



An
Bord
Pleanála

Inspector's Report

ABP-309917-21

Development	Construction of 14 dwellings and demolition of extension to the former community hall.
Location	Skagh, Croom, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	20525
Applicant(s)	John Halpin.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Dan O Sullivan
Observer(s)	None.
Date of Site Inspection	23 June 2021.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to a 0.371 ha site located within at the northern side of Croom village in County Limerick. The northern part of the appeal site comprises a narrow greenfield with mature trees along the eastern site boundary. The site is occupied towards its southern end by part of the old Town Hall building which is currently in use by a lawnmower and bicycle sales business. A number of steel containers (also used by the commercial operation) are sited on a hard surfaced area to the north of the town hall building. The appeal site is generally elevated over road level rising to the east. Historic Cassini and 6-inch maps show sloping land within the northern part of the site which suggests that the site was levelled at some stage in the past. This is confirmed within the application documentation (Soil infiltration tests by Parkmore Environmental Services) submitted as further information which noted made ground within the northern part of the site.
- 1.2. The western roadside boundary is defined by a low stone wall with a footpath along the full extent of the site frontage. Adjoining to the north of the site is a residential dwelling site with residential development also backing onto the site to the east. Opposite the site is the gated entrance and stone wall boundary of a residential property on substantial landscaped parkland grounds to the south and west of which is Croom Town Park centred around the River Maigue with attractive parkland and civic centre. There is an existing field entrance located towards the northern part of the site frontage while the southern end of the site is currently accessed via the town hall building.

2.0 Proposed Development

- 2.1. The proposal involves demolition of an existing lean to type extension to the former town hall building and the provision of a residential development. The initial proposal was for a development of 14 dwellings, a mix of 2, 3 and 4 bed dwellings. During the course of the application to the Council a number of revisions were made to the

proposal and alternative layouts providing for 13 or 14 houses in total were explored. The final layout provides for 14 dwellings a mix of two storey semi-detached and terraced and a terrace of three single storey dwellings to the northern end of the site. Other modifications include the revision of the initial proposal to provide separate entrance and exit where final layout provides for an entrance approximately centrally located along the site frontage.

3.0 Planning Authority Decision

3.1. Decision

By order dated 16th March 2021 Limerick City and County Council issued notification of its decision to grant permission for the development and 23 conditions were attached which included the following of particular note:

Condition 2 Development Contribution €27,706.60.

Condition 3 Bond.

Condition 4. Part V agreement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report outlines concern regarding over development having regard to the provision of open space, parking and impact on established residential amenity. Applicant was advised to reduce the density, increase separation distance between the development and northern boundary and provide additional open space. An optional 4th bedroom referenced in documentation to be demonstrated on site layout plans. Applicant was requested to submit a tree survey and measures to protect the existing trees along the eastern boundary. Other items requested include evidence of pre connection agreement with Irish Water, a single vehicular access. Detailed requirements in relation to public lighting, surface water were also specified.

Subsequent planner's reports requested a clarification of additional information noting incomplete response. Final report recommends permission subject to conditions in accordance with the subsequent decision.

3.2.2. Other Technical Reports

Executive Archaeologist – No archaeological issues.

Roads Report. Sightlines should be clearly demonstrated. Applicant to clarify parking provision. Road width to be increased to 5m, footpath width 1.8m and suitably dished. Auto tracking details to be provided. Further information required also in relation to public lighting and surface water disposal.

Environment Section report – No objection based on environmental noise.

Fire Officer – No objection.

Environmental Technician Waste Management – No objection subject to waste management plan.

Operations and Maintenance Services – Further information required regarding sightlines, car parking, roads footpaths and driveways, public lighting and surface water proposals

3.3. Prescribed Bodies

Transport Infrastructure Ireland – No observations

Irish Water submission notes the submission from neighbouring resident claiming that sewer runs through the site. Limerick County Council GIS does not include a public main within the site. Requirements outlined with respect of connection agreement, in accordance with Irish Water Capital Investment Programme. No building over watermains, common pipes or sewers. If found the applicant to contact Irish Water with a proposal for alteration.

3.4. Third Party Observations

- 3.4.1 Submission from Dan O Sullivan, Skagh – objects on grounds of excessive density, position of houses 13 and 14 within 1m of the boundary result in overlooking. Back gardens and open space inadequate. Construction of houses over sewer. Town hall is a historic building and should not be demolished. Cutting down of trees and loss of natural habitat.
- 3.4.2 Elizabeth Munro, Skagh Croom. Submission regarding local objective H2 concerning Residential Density, Design and Mix. Design inappropriate and open space inadequate. Sewage plant at full capacity. Overlooking of neighbouring residences. Loss of business on the site. Town Hall will be added to the vacant properties list.
- 3.4.3 Raymond and Sinead Twomey. Skagh. Overlooking, traffic, removal of trees. High density residential development inappropriate. Town Hall is a historic building should be preserved.

4.0 Planning History

86-26949 Permission granted for erection of dwelling, garage, boiler house, entrance and boundary walls. 17th October 1986.

5.0 Policy Context

5.1 National Policy

5.1.1 Project Ireland 2040 – National Planning Framework

The National Planning Framework Section 2.6 highlights the importance of securing compact and sustainable growth. National Policy Objective 3a seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements. 3c is to deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.

Objective 13 states that in urban areas, planning and related standards including in particular building height and car parking, will be based on performance criteria that seek to achieve well designed high-qualified outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Chapter, No. 6, entitled 'People Homes and Communities' - Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. 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. 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.

5.1.2 S28 Ministerial Guidelines.

- Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities. Department of Environment, Heritage and Local Government, May 2009.
- Urban Design Manual A best practice Guide. May 2009.
- Design Manual for Urban Roads and Streets, DMURS
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') Dept Environment Heritage and Local Government November 2009.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – Department of Housing Planning and Local Government March 2018

- Urban Development and Building Height Guidelines, Department of Housing Planning and Local Government, December 2018
- Regulation of Commercial Institutional Investment in Housing Department of Housing Local Government and Heritage May 2021

5.2 Development Plan

The Limerick County Development Plan 2010-2016 as extended and Croom Local Area Plan 2020-2026 refer. The site is zoned town centre within the Croom Local Area Plan 2020-2026. The purpose of this zoning is to enhance the character of Croom's Town Centre and provide for improved retailing, residential, commercial, office, cultural and other uses appropriate to the centre while providing development for an expanded consolidated town centre area.

I note within the Local Area Plan at 4.3 in relation to infill development. The Council will encourage infill development in the Croom area and the adaptation of existing vacant and under-used buildings. Any proposed alterations will require the retention of features of special interest and respect for the structures fabric, form and setting. Objective H3: Infill Development, Restoration and Renewal It is an objective of the Council to: (a) Encourage living in the centre of Croom by the promotion of residential use over businesses; (b) Emphasise the town centre as the primary retail centre of the town and ensure retail proposals comply with the Mid West Retail Strategy and any subsequent revised document and the Retail Planning Guidelines; (c) Promote sensitive infill sites on vacant sites, which would not be required for access to backlands; (d) Consider on their merits proposals for residential development of rear plots where they can be adequately accessed and they would not affect existing or proposed private amenities, storage or parking requirements. Such proposals should in general be part of larger masterplans involving contiguous plots; (e) In line with the requirements of the National Planning Framework, ensure that at least 30% of all new housing development is delivered within the existing built-up area of towns and villages on infill and or brownfield sites.

5.3 Natural Heritage Designations

The site is not within a designated area. The nearest such sites include

Tory Hill SAC 1.8km to the east.

Lower River Shannon SAC 6.7km

River Shannon and River Fergus Estuaries SPA 11.4km

Curraghchase Woods SAC 12km

5.4 EIA Screening

5.4.1 An Environmental Impact Assessment Screening report was not submitted with the application. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

It is proposed to construct 14 dwelling houses. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of .371ha and is located within an existing built up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The site is partly brownfield infill site surrounded by residential development. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Limerick City and County Council, upon which its effects would be marginal.

5.4.1 Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for town centre uses under the provisions of the Croom Local Area Plan 2010-2026, and the results of the strategic environmental assessment of the Limerick County Development Plan 2010-2016, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

6 The Appeal

6.1 Grounds of Appeal

6.1.1 The appeal is submitted by Tom Carew and Partners Consulting Engineers on behalf of Dan O Sullivan, Skagh Croom Co Limerick. Grounds of appeal are summarised as follows:

- Council failed to adhere to the Planning and Development Act 2000 in dealing with the application. Council failed to consider written submission and the objector was not informed of the Council's decision. The decision to grant permission was not made available within 3 working days for inspection or purchase and was not available to view on the planning file on eplan.
- Appellant's house is located directly adjacent to the northern boundary of the site and the proposal will seriously injure the enjoyment of his dwellinghouse.
- Concerns are primarily with regard to the proposed single storey houses located 5m away from the common site boundary. Appellant's site is lower than the appeal site.
- Overlooking.
- Proposal was amended during the course of the application without informing third parties.
- Layout does not comply with Table 10.1 of the County Development Plan Design guidelines for urban residential developments with regard to minimum front and rear gardens.
- High density residential development not in keeping with land use objectives.
- Overdevelopment.
- Open space not compliant with open space hierarchy within residential estates of the Croom Local Area Plan 2020-2026.

6.2 Applicant Response

6.2.1 The submission by Michael Barker and Company on behalf of the first party is summarised as follows:

- Applicant is confident that the planning authority acted in full compliance with proper planning process.
- Changes during the course of the application were driven by the Council.
- Front gardens are not mandatory and all rear gardens exceed minimum area requirements.

- Town centre zoning allows residential development. There is no demand for commercial development in this part of the village. Site density of 39 houses per hectares is within guideline parameters.
- Green space is incidental and with adequate landscaping will add to the enjoyment of the living experience of the residents. There is a large park nearby.
- Proposed houses adjacent to the appellants are single storey, designed as sheltered houses for the elderly. Applicant has offered to raise the 1.8m high boundary wall or construct a new screen wall.

6.3 Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.4 Observations

No submissions

7 Assessment

7.1 Having reviewed the proposal in the light of national planning guidelines, the County Development Plan, the Croom Local Area Plan 2020-2026, the submissions of the parties, and my own site visit I consider that this appeal should be assessed under the following broad headings:

Procedural Issues.

Principle of Development and Policy Considerations

Density, design and impact on established residential amenity

Traffic, access, parking and servicing

Screening for Appropriate Assessment

7.2 Procedural Issues

7.2.1 I note that the third-party appellant has raised concerns with regard to the notification procedures of the Planning Authority and its assessment of the application. Criticism arises also with regard to the alterations of the nature of the development during the course of the application to the local authority and the failure of the Planning Authority to inform third parties with regard to the significant alterations. The timeliness of notification of third parties of the decision by the local authority and the availability of documentation of planner's reports online is also raised. I cannot verify the facts in relation to these issues however I note in any case that such procedural matters are not matters for the Board in terms of the appeal but rather are the preserve of the courts. I would concur with the appellant that the numerous submissions and amendments to the proposal during the course of the application has the potential to cause confusion with regard to the exact nature of the proposed development. In any case I note that the third-party appellant submission recognises the evolution of the proposal and has outlined the specific planning concerns arising in regard to same. On this basis I consider it appropriate to proceed to the assessment of the development on its merit. I am satisfied that the appeal as submitted relates to the permitted development.

7.2.2 Principle of development and policy considerations

7.2.2.1 Under the Croom Local Area Plan 2017 the site zoned town centre. The purpose of this zoning is to protect and enhance the character of Croom's Town Centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre, while guiding development of an expanded consolidated town centre area. The proposed residential infill scheme is appropriate in the context of this zoning objective and is in line with the requirements of the National Planning Framework which seeks to ensure that at least 30% of all new housing development is delivered within the existing built-up area of towns and villages on infill and or brownfield sites. As regards the principle of demolition of the northern annex to the Town Hall building I note that the town hall is not a protected structure and its date of construction 1937 is noted on its front elevation. The annex proposed for demolition is of no particular architectural merit and is therefore

acceptable in the context of the utilisation of serviced urban lands. As regards the impact of the development on the remaining Town Hall building, I consider that the proposed development does not compromise the potential future use of the Town Hall for a suitable compatible use.

7.3 Density, design and impact on established residential amenity.

Density

7.3.1 The proposed density equating to 39 units per hectare contrasts with the context of established low density residential character of the area. Having regard to the provisions of Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009), I am satisfied that Croom would fall within the 'small town' category, and I consider a density range of 35-40+ units to be applicable in this instance, as it is a centrally located site. In relation to national policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. On this basis the proposed density is considered to be appropriate.

Design

7.3.2 As regards dwelling design the proposed scheme adopts a traditional form and finish with pitched slate roofs and rendered plaster finish. I consider that the proposed house design is appropriate to the context. As regards development standards the proposed dwelling houses are designed to comply with the internal floorspace areas and dimensions set out in Section 5.3 of the Quality Housing for Sustainable Communities: Best Practice Guidelines. As regards private open space rear gardens are provided ranging in length from 14m to 8.6m for the two storey dwellings. I consider that this is appropriate given the town centre context and demonstrates substantial compliance with the design standards for urban residential development

as set out in table 10.1 of the Limerick County Development Plan 2016. I note that the guidelines provide for reductions in target rear garden minimum length 11m in the case of single storey developments and/or innovative schemes where it can be demonstrated that adequate levels of privacy, natural lighting and sunlight can be achieved. I note the optional fourth bedroom rear annex proposed in respect of the proposed dwellings 1-4 would significantly deplete the rear garden areas and in my view this element should be omitted. This is particularly important in light of the desire to preserve and protect the existing trees along the eastern boundary of the site. As regards public open space this is largely incidental and provided in three separate areas. Given the sylvan location of the site and proximity to Croom Town Park and Maigne River I consider that this would be acceptable and the provision of a larger open space as envisaged in Table 10 Open Space hierarchy within Residential Estates of the Croom Local Area 2020-2026 would be inappropriate in the infill context of the site. I note that the proposed house 12 could be amended in its side elevation to address the adjacent open space and public road and this can be addressed by condition. I am satisfied that the design and layout is appropriate to the site context and represents a sensitive infill of this town centre site in accordance with the standards and objectives of the Limerick County Development Plan 2010-2016 as extended and Croom Local Area Plan 2020-2026.

Impact on residential amenity.

7.3.3 As regards impacts on established residential amenity I note the concerns raised by the third-party appellant with regard to the impact of provision of three terraced single storey dwellings within 5m of the appellant's side boundary. I have assessed the proposal and note that on the basis of the single storey design overlooking does not arise. I note that the applicant in response to the appeal has proposed to raise the boundary wall to 1.8 in height to provide additional screening and mitigate privacy impacts arising. I note that the current open context currently enjoyed by the third-party appellant will clearly change however given the town centre and fully serviced location the retention of an entirely open outlook would be an unreasonable expectation. I conclude that, given the context and form of the site, the proposal would be of an appropriate density, design, and layout.

7.3.4 In respect of loss of light and overshadowing to neighbouring properties, having regard to the proposed single storey height of the proposed new dwellings adjacent to the nearest neighbouring property (the appellant's), and the orientation of the appellant's dwelling relative to the proposed dwellings, any potential impact arising should be minimal. I am satisfied that any potential impact arising would not warrant a refusal or further alteration to the proposal. The site is zoned town centre and located within an urban context, and as such new development on the subject site would have been envisaged and it is not excessively scaled or impactful. There is no evidence to suggest that the proposal will impact on the value of the appellant's dwelling. I conclude that the development is acceptable in terms of its design and impact on established and proposed residential amenity.

7.4 Traffic, access, parking and servicing

7.4.1 I note that the proposal was amended during the course of the application in terms of proposed vehicular access with final provision of a single entrance exit from the public road. Sightlines of 59m to the north and south are demonstrated. Having regard to the limited scale and nature of the development the level of traffic arising will not be significant and, in my view, can be accommodated within the existing road network.

7.4.2 As regards parking the proposal provides for a total of 24no car parking spaces which is considered to be excessive, detrimental to visual amenity and would run contrary to the principles of promotion of more sustainable transport patterns. I note that the Limerick County Development Plan Table 10.5 specifies a requirement for visitor parking of 1 space per 3 dwellings and 1 per 3 bed dwelling or less. A maximum of 19 spaces should therefore be provided and the additional space arising given over to landscaping. Visitor cycle parking facilities should also be provided.

7.4.3 As regards piped services the site is serviced by public watermains and foul sewer and no specific issues are raised in relation to same. There is an existing private sewer serving two houses along the northern boundary of the site and this is to be diverted to connect to sewer line.

7.4.4 In relation to surface water disposal soil infiltration tests carried out by Parkmore Environmental Services Limited investigated the nature and thickness of the overlying subsoil and depth to bedrock and /or the water table. Natural ground was encountered in trial hole 1 while made ground was encountered in trial hole 2 to a maximum depth of 1m below ground level. Depth to rock was between 2.3m and 2.8m below ground level and ground water was not encountered. Infiltration tests deemed the site suitable for discharge of storm water. A hydrocarbon interceptor is proposed in relation to trafficked areas. As regards flooding I note that the subject site is not the subject of such risk under the OPW's flood maps.

7.5 Screening for Appropriate Assessment

7.5.1 The site is neither within nor beside a Natura 2000 site. The nearest such sites are the Tory Hill SAC (site code 000439) 1.8km east and the Lower River Shannon SAC(site code 002165) which occurs within 7km to the northwest. Having regard to the absence of source pathway receptor link and the lack of effects on ex-situ designated species in relation to the Natura 2000 sites and taking account of the nature of the proposed development which involves the construction of 14 dwellinghouses on a fully serviced infill site within the built up area of Croom site it is concluded that appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8 Recommendation

Having considered the contents of this application in detail, the decision of the planning authority, the provisions of the Development Plan, the national guidelines,

the grounds of appeal, my site inspection and my assessment of the planning issues, I consider it appropriate to recommend to the Board that permission be granted subject to the following schedule of conditions.

Reasons and Considerations

Having regard to the location of the site on zoned lands, the layout 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 amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further information submitted on 7th day of September 2020, the 15th day of October 2020 the 22 day of October 2020 the 23 December 2020, the 18th of February 2021 and the amended

plans submitted on 10th March 2021 except as may otherwise be required in order to comply with the following conditions

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The western side gable elevation to proposed house 12 shall be amended and animated by way of insertion of a window to living room to address the adjacent open space and the public road.

(b) Optional proposed fourth bedroom to proposed houses 1-4 inclusive shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. A maximum of 19 car parking spaces shall be provided. The resultant area arising from the reduction in the number of car spaces shall be provided as public open space. Visitor cycle parking facilities shall also be provided within the site.

Revised drawings and detailed specifications showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of sustainable transportation and safety.

4. Prior to the commencement of development details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and in the interest of visual amenity.

5. Prior to the commencement of development, details of soft and hard landscaping scheme and boundary treatment details for the site shall be submitted to the Planning Authority for agreement.

Reason: In the interest of residential amenity.

6. Rear gardens to houses 12-14 shall be bounded with 1.8m high concrete block walls suitably capped and rendered.

Reason: In the interest of residential and visual amenity

7. a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or

other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

- 8.** 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.

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

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

Reason: In the interest of public health.

- 10.** Entrance from the public road and the internal road network serving the development including turning bays, parking areas, footpaths, verges and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

- 11.** All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard ducting shall be provided to facilitate the provision of broadband infrastructure within the development.

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

- 12.** Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

13. Prior to the commencement of development, the developer shall submit and obtain the written agreement of the planning authority to a plan containing details for the management of waste within the development.

Reason: In the interest of the residential and visual amenities of the area.

14. 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 “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 20006.

Reason: In the interest of sustainable waste management.

15. 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. The plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction and demolition waste.

Reason: In the interest of public safety and residential amenity.

16. 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. 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.

Reason: In the interests of urban legibility.

17. Prior to the commencement of any dwelling house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses to first occupation by individual purchasers i.e., those not being a corporate entity, and /or by those eligible for the occupation and / or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contributions Scheme made under section 48 of the Act be applied to the permission.

20. 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, water mains. Drains, open space and other services required in connection with the development coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination,

Reason: To ensure the satisfactory completion of the development.

Bríd Maxwell
Planning Inspector,
12th November 2021