



An
Bord
Pleanála

Inspector's Report

ABP-308132-20

Development	Change of use of disused stables to residential use comprising five no. residential units and alterations and extension to existing cottage
Location	The Orchard, Oldtown Demense, Sallins Road, Naas, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19/1356
Applicant	Springwood Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Refusal of Permission
Appellant	Springwood Ltd.
Observer(s)	None
Date of Site Inspection	08.12.2020
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located within the town of Naas, Co. Kildare.
- 1.2. The site forms part of a larger permitted housing development (The Orchard) immediately south of Naas GAA Club. Part of the permitted development has been constructed to the front/north east of the overall site and is occupied. The remainder of the site has had some site preparatory works carried out. The structures subject of the planning application are located in the south eastern corner of the overall development site, adjacent to Oldtown House, which is a protected structure.

2.0 Proposed Development

- 2.1. Permission is sought for:
 - Conversion of the existing disused stables to 5 no. residential units including removal of roof, alterations and modifications and new building works,
 - Alterations and modifications and an extension to an existing cottage.

The site is within the curtilage and attendant grounds of Oldtown House (RPS No. NS19-072).

- 2.2. The stables have a floor area of 355.5sqm and a maximum height of 6.02 metres. It is proposed to increase the floor area of this building by 19sqm (following a further information response. It was originally 16sqm). The gatekeeper's cottage has a floor area of 56.4sqm and a height of 5.37 metres. It is proposed to increase the floor area of this building by 39.8sqm.
- 2.3. In addition to standard planning application plans and particulars the application was accompanied by an Architectural Heritage Impact Assessment Report (AHIAR) and a Drainage Design Report.
- 2.4. Further information was submitted in relation to, inter alia, improved natural lighting to the stable building, car parking, swept path analysis and a bat survey.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for three reasons:

1. The proposed reduced parking standard is not in accordance with the DHPLG 'Design Standards for New Apartments March 2018'. In considering the location of the development site and the lack of sufficient accessible public transport links the applicable appropriate maximum parking standard is that contained in Table 17.9 of Chapter 17 of the Kildare County Development 2017-2023, as amended. The insufficient and deficient parking arrangements for the proposed development therefore represents the hazard of unauthorised parking of vehicles on the access roads and footpaths within the application site, due to its confined nature. This would represent an endangerment to public safety by reason of traffic hazard and be a potential obstruction to traffic and vulnerable road users. This would therefore be contrary to the proper planning and sustainable development of the area.
2. Only 2 no. vehicular parking spaces are located adjacent to the proposed 4 no. apartment development as indicated in the O'Flynn Architects 'Option 1' and 'Option 2' Site Layout Plans that were received by the Planning Authority on the 14th July 2020. This is not in accordance with Section 4.25 of the Department of Housing, Planning and Local Government (DHPLG) 'Design Standards for New Apartments March 2018' as the proposed 2 no. vehicular parking spaces located northwest of the Gatekeeper's cottage and the proposed parking spaces adjacent to the 'adjoining Walled Garden' are not clearly accessible to the entrance to and overlooked by the units these serve. This would therefore be contrary to proper planning and sustainable development of the area.
3. The application site is confined in nature and the deficient locations of the proposed parking arrangements represents the hazard of unauthorised parking of vehicles within the application site. This would represent an endangerment to public safety by reason of traffic hazard and be a potential obstruction to traffic and vulnerable road users.

3.2. **Planning Authority Reports**

3.2.1. Two Planning Reports form the basis for the decision. The latter report states that, having assessed the application in conjunction with internal reports received, the policies of the County Development Plan 2017-2023 and Naas Town Development Plan 2011-2017, and the Design Standards for New Apartments 2018, the proposed development would be insufficient and deficient in parking arrangements and would therefore promote unauthorised parking of vehicles within the application site due to its confined nature. This would represent an endangerment to public health by reason of traffic hazard and be a potential obstruction to traffic and vulnerable road users.

3.2.2. **Other Technical Reports**

Roads, Transportation and Public Safety Dept. – Refusal of permission is recommended for four reasons following the further information response: (i) proposed parking spaces are not clearly accessible to the entrance to, and overlooked by, the units they serve, (ii) hazard of unauthorised parking, (iii) the site is not in close proximity to good public transport links or town or employment centres to justify a reduced overall parking standard and, (iv) the reduced parking standard is not in accordance with the Apartment Guidelines (2018).

Water Services Section – No objection subject to conditions.

Environment Section – No objection subject to conditions.

Environmental Health Officer – No objection subject to conditions.

Heritage Officer – No objection, following the further information response.

Housing – No objection subject to conditions, following the further information response.

Chief Fire Officer – No objection subject to a condition.

3.3. **Prescribed Bodies**

Irish Water – No objection. Observations made.

3.4. **Third Party Observations**

3.4.1. None.

4.0 Planning History

4.1.1. Relevant applications on site include:

P.A. Reg. Ref. 08/500091 / ABP Reg. Ref. PL73.230766 – Permission was granted in 2009 for 127 no. residential units (91 no. apartments in four buildings and 36 no. houses) and a creche on a 3.29 hectare site. The ‘Gate Cottage J’ (subject to the current application) was not to be extended (Condition 1(f)).

P.A. Reg. Ref. 13/500065 – Permission was granted in 2014 for an Extension of Duration of ABP Reg. Ref. PL73.230766 to 10.03.2019.

P.A. Reg. Ref. 17/807 – Permission was granted in 2018 for 34 no. apartments in two blocks and 10 no. houses in lieu of previous permission for 76 no. apartments, change of house types for 16 no. previously permitted houses and 4 no. apartments to replace five houses omitted under ABP Reg. Ref. PL73.230766.

P.A. Reg. Ref. 20/587 – Permission was granted in 2020 for 9 apartment units in lieu of four units previously permitted under P.A. Reg. Ref. 17/807.

5.0 Policy Context

5.1. Kildare County Development Plan 2017-2023, as varied

5.1.1. Section 1.4.3 (County Kildare Plans, Strategies and Studies) of the Plan, as specifically referenced in the variation of the Plan, states ‘Kildare County Council will prepare Local Area Plans for Naas and Athy to provide more detailed planning policies for these areas’. (In July 2019 the Draft Naas Local Area Plan 2019-2023 was considered by the Council where it was resolved to not make the Draft Local Area Plan).

5.2. Naas Town Development Plan 2011-2017

5.2.1. The site is in an area zoned ‘C12’. The zoning objective is ‘to provide for new residential development’.

5.2.2. Housing is contained in Chapter 4 of the Plan. Chapter 11 (Architectural, Archaeological, Natural Heritage and Biodiversity) and Chapter 13 (Development Management) are also relevant.

5.2.3. The site is adjacent to the east of protected structure RPS No. NS19-072 (Oldtown House, Oldtown Demesne).

5.3. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)**

5.3.1. These guidelines are relevant to the planning application.

5.4. **Natural Heritage Designations**

5.4.1. The closest Natura 2000 site is Mouds Bog SAC approx. 8.6km to the west. The closest heritage area is Grand Canal pNHA approx. 350 metres to the west.

5.5. **EIA Screening**

5.5.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main points made can be summarised as follows:

- It is evident from the original Planning Report (07.02.2020) that the principle of residential use is acceptable, and the re-use of existing structures is a welcome aspect. It states apartment schemes shall only be considered in appropriate

locations, which is town centre and proximate to public transport. The Apartment Guidelines (2018) apply to all apartment developments.

- The second Planning Report (06.08.2020) indicates all further information issues have been adequately addressed in relation to design and the main reason for refusal relates to car parking provision, lack of sufficient public transport links and the proximity of car parking spaces for the four apartments.
- An 'Overall Car Parking Provision for the Site' drawing has been submitted with the grounds of appeal. This shows the allocation of car parking to individual houses and apartments throughout the site. This clearly demonstrates that car parking to the standards of Table 17.9 of the County Development Plan 2017-2023 is provided. There are eight surplus visitor spaces provided. Specifically, for this application, each house has two spaces, and the four apartments have six spaces and a visitor space.
- The scheme is controlled by a management company and will not be taken in charge. Individual spaces for existing apartments have been allocated specific numbered spaces. Visitor spaces are marked with a 'V'. It is intended to continue this system.
- Detail submitted of feeder bus links to Sallins and Naas train station from the town centre. There is a stop on Sallins Road. The 126 bus route serves Kildare – Dublin and is within the 500-1000 metres distance contour from the site. Other bus routes also serve the town. Distance from the site to the town centre, Tesco on Monread Road, retail and employment areas etc. are set out.
- References to car parking in the Apartment Guidelines (2018) are set out.
- While some allocated spaces are approx. 40 metres from the apartments they will be overlooked by the 'Garden View' apartments. Some spaces allocated to apartments in the existing development are located a similar distance away. In basement car parks, spaces are not overlooked. Notwithstanding, Section 4.27 of the Apartment Guidelines (2018) states for building refurbishment schemes, car parking may be relaxed in part or whole.

- The management company will ensure that there will be no potential obstruction to traffic and vulnerable road users. It is a cul-de-sac where there will be little passing traffic.
- The planning authority did not properly assess the application in relation to car parking provision, proximity to public transport corridors and the town centre. It also ignored Section 4.27 of the Apartment Guidelines (2018). The guidelines suggest the default is for car parking to be minimised, reduced, or eliminated.
- Taking into consideration the recommendations of the AHIAR, re-use of existing buildings on a brownfield site, existing infrastructure in place, the policies and objectives of the County Development Plan 2017-2023 and Naas Town Plan 2011-2017, the Apartment Guidelines (2018), public transport and site location, permission should be granted.

6.2. Planning Authority Response

- 6.2.1. The planning authority has no further comment or observation to make. The Council requests the Board to uphold its decision.

6.3. Observations

- 6.3.1. None.

6.4. Further Responses

- 6.4.1. None.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Reports and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning

- Stables Building
- Extension to Existing Cottage
- Car Parking
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The proposed development is located in an area zoned for residential use. Residential development is permitted in principle under this zoning in the Naas Town Development Plan 2011-2017. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2. Stables Building

- 7.2.1. It is proposed to refurbish the existing stables building to provide five residential units; one house and four apartments. The stables building is considered to form part of the curtilage of Oldtown House, a protected structure, and is referenced in the AHIAR submitted with the application.
- 7.2.2. The AHIAR states that Oldtown House operated as a stud farm in the 1950's but this has been discontinued. The house itself is now in separate ownership to the application site/the overall 'Orchard' development. The stables, and Gatekeeper's Cottage, are unused. The 1837 OS Map shows a much smaller stable block on the current footprint than currently exists. It is stated this was constructed at the same time as the original Oldtown House in c.1709 (the current Oldtown House was also built at this time and was known as the Garden House. It became the main residence after the original house was destroyed by fire in 1955). Between the 1837 and 1908 maps, the stable block footprint grew to its present day size and the general south west corner of the applicant's landholding was largely a service yard area associated with the overall demesne and did not form part of the overall landscape or layout out of the lands/estate. An analysis of the block is provided in the AHIAR, and it is considered crucial that the layout, form and scale of the stable block is retained. Proposed alterations will be different from existing construction and roof alterations will allow for usable head height at first floor. Brick will be used to fill the openings to be closed and

half-glazed stable half-doors will replace existing stable doors providing a contemporary interpretation of the historical use of the structure. The AHIAIR considers the interventions will give the building a new lease of life and the appropriate reuse will ensure its survival. There will be no adverse impact on Oldtown House.

7.2.3. The refurbished stables building retains the existing footprint and height. There is a minor extension to accommodate a lobby and stairwell and there are substantial alterations both internally and externally to accommodate the proposed residential use. The development presents as a contemporary structure with nods to its original use. The AHIAIR concludes that the development is an appropriate reuse of these neglected heritage structures and I concur that the retention and redevelopment of the stables is a welcome proposal. The retention and reuse of the stables building would be generally consistent with the architectural heritage policies set out in Section 11.6.1 (Architectural Heritage) of the Naas Town Development Plan 2011-2017 and relevant policies in Chapter 12 (Architectural & Archaeological Heritage) of the County Development Plan 2017-2023.

7.2.4. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) are relevant to the proposed development. The guidelines contain Specific Planning Policy Requirements (SPPRs). SPPR 3 requires a minimum apartment floor area of 63sqm for a three-person two-bed unit and 73sqm for a four-person two-bed unit. The two two-bedroom apartments are indicated as three person units and a floor area of 73sqm is provided. Section 3.6 states that two bedroom/three person units may be considered and may be particularly suited to certain types of housing schemes such as social housing. However, Section 3.7 states that this type of two-bed unit should not displace two-bed/four person units and no more than 10% of the total number of units in any private residential development may comprise this type of three-person unit. The proposed development forms a limited part of the larger, overall development on site and I consider this should be assessed in the context of the permitted development. In this regard, no other permitted two bedroom apartment is a three-person unit and therefore the two proposed units will not comprise more than 10% of units within the overall development. I note that the minimum floor areas and standards set out in Appendix 1 are met. Appendix SPPR 5 requires a minimum ground level apartment floor to ceiling height of 2.7 metres. 2.4 metres is proposed. SPPR 5 states that for building refurbishment schemes discretion

on a case-by-case basis may be exercised. Given that the scale and mass of the existing stables building is being retained I consider the reduced floor to ceiling height is acceptable. The proposed house has a stated floor area of 68.4sqm, which is greater than the 60sqm required in the Quality Housing for Sustainable Communities Guidelines (2007).

- 7.2.5. Having regard to the foregoing, I consider the refurbishment and reuse of the stables building is acceptable, would not have any adverse impact on the protected structure and would be consistent with the Apartment Guidelines (2018).

7.3. Extension to Existing Cottage

- 7.3.1. It is proposed to refurbish and extend the existing cottage. This building is also considered to form part of the curtilage of Oldtown House and is referenced in the AHIAR.
- 7.3.2. The AHIAR notes that the cottage appeared on the 1871 OS Map. An analysis of the cottage is provided. This suggests that the proximity of a rubble masonry carriage arch to the south suggests it was built to serve as a Gatekeeper's Cottage. There is extensive ivy, moss growth etc. on the cottage which makes a full condition assessment difficult and damp is clearly a problem. The report considers that its extension and refurbishment will give it a new lease of life. An extension is necessary as the existing footprint is extremely modest. The extension will be a modern addition and will have no adverse impact on Oldtown House.
- 7.3.3. The proposed extension to the cottage is a modern extension to the original structure. It is similar in footprint but has a lower ridge level with a flat roof and contemporary external materials including a double-height glazed link between the original cottage and the proposed habitable area. Similar to the stables building, I consider that the retention and extension of the cottage is a welcome proposal, and the proposed development would be generally consistent with the architectural heritage policies set out in the Town Development Plan 2011-2017 and the County Development Plan 2017-2023. The 96.2sqm floor area provided exceeds the 80sqm area required by the Quality Housing for Sustainable Communities Guidelines (2007). It appears that a mature tree may have to be removed to accommodate the extension.

- 7.3.4. I note an extension to the cottage, which is effectively the same design as that currently proposed, was excluded from the original grant of permission on site by Condition 1(f). The Inspector's Report recommended its exclusion because it would materially impact on Oldtown House by reason of visual intrusion and alteration of the context of the avenue access. The report considered a similar style extension could be provided on the south side of the gate house. However, the Inspector's Report states that the entrance to Oldtown House, immediately south of the gate house, was not noted on inspection. I consider this feature should not be obscured by relocating the extension to this side of the house. I also do not consider, given the permitted road and housing layout on site, that the avenue access to Oldtown House referred to (which appears to have been the service access given the presence of a more formal access also from Sallins Road directly to the house) is retained on site in any notable way.
- 7.3.5. I consider the proposed extension is acceptable and would not have an undue adverse impact on the setting of the protected structure.

7.4. Car Parking

- 7.4.1. This issue is the basis of the reasons for refusal. Specifically, the planning authority considered that a reduced car parking provision was not consistent with the Apartment Guidelines (2018) in terms of the site location remote from public transport, the spaces are remote from the apartments they serve, parking provision does not achieve the parking standards contained within the County Development Plan 2017-2023 and would result in authorised parking on the access roads and footpaths.
- 7.4.2. Six car parking spaces were originally provided to serve the proposed six units: three to the front of the apartment block and three to the north side of the cottage. The Roads, Transportation and Public Safety Department recommended further information based, among other issues, on the absence of designated spaces for the house in the stable block, the requirement for seven spaces for the apartments (changed to five in the further information request) under Table 17.9 of the County Development Plan 2017-2023 and noted that some of the proposed spaces were previously identified under P.A. Reg. Ref. 17/807. The applicant's response noted the Apartment Guidelines (2018) take precedence over the standards in the County Development Plan and stated that 162 no. car parking spaces were provided on site

under P.A. Reg. Ref. 17/807, though only 149 no. spaces were required. It is stated that the car parking identified at this location was provided for the future development of the stables building. Two revised options for car parking for nine and eleven spaces were submitted; both options included three spaces adjacent to the walled garden. Notwithstanding, the planning authority refused permission for the three reasons set out.

- 7.4.3. In the grounds of appeal a revised car parking layout has been submitted which provides two spaces for each of the houses, six spaces for the four apartments plus a visitor space. The red line site boundary has been slightly amended to include the new car parking area. As this is within the applicant's overall landholding, I do not consider this to be a significant amendment to the original site boundary. I note that car parking spaces proposed adjacent to the walled garden submitted on foot of the further information request also had a revised red line site boundary but was not required to be re-advertised. Two spaces per house accords with Table 17.9 (Car Parking Standards) of the County Development Plan 2017-2023. Six spaces for four apartments plus a visitor space also accords with this table. Car parking is referenced in Sections 4.18 – 4.27 of the Apartment Guidelines (2018). Planning authorities and the Board are required to have regard to these guidelines. Section 4.27 specifically applies to this application where it is stated that, for building refurbishment schemes, car parking provision may be relaxed in part or whole. I consider the number of car parking spaces provided in the grounds of appeal is sufficient for the application.
- 7.4.4. There are other issues cited in the reasons for refusal relating to car parking. The lack of sufficient accessible public transport links combined with a reduced car parking standard is referenced. In addition, unauthorised parking on access roads and footpaths was considered to be a potential hazard to public safety. I consider that the provision of additional spaces has addressed these concerns.
- 7.4.5. The parking spaces for the apartments are located remote from the apartments themselves. Section 4.25 of the Guidelines state that surface car parking 'should be clearly accessible to the entrance to, and where appropriate, overlooked by, the units it serves'. The apartments are in an existing heritage structure that is being refurbished and the scope for an alternative parking layout is affected by the permitted layout under P.A. Reg. Ref. 17/807. The proposed spaces are directly overlooked by the Garden View block permitted under P.A. Reg. Ref. 20/587 and indirectly overlooked by

proposed House No. 30. Some of the car parking spaces associated with Garden View are along the south east face of the walled garden and appear to have significantly less passive oversight than would be the case with the proposed car parking spaces. I also note that car parking spaces associated with existing apartments are not dissimilar. For example, nine spaces associated with the Orchard View block are located on the opposite side of the main internal access road from the apartment building. While the proposed spaces are not immediately adjacent to the units they serve I consider that, given the circumstances, they are reasonably accessible.

- 7.4.6. Having regard to the fact that a revised layout plan has been submitted indicating spaces that are consistent with the standards set out in the County Development Plan 2017-2023 (notwithstanding Section 4.27 of the Apartment Guidelines (2018)), and the locations of other car parking spaces within the overall development and their proximity to the apartments they serve, I consider that the proposed development is acceptable in terms of car parking numbers and location and the application should not be refused on this basis.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from and with no hydrological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan 2017-2023, the Naas Town Development Plan 2011-2017 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018 and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would appropriately re-use the heritage structures, would not detract from the setting and character of the protected structure, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14th day of July, 2020, and by the further plans and particulars received by An Bord Pleanála on the 7th day of September, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A bat survey of both buildings shall be undertaken immediately prior to commencement of development and, if bats are confirmed, a derogation

licence, permitting required mitigation measures, shall be obtained from the National Parks and Wildlife Service before commencement of any works.

Reason: In the interest of wildlife protection.

3. All works to the existing structures shall be carried out in line with best conservation practice as set out in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and the relevant volumes of the Department's Advice Series publications.

Reason: In the interest of the protection of built heritage.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

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

Reason: In the interest of public health.

7. (a) Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

(b) 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 noise management measures and off-site disposal of construction/demolition waste.

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

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

9. Proposals for an estate/street name, 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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs and signage shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

11. 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. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. (a) Ducting shall be provided at the existing cottage to be extended to facilitate the installation of electric vehicle charging point(s).

(b) A minimum of one communal car parking space shall be provided with functioning electric vehicle (EV) charging stations/points and ducting shall be provided for all remaining car parking spaces to facilitate the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

Reason: In the interest of sustainable transport.

14. (a) 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 for each unit 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.

(b) This plan shall provide for screened communal bin stores, the location and design of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this Order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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.

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

Reason: To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Anthony Kelly

Planning Inspector

15.12.2020