



An
Bord
Pleanála

Inspector's Report

ABP-308653-20

Development	Construction of residential development of 55 units.
Location	The Cedar Clinic , Mountmellick Road (N80) , Portlaoise, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	19670
Applicant(s)	Dr. David Booth
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Beechlawn Residents Association, John Declan O Donaghue
Observer(s)	Anthony Quinn, Elm Lawn Residents Association
Date of Site Inspection	15 th of April 2021
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located in Portlaoise town to the north of the town centre in a residential suburban of the town along the N80. It is the Mountmellick Road.
- 1.2. There is a GP surgery and pharmacy located to the front of the subject site alongside the Mountmellick Road. This is a two storey building with a surfaced carpark to the rear.
- 1.3. The subject site is 1.85Ha and is a flat site with existing housing estates flanking it along three site boundaries, north, south and west. The site is overgrown and currently a wasteland.
- 1.4. Access to the site off the N80 is via the existing medical centre access, alongside the surface carpark.
- 1.5. There are mature hedges along the northern, southern and western site boundaries which include a number of mature trees.

2.0 Proposed Development

- 2.1. The proposed development consists of 55No. dwelling units (37No. dwellings and 18No. apartments) broken down into the following residential house types:-
 - 18No. semi-detached 3bedroom dwellings;
 - 6No. end of terrace three bedroom dwellings;
 - 6No. two bedroom mid terrace dwellings;
 - 2No. detached 3 Bedroom dwellings;
 - 2No. four bedroom semi-detached
 - 15No. two bedroom apartments and
 - 3No. one bedroom apartment.
- 2.2. Access off the N80 via and existing access serving the GP practice and pharmacy along the eastern site boundary.
- 2.3. Connection to public infrastructure.

2.4 The further information received on 21st of September 2020, revised the proposed development to 50No. units.

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 22nd of October 2021 Laois Co. Co. granted planning permission for the proposed residential development subject to 19No.Conditions.

The conditions are standard for a residential estate.

There were 50No. units permitted.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

- The density is 40No. units per hectare which the planning authority considered to be excessive given the prevailing densities. There were 3No. dwellings removed following a request for further information. In addition, 3No. apartments were removed and one apartment block reduced from a three storey to a two storey. The revised scheme is now 36Units per hectare.
- There are no dwellings backing onto Beech Lawn due south with the omission of Units 29-31. The remaining dwellings backing onto Elm Lawn due north have 11metres back gardens.
- The apartments have adequate private open space provision
- Boundary treatment proposals are acceptable

Permission is recommended.

3.2.2. ***Other Technical Reports***

Environment: A Construction and Waste management Plan is required.

Fire Office: No objections

Road Design: No objections further information required relating to road markings and signage, a road safety audit,

3.3. Prescribed Bodies

Irish Water:- No objections providing a upgrade to the existing wastewater infrastructure is carried out for approximately 100metres. Any third-party wayleaves will need to be obtained by the applicant.

3.4. Third Party Observations

There was strong third party opposition to the proposed development citing the following concerns:-

- Overlooking
- Overshadowing
- Overdevelopment/ density
- Apartments unacceptable within existing building pattern
- Overflow of carparking form Medical Centre
- Building on the boundary

4.0 Planning History

4.1 *Planning Reference:- 06/781*

Planning permission was granted for a residential development of 46No. dwelling units on the subject site

5.0 Policy Context

5.1. Development Plan

Portlaoise Local Area Plan 2018-2021

Map 2 subject site zoned as **Residential 1- Existing Residential**

2) Remainder of the town:

Generally suitable for limited, small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential

development of any scale that will include a minority of apartments at low medium densities and includes:

- Sites in suburban development areas that do not meet proximity or accessibility criteria.

These areas require local assessment that further considers these and other relevant planning factors.

While the provision of apartments may not be required below the 45 dwellings per hectare net density threshold, they can allow for greater diversity and flexibility in a housing scheme, and allow for increased overall density. Accordingly, apartments may be considered as part of a mix of housing types in a given housing development at any urban location.

H O6: To encourage the sequential development of sustainable serviced residentially zoned lands in a sustainable manner subject to compliance with relevant Department Guidelines and Development Management Standards of the Laois County Development Plan 2017 – 2023.

H O7: To promote a higher density at appropriate locations, particularly close to the town centre and public transport facilities.

H O8: To encourage appropriate housing development on infill and brownfield sites subject to preservation of existing residential amenity, the provision of a high quality design respecting the established character, density and layout, compliance with all traffic safety, quantitative and qualitative standards of the Laois County Development Plan 2017 – 2023.

Policies: It is the Policy of the Council to:

H P1: Ensure that sufficient zoned land is available at appropriate locations to cater for the envisaged population growth of the Core Strategy.

H P2: Require all new residential developments to be consistent with the Core Strategy of the Laois County Development Plan 2017-2023 and the settlement strategy of this plan.

H P3: Promote and encourage the development of the critical mass of Portlaoise and to enhance its strategic location on the National and Regional road and rail network.

H P4: Facilitate the provision of housing in a range of locations to meet the needs of the population, with particular emphasis on facilitating access to housing to suit different household and tenure needs, in a sustainable manner.

H P5: To require the creation of sustainable communities and high quality residential areas at appropriate locations with a mix tenure and adequate amenities and facilities and to meet the standards and guidance of:

- *Sustainable Residential Development In Urban Areas, Guidelines for Planning Authorities, DEHG (2009);*
- *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018);*
- *The Design Manual for Urban Roads and Streets, DTTS and DECLG (2013);*
- *The development management standards of the Laois County Development Plan 2017-2023;*
- *Technical Guidance Document L – Conservation of Fuel and Energy – Dwellings.*

5.2 National Planning Policy

The following are relevant to this appeal:

The National Planning Framework includes a specific Chapter, No. 6 - '*People Homes and Communities*' which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:

- **National Policy Objective 33** seeks to '*Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location*'.
- **National Policy Objective 35** seeks to '*Increase densities 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*'.

Design Manual for Urban Roads and Streets (DMURS).

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

Quality Housing for Sustainable Communities (DoEHLG, 2007).

Permeability Best Practice Guide (NTA, 2015)

5.2. Natural Heritage Designations

The closest Natura 2000 site is Slieve Bloom Mountains SPA approx. 7.1km to the north west. The closest heritage area is Ridge of Portlaoise pNHA approx. 1.2km to the east.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

There are three third party appeals which raises broadly the same concerns, and rather than repeat the content of each submission I will summarise the grounds of the appeals collectively. The third party appellants are:

- (i) John and Judy O'Mahoney, 32 Beechlawn
 - (ii) Beechlawn Residents Association
 - (iii) Declan O'Donoghue
- The first floor windows of house No.s 22, 23 and 24 will have views into 30 Beechlawn and invade existing privacy.

- Daylight and shadow analysis is required to ensure no loss of daylight afforded to existing private open space areas
- There should be a block wall and capping along the common boundary of existing private gardens. In order to provide the wall the garage at 30 Beechlawn would need to be partially demolished, therefore dwelling No.s 21, 22 and 27 should be removed from the scheme.
- The location of dwelling No. 22 is of grave concern will it be directly on the boundary of Beechlawn. In terms of the boundary wall where will the scaffolding be erected. The mature hedgerow to the rear of 32 Beechlawn has developed over 38 years. This will be replaced by a boundary wall and a 9m gable wall. The primary objective is to protect the existing residential amenities of the area. Unit No. 22 will be built against the Beechlawn boundary, which would result in the rear of 32 Beechlawn being destroyed.
- Overspill parking from the medical centre and the GP practice will occur in Beechlawn because the proposed reduction in the carparking provision is too great.
- The buildings against Beechlawn will be 9 metres in height and will overlook adjoining properties.
- The northern boundary of Beechlawn playfield the boundary wall is built 2 metres approximately from the tree line in order to protect the trees and the houses are another 5 metres from the boundary wall even though they are facing into Beechlawn playing field. These separation distances should be applied to rear of dwellings in Beechlawn.
- The three storey blocks of apartments materially contravene the zoning objective for the site as it is surrounded by bungalows, Elmlawn and Beechlawn.

6.2. Applicant Response

The relevant points in the response by the applicant can be summarised as follows:

- Proposed dwellings are not located against the Beechlawn boundary, please refer to Drawing No. 18.147.105, the minimum setback of 0.8m from the new

boundary is evident. The new boundary is owned by the applicant and is located immediately north of existing fence boundary with Beechlawn.

- Dwelling No. 22 will not be located directly against the boundary to the rear of O'Mahoney's garden, it is setback 0.8m from the new fence which is located north of the existing 1.8metre boundary fence (at the bottom of the berm).
- There is no dispute the boundary between Beechlawn consists of a 2.0m high fence on a raised berm, on the north side there is a mix of evergreen and native trees, Drawing No. 18.147.104 PO1. On the south side of the fence is mature dense tall hedging and trees within O'Mahoney's rear garden. This planting is elevated as can be seen in the photograph they submitted. There will be no impact on the hedge and the trees contained within the property of No. 22 Beechlawn or any other property in Beechlawn.
- The location, design and layout of proposed dwelling No. 22 is normal for a suburban setting, and it will not have a domineering impact as it will be screened by existing landscaping. There is no loss of light to O'Mahoney's home as the proposed dwelling is located north of their home, there will be no material impact.
- Drawing 18.147.104 illustrates the trees which will be retained and felled. A qualified arborist can be employed to carry out a tree survey. The trees to the rear of O'Mahoney's site will be retained.
- A new 2m post and panel fence is proposed.
- The existing carpark associated with the clinic is more than adequate to cater for the clinic. Under planning reference 05/354, 4No. carparking spaces were required , with an over provision of 6No. spaces.
- Apartment developments are consistent with local and national planning policy especially on infill sites and to prevent urban sprawl.

6.3. Planning Authority Response

6.4 Observers

There were two observations received on appeal, one from Elm Lawn Residents and the other from Anthony Quinn, 31 Beechlawn. The following concerns were raised in their submissions to the Board:-

- The proposal will result in a loss of privacy and security to the rear of existing residential properties
- Overshadowing of rear gardens, loss of daylight
- The size and scale of the proposal in particular the apartments is not in keeping with the existing neighbourhood.
- Devaluing homes in Elm Lawn
- The proposed development is not suitable for the elderly
- Apartment blocks will be an eyesore
- Volume of traffic
- Location of refuse storage sheds is unacceptable
- Construction hours
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7.0 **Assessment**

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

- Principle of Development
- Zoning and Compliance with Cashel Town and Environs Development Plan
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic, Access, Road Layout
- Appropriate Assessment

7.2 Principle of the Proposed Development

The site is located to the northern edge of the existing urban area of Portlaoise and is within walking distance of the town centre. In the County Laois Settlement Hierarchy, Portlaoise is listed as the main service centre in the county.

In general, it is considered that residential development is acceptable at this location and having regard to the adjoining lands to the north, west and south which are in residential/ community use, the proposal will integrate with the existing form of development in the area. In addition, the site had the benefit of planning permission for No. dwellings back in 2006 which was not developed.

The subject site is an infill site and is currently unkempt in appearance and not maintained. A contemporary housing scheme is in keeping with the adjoining land uses which are residential.

7.3 Zoning and Compliance with the Portlaoise Local Area Plan

The subject site is zoned R1 : **Existing Residential** in the Portlaoise Local Area Plan 2018-2021. The objective of the development plan is to provide high quality living accommodation within higher densities comprising of residential developments with apartments to a density of 45No. dwelling units per hectare.

In the local area plan it states under policy statements H07 and H08 higher densities will be promoted at appropriate locations particularly close to town centre and public transport locations and that the development of infill sites will be encouraged. The subject site is a suburban wasteland sandwiched between two housing estates. It is prime development land that will assist with suburban consolidation of serviced lands. The revised scheme which was submitted by way of further information (21/09/2020) is an improved scheme in terms of overall urban design, as the legibility of the two storey block of apartments along the N80 blends in with the existing building envelope addressing the N80. The houses within the adjoining Elm Lawn and Beechlawn are detached family homes, the proposed development which includes semi-detached units and apartments will introduce a diversity of housing types to cater for different family units sizes and across the population base.

I note national guidance in relation to unit numbers, appropriate density and housing. The *Sustainable Residential Development in Urban Areas* indicates that Greenfield/Outer Suburban sites in larger towns, should be providing for densities of 35 to 50 units per hectare. Currently Portlaoise is not well served by public transport; however this site is within walking distance of services and the town centre. Like a lot of Irish towns, housing development in Portlaoise has been linear along the main road network; the subject site lies off a main road (N80) and its development would aid the process of consolidation of the town, alongside existing residential estates and sports facilities and medical facilities.

I do accept that the proposed density at 36 units per hectare is just above the recommended 35 units, in line with national and local planning policy. On balance, I consider the layout will integrate seamlessly into the existing built-up area.

The proposed dwellings are modest sized townhouses, with the majority of them being 3-bedroom units with a floor area of 101sq.m. The planning authority had requested by way of further information a reduction in the density. In terms of sustainable planning to introduce a higher density close to amenities and facilities, the proposed development at 36units per hectare is in keeping with *Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009*.

The proposed density is in keeping with the National planning framework, **National Policy Objective 35** seeks to *'Increase densities 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'*.

7.4 Design and Impact on the Character of the Area

The overall layout includes 3No. apartment blocks to the front of the site alongside the existing two storey medical clinic and pharmacy building. The existing access off the N80 (Mountmellick Road) will serve the proposed development. The bulk of the development consists of two storey semi-detached dwellings laid out along the northern and western site boundary, with 11metres back gardens and setback from

the common boundary with Elm Lawn, and a block of 10No. dwellings perpendicular to Beechlawn overlooking an open space area and the carparking area associated with the medical clinic.

The PA by way of further information on 4th of February 2020 requested the proposed density of 40No. hectares be reduced, in line with a previous planning permission on the subject site granted in 2006 (Planning reference 06/781). In my opinion, the 2006 permission on the site is outdated by current local and national planning policy, and I do not agree with the planning authority's assessment in this regard. I considered the original density to be acceptable. However, under the reduced density proposals submitted in September 2020, I welcome a reduction in height by one storey of the apartment block fronting the N80 in urban design terms. I consider the overall apartment block design to be bland and featureless on the most prominent part and visible part of the site. The revised design is more in keeping the existing streetscape and allows for a graduated increase in building height and cube like morphology.

The planning authority also requested clarity on the mix of dwellings to include dimension standards for the proposed one and two bedroom units. In my opinion, the overall housing mix throughout the proposed scheme is to be commended. The proposed scheme will cater for a variety of family sizes, first time buyers, and single unit families. The proposed development will make a positive contribution to the character of the neighbourhood which is dominated by detached medium density family homes.

7.5 Impact on Residential Amenity

The proposed floor area of each dwelling type and respective rooms meet with the residential standards. The qualitative and quantitative private and public open space standards are acceptable.

The subject site is surrounded by existing housing, with a number of the proposed dwellings backing onto or overlooking existing residential properties or private garden areas. The dwellings/ apartments backing onto the northern site boundary

(Elmwood Housing Estate) have adequate separation distance between opposing first floor windows. The rear garden areas have a minimum of 11metres in depth along with 2No. carparking spaces to the front of each dwelling. The proposed layout and backing onto existing housing is a normal occurrence in suburban housing. The apartment blocks are setback 18-20metres from the common boundary with Elm Lawn, with carparking areas and an access road between opposing windows. The proposed setbacks and separation distances associated with the layout ensure there will not be undue direct overlooking of private rear garden areas or opposing windows. The third parties are concerned about loss of privacy, however the setbacks are acceptable and in line with national and local planning standards. There will be very limited loss of sunlight to the existing properties associated with proposed development which I do not consider to be material.

There are no houses backing onto the adjoining Beechlawn estate to the south. There are two gable ends (House No.s 21 and 22) which will address Beechlawn with no loss of sunlight associated with the dwellings, and because the proposed development is north of the existing houses in Beechlawn, there will be no overshadowing. There will only be oblique overlooking of a small number of dwellings in Beechlawn. This is a normal occurrence in suburban residential layouts. The Board can dismiss the third party appellant's concerns in this regard, as no material issues arise regarding injurious impacts to existing residential amenities.

There is public open space area which is overlooked by most dwellings in the proposed estate. The amenity provision is at least 15% of the total site area. There are pedestrian linkages throughout the proposed layout. There are adequate separation distances between the gables of dwellings.

In terms of proposed boundary treatment, which is the most contentious issue for the third party appellants residing in Beechlawn to the south of the subject site, the site boundary is outlined in red on the drawings. The gable ends of the proposed dwellings are positioned 0.8metres from the communal boundary. The conformation of the southern boundary includes sections of mature trees and hedgerows, a berm,

and a block wall to the rear of one property. The proposed development includes for a 1.8m post and panel boundary fence within the curtilage of the subject site. The rear garden areas or structures associated with the houses backing onto the subject site in Beechlawn will not be impacted upon by the proposed development. The applicant has provided technical drawings to demonstrate the location and sections of the southern boundary treatment relative to the houses and rear garden areas of Beechlawn. Although the three appeals express concern over the boundary treatment proposals there is no technical information or data to justify their claims, which I consider to be unfounded given consideration of the submission documents.

On balance, I consider the proposed development is respectful of the existing neighbourhood, and garden character is being maintained throughout the scheme. The development will integrate into the existing neighbouring and will provide improved security to the residents of Elm Lawn and Beechlawn as their private rear gardens will not be adjoining a unkempt wasteland.

7.6 Traffic, Access, Road Layout

Access to the proposed development is via an existing access of the N80 (Mountmellick Road) serving the medical centre and ancillary carpark (located on the eastern site boundary). The clinic was granted planning permission in 2005 with 40No. carparking spaces which is sufficient to cater for the medical centre and pharmacy.

Each of the proposed dwellings has two car parking spaces, which in my opinion, is an overemphasis on the carparking issue in the design response. There are 19No. carparking spaces proposed to serve 16No. apartments. I do not foresee an overspill of carparking into the adjoining residential estates from the proposed development or the medical clinic.

7.7 Appropriate Assessment (AA) Screening

The proposed development is located within an urban area on zoned lands that are serviced area. It is reasonable to conclude, on the basis of the information on the file,

which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 designated sites. A Stage 2 Appropriate Assessment is, therefore, not required

8.0 Recommendation

I recommend the Board grant planning permission for the proposed development in line with the planning authority's decision.

9.0 Reasons and Considerations

Having regard to the provisions of Objective 13 of the National Planning Framework, the Portlaoise Local Area Plan 2018-2023 and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of Portlaoise town centre and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10. Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 3rd of December 2019 as amended by the further plans and particulars submitted to 11th of June 2020, and further clarification on 21st 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The permission is for 34No. dwelling houses and 16No. apartments as per Drawing No. 18.147.104 Revision PL03, a total number of 50No. Dwelling Units.</p> <p>Reason: In the interests of residential amenity and clarity.</p>
3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications.</p> <p>Reason: In the interests of visual amenity</p>
4.	<p>a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>b) A Stage 3 Road Safety Audit in relation to all road works including the junction with the public road, shall be prepared and submitted for the written agreement of the Planning Authority prior to the commencement of development. Any necessary revisions to comply with the Stage 2 recommendations and/ or additions shall be agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<p>Footpaths shall be dished at road junctions in accordance with the requirements of the Planning Authority. Details of the locations and materials to be used in such dishing 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 safety</p>
6.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of</p>

	<p>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 dwelling unit.</p> <p>Reason: In the interests of amenity and public safety</p>
7.	<p>A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, to facilitate the installation of EV charging points/stations at a later date. Such proposals shall be submitted to and agreed in writing with the planning authority before the making available by the developer for occupation of the residential units in the proposed development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.</p>
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 place names for new residential areas.</p>
9.	<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. Full details of all surface water disposal, surface water management and all necessary legal entitlements to carry out works to adequately service the proposed development shall be agreed in writing with the planning authority prior to commencement of development.</p>

	<p>Reason: In the interest of public health.</p>
10.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health</p>
11.	<p>To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate shall be signed off by the Landscape Consultant when all works are completed and in line with the submitted landscape drawings. This completion certificate shall be submitted to the planning authority for written agreement upon completion of works.</p> <p>Reason: In the interest of amenity.</p>
12.	<p>Vegetation clearance and any necessary tree removal shall take place outside the bird breeding season (March 1st – August 31st).</p> <p>Reason: To protect birds and bird breeding habitats during the nesting season.</p>
13.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works,</p> <p>(c) shall carry out licenced metal detection surveys (including the field boundaries to be removed), develop an archaeological and artefact strategy on the basis of the results and in consultation with the Department of Culture, Heritage and the Gaeltacht and the National Museum of Ireland, agree protective measures in advance of site preparation and construction works to ensure the preservation/ protection of archaeological features</p>

	<p>(burnt mound material) and archaeological monitoring of topsoil stripping (licenced under the National Monuments Acts 1930 to present), and</p> <p>(d) a detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post excavation reports, shall be submitted to the relevant authorities following the completion of all archaeological assessment. All costs shall be borne by the developer in this regard.</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 site and to secure the preservation and protection of any remains that may exist within the site.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 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 amenities of property in the vicinity</p>
15.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July</p>

	<p>2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
17.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
18.	<p>(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
19.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
20.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of further electric vehicle charging points. Details of how it is proposed to comply 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 interest of sustainable transportation.</p>
21.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>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>
22.	<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, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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>
23.	<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</p>

	<p>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>
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Caryn Coogan
Planning Inspector

29th of April 2021