



An
Bord
Pleanála

Inspector's Report ABP 308195-20

Development	37 no. residential units and all associated works
Location	Cannaboe, Ballinamore, Co. Leitrim
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	19/273
Applicant(s)	Remcoll 2 Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Decision
Appellant(s)	(1) Bernadette & Damien Hamill (2) Ciaran Smyth
Observer(s)	None
Date of Site Inspection	22 nd February 2021
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.12 ha and is located at Cannaboe, Ballinamore, Co. Leitrim. The site is located to the rear/south-east of High Street and forms part of the town centre mixed-use zone but is currently greenfield in nature. A small ESB sub-station is located at the north-eastern end of the site.
- 1.2. The site is generally bounded by a link road, known locally as “New Line Road”, to the east and south. This road bypasses the town centre on its south-easterly side and extends from High Street to the north-east towards Main Street to the south-west. A public footpath and parallel car parking spaces extend along the roadside boundary of the site.
- 1.3. The site was enclosed by fencing along this boundary at the time of my inspection. The internal / rear site boundary is generally defined by mature trees with pockets of scrub hedgerow. Two-storey residential dwellings at Anville Court adjoin this boundary towards its south-western end, while the rear of the commercial premises on High Street adjoin towards its north-eastern end.
- 1.4. A mixed-use scheme known as the “Rock Quarter” is located opposite the site on the southern side of New Line Road. This development accommodates a Tesco anchor store and individual retail units at ground floor level, with 2 no. floors of apartments above.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a residential development of 37 no. units, including 18 no. 2-bedroom apartments, 3 no. 2-bedroom and 16 no. 3-bedroom dwelling houses in the form of 3 no. 2-storey terraced blocks, the creation of new vehicular entrances, associated access roads and parking, site boundaries, connections to the public water main, foul and surface water drainage systems, footpaths, refuse storage areas, landscaping and all necessary and ancillary site works to complete the development.
- 2.2. All proposed apartment units accommodate 2 no. double bedrooms (4 persons). The proposed dwelling houses comprise 3 no. 2-bedroom/4-person units, 2 no. 3-bedroom/5-person units and 14 no. 3-bedroom/6-person units.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Leitrim County Council issued Notification of the Decision to Grant Permission for the proposed development subject to 21 no. conditions on 25th August 2020. The permitted development includes a total of 35 no. dwelling units.
- 3.1.2. Condition no. 4 requires an archaeological assessment of the site to be undertaken.
- 3.1.3. Condition no. 6 requires a traffic management plan to be agreed with the District Engineer's Office prior to the commencement of development.
- 3.1.4. Condition no. 9 requires that the winter gardens in the 1st floor apartments shall not be converted for use as habitable rooms, with external louvre windows required.
- 3.1.5. Condition no. 10 restricts the exempted development provisions of Classes 1, 2, 3, 4, 7 and 9 of the Planning and Development Regulations, 2001 (as amended).
- 3.1.6. Condition no. 21 requires any alterations necessary to the development to comply with national building codes of practice, passive/low energy house, or renewable energy, to be submitted for the agreement of the Planning Authority prior to the commencement of development.
- 3.1.7. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

- 3.2.1. **Planning Reports (10th / 11th February 2020 and 25th August 2020)**
- 3.2.2. Following their initial assessment of the planning application, the Planning Officer considered that Further Information was required in relation to 16 no. items as follows:
 - (1) A detailed justification test in the form of a property development surveyor's report which sets out the rationale for the proposed development.
 - (2) Details of how the scheme complies with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas with specific reference to the site density.

- (3) Details of all lands in the applicant's ownership and in the ownership of any connected third party, and the land uses provided, which would enable the Planning Authority to consider the principle of a residential development of this scale appropriate to the land use zoning objective.
- (4) Full details of the sightlines achievable from the northerly site access point.
- (5) A site layout plan which identifies the location of the private amenity space serving each apartment.
- (6) Details of proposed open space and a landscaping masterplan stating how the open space will be maintained.
- (7) Revised layout to Block C to ensure a minimum distance of 4m from the site boundary is achieved.
- (8) Elevation drawings and details of proposed railings to boundary treatments and a site layout plan clearly identifying the location of each of the proposed treatments.
- (9) A series of cross sections through the site clearly showing the extent of cut and fill and details of whether the soil/rock material will be transported off-site.
- (10) Revised site layout plan detailing proposed street lighting.
- (11) Proposals to address the shortfall in car parking for the proposed development.
- (12) Full details of the proposed bicycle stands and playground area, including whether the open space will be used exclusively by residents or available for use by the wider public.
- (13) Details to demonstrate the siting of the attenuation tank and manholes will not have a detrimental impact on mature trees or neighbouring properties, including drawings/cross sections of neighbouring property boundaries and an arboricultural report; details of the existing storm water system; details of the existing attenuation system; surface water drainage details; and, details of the management of stormwater run-off.
- (14) Proposals for the provision of accessible electric charging points serving the residential units.

- (15) An updated design statement which omits the reference to Ballinamore as a “village”.
- (16) Views/proposals on the issues raised in the third-party submissions.
- 3.2.3. A response to the Request for Further Information was submitted to the Planning Authority on 16th July 2020, which reduced the number of proposed residential units from 37 to 35, including **17 no. dwellings (2 no. 2-bedroom units and 15 no. 3-bedroom units) and 18 no. apartments (2 no. 1-bedroom units and 16 no. 2-bedroom units)**. The response was deemed to contain Significant Further Information and the proposed development was readvertised.
- 3.2.4. Following an assessment of the Further Information, the Planning Officer recommended that planning permission be granted for the proposed development having regard to its location on zoned lands close to the town centre, its proximity to services and amenities within the town, and its location close to residential and commercial mixed-use development.
- 3.2.5. **Other Technical Reports**
- 3.2.6. **Water Services (2nd January 2020; 21st January 2020; 10th and 12th August 2020):** No objection subject to conditions.
- 3.2.7. **County Fire Service (28th January 2020):** No objection subject to conditions.
- 3.2.8. **District Engineer (17th January 2020 and 12th August 2020):** Request for Further Information recommended in relation to: (1) full details of the existing storm water system for the proposed discharge of storm water; (2) details of the existing on-site attenuation system; (3) a schedule of parking for the entire site excluding the existing parking; (4) surface water drainage details for the proposed development, including the location and number of road gullies; (5) details regarding the disposal of stormwater run-off from roofs and the curtilage of each site.
- 3.2.9. Following the applicant’s Further Information submission, a Request for Further Information was recommended regarding: (1) full details of the existing storm water system the surface water drainage will connect to; and (2) a schedule of parking for the entire site excluding the existing parking which is in place and in use.
- 3.2.10. **Taking in Charge Section; Planning Department: (15th January 2020 and 24th August 2020):** Request for Further Information recommended in relation to: (1)

short-fall of 25 no. car parking spaces; (2) details of proposed bicycle stands and playground area with respect to potential taking-in-charge requirements: (3) potential impact of underground storm-water attenuation tank on existing mature trees and neighbouring properties.

3.2.11. Following the applicant's Further Information submission, no objections arose subject to conditions.

3.2.12. **Road Design (6th and 7th February 2020):** No objection to the proposed development subject to conditions.

3.2.13. **Housing Delivery Unit (6th February 2020 and 14th August 2020):** Recommends that a Part V planning condition be attached if planning permission is granted.

3.3. Prescribed Bodies

3.3.1. **The Heritage Council:** None received.

3.3.2. **Dept. of Culture, Heritage and the Gaeltacht:** Recommends that an Archaeological Impact Assessment be undertaken on site.

3.3.3. **An Taisce:** None received.

3.3.4. **Irish Water:** Confirms that the proposed connections to the Irish Water networks can be facilitated. Notes that the Carrick-on-Shannon Water Treatment Plant is at capacity and requires upgrades but that a water connection can be facilitated on completion of same (timeline for delivery unknown).

3.4. Third Party Observations

3.4.1. A total of 52 third party observations were made on the application by: (1) Orla Murphy, Willowfield Road, Ballinamore, Co. Leitrim; (2) Ciaran Smyth, High Street, Ballinamore, Co. Leitrim; (3) Caitriona Marshall, High Street, Ballinamore, Co. Leitrim; (4) Elizabeth Farry, Willowfield Road, Ballinamore, Co. Leitrim; (5) Zoe and David Prior, Fohera Ln, Ballinamore, Co. Leitrim; (6) Dawn McKeon, High Street, Ballinamore, Co. Leitrim; (7) Sean and Sandra McKeon, High Street, Ballinamore, Co. Leitrim; (8) Michael King, 27 Dun na Bo, Ballinamore, Co. Leitrim; (9) Sean Óg McKeon, High Street, Ballinamore, Co. Leitrim; (10) Conor Harte, Willowfield Road, Ballinamore, Co. Leitrim; (11) Michael John Reynolds, Ballinamore, Co. Leitrim; (12) Gabriel Owens, The Forge, High Street, Ballinamore, Co. Leitrim; (13) Rosaleen Joyce, 16 Anville Court, Ballinamore, Co. Leitrim; (14) Anne Shanley, 4 Dun na Bo,

Ballinamore, Co. Leitrim; (15) Dawn Flynn, 3 Railway Terrace, Ballinamore, Co. Leitrim; (16) Pádraig and Lynda Mac Aodha, 1 The Willows, Willowfield Road, Ballinamore, Co. Leitrim; (17) Mary Walsh, Tully, Ballinamore, Co. Leitrim; (18) Nigel Maguire, Gleann Dara, Ballinamore, Co. Leitrim; (19) Ray and Veronica Gleeson, Fohery, Ballinamore, Co. Leitrim, (20) Janette McManus, Corgar, Ballinamore, Co. Leitrim; (21) Sean Bourke, 7 Railway Road, Ballinamore, Co. Leitrim; (22) Kevin McIntire, Aughoo, Ballinamore, Co. Leitrim; (23) Gerry McIntyre, Ballinamore, Co. Leitrim; (24) Gavin Brennan, 5 Anville Court, Ballinamore, Co. Leitrim; (25) Joseph Murphy, Stradermott, Ballinamore, Co. Leitrim; (26) Seán Ó Suilleabháin, Achadh Dearca, Béal an Átha Móir, Co. Leitrim; (27) Máirín Martin, Kiltymoodan, Ballinamore, Co. Leitrim; (28) Tom Gannon, Kiltymoodan, Ballinamore, Co. Leitrim; (29) Cormac Ó Suilleabháin, Aghadark, Ballinamore, Co. Leitrim; (30) Alexandra Dalton, 7 Gleann Dara, Ballinamore, Co. Leitrim; (31) Peter and Karen Prior, 1 Dun na Bo, Willowfield Road, Ballinamore, Co. Leitrim; (32) Joe Feely, Tully, Ballinamore, Co. Leitrim; (33) John and Mary Harte, Lahard, Ballinamore, Co. Leitrim; (34) Ruairi Sullivan, 20 Anville Court, Ballinamore, Co. Leitrim; (35) Deirdre McCarthy, 28 Dun na Bo, Willowfield Road, Ballinamore, Co. Leitrim; (36) Raymond McHugh, Killaneen, Ballinamore, Co. Leitrim; (37) M.T. Ni Bruachain, Cannaboe, Ballinamore, Co. Leitrim; (38) Evelyn Smith, High Street, Ballinamore, Co. Leitrim; (39) Maggie Cassidy, Drumraine Glebe, Ballinamore, Co. Leitrim; (40) Damien and Bernadette Hamill, High Street, Ballinamore, Co. Leitrim; (41) Tom Burns, Cleenaghoo, Ballinamore, Co. Leitrim; (42) Mary McGovern, Cornacreegh, Ballinamore, Co. Leitrim; (43) John and Helena D'Arcy, Fohera Lane, Ballinamore, Co. Leitrim; (44) Sheila O'Brien, Aghadark, Ballinamore, Co. Leitrim; (45) Darran Beirne and Denise Conefrey, 8 Gleann Dara, Ballinamore, Co. Leitrim; (46) Claire Fanning, 6 Gleann Dara, Ballinamore, Co. Leitrim; (47) Josie Breen, High Street, Ballinamore, Co. Leitrim; (48) John O'Connell, Camagh, Ballinamore, Co. Leitrim; (49) Anita Harte, Tully, Ballinamore, Co. Leitrim; (50) Joanne Curran, Drumcroman, Ballinamore, Co. Leitrim; (51) Dympna Gray, Oughteragh, Ballinamore, Co. Leitrim; (52) Charles McTeague, Drumcroman, Ballinamore, Co. Leitrim.

3.4.2. The points which are raised can be summarised as follows:

(1) Insufficient wastewater capacity; (2) no demand for the proposed dwellings; (3) inappropriate development density; (4) potential presence of Japanese Knotweed on

the site; (5) increased traffic on a busy roadway; (5) high number of existing vacant properties; (6) lack of employment and amenities in the town; (6) loss of biodiversity on only green space in the town; (7) no school capacity and no local crèche facility; (8) negative impact on visual amenities of the area; (9) displacement of retained rainwater from the site; (10) site is zoned for commercial use; (11) run-off from site will cause flooding downstream; (12) no demand for social housing; (13) site is located on the old Narrow Grange Railway Line, resulting in a loss of history and tradition; (14) lack of green space; (15) proximity of the development to existing dwellings and gardens; (15) site should be used to provide access to High Street and car parking for the church; (16) impact on tourism; (17) insufficient local services to facilitate future residents.

3.4.3. A total of 15 observations were made on the Significant Further Information by: (1) Ciaran Smyth; (2) Orla Murphy; (3) Máirín Martin; (4) Kevin McIntyre; (5) M.T. Ni Bruachain; (6) Mary McGovern; (7) Sheila O'Brien; (8) Maggie Cassidy; (9) Rosaleen Joyce; (10) Conor Harte; (11) Anita Harte; (12) John O'Connell; (13) Evelyn Smith; (14) Michael John Reynolds; and (15) Pádraig and Lynda Mac Aodha.

3.4.4. The following additional points are submitted: (1) the applicant's Masterplan does not have landowner consent; (2) inaccurate sightline drawings; (3) no access to rear gardens; (4) development is premature pending the upgrading of the Carrick-on-Shannon Wastewater Treatment Plant.

4.0 Planning History

4.1. **Planning Authority Reg. Ref. P04/1545; ABP Ref. PL12.212454:** Planning permission granted by An Bord Pleanála on 5th October 2005 for a 44-bedroom, part 2-storey, part 3-storey hotel and a 2-storey car park.

5.0 Policy and Context

5.1. Leitrim County Development Plan 2015-2021

5.2. Land Use Zoning

- 5.2.1. The site is zoned for “mixed-use” purposes under the development plan. Dwellings are acceptable in principle under this zoning.
- 5.2.2. Section 4.2.2.2 of the plan states that zones which are designated as “mixed-use” have been identified in the core of the centre within which a mix of residential and commercial activity takes place. More generally, buildings designed and located to be capable of adaptation to a range of other uses will be encouraged. In determining the suitability of development within this zone, regard shall be given to the environmental impact of the proposed development on neighbouring uses.
- 5.2.3. **Policy 7:** It is the policy of the Council to ensure that the scale, density, design, site layout and pattern of development within each of the Tier 2, 3 and 4 centres shall respect, and where possible, enhance the inherent character of these centres in terms of their built form.
- 5.2.4. **Objective 7:** To seek the development of lands zoned “mixed-use” for commercial, residential, health, community, educational, cultural, retail and related uses.

5.3. Land Use Strategy

- 5.3.1. Ballinamore is identified as a Tier 2A town in the settlement hierarchy of the County. As a Key Town, the Council will seek opportunities to development Ballinamore as an economic engine for growth within its area within the County and will seek to develop economic, social and cultural links with Cavan and other towns and villages within the area, especially its support town of Drumshanbo.

5.4. Reinforcement of Existing Towns and Villages

- 5.4.1. The Council is aware that much of the social and economic infrastructure of the County has been under threat from population decline.
- 5.4.2. **Policy 6:** It is the policy of the Council to promote the viability of these facilities by encouraging new residential development to locate within the development envelope of existing towns, villages and other centres where these services are available.

5.5. **Justification Test**

- 5.5.1. A justification test of the market demand for new residential development will generally be required in the case of all new applications for residential schemes (two or more dwellings) pending a narrowing of the supply and demand of residential units in those centres where there remains a wide divergence.

5.6. **Development Management Standards**

- 5.6.1. **Location of New Development:** New development will be encouraged to locate in existing towns and villages where services can be economically provided and the social and urban structure can be consolidated, in accordance with the principles of sustainable development. Generally, the Council will encourage development in town and village centres.
- 5.6.2. **Residential Development in Towns and Villages:** Development proposals should be designed to respect the scale, character and finishes of the local built environment. The Council will have regard to the “Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities”, the “Urban Design Manual – A Best Practice Guide” and the “Design Manual for Urban Roads and Streets”.
- 5.6.3. A site-specific Design Statement will be required in the case of large-scale or sensitively located residential developments.
- 5.6.4. **Density:** Generally the Council will encourage higher density of dwellings in towns and villages that are deemed to have adequate physical, social and economic infrastructure. Proposals should provide a rationale for the density levels relative to existing or proposed infrastructure and the surrounding town or village character and environment.
- 5.6.5. **Open Space:** In new residential estates of 20 units or more, a minimum of 15% of the site area shall be reserved as functional open space, (excluding road margins and residential open space). The open space shall be conveniently located to the development, preferably as a single unit and shall be appropriately finished by the developer prior to the completion of the scheme.
- 5.6.6. A detailed landscape plan and a Landscape Management Plan shall be submitted with the planning application.

- 5.6.7. **Services:** All services, including electricity, telephone and TV, shall be provided underground. All services shall be provided in accordance with the DoELG Recommendations for Site Development Works for Housing Areas 1998.
- 5.6.8. **Apartments:** The design and layout of new apartments should provide satisfactory accommodation for a variety of household types and sizes, including families with children, over the medium to long term. Applications will be assessed having regard to the DoELG Guidelines “Sustainable Urban Housing: Design Standards for New Apartments”.
- 5.6.9. **Car and Bicycle Parking:** Table 24 of the development plan confirms that 1.5 car parking spaces are required per apartment unit, with 2 spaces required per dwelling. Bicycle parking is required at a rate of 1 stand per residential unit.

5.7. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)**

- 5.7.1. The key development standards for 1-bedroom and 2-bedroom/4-person units are summarised below:
- **Overall floor area:** 1-bedroom unit - 45 m²; 2-bedroom/4-person units - 73 m². The majority of the units shall exceed the minimum floor area standards by 10%.
 - **Unit Mix:** Max. 50% 1-bedroom units; no requirement for 3-bedroom units.
 - **Storage space:** 1-bedroom unit - 3 m²; 2-bedroom/4-person units - 6 m². Storage for bulky items should also be provided outside individual apartment units.
 - **Dual Aspect Ratio:** Minimum 50% dual aspect units; where single aspect apartments are provided, the number of south facing units should be maximised, with east and west facing units also acceptable.
 - **Floor to Ceiling Height:** Min. of 2.4 m required, but 2.7 m encouraged.
 - **Lift and Stair Cores;** Max. of 12 apartments per floor per core.
 - **Private amenity space:** 1-bedroom unit - 5 m²; 2-bedroom/4-person units - 7 m².

- **Communal amenity space:** 1-bedroom unit - 5 m²; 2-bedroom/4-person units - 7 m². The recreational needs of children must be considered as part of communal amenity space. Private and communal amenity space may adjoin each other, but there should be a clear distinction, with an appropriate boundary treatment and/or a 'privacy strip' between the two.
- **Bicycle parking:** 1 cycle storage space per bedroom, with visitor parking required at a rate of 1 space per residential unit;
- **Car parking:** The quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.
- Provision shall be made for the **storage and collection of waste** materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/ lift core and designed for the projected level of waste generation and types and quantities of receptacles required.

5.8. Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

5.8.1. These Guidelines identify target gross floor areas for a range of different dwelling types. Those which are relevant to this appeal case are identified below.

House Type Bed/person/storey	Target GFA (m ²)	Min. main living room (m ²)	Aggregate living area (m ²)	Aggregate bedroom area (m ²)	Storage (m ²)
2-b/4-p/2-st	80	13	30	25	4
3-b/5-p/2-st	92	13	34	32	5
3-b/6-p/2-st	100	15	37	36	6

5.8.2. The Guidelines also recommend the following:

- A main bedroom area of at least 13 m² in dwellings for 3+ persons
- Double bedroom of at least 11.4 m² (min. width 2.8 m)
- A single bedroom of at least 7.1 m² (min. width 2.1 m)
- Min. obstructed living room width of 3.6 m for 2-bedroom dwellings and 3.8 for 3-bedroom dwellings

5.9. **Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009)**

5.9.1. On centrally located sites in small towns and villages, the Guidelines identify that densities of 30-40+ dwellings per hectare may be appropriate for mainly residential schemes. The emphasis should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets.

5.10. **National Planning Framework (NPF): Project Ireland 2040**

5.10.1. The NPF seeks to secure compact and sustainable growth patterns in existing settlements to increase the supply of housing, support local services, and enable people to live closer to places of employment and recreational opportunities.

5.10.2. **National Policy Objective 11:** In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

5.10.3. **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.

5.10.4. **National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.11. Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020-2032

- 5.11.1. The RSES reflects the NPF objectives in relation to compact urban development and highlights that the health of villages and towns in the Region can be significantly influenced through the delivery of new housing by utilising existing buildings, brownfield/infill sites or otherwise.
- 5.11.2. **Regional Policy Objective 3.4:** To support the regeneration and renewal of small towns and villages in rural areas.

5.12. Natural Heritage Designations

- 5.12.1. None.

5.13. EIA Screening

- 5.13.1. Having regard to the nature and scale of the proposed development, comprising 37 no. residential units on zoned land in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Two third-party appeals have been lodged against the Planning Authority's Notification of the Decision to Grant Planning Permission. The appeal which has been lodged by Brandon O'Brien Consulting Engineers on behalf of **Bernadette and Damien Hamill** of High Street, Ballinamore, Co. Leitrim can be summarised as follows:

- Inadequate sightlines available to the north, while the southern sightline will be impacted by occupied car parking spaces.
- Increased traffic congestion at the Main Street and High Street junctions.
- Absence of pedestrian crossings.

- All proposed car parking is on-street, with many spaces located at a distance from the residential units, no provision for visitor parking and inadequate charging points for electric vehicles.
- Water supply to the development cannot be facilitated at this time pending the upgrading of the Carrick-on-Shannon Water Treatment Plant.
- The Ballinamore Wastewater Treatment Plant is non-compliant regarding suspended solids and developments of this scale should not be considered until necessary upgrading works are carried out.
- The proposed surface water system will discharge into the existing public network on High Street, which is old and incapable of handling existing winter loading.
- The economic viability of the development is not feasible based on a review of local house prices.
- The applicant has not confirmed whether the proposed units will be for lease, sale or an alternative market, which is necessary information to determine the feasibility and sustainability of the development.
- The Justification Report is inadequate and contains significant errors and misleading information and does not provide any credible evidence of the need for the development.
- The winter garden amenity space for the 1st floor apartments is a poor design and these spaces will likely be used as rooms by future occupants.
- Excessive development density for a small town such as Ballinamore, with the development not likely to match local demand.
- Inadequate time provided to third parties to examine the applicant's Further Information submission.

6.1.2. The appeal which has been lodged by Liam Madden on behalf of **Ciaran Smyth**, High Street, Ballinamore, Co. Leitrim can be summarised as follows:

- The development is unsustainable, with no need arising for the housing units.
- The road adjoining the site is not a public road, which creates difficulties in relation to parking, maintenance, access and waste collection.

- Safe and adequate vehicular sightlines are not provided.
- The proposed back gardens are insufficient with no separate access to same provided.
- The minimum clearance distance is provided between the houses.
- The proposal is premature pending an upgrade of water capacity.
- Planning permission should be refused on the grounds of prematurity, poor design and unsustainable development.

6.2. First Party Response

6.2.1. A first-party response was received on 13th October 2020 from Meitheal Architects on behalf of the applicant, which can be summarised as follows:

- The third-party appeal of Ciaran Smyth is vexatious/frivolous and should be dismissed.
- No issues exist regarding sightlines at the site access and a pedestrian crossing was not requested or required by the Road Design Office or District Engineer's Office.
- The revised parking arrangements and electric vehicle charging points meet the requirements of the Planning Authority.
- Irish Water has confirmed that the proposed connections to Irish Water networks can be facilitated. The Senior Engineer in the Water Services Department is satisfied there is no issue regarding the provision of water to the site and that the development is not premature pending upgrades to the Carrick-on-Shannon Water Treatment Plant.
- No evidence has been submitted of the claims relating to the flooding impacts of the development. This issue has been dealt with in the applicant's Infrastructure Report, with the proposals being acceptable to the Planning Authority.
- The economic viability of the scheme is not a planning matter.

- The Justification Report which formed part of the applicant's response to the Request for Further Information determined that the proposed development will not impact negatively on the receiving environment in terms of its setting, character, visual and residential amenity, and social, physical and service infrastructure.
- The proposed winter gardens provide a usable amenity space throughout the year and comply fully with the 2018 Apartment Guidelines.
- The density is appropriate to the site context, with the layout being designed as a sustainable residential neighbourhood which will act as a natural extension to Ballinamore town and is Phase 1 of an overall masterplan for mixed-use development in the town.

6.3. Planning Authority Response

6.3.1. The Planning Authority provided a response to each third-party appeal as received by the Board on 7th October 2020. The responses can be summarised as follows:

- No issues exist in relation to sightlines, with no issues raised by the Roads Design Office or the District Engineer's Office.
- No traffic concerns arise given the nature and size of the development.
- The Planning Authority has no objection to the provision of a pedestrian crossing if deemed appropriate by the Board.
- There is no requirement to provide visitor parking for residential developments with reference to table 24 of the county development plan. The car parking requirement for the proposed development has been satisfied, with the provision of accessible electric charging points for 10% of the parking spaces considered acceptable.
- The Planning Authority considers there is no issue with the provision of water to facilitate the proposed development, which should not be considered premature.
- A stormwater management plan will be applied to surface water discharging into sewers and adjacent watercourses, with the outflow to be restricted to

that of the existing greenfield site. As such, the proposed development will not exacerbate any stated flooding issue.

- The economic viability of the development is not a planning matter.
- The justification for the development has already been addressed in the Planning Officer's report of 25th August 2020 and the applicant's cover letter.
- The private amenity space for the apartments meets the requirements of the 2018 Apartment Guidelines.
- The development density complies with the standards for centrally located and edge of centre sites under the 2009 Guidelines on Sustainable Residential Development in Urban Areas.
- The Planning Officer's report of 25th August 2020 clearly acknowledged that the road adjoining the site is in the control of the applicant. The road is being considered for taking-in-charge and has been taken into the Council's maintenance programme.
- The third-party submissions were appropriately considered in the application assessment.
- The Planning Authority are satisfied the proposed development satisfies the relevant provisions of the county development plan.
- All parking is provided on-site, with none of the existing parking spaces on New Line Road being included.
- The design of the residential units responds to the local vernacular and accords with the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities and accompanying Urban Design Manual.
- The applicant has clarified their land ownership with respect to the Masterplan for the wider area and has engaged in consultations with the owner of adjoining lands regarding their future development. It is acknowledged that no agreement is currently in place regarding the third-party lands.
- A planning condition was attached to the permission requiring the exclusion of certain forms of exempted development to ensure that the residential amenities of the completed development are preserved.

- Provision for wheelie bins has been incorporated into the boundary walls to the front of the units.
- The Planning Authority recommends that the decision to grant planning permission should be upheld by An Bord Pleanála.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. None.

7.0 **Assessment**

7.1. The proposed development was amended by way of the applicant's response to the Request for Further Information, which reduced the number of proposed residential units from 37 to 35. The applicant's submission was deemed to contain Significant Further Information and the development was readvertised to the public. The amended development forms the basis of my assessment as set out below.

7.2. I am satisfied that the main issues for consideration in this case include:

- Principle of the Development
- Development Density
- Scheme Layout / Compliance with Development Management Standards
- Traffic, Vehicular Access and Pedestrian Safety
- Car Parking
- Water / Wastewater Infrastructure
- Appropriate Assessment

7.3. Each of these issues is addressed in turn below.

7.4. Principle of the Development

- 7.4.1. The appellants submit that insufficient justification has been provided in support of the need for the proposed development. It is also submitted that the development does not meet the demand for the type of housing which is required in the local area.
- 7.4.2. Item no. 1 of the Planning Authority's Request for Further Information required the applicant to submit a detailed justification test in the form of a "Property Development Surveyor's Report" to include a housing need analysis and an estimate of future housing demand, a quantification of existing/available/planned residential units in the town, and a rationale for the proposal as presented, including whether the units are intended for sale, lease or an alternative market.
- 7.4.3. Item no. 3 of the Planning Authority's Request for Further Information required the applicant to submit details to enable the Authority to consider the principle of a residential development of this scale appropriate to the mixed-use zoning objective of the site and that of the adjoining lands, including details of landownership.
- 7.4.4. The applicant submitted a Justification Test in response to Item No. 1 which contains an analysis of the demographic profile of Ballinamore, likely population growth to 2026, the pattern of household formations and housing demand, and the availability of existing residential units for sale or rent. The assessment states that the proposed development would represent a 5.8% increase in the overall housing stock of Ballinamore. The report concludes that the proposed development would not impact negatively on the town in terms of its setting, character, visual and residential amenity and its social, physical and services infrastructure. The submission from REA Peter Donoghue which accompanied the application states that the market for the houses and apartments will include older people looking to relocate close to amenities, buy-to-let investors, 1st time buyers, holiday home buyers and social housing.
- 7.4.5. While the appellants submit that the Justification Report is inadequate and does not provide any credible evidence of the need for the development, I consider that the information contained therein is acceptable. Ballinamore is a Tier 2A settlement, and as such, is designated to accommodate future population growth within the county. The site is centrally located within the town and would deliver a modest residential

scheme of 35 no. units. In my opinion, this scale of development is appropriate to the site context.

- 7.4.6. Two masterplan drawings were submitted in response to Item no. 3 of the Further Information Request, which identify the extent of the applicant's landownership in the vicinity of the site. A total of 5 no. land parcels are identified, with the applicant being the owner of parcel 1 (the subject site), parcel 3 (the Rock Quarter on the opposite side of New Line Road), and parcel 5, which adjoins parcel 3 to the south-west. A service station of 250 m² is identified for land parcel 5, although I note that no planning history is available in relation to same. Land parcels 2 and 4 are in separate ownership and are intended to accommodate 44 no. residential units and a 120-bedroom nursing home. No agreement has been made with the third-party owner regarding the development of these lands.
- 7.4.7. Section 4.2.2.2 of the Leitrim County Development Plan 2015-2021 states that zones which are designated as "mixed-use" have been identified in the core of the centre, within which, a mix of residential and commercial activity takes place. Objective 7 of the plan seeks the development of "mixed-use" zoned lands for commercial, residential, health, community, educational, cultural, retail and related uses. I note that the development plan does not contain any prescriptive guidance on the use mix to be provided within each site/development proposal.
- 7.4.8. In considering the residential nature of the scheme, I note that the subject site is located between High Street/Main Street, which is the main commercial /mixed-use area within the town and the "Rock Quarter" mixed-use scheme directly opposite the site, which includes a mix of commercial uses at ground floor level and apartment units above. I also note that the Board has recently granted planning permission for a 2,467 m² office building on the Rock Quarter site (Planning Authority Reg. Ref. 19/243; ABP Ref. 306549-20 refers).
- 7.4.9. In my opinion, the proposed development would be acceptable under the mixed-use zoning objective which applies to the site, having regard to the pattern of existing and permitted developments in the area, the central location of the site relative to the town centre and given that residential land uses are permissible on the site. As such, I consider that the proposed development would be acceptable in principle at this

location, subject to its compliance with all other relevant planning policies and standards.

7.5. Development Density

- 7.5.1. The appellants submit that the proposed development density is excessive for a small town such as Ballinamore and that the residential units will not match local demand. In response to the foregoing, the applicant's agent submits that the proposed density is appropriate to the site context, with the development designed as a sustainable residential neighbourhood and natural extension to the town.
- 7.5.2. In considering this issue, I note that the amended development includes 35 no. units, which equates to an equivalent density of 31.25 units per hectare. The "Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities" state that development densities of 30-40+ units/hectare may be appropriate for mainly residential schemes on centrally located sites in small towns and villages. The Leitrim County Development Plan 2015-2021 also encourages higher densities on centrally located sites, while the more recently adopted NPF seeks to deliver more compact forms of development in ensuring the most sustainable use of urban land.
- 7.5.3. Having regard to the foregoing, I am satisfied that the proposed residential density would be appropriate on the subject site, having regard to the designation of Ballinamore as a Tier 2A town within the settlement hierarchy of the county and the site's central location with respect to existing services and infrastructure.

7.6. Scheme Layout / Compliance with Development Management Standards

- 7.6.1. The appellants submit that the proposed back garden arrangements are insufficient, with minimum clearance distances provided between dwellings and no separate access provided to rear gardens. It is also submitted that the proposed winter garden private amenity spaces for the apartment units will be used as habitable spaces by future occupants. The appellants consider that the proposal is a poor design and constitutes unsustainable development.
- 7.6.2. In considering the foregoing, I note that the proposed development is arranged in 3 no. courtyard blocks. Block A is located towards the north-eastern end of the site, closest to High Street. Block B is generally located in the central area of the site, while Block C is located towards the south-western corner. The internal access road loops around Block B, with 2 no. vehicular entrances provided between the 3 no.

blocks. The on-site car parking comprises perpendicular and parallel spaces arranged along the internal access road. The communal open space comprises 3 no. separate parcels, one located at either end of the site, with the remaining space located between Blocks B and C.

- 7.6.3. In my opinion, the footprint of the proposed development constitutes a reasonable design response to the site configuration. I consider that the site is not unduly constrained by its existing context, with separation distances of at least 23 m arising to the dwellings on the adjoining sites to the north-west / south-west. In my opinion, the proposed development would provide a new active edge to the adjoining New Line Road and would complete a gap in the built form extending between High Street/Main Street and the Rock Quarter, thus serving to consolidate the built footprint of the town centre area.
- 7.6.4. The amended development includes 17 no. dwellings (2 no. 2-bedroom units and 15 no. 3-bedroom units) and 18 no. apartments (2 no. 1-bedroom units and 16 no. 2-bedroom units). The applicant's schedule of accommodation confirms that all units exceed the minimum **floor area** standards for both apartments and dwellings.
- 7.6.5. In considering the layout of the individual blocks, I note that **internal separation distances** of between 7.5 – 12.5 m and 20 m arise between the opposing elevations in **Block A**. No directly opposing windows are proposed within the centre of the block, and as such, I consider these separation distances are acceptable. Separation distances of 23.11 m and 39.141 m arise between opposing elevations within **Block B**. The internal separation distances between opposing elevations within **Block C** extend between 13.5 m and 16.5 m, with no internal overlooking. Having regard to the foregoing, I am satisfied that the configuration of the blocks is acceptable.
- 7.6.6. In considering the **aspect and orientation** of the units, I note that all north-facing units at the rear corner of each block are dual aspect. Within **Block A**, I note that apartment unit nos. 29, 31 and 33 at 1st floor level are single aspect only. In my opinion, the rooms on the internal side of these units, particularly the living rooms/kitchen, would have reduced internal light having regard to the size of the windows which are proposed on the active elevations. To address this issue, and improve the residential amenity of the units, I consider that high-level windows should be provided to the kitchen/living room of unit no. 29, to bedroom no. 2 and the

kitchen/living room of unit nos. 31 and 33 and to the kitchen/living room of unit no. 35. This matter can be addressed by condition in the event the Board decides to grant planning permission for the proposed development.

- 7.6.7. I note similar concerns regarding the living/kitchen spaces within apartment nos. 7, 11 and 20 at ground floor level and apartment nos. 8, 12 and 21 at 1st floor level of **Block B** and the kitchen/living room of unit no. 2 at 1st floor level of **Block C**. As per my recommendation in relation to the identified units in Block A, I consider that high-level windows should be provided on the blank elevations of these rooms to improve internal light levels. This matter can be addressed by planning condition.
- 7.6.8. The proposed **quantum of private open space** for each apartment unit either meets or significantly exceeds the required standards of the 2020 Apartment Guidelines. The Leitrim County Development Plan 2015-2021 does not identify a private open space requirement for dwellings. The applicant's schedule of accommodation identifies a requirement of 48 m² of private open space for 2-bedroom dwellings and 60 m² for 3-bedroom dwellings. The proposed private open space for the 2-bedroom units ranges from 54.99 m² to 57.67 m² and for the 3-bedroom units ranges from 61 m² to 177.3 m². I am satisfied that the private open space provision is reasonable based on the proposed occupancy of the dwellings and their central location.
- 7.6.9. While I acknowledge that independent access is not available to the private open spaces in the centre of the blocks, in my opinion, this arrangement is typical for terraced dwellings. I also note that Condition No. 10 of the Planning Authority's Notification of the Decision to Grant Permission removes certain exempted development provisions of the Planning and Development Regulations, 2001 (as amended). In my opinion, this is a reasonable requirement having regard to the scale and layout of the development. I recommend that a similar condition be attached in the event the Board grants planning permission in this instance.
- 7.6.10. In considering the **configuration of the proposed private open space**, I note that the open space for each unit is provided at ground floor level or by way of winter gardens at the upper floors. I note that unit no. 27 within **Block A** has a rear garden of 65.27 m², the layout of which is somewhat irregular in response to the block layout. However, the majority of the garden has a maximum depth of 9.4 m, which I consider to be acceptable in terms of its usability.

- 7.6.11. The ground floor 2-bedroom apartment unit nos. 28, 30, 32 and 34 within Block A have private open spaces ranging from 35.89 m² to 49.76 m². While the layout of the spaces is somewhat irregular, the areas provided significantly exceed the 7 m² required under the 2020 Apartment Guidelines. I note the amenity space serving unit no. 28 is tucked into the south-western corner of the block and is bounded by the 2-storey elevation of unit nos. 30 and 31 to the north-east. However, given that the space has an area of 42.41 m², on balance I am satisfied that the proposed open space for this apartment unit is acceptable. The 4 no. 2-bedroom apartment units at 1st floor level of Block A are served by winter gardens of 7 m² in compliance with the required standard.
- 7.6.12. The private open space serving unit nos. 7 – 25 within **Block B** primarily comprises individual amenity spaces within the centre of the block, ranging in depth from 7.3 m to 11.5 m. The ground floor apartment units at the western, south-west and south-east corners are served by amenity spaces located on the outside of the block. Individual winter gardens of 7.13 m² are proposed to serve the 2-bedroom apartment units (nos. 8, 12 and 21) at 1st floor level. In my opinion, the configuration of the private open spaces serving the units within Block B is acceptable.
- 7.6.13. The private open space serving **Block C** is also arranged in an internal courtyard configuration at ground floor level, serving unit nos. 1, 5 and 6. Unit no. 3 at ground floor level is served by a terrace of 27.8 m² on the outside of the block. The 2 no. apartment units at 1st floor level are served by winter gardens of 7 – 7.1 m². In my opinion, the configuration of the private open spaces serving the units within Block C is acceptable.
- 7.6.14. A total of 17.2 % of the site area is proposed as **communal open space**, which exceeds the development plan requirement of 15% and the 122 m² required for the apartment units. In my opinion, the quantum and configuration of the proposed communal open space is acceptable.
- 7.6.15. I note from the applicant's cover letter which accompanies the response to the Request for Further Information, that the communal open space within the site will be available for use by the general public and is intended to be taken-in-charge by the Local Authority. Given the number of residential units which are proposed, I am

satisfied that these spaces can serve a dual purpose as communal open space for the occupants of the scheme and as public open space.

- 7.6.16. I also note that the proposed number of **car parking** spaces meets development plan requirements for both apartments and dwellings. Three bicycle shelters are proposed, which will accommodate 24 no. **bicycle parking** spaces. Given that 18 no. apartments are proposed and that the dwelling occupants will likely store their bicycles internally, I consider that this level of provision is acceptable.
- 7.6.17. The proposed Site Layout (Drawing no. 19222-PLA-003 Rev. C) indicates that bin stores are provided at ground floor level to the front of the proposed units. However, I consider that the **waste management** arrangements for the apartment units on upper floors requires clarification. In my opinion, this matter can be addressed by condition.
- 7.6.18. In conclusion, I am satisfied that the scheme layout is acceptable and that the proposed development complies with all relevant development management standards.

7.7. **Traffic, Vehicular Access and Pedestrian Safety**

- 7.7.1. The appellants submit that the proposed development will cause increased traffic congestion at the Main Street and High Street junctions. It is further submitted that inadequate sightlines are available at the northern site entrance, while the southern sightline will be impacted by occupied car spaces. The absence of pedestrian crossings to the Rock Quarter opposite the subject site is also highlighted as a concern.
- 7.7.2. The proposed sightline drawings (No. 12 Rev. B and No. 13 Rev. A prepared by DOSA Engineers) which accompany the applicant's Further Information response confirm that the required distances can be achieved at both site entrances in accordance with DMURS requirements. As such, I am satisfied that the proposed vehicular access arrangements are acceptable. I also consider that the scale of development proposed would not result in any significant traffic congestion on the existing road and junction network. I also note that the Roads Department of Leitrim County Council did not raise any objections to the proposed development on the grounds of traffic congestion or safety. As such, I consider that the appellants' assertions in this regard are unfounded.

7.7.3. In considering the appellants' concerns regarding the absence of a pedestrian crossing, I note that New Line Road is under the applicant's control. The Planning Authority does not object to the provision of a pedestrian crossing on this road if deemed appropriate by the Board. In my opinion, the inclusion of a pedestrian crossing would be appropriate in the interests of facilitating pedestrian permeability, having regard to the extent of additional development envisaged on the wider, mixed-use zoned lands illustrated on the applicant's Masterplan drawings. This matter can be addressed by planning condition.

7.8. Car Parking

- 7.8.1. The appellants submit that all proposed car parking to serve the development is on-street, with many spaces located at a distance from the residential units, with no visitor parking and inadequate charging points for electric vehicles.
- 7.8.2. In considering the foregoing, I note that the Planning Authority's Request for Further Information required the applicant to address an identified shortfall of 24 no. car parking spaces to serve the proposed development (Item no. 11 refers). This shortfall arose on foot of the proposed use of existing car parking spaces along New Line Road.
- 7.8.3. In responding to this request, the applicant reduced the number of proposed residential units to 35, resulting in a requirement for 61 no. car parking spaces. Additional parking has been provided within the site curtilage, with all existing spaces along New Line Road now excluded (Drawing No. 19222-PLA-003 Rev. C: Site Layout – Proposed refers).
- 7.8.4. As identified by the appellants, the on-site parking is not located to the front of each dwelling unit, with the spaces being arranged along the internal access road and open spaces. In the event the Board decides to grant planning permission for the proposed development, I consider that the applicant should be required to submit a parking management plan demonstrating how the spaces will be allocated for the occupants of the development. This matter can be addressed by planning condition. A total of 10% of the spaces will facilitate the charging of electric vehicles, which I consider to be acceptable.

7.9. Water / Wastewater Infrastructure

- 7.9.1. The appellants submit that the proposed development is premature pending the upgrading of the Carrick-on-Shannon Water Treatment Plant and the Ballinamore Wastewater Treatment Plant. It is also submitted that the proposed surface water system will discharge into the existing public network on High Street, which is old and incapable of handling existing winter loading.
- 7.9.2. In responding to the foregoing, the applicant's agent submits that Irish Water has confirmed that the proposed connections to their networks can be facilitated. It is also submitted that the Senior Engineer in the Water Services Department of Leitrim County Council is satisfied there is no issue regarding the provision of water to the site and that the development is not premature pending upgrades to the Carrick-on-Shannon Water Treatment Plant. It is further submitted that no evidence has been provided to support claims of flooding impacts of the development. The Planning Authority has reconfirmed that no issues arise in relation to the matters identified by the appellants and that the development should not be considered premature.
- 7.9.3. As identified by the applicant's agent, Irish Water's report of 7th February 2020 confirms that the proposed water and wastewater connections can be facilitated. The report notes that the Carrick-on-Shannon Water Treatment Plant is at capacity and requires upgrades. It is stated that a water connection to the proposed development can be facilitated once these upgrades have been completed, the timeline for which is stated to be unknown.
- 7.9.4. The Planning Officer's Further Information Report (dated 25th August 2020) refers to email correspondence from the Senior Engineer in the Water Services Department of Leitrim County Council, which states that "while the current production is at or near maximum capacity, Irish Water's belief is that that production capacity can be improved by upgrading the existing facility. They have also targeted investment to reduce demand side by active leak detection and control and this is showing savings. Irish Water's target for 2020 is for a further saving of 450cum/day. The email correspondence goes on to state that to supply this proposal for 40 units will only require 15-18 cum/day which is not significant and no condition restricting development on the basis of available water should be included". I note that a copy of this email correspondence has not been included with the planning file and is not

available on the Planning Authority's online records. However, a review of Irish Water's website indicates that upgrade works to this plant have now been completed.

- 7.9.5. In my opinion, it would be unreasonable to refuse permission for the proposed development on the basis of the capacity of the Carrick-on-Shannon Water Treatment Plant having regard to the commentary contained within the Planning Officer's Report in relation to same, Irish Water's confirmation that connection to the water and waste-water networks can be facilitated and having regard to the town centre location of the site and the modest scale of development which is proposed.
- 7.9.6. In considering the surface water arrangements and the identified flooding concerns, I note that the existing public system on High Street has been identified as the suitable surface water discharge point for the proposed development. The maximum permitted surface water outflow from the development will be restricted to that of the existing greenfield site by using a flow control device and associated attenuation tank located under a parcel of open space towards the north-western site boundary (Drawing No. 20 Rev D: Proposed Surface Water & Foul Sewer Layout refers). Surface water discharge will also pass via a full retention fuel/oil separator.
- 7.9.7. The applicant's Infrastructure Report confirms that the stormwater system is designed to ensure no surcharge occurs during a 1 in 2-year return period event. No flooding is predicted to occur for the 1 in 100-year return period event. While surcharging and flood risk occurred for a number of critical storm events, the assessment confirms that this is allowed and does not compromise the network.
- 7.9.8. Having regard to the foregoing, I am satisfied that the applicant has provided sufficient information in relation to the proposed surface water drainage arrangements to facilitate the proposed development and that no flooding impacts will arise.

7.10. **Appropriate Assessment**

- 7.10.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

7.10.2. I note that this assessment reflects the conclusions of the AA Screening Report which accompanies the planning application and the assessment of Leitrim County Council.

8.0 Recommendation

8.1. I recommend that planning permission be granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the designation of Ballinamore as a Tier 2A settlement within the settlement hierarchy of the county under the Leitrim County Development Plan 2015-2021, the nature and scale of the proposed development and the site's central location, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate development which would serve to consolidate the built form of the town centre, and which would not adversely impact on the residential amenities of neighbouring properties or the character of the streetscape. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 16th day of July 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
3.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
4.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and</p>

	<p>section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
5.	<p>The proposed development shall be amended as follows:</p> <p>(a) High-level windows shall be provided to the blank elevations of the kitchen/living room of unit nos. 29 and 35 in Block A and to bedroom no. 2 and the kitchen/living room of unit nos. 31 and 33 in Block A.</p> <p>(b) High-level windows shall be provided to the blank elevations of the kitchen/living room in unit nos. 7, 8, 11, 12, 20 and 21 in Block B.</p> <p>(c) High-level windows shall be provided to the blank elevation of the kitchen/living room in unit no. 2 in Block C.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
6.	<p>Provision shall be made for a pedestrian crossing on New Line Road adjoining the development. Details of such provision, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of pedestrian permeability.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: In the interest of visual amenity.
8.	<p>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 shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
9.	<p>Prior to the occupation of the development, a Parking Management Plan shall be prepared for the site and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these spaces within the development shall be assigned and continually managed.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed development.</p>
10.	<p>A plan containing details for the management of waste within the apartments and dwelling units, 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.</p> <p>Reason: To provide for the appropriate management of waste in the interest of protecting the environment.</p>
11.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted</p>

	<p>management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
12.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, traffic management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) Employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) The nature and location of archaeological material on the site, and</p> <p>(ii) The impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall</p>

	<p>agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
14.	<p>The landscaping scheme shown on Drawing No. 19222-PLA-004 Rev. B, as submitted to the planning authority on the 16th day of July 2020 shall be carried out within the first planting season following substantial completion of external construction works and shall be completed before any of the dwellings are made available for occupation. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
15.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
16.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

17.	<p>Prior to commencement of development, the developer shall enter into water and waste-water connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
18.	<p>Development described in Classes 1, 2, 3 or 7 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended), or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling units without a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Louise Treacy
Planning Inspector

21st April 2021