8 of this report.

9.3. **The Project and Its Characteristics**

- 9.3.1. See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected - Stage I Screening

- 9.3.2. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity are predominantly residential in nature. There is agricultural fields to the east of the site. The existing habitats on site of low or negligible biodiversity value. There are no water courses on the site. The nearest watercourse is a small stream, the Ratheven Stream, located approximately 150m from the eastern boundary, at its closest point, which drains to the Triogue River, which flows north, joining the River Barrow to the north-east of Mountmellick. The River Barrow at this point lies within the River Barrow and River Nore SAC, although the distance to the boundary of this area is nearly 10km at its nearest point.
- 9.3.3. In determining the Natura 2000 sites that have the potential to be impacted by the proposal, I have had regard to the contents of the screening report, the nature of the proposed development and I have been aided by the EPA Mapping Tool¹. The Screening Report concludes that only the River Barrow & River Nore SAC (site code 002162) is within the zone of influence of the proposed development, as the site is within the catchment of the Triogue River, and hence there is a pathway to the River Barrow & River Nore SAC. I note the Screening Report does not consider that the River Barrow SPA (Site Code 004233) is within the zone of influence. However I am of the view that it is, in fact, within the zone of influence of the project, as the same hydrological connections exist that are applicable to the River Barrow & River Nore

¹ www.epa.ie

SAC, albeit the distance from the site to the River Barrow SPA is greater at 13.7km from the site.

9.3.4. Given that it is proposed to discharge surface water to the Ratheven Stream, I am of the view that there are two Natura 2000 sites which are within the zone of influence of the proposed development, as detailed in Table 1 below. I consider that the zone of influence is limited to these two sites, given there are no links, hydrological or otherwise, between the application site and any other Natura 2000 sites. Therefore potential likely significant effects on any other Natura 2000 sites can be ruled out.

Table 1: European Sites within the zone of influence/Qualifying Interests/Location

European site (site code) and Qualifying Interests	Location (closest straight line distance from the development site)
<p>River Barrow and Nore SAC (002162)</p> <p><u>Habitats</u></p> <p>1130 Estuaries</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1170 Reefs</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>4030 European dry heaths</p>	<p>8.5km</p>

6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels

7220 Petrifying springs with tufa formation (Cratoneurion)*

91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles

91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*

Species

1029 Freshwater Pearl Mussel (Margaritifera margaritifera)

1016 Desmoulin's Whorl Snail (Vertigo moulinsiana)

1355 Otter (Lutra lutra)

1092 White-clawed Crayfish (Austropotamobius pallipes)

1106 Salmon (Salmo salar)

1421 Killarney Fern (Trichomanes speciosum)

1103 Twaite Shad (Alosa fallax fallax)

1990 Nore Pearl Mussel (Margaritifera durrovensis)

1095 Sea Lamprey (Petromyzon marinus)

1096 Brook Lamprey (Lampetra planeri)

1099 River Lamprey (Lampetra fluviatilis)

River Nore SPA (004233)	13.7km
<u>Birds</u>	
A229 Kingfisher (<i>Alcedo atthis</i>)	

Potential Effects on Designated Sites

- 9.3.5. In relation to the construction phase, given that there is no direct pathway to any water course and the nearest watercourse is located 150m to the east of the site, there is no potential for effects to arise from this phase of the project which could result in significant effects to either the SAC or SPA.
- 9.3.6. During the operational phase, there is a pathway from the site via surface water flows to the Ratheven Stream via the drainage system for the site. However this will be fully compliant with SUDS standards and so no effects to water quality are predicted to occur from this source. These are standard measures in all development projects and are not introduced to avoid or reduce an effect to a Natura 2000 area. These are therefore not considered to be mitigation in an AA context.
- 9.3.7. In relation to foul water, foul water from the proposed development will be discharged to the Portlaoise wastewater treatment plant, which is licenced to discharge treated effluent to the Triogue River (licence number: D0001-01). This plant has a treatment capacity of 39,000 population equivalent (P.E.) and is operating within its capacity and is compliant in terms of water quality standards that pertain to the site. As such the additional loading from this site is not expected to result in a deterioration in water quality of effluent from the site.

Combination or Cumulative Effects

- 9.3.8. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Portlaoise area. This can act in a cumulative manner through surface water run-off and increased volumes to the Portlaoise wastewater treatment plant,
- 9.3.9. The expansion of the town is catered for through land use planning by the various planning authorities in the Laois area, including the Laois County Development Plan 2017-2023 and the Portlaoise Local Area Plan 2018-2024, which covers the location of the application site. This has been subject to AA by the planning authority, which

concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note the development is on serviced lands in an urban area, and does not constitute a significant urban development in the context of the town. As such the proposal will not generate significant demands on the existing municipal services.

- 9.3.10. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Portlaoise wastewater treatment plant generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion

- 9.3.11. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area and the distances to the nearest European sites, it is reasonable to conclude that 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 European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Assessment

- 10.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Traffic and Transport
- Impact on Residential Amenity
- Building Height, Design and Layout
- Quality of Residential Accommodation
- Site Services/Flood Risk

- Childcare
- Other Issues

10.2. Principle of Development

Zoning

10.2.1. The application lands are zoned 'Residential 1' under the provisions of the Portlaoise LAP 2012-2018 with the objective 'to protect and enhance the amenity of developed residential communities'. The purpose of the zoning states that within this zoning category the improved quality of existing residential areas will be the Council's priority. Dwellings are identified as land uses that would be normally permissible on lands zoned Residential 1. The principle of the proposed land uses are therefore considered to be acceptable, subject to the amenity of existing residential properties not being adversely impacted.

Density

- 10.2.2. A net density of 35.2 units/ha is proposed. The Planning Authority have not raised an objection to the density proposed.
- 10.2.3. The issue of density was raised by Elected Members and it is stated that the density was too high. Observer submissions have raised issues with the scale of the development.
- 10.2.4. In relation to density, policy at national level seeks to encourage higher densities at appropriate locations. Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 10.2.5. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) set out guidance in relation to the appropriate densities for residential development, which is related to *inter alia* the location and accessibility of the application site in question. Having regard to the categories of sites that are outlined in this document, I consider that the site could be defined as an 'Inner suburban/Infill site' as defined in Section 5.9 (i) of the Guidelines. While the site is approximately 2.4 km from the centre of the town, the site is an infill site by virtue of

the fact that it forms part of an unfinished housing estate, and sits within the existing development footprint of the town. The guidelines note that for such areas, whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area.

10.2.6. In relation to same, Table 4 of the Portlaoise LAP 2012-2018 identifies approximately 82 Ha of undeveloped residentially zoned land, located within and adjacent to established residential areas within the town. The housing capacity of these lands is estimated to be approximately 2,870 residential units, based on a density of 35 units per hectare. As such a density of 35.2 unit/ha, as proposed here, is in line with expected densities in Portlaoise, as set out in the adopted LAP, and is therefore in accordance with the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), subject to the safeguards identified above. In relation to these safeguards, the issues of architectural form, character and surrounding residential amenity are considered in the relevant sections below.

10.2.7. Also of relevance is Paragraph 3.4 of the Building Heights Guidelines (2018) which stated that state the following: 'Newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net. The proposal is therefore in line with this guidance.

10.2.8. In conclusion, I consider the density to be acceptable in principle, having regard to national and local policy.

10.3. Traffic and Transport

10.3.1. The application is accompanied by a Traffic Impact Assessment (TIA), a Mobility Management Plan and a Stage 1/2 Safety Audit, and I have regard to same.

10.3.2. I note no objection is raised in relation to Transport Issues, subject to conditions, although a number of issues are raised in the Roads Design Report, as submitted by the Planning Authority, and I have addressed these below.

Access/Permeability

- 10.3.3. The proposed development is accessed via the existing Chantiere Gate development, which is turn is accessed off the Block Road. The N80/Block Road Roundabout is located approximately 210 m south of the Chantiere Gate/Block Road junction. To the north there is access to the R445 (Dublin Road). The submitted plans indicate potential future vehicular access to the Grenville Estate to the north, with an area of open space left undeveloped which could facilitate this route. The plans also indicate a pedestrian link to the Grenville Estate.
- 10.3.4. The vast majority of the observer submissions have raised objections to the proposed pedestrian access and the facilitation of a future road access, and concerns relate to road safety, traffic congestion, the need for same, impact on amenity and anti-social behaviour.
- 10.3.5. The Planning Authority have requested that the pedestrian access is omitted from the proposals for reasons of amenity. Elected Members have requested that both the pedestrian and vehicular access are omitted from the proposal.
- 10.3.6. In relation to the access from the Chantiere Gate/Block Road junction, I do not have any objection to same. The previous permissions on this site, albeit for less units, have proposed to utilise this route and as such additional vehicular traffic on this route is not an unexpected development.
- 10.3.7. Section 3.3.3 of the Design Manual for Urban Roads and Streets (DMURS) considers 'Retrofitting' of additional links to existing neighbourhoods, and while highlighting the benefits of same, recognises that retrofitting connectivity can be problematic, and that the dendritic nature of some street pattern can mean that connection opportunities are limited. It is stated that, rather than seeking to retrofit a fully permeable network (i.e. maximising all connections), the focus should be on key desire lines where the maximum gain can be achieved through the minimum amount of intervention. It is further stated that links should be short, overlooked and well lit to mitigate anti-social behaviour.
- 10.3.8. As such, having regard to the above considerations, I am of the opinion that that while increased permeability to surrounding areas is generally a desirable outcome, site context, the nature of surrounding areas and the overall benefit of future connections are also of relevance. In this regard, I share the concerns of

neighbouring residents in relation to both the vehicular and pedestrian access to Grenville, as proposed.

- 10.3.9. In relation to the potential vehicular access there are multiple issues of concern. Firstly, the Road Safety Audit (TIA) identifies a multitude of road safety issues that would arise should this link be implemented. These includes the existence of long straight sections of road without any traffic calming measures; existing tight radius bends along the access road which may make it difficult for opposing vehicles to safely pass at these locations; locations where the inter-visibility between vehicles approaching bends / junctions are sub-standard. The visibility lines are obstructed by existing residential boundary walls, hedgerows and trees. There is also numerous private driveways with direct access onto the main access road and visibility splays for drivers of vehicles exiting these driveway may be obstructed by existing boundary walls / hedgerows. It is also noted that the existing Grenville Estate access road would need to be upgraded in order to facilitate a vehicular link to the proposed Foxburrow development.
- 10.3.10. In terms of traffic generation through the Grenville Estate, the TIA states the provision of a future link road via Grenville estate would result in a re-distribution of development traffic. It is assumed that development traffic accessing the eastern side of Portlaoise town and the M7 motorway would now travel via Grenville estate with the remaining development traffic travelling via Chantiere Gate. The road network within the Grenville Estate appears to be entirely unsuitable for such traffic volumes, having regard to the width of the road, the existing pattern of parking within the estate and the numerous driveway accesses/egress on to the roads within the Grenville Estate. I consider too that the existing Chantiere Gate access route, while suitable to facilitate this current residential development, would not be suitable as a through route for significant volumes of traffic, given the residential nature of same and the 30kph speed limit that applies to this route.
- 10.3.11. It is further noted that, in 2036 with the provision of a future link road via Grenville estate, the existing R445 / Grenville Estate priority junction will have reached its practical reserve capacity in the AM peak resulting in queues and delays at the existing junction. As such it is evident that the existing road network will be insufficient without required upgrades.

- 10.3.12. In terms of the practical benefits of same, the link road would provide access from the Block Road to the R445 Dublin Road via Chantiere Gate and Grenville. This route appears to be well served by the existing road network and the proposed link does not appear to provide any significant benefits in terms of permeability.
- 10.3.13. In terms of the proposed pedestrian link, there appears to be a number of issues in relation to same. The link appears to join the Grenville Estate onto the existing Grenville Road. There is no existing footpath that extends to the boundary within the Grenville Estate. No. 33 Grenville has an area of green space to the front of the property, which a potential link would need to traverse. There is an existing footpath that extends as far as No. 32 Grenville. Land ownership/consent issues have been raised by the majority of observer submissions. On the opposite side of the road there is a turning area and an area of green space with existing trees. Any link on this side would need to traverse this turning area and utilise the area of green space, the width of does not appear be suitable to facilitate a footpath.
- 10.3.14. In terms of the practical benefits of same, it would provide an additional route option to the R225 Dublin Road. However it would not provide a practical route to access the Midland Regional Hospital, a significant employer in the area, which would be accessed more easily via the Chantiere Gate/Block Road (the main entrance to the hospital is off the Block Road), nor would it provide significant time savings as a walking route towards the town centre. There may be some benefits to the route as an additional access to the bus stops on the R445 Dublin Road, but in my view this benefit does not outweigh the need to overcome the significant difficulties in providing such a link, as highlighted above. The Planning Authority note that future residents will have access to the proposed Bus Route P2 which will serve the stop on the Block Road adjacent to Chantiere Gate. I note that no pedestrian link to Grenville was proposed as part of the parent permission for the site.
- 10.3.15. Additionally, there are no proposals for additional lighting of the pedestrian link, and I have concerns in relation to the impact of additional lighting that would be required on the amenity of No. 33 Grenville, and there is no assessment of same within the application documentation.
- 10.3.16. As such I concur with the view of observers that the proposed pedestrian link to Grenville should be omitted from the proposal, and this can achieved by way of

condition. While the development facilitates a future vehicular link to Grenville, I do not consider that this link is appropriate for the reasons as detailed above, and revised plans should be requested by way of condition.

Impact on the Surrounding Road Network

10.3.17. The Planning Authority notes a number of issues in relation to the submitted Transport Impact Assessment (TIA). It is stated that a full description and audit of the existing local road network and facilities for pedestrian and cyclists, including facilities for mobility and visually impaired users, has not been provided and no reference is made to DMURS. Increased demand from cyclists and pedestrian volumes has not been considered and the existing junction of Block Road/Chantiere Gate is not considered and no measures to improve same are put forward. It is further stated that cumulative traffic impacts of the Foxburrow and Rathevan SHD (An Bord Pleanala Reference 307411) are not considered.

10.3.18. In relation to the SHD referred to above (307411) I note that this has been withdrawn by the applicant.

10.3.19. The TIA assesses the impact of the development on three no. junctions as follows:

- Block Road / Chantiere Gate priority junction
- R445 / Block Road mini-roundabout
- N80 / Block Road roundabout

10.3.20. Of note is that the existing R445 /Block Road mini-roundabout is currently at capacity during the AM peak hour resulting in queues and delays with capacity reached during the 15-minute period of 08:15 – 08:30, event without the development in place. While the development will generate additional traffic, and therefore additional demand on this junction, the TIA notes that the additional trips generated by the proposed residential development only accounts for 3% of the overall traffic flows at the mini-roundabout and the TIA concludes that the development has little impact on the overall operational performance of the mini-roundabout. The Planning Authority has suggested a condition that seeks to address this capacity issue. I am of the view that this is appropriate.

10.3.21. The remaining two junctions noted above will continue to operate within capacity, albeit with delays.

10.3.22. As noted above, in 2036 with the provision of a future link road via Grenville estate the existing R445 / Grenville Estate priority junction will have reached its practical reserve capacity in the AM peak resulting in queues and delays at the existing junction. I am of the view that this link road should be omitted from the proposal for the reasons as cited above.

10.3.23. Having regard to the above, it is not considered that there will be a material impact on the surrounding road network as a result of this proposed development, subject to appropriate conditions.

Parking/Cycle Infrastructure

10.3.24. A total of 289 parking spaces are to be provided within the proposed residential development.

10.3.25. The proposed provision for both the houses and apartments is in line with the standards as set out in the Laois County Development Plan and as set out in the Sustainable Urban Housing: Design Standards for New Apartments (Guidelines for Planning Authorities).

10.3.26. In relation to cycle parking and cycle infrastructure, I note there is 30 cycle parking space provided for the apartment units. The required cycle parking provision for the apartment/maisonette units, as per the Design Standards for New Apartments, is 58 no. spaces and 22 no. visitor spaces. Additional cycle parking should be ensured by way of condition. There are no provisions for cycle infrastructure included within the proposals and this has been highlighted as a concern by observers. However, I note that the overall layout of the proposal is constrained to a large degree by the existing layout of the unfinished estate and the ability to provide any meaningful cycle infrastructure is constrained by the existing road layouts. With the redline boundary the existing access road does not appear to have sufficient width to accommodate off-road or on-road cycle paths which would be in line with standards.

10.3.27. However, the Planning Authority has suggested condition requiring a pedestrian and cycle audit which will identify required improvements to the pedestrian and cycle infrastructure from the application site to the Block Road/R445 junction. A contribution is requested to fund same. I consider that this is reasonable as the occupiers of the proposed development will benefit from same.

10.3.28. The Roads Design Report submitted by the Planning Authority refers to a proposed vehicular, cyclist and pedestrian link route between the Stradbally Road to the Dublin Road via HSE Lands, as per Map 1 of the Portlaoise LAP 2018-2024. Figure 2 of the Roads design report indicated the location of this link route, to the west of the existing Block Road, and to the west of the proposed expansion of HSE facilities. There is no specific condition requesting funding towards same, although I consider that the contribution as suggested above will help to improve the existing cycle and pedestrian infrastructure and is considered sufficient in my view.

Proposed Bus Service/Interim Bus

10.3.29. The Roads Design Report also refers to proposals for additional bus routes serving the town which are not yet in place, and it is suggested that in the immediate absence of an NTA provided bus service, the applicant should contribute towards the interim provision of a town bus services. I am of the view that there is insufficient justification for this contribution set out in the PA's submission and I am not of the opinion that such a contribution is proportionate or reasonable.

DMURS/Road Safety

10.3.30. In terms of sightlines, The Design Manual for Urban Roads and Streets indicates that for a 50km/h speed limit a sightline of 45m at a 2m set-back shall be achieved in both directions. At the existing access to Chantiere Gate housing estate, which provides access to the proposed development a 45m sightline at a 2m set-back can be achieved in both directions. The visibility splay to the north and south of the proposed access is measured from a 2m set-back to the nearside kerb of the road.

10.3.31. The Planning Authority suggest a DMURS street design audit be undertaken on the finalised design and submitted to Laois County Council for agreement. I consider that this is reasonable and should be secured by way of condition.

10.3.32. A Stage 1/2 Road Safety Audit (RSA) has been submitted. This identifies a number of issues that preferably should have been resolved by the applicant prior to submission, although it is possible to resolve these issues by way of condition, where required. The RSA raises issues with the visibility splays with the junctions on Aspen Way. I consider the applicant should be requested to provide additional drawings showing that these visibility splays have been achieved. Safety issues are also raised with the shared surface to the south of 'Open Space 1' and it is noted

that significant volumes of traffic would traverse this. I concur and consider that this element should be removed and replaced with more appropriate traffic calming measures and provision of a footpath on both sides of the road. Other issues identified within the report can be dealt with by way of condition, as suggested by the Planning Authority.

Impacts of Construction Traffic

10.3.33. A number of observers have cited concerns in relation to construction impacts, and related safety concerns. I concur with observers in relation to the same and there is insufficient detail provided in relation to construction management and proposals to ensure pedestrian and cycle safety is prioritised during the construction stage of development. There is no alternative access to the site other than via the Chantiere Gate development and via the Foxburrow Development and given that these are existing residential areas, there is potential for safety concerns to arise. A detailed Construction Traffic Management Plan should be requested by way of condition which should address any such concerns.

10.4. Impact on Residential Amenity

10.4.1. Observers have raised concerns in relation to impacts on amenity, in particular overlooking/loss of privacy, impacts on daylight/sunlight and overshadowing and noise/anti-social behaviours issues.

Overlooking/Loss of Privacy

10.4.2. In relation to the impacts on the existing properties on the Grenville Estate I note that No. 33 Grenville is located approximately 9.3m from the rear of proposed units 114 and 115. However the side elevation of No. 33 faces the proposed units and there are no directly opposing windows. I note the occupier of No. 33 states that overlooking of the front garden will result. While there will be indirect views from the upper rear windows of these units, I do not consider material overlooking of the front garden of No. 33 will result.

10.4.3. I note the occupier of No. 26 Grenville has raised issues in relation to *inter alia* overlooking, citing the window on the side elevation of No. 26 which will face the rear windows of the proposed dwellings. The rear windows of the nearest proposed dwelling is c14.5m from this side elevation window. This arrangement appears to be similar to that of the parent permission (05/893) and subsequent amendment

application (06/1928), as indicated in Figure 1.2 of the Planning Report submitted with the application. As such this arrangement has previously been found to be acceptable.

- 10.4.4. Observers have also raised concerns in relation to the impact on other properties on Grenville, as relates to overlooking and loss of privacy. In relation other properties to the north of the site on Grenville, I consider that the setback from the existing properties is appropriate, given there are no directly opposing rear to rear windows.
- 10.4.5. In relation to the properties on Chantiere Gate, on the northern portion of the site, there is a least a 22.1m back to back distance which is sufficient to ensure that no material overlooking occurs. On the southern portion of the site, proposed unit 1 has a side elevations which face towards an existing property at No. 23 Chantiere Gate. The occupier of same has raised objections in relation to *inter alia* overlooking. These properties have obscure glazed windows to the side elevations at first floor level and as such no overlooking will result.
- 10.4.6. In relation to the existing properties on Chestnut Avenue, Cherrybrook and Aspen Way estate, I note the Planning Authority cite units 22, 23 and 24 and note the required setback has not been achieved. In relation to same, I note that these are single storey units and as such no overlooking will result. In relation to proposed unit 21 (Unit Type C2) this unit type does not have habitable room windows to the rear. This is a similar arrangement to the 'C' houses (Units 151 to 154) to the south of Open Space 2 - the dwellings do not have bedrooms at the rear of the first floor and the windows are opaque and serve ensuites.

Loss of Daylight/Sunlight – Overshadowing

- 10.4.7. I note a Daylight/Sunlight Analysis and Shadow Study has been submitted. This considers *inter alia* the impact of the three storey apartment units (Block C) on the rear gardens of No. 32 and 33 Carrick Hill, located to the north of the site, as relates to overshadowing. The report concludes that there is only an imperceptible impact on the rear gardens of these properties and I concur with the conclusions of same.
- 10.4.8. In relation to the proposed two storey dwelling houses, these are sufficiently set back from existing properties and gardens, or have an orientation that is appropriate, so as to ensure that no loss of daylight or sunlight will occur to existing properties, nor will overshadowing of existing amenity spaces occur. Specifically, in relation to the

impact on No. 23 Chantiere Gate, proposed Unit 1 is located 10m to the east of the rear elevation of No. 23 Chantiere Gate and is 1m from the boundary at its closest point, although the angle of the unit relative to No. 23 Chantiere Gate means this distance increases to 3.3m from the boundary. I note that this arrangement differs from that previously approved under parent permission (05/893) and subsequent amendment application (06/1928), which indicated a different arrangement of dwelling houses on the south-west corner of the site (as indicated in Figure 1.2 of the Planning Report submitted with the application). I consider that the proximity of proposed Unit No. 1 to No. 23 Chantiere Gate has the potential to result in a loss of daylight and sunlight to this existing dwelling, and would also present an overbearing visual impact when viewed from the rear garden of No. 23 Chantiere Gate. The daylight and sunlight analysis does not consider the impact of the proposal on this property. Should the Board be minded to grant permission, I recommend that Unit No. 01/A should be omitted by way of condition and revised plans submitted to the planning authority for approval.

- 10.4.9. In relation to proposed Apartment Block A, located to the south of the site, I note that this is three storeys in height. It is set back 18m to the north-east from the side elevation of the existing three storey apartment building at Walnut Close. This has windows on the side elevation facing towards proposed Block A. I note that no daylight/sunlight assessment has been submitted. However given the orientation of the proposed Block A relative to the existing block, the setback distance of 18m, and the limited height of the proposed Block A, I do not consider that there will be a material impact on daylight and sunlight levels to the existing apartment units.

10.5. **Building Height, Design and Layout**

- 10.5.1. The form of the development replicates the form of the existing dwelling units and apartments, and the proposed layout is a logical one, in my view. The 3 storey height of the three no. apartment blocks does not exceed that already set by the existing apartment blocks on the site and is appropriate.

Layout

- 10.5.2. The layout follows the form of the existing housing estate and completes the large area of open space in the centre of the development. There are more minor areas of

open spaces interspersed throughout the development, which are well overlooked by the proposed housing. Overall, the proposed layout is considered to be acceptable.

Detailed Design

- 10.5.3. In terms of detailed design, the quality of finish and materials is considered to be high, and the overall appearance of the dwelling units is of suburban dwelling houses, which references the predominant housing type in the surrounding area. The design of the apartment units is in keeping with the existing apartment blocks.
- 10.5.4. There is variety in the house types proposed with wider frontage and double-frontage houses utilised at various points throughout the development, as well as terraced, semi-detached and detached dwellings interspersed throughout the development. The scheme benefits greatly from this variety and it presents a scheme of visual interest. The detailing and mix of the materials will be consistent with the existing housing.
- 10.5.5. The submitted verified views and CGIs demonstrate that the proposal will deliver a high quality development which will much improve the existing appearance of the site and the visual impact of the proposal will be positive.

Public Realm

- 10.5.6. While there is car parking allocated to all of the houses and apartments, these spaces do not dominate the public realm and there is sufficient softening of the landscaping provided by planting, and variety in the use of road and surface finishes to ensure a high quality public realm.

Quality of Residential Accommodation

Overall Mix

- 10.5.7. The mix of units consists of 23 x 2 bed houses (15% of total), 48 x 3 bed houses (31%), 44 x 4 bed houses (28%), 18 x 1 bed apartments (11.5%), 18 x 2 bed apartments (11.5%) and 4 no. 1 bed maisonettes (3%). The proposed mix provides for a variety of household types and the Planning Authority have expressed satisfaction with same.

Houses

10.5.8. The houses comply with the minimum standards as set in Quality Housing for Sustainable Communities 2007, as relates to floor area, minimum room sizes and storage areas.

Apartments

10.5.9. Specifically in relation to the 36 no. apartment units and 4 no. maisonettes proposed, the relevant standards are outlined in Sustainable Urban Housing: Design Standards for New Apartments (2018).

Floor Area

10.5.10. The apartments/maisonettes all exceed the minimum floor areas required.

Dual Aspect

10.5.11. No single aspect units are proposed.

Private Amenity Space

10.5.12. The apartments/ maisonettes will have private amenity space all of which exceed the minimum standards. For the dwelling houses, the Development Plan requirement of a 15m depth has not been achieved in all cases but the Planning Authority note that the gardens are adequate based on quantitative standards and do not raise an objection to same. I am satisfied that the units have been provided with sufficient private amenity space.

Open Space/Landscaping

10.5.13. A Landscape Design Report has been submitted with the application and I have had regard to same. Overall the proposed development provides approximately 4,207 sq. m. of public open space, in line with the minimum requirements as set out in the Development Plan. A play area, fitness area and kick-about space is provided to the north-east of the site.

10.5.14. I consider the overall provision of open space, and layout and location of same, to be acceptable and will provide a welcome amenity for both residents of the proposed development, and for the wider area as a whole.

10.6. Site Services/Flood Risk

Surface Water

- 10.6.1. The submitted engineering report notes that the undeveloped site area drains directly to the ground through infiltration and evapotranspiration. An existing surface water tank serves the completed units on Aspen Way and Chestnut Avenue, and this outfalls to the Ratheven Stream to the east of the site. The existing tank has sufficient capacity to accommodate a portion of the development, namely those areas to the east and southwest of the site.
- 10.6.2. In terms of proposed infrastructure, it is noted that the stormwater management system is designed to limit the discharge flow rate to the estimated run-off rate from the site prior to the 2006 development. The surface water strategy is to divide the site into two catchments, the first utilising the existing infrastructure and the second utilising a new attenuation tank, but both utilising the existing outflow to the Ratheven River. The collected storm water will be treated through the use of a petrol/oil bypass interceptor.
- 10.6.3. SuDs measures include permeable paving with interception storage provided within the paving as well as rainwater butts collecting roof run-off. Discharge rates from the attenuation storage to the river will be limited by the existing Hydroslide which has a discharge limited of 17.9l/s.
- 10.6.4. I note the Planning Authority have raised no objections to the surface water proposals, subject to conditions. Observers have questioned the appropriateness of the proposed petrol/oil interceptor. I note the drainage area that can be served by the proposed interceptor is noted as 16,670 cubic m. The total drainage area is elsewhere referred to as 21,168 cubic m. As such the proposed interceptor may well not be suitable for the site. However this can be resolved by way of condition with revised details, as necessary, submitted to the Planning Authority for agreement.

Foul

- 10.6.5. There is an existing pumping station to the north-east of the site which is designed for 130 houses are part of the previously part-completed development which is utilised by the existing housing. Effluent is pumped to the existing system at Chantiere Gate. It is proposed to increase the storage capacity of the pumping station to allow for 134 of the proposed unit to utilise this infrastructure with the remaining 21 units discharging to the existing public system at Chantiere Gate via gravity.

10.6.6. I note that the required storage capacity of 70.835 cubic meters exceeds the available storage capacity of 25.7 cubic meters by a significant degree. Details of the upgrades to the pump station upgrade have been submitted with the application. I note that the Planning Authority have not raised an issue in relation to proposals for foul water. I note also that Irish Water have not raised any objections in relation to the proposals for foul water and have not cited any capacity constraints in the foul water infrastructure. However observers have cited issues in relation to the existing system and have highlighted inaccuracies in relation to the drawings for the proposed system. I consider that these issues can be dealt with by way of condition, including a requirement for a CCTV survey of the foul drainage system on completion of each stage of the development, to ensure that it is functioning as designed.

Water Supply

10.6.7. The Engineering Report notes that, from Local Authority Records, there is a 100mm UPVC pipe around the perimeter of the development and the average daily demand is noted as being 62,775 l/day.

10.6.8. There is no detail on the source of water supply. However the submitted PA report indicates that water Supply to Portlaoise is supplied by way of groundwater abstraction. The Planning Authority raise concerns in relation to potential capacity constraints in relation to existing productive capacity of the 8 no. Boreholes supplying approximately 7.8MLD (Mega Litres Per Day) of untreated water to the water treatment plant in Kilminchy, which in turn supplies 80% of the water supply demand in Portlaoise. The PA report notes that there is an additional 3 boreholes available at Boolbanagher, and once connected there can supply an additional 4 ML/D to Portlaoise. The PA state that it is critical that these Boreholes are utilised/connected. However the PA raise no objections to a grant of permission, subject to the applicant liaising with Irish Water.

10.6.9. Observers have highlighted capacity constraints in relation to water supply and state that Irish Water have previously highlighted capacity issues. I note that the submission from Irish Water in relation to this application has not raised any capacity issues. As such I am satisfied that the standard condition as suggested by Irish Water is sufficient in this instance.

Flood Risk

10.6.10. Section 3.0 of the Civil Infrastructure Report outlines a Flood Risk Assessment. This notes that the site falls within Flood Zone C and the site is not at risk from Fluvial, Tidal, Pluvial Flooding or Groundwater Flooding. In terms of increasing flood risk elsewhere, I note that storm water is to be attenuated, with the proposed attenuation tank to be sized for a 1 in 100 year storm event, plus 20% for climate change. Stormwater will then be released in a controlled manner.

10.6.11. Having regard to the information above, and information as accessed on www.floodinfo.ie² I am satisfied the site is not at risk of flooding from any of the sources listed above and I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

10.7. **Childcare**

10.7.1. No childcare facility is proposed. The Planning Authority consider that the capacity of existing childcare facilities may be impacted due to Covid-19. However there is no evidence put forward to support this. The application is accompanied by a Childcare Demand Assessment which notes there is capacity in the area for approximately 23-25 children. The maximum expected demand generated by the development is noted as 33 childcare spaces, with demand reducing over time. It is also noted that this is a maximum demand which includes the all of the two bed units, not all of which would be expected to generate demand for childcare. Evidence is put forward in relation to other alternative childcare provision taken up by parents in the Midland Region, taken from the CSO's Quarterly National Household Survey which notes that a total of 14% of parents utilise childcare facilities. Applying this figure then to the maximum demand generated, there would be a total of demand of 5 spaces generated.

10.7.2. As such, having regard to the information with the application and to the nature and scale of the proposed development, it is not considered that the provision of a childcare facility would be warranted under the advice given at sections 2.4 and 3.3.1 and Appendix 2 of the Guidelines on Childcare Facilities issued by the minister in 2001.

10.8. **Other Issues**

² Accessed 24th September 2020

10.9. Oral Hearing Request

10.9.1. I note that the following submission requested an Oral Hearing:

- Foxburrow Residents Association

10.9.2. There are no explicit grounds set out for why an Oral Hearing has been requested but the submission sets out detailed concerns in relation to the application which I have summarised in Section 6 above.

10.9.3. Section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016 amends Section 134 of the Act of 2000 for the specified period as follows:

(1)(a) The Board may in its absolute discretion, hold an oral hearing of an appeal, a referral under section 5, an application under section 37E or, subject to paragraph (b), an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

(b) Before deciding if an oral hearing for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016 should be held, the Board—

(i) shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and

(ii) shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.9.4. I do not consider that there is a compelling case for an oral hearing in this instance. There is sufficient information on file for the Board to make a fully informed decision on the application. In addition, none of the submissions on file of Laois County Council, Irish Water or Transport Infrastructure Ireland raise significant technical issues which would need to be addressed by way of an Oral Hearing. Having regard to these matters and to the remainder of this assessment, I am therefore satisfied that an Oral Hearing is not warranted in this instance and I recommend that the Board does not invoke section 18(1) of the 2016 Act.

Trees

10.10. Observer submissions have raised concerns in relation to the loss of trees on the site and on the boundaries of the site. The application is accompanied by a Tree

Survey and Arboricultural Impact Assessment. This notes that the development will necessitate the removal of low value scrub vegetation and a single group of young trees. Significant tree planting is proposed. Trees on the eastern and southern boundary are to be retained.

10.11. I am satisfied that there will be no loss of trees or hedgerows of significant value and note the landscaping and replacement tree planting proposed. Overall, subject to conditions, the overall impact on trees and hedgerows on the site is considered to be acceptable.

Ecology

10.11.1. The site is of limited ecological value given the previous clearance and partial development that has already taken place on the site. There are no existing buildings that could provide roosting potential for bats although observer submissions have noted that the existing trees on the boundary could providing suitable conditions for bats. These are being retained.

10.11.2. Having regard to the above I consider that impacts on ecology will be limited, subject to conditions.

Land Ownership

10.11.3. A number of observer submissions have stated that the red line boundary has encompassed areas of land not within the ownership of the applicant. In this regard, I am satisfied that the applicant has demonstrated sufficient legal interest in the lands to make an application. In any event, it should be noted that section 10(6) of the Planning & Development (Housing & Residential Tenancies) Act, 2016 provides that: 'A person shall not be entitled solely by reason of a permission under section 9 to carry out any development'.

Non-compliance with Previous Permissions

10.11.4. A number of observer submissions have stated that the applicant has not complied with the previous permissions on the site, including but not limited to, roads and road surfaces, and as relates to the site services including foul and surface water infrastructure. In this regard I note that the Board does not have a role in enforcement issues and any non-compliance with previous permissions is a matter for Laois County Council.

Phasing/Duration of Permission

10.11.5. The phasing plan sets out five phases of development. I do not have any objection on the same although I recommend that the standard period of 5 years should apply to the permission, given that no significant infrastructure is required, over and above what would be expected for a housing development of this scale and nature.

Site Notice

10.11.6. A number of submissions have stated that the site notices were not erected on the date specified by the applicant (25th June 2020) and were in fact erected at a later date (27th June 2020). Sworn affidavits are submitted to support this claim. I cannot verify either claim. In this regard I note the considerable volume of detailed submissions in relation to this application and it would appear that the members of the public, including immediate neighbours, have had sufficient opportunity to engage with the consultation process.

11.0 Conclusion and Recommendation

11.1.1. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be **GRANTED** for the proposed development, subject to conditions, for the reasons and considerations set out below.

12.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority:

12.1.1. Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25th Day of June by Boderg Developments Limited care of Thornton O'Connor Town Planning, 1 Kilmacud Road Upper, Dundrum, Dublin 14 D14 EA89.

Proposed Development:

The proposed development will complete the development of Foxburrow estate, which was previously permitted and partially constructed under Laois County Council Reg. Ref. 05/893.

The development will consist of: the removal or adaptation of existing foundation pads for the previously permitted and partially constructed houses; and the provision of 155 No. residential units comprised of 115 No. two-storey terraced, semi-detached and detached dwellings (44 No. 4-bedroom houses, 48 No. 3-bedroom houses and 23 No. 2-bedroom houses); 4 No. 1-bed maisonettes in a two-storey block; and 36 No. apartments provided in 3 No. three storey apartment buildings, with each block proposing 12 No. units, providing a total of 18 No. one bedroom apartments and 18 No. two bedroom apartments.

The development also proposes the provision of 289 No. ancillary car parking spaces; cycle parking; the creation of a pedestrian link towards the north-west corner of the site through to the neighbouring Grenville estate and the facilitation of a vehicular link through to Grenville; hard and soft landscaping; balconies and terraces; boundary treatments; solar panels; the relocation of an existing ESB substation and the provision of a new substation; bin stores and all associated site development works above and below ground.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location, on lands approximately 2km east of Portlaoise Town Centre, in an area that has existing residential development, with a zoning objective that permits residential development in principle;
- (b) that the proposal will complete an unfinished housing estate;
- (c) the pattern of existing development in the area;
- (d) the policies and objectives of the Laois County Development Plan, 2017-2023 and of the Portlaoise Local Area Plan 2018-2024;
- (e) the nature, scale and design of the proposed development and the availability in the area of a wide range of community, social and transport infrastructure;
- (f) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (h) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (i) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (j) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (k) the nature, scale and design of the proposed development;
- (l) the submissions and observations received, and
- (m) the report of the inspector,

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 or of property in the vicinity, would respect the existing character of the

area, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

(a) the nature and scale of the proposed development on an urban site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended), the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the

environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

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

3. The proposal shall be amended as follows

(a) Unit 01/A shall be omitted from the proposed development. In the interest of clarity the total number of units permitted is 154 no units.

Prior to the commencement of development, revised plans detailing this amendment shall be submitted for agreement in writing with the Planning Authority.

Reason: In the interests of residential amenity

4. The proposal shall be further amended as follows:

- (a) The proposed pedestrian access via Grenville shall be omitted from the proposed development. The existing boundary treatment shall be retained.
- (b) The facilitation of the future vehicular link through Grenville shall be omitted from the plans.

Prior to the commencement of development, revised plans detailing these amendments shall be submitted for agreement in writing with the Planning Authority.

Reason: In the interests of proper planning and development.

- 5. The developer shall comply with all requirements of the planning authority in relation to roads, access, cycling infrastructure and parking arrangements. In particular:
 - (a) There shall be 80 no. bicycle spaces (58 residents and 22 visitor) provided within the development to serve the apartment/maisonette units;
 - (b) The applicant shall undertake a pedestrian and cycle route audit from the Foxburrow Estate to the Block Road intersections with the N80 and R445 and, subject to the written agreement of the Planning Authority prior to commencement of development, implement a review program to ensure appropriate infrastructure is provided / upgraded to meet cycling requirements to key off-site locations. In their written agreement, the applicant and Laois County Council shall agree a schedule of works, and the share of the costs of those works;
 - (c) The applicant shall proposed mitigation measures to address capacity issues at the Block Road/Dublin Road (R445) junction during peak periods. The applicant shall liaise with Laois County Council to conduct a study of improvements to reduce disproportionate queues and consider the option of providing a signalised junction. In their written agreement, the applicant and Laois County Council shall agree a schedule of works, and the share of the costs of those works;
 - (d) All issues in the submitted Road Safety Audit should be addressed. A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which should include a Road Safety Audit, Access Audit, Walking Audit

and a Cycle Audit) shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads and Streets guidance and Transport Infrastructure Ireland standards. The Quality Audit team shall be approved by the planning authority and all measures recommended by the Auditor should be undertaken unless the planning authority approves any departure in writing. A feedback report shall also be submitted providing a response to each of the items;

(e) A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for prioritising the safety of pedestrians, cyclists and other road users, routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site;

(f) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense;

(g) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii. A DMURS street design audit shall be undertaken on the finalised design and submitted to Laois County Council for agreement. No development to take place until such agreement is in place.

(h) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

6. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The spaces shall not be utilised for any other purpose, 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. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

8. Water supply and drainage arrangements, including the disposal of surface water/storm water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

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

Reason: In the interest of public health and to ensure a proper standard of development.

10. Upon completion of each phase of the development, and prior to the occupation of any of the proposed units, the applicant shall have a full CCTV survey of the existing and completed foul and storm water network carried out. Any misconnections or other defects identified shall be rectified. A copy of

the foul and storm water sewer CCTV survey, survey report and as-constructed drawings with manhole cover levels and pipe invert levels etc. shall be submitted to the Planning Authority, for agreement and verification in writing.

Reason: In the interest of proper planning and development.

11. The areas of public open space and communal open spaces, as shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public and communal open space areas, and their continued use for this purpose.

12. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. 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 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 interests of residential and visual amenity.

13. Site development and building works shall be carried only out between 08.00 to 18.00 hours Mondays to Fridays inclusive, between 08.00 to 13.00 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 amenities of property in the vicinity.

14. Proposals for an apartment, street and house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all apartment, street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of orderly development.

15. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of apartment units in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

16. 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. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of orderly development and the visual amenities of the area.

17. Details of the materials, colours and textures of all the external finishes, including pavement, road finishes and boundary treatments, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

19. 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:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;

- c) Details of site security fencing and hoardings;
 - d) Details of on-site car parking facilities for site workers during the course of construction;
 - e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
 - m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

20. 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.

The plan shall include details for the appropriate disposal of any invasive species which has been treated within the site and the prevention of any increase in vermin on the site or in the vicinity of the site, during construction.

Reason: In the interest of sustainable waste management.

21. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Street lighting in private areas shall be independent to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house. Any external lighting shall be cowled and directed away from the public roadway and adjoining properties.

Reason: In the interests of residential amenity.

22. Prior to commencement of development, the developer 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter

to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

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.

23. 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

24. 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.

Rónán O'Connor
Senior Planning Inspector

28th September 2020

Appendix A

1. William and Elaine Fitzpatrick
2. Andy Morrissey
3. Angela Fitzpatrick
4. Anita Finlayson
5. Ann Behan
6. Ann Cashen
7. Anne O'Dwyer
8. Anthony O'Callaghan
9. Aoife and Adrian Maher
10. Aoife and Martin Halian
11. Artjoms Manucarovs
12. Ashfaq Ahmed
13. Barry Fitzgerald
14. Barry Flynn
15. Bozena Gilep
16. Brian and Niamh Duffy
17. Bridie Kennedy
18. Caitriona O'Reilly and Paul Van Der Meulen
19. Cathal and Pypeh Cullinane
20. Catherine Fitzgerald
21. Catherine Fitzpatrick
22. Christopher Reddy
23. Clodagh Salter
24. Daniel O'Shea
25. David Birchall
26. David Kenny
27. Deborah and John Ward
28. Declan and Margaret Devaney
29. Declan Bergin
30. Des Browne
31. Donna Heffernan
32. Eamon and Breda Hulhall
33. Eileen O'Shea
34. Emma and Donal Miller
35. Emma and Patrick McEvoy
36. Fergus and Fiona Bracken
37. Foxburrow Residents Association
38. George Keyes
39. Geraldine and Seamus Beere
40. Geraldine Nolan
41. Gerrard Heffernan
42. Gerry White
43. Glen and Marcella O'Shaughnessy
44. Grace and Robert Byrne
45. Grenville Residents

46. Hazel Stanley
47. Helen Conroy
48. Henry Ramsbottom
49. Jennifer and Ger Egan
50. Jim Murphy
51. Jim Phelan
52. Joan Dwyer
53. John Hanniffy
54. John O'Shea
55. John White
56. Josie Garrett
57. Josphine Hughes
58. June Downey
59. Karl Byrne
60. Kate Brickley
61. Katie Gilhooly
62. Keith Lawlor
63. Ken and Josephene Henderson
64. Ken McPherson
65. Laura and James Scully
66. Lorrain and Ian O'Callaghan
67. Lucy and Thomas Fitzgerald
68. Management
69. Margaret Gorman
70. Margaret Monaghan
71. Margaret Nolan and Seamus Mac Gearailt
72. Margaret Roe and Others
73. Marian and Jack Naughton
74. Marie O'Hara
75. Marjorie Holland
76. Martina Downey
77. Mary and Robert Connolly
78. Mary Comaskey
79. Mary Dunne
80. Maura Glynn
81. Miriam Doyle and Brendan Meehan
82. Muhammad tariq
83. Nicola Lecumber and Conor Deegan
84. Olli-Pekka Rippa and MahRukh Masood
85. Owen Coonan
86. Paddy Knowles
87. Patricia Kingston
88. Patricia Lalor
89. Patrick Carton
90. Patrick Lawlor
91. PJ and Anne Tierney

92. PJ and Mary Brennan
93. Portlaoise Municipal District
94. Richard McSweeney
95. Richard Quillinan
96. Rory and Carmel Laffere
97. Rosemary Day
98. Sandra and Gerard Ramsbottom
99. Sharon Delaney and Cian Gallaher
100. Sharon Delaney
101. Sheila Luttrell
102. Suzi Barry
103. Theresa and Paul Quail
104. Tony Delaney and Elizabeth Hayden
105. Tony Delaney and Elizabeth Hayden
106. Valerie and Noel O'Reilly
107. Vincent Keegan
108. Jan and Jonathan Moylnbeaux