



Development	Demolition of existing structure and construction of 4 no. two-bedroom apartments with 2 no. refuse storage buildings / bicycle stores, and ancillary site works
Location	26 Lord Edward Street, Kilkenny, R95 W667
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2185
Applicant(s)	P. M. Cantwell Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Edwina Gibbons and others
Observer(s)	None
Date of Site Inspection	8 th September 2021
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The site has an address at 26 Lord Edward Street, Kilkenny, R95 W667. It is approximately 1.1km west of Kilkenny city centre (High Street). There is a vacant, single storey house in the western portion of the site. The house is vacant, boarded up, and does not appear to have been inhabited for some time. The section of land to the east is vacant and overgrown with small trees and scrub. There is a concrete block wall running along the eastern portion of the site, at its southwestern boundary, where it faces onto Lord Edward Street.
- 1.2. The site is situated between two existing, two-storey residential buildings to the northwest and southeast, respectively, which are 'Lousybush' and Nos 1 - 3 Airfield. The site has direct frontage onto Lord Edward Street to the south, and adjoins Nos. 11 - 14 The Avenue, Ayrfield, to the north. These houses form part of a larger residential estate and are accessed from Grange Road to the east.
- 1.3. The area is mainly characterised by a mix of semi-detached and terraced housing to the north and east, and green open space further to the west and south. Lord Edward Street runs in an east – west direction along the front (southwestern) boundary of the site and continues westwards, where it links to Bonnetstown Road, and eastwards, where it meets the junction between Loreto View and Butt's Green. The land across Lord Edward Street, to the south, are agricultural fields. The Loreto Secondary School is approximately 200m to the east of the site.
- 1.4. Site levels are generally consistent with those of neighbouring properties with a slight decrease in level towards the south and west. There are footpaths and streetlighting along the front of the street, on Lord Edward Street, to the south.
- 1.5. The site has a stated area of approximately 383sqm.

2.0 Proposed Development

- 2.1. The proposed development is for demolition of an existing house on the site and construction of 4 no. two-bedroom apartments, 2 no. refuse storage buildings / bicycle stores, and ancillary site and drainage works. The proposal also comprises a new vehicular layout arrangement on Lord Edward Street and off-street car parking.

- 2.2. The Planning Authority requested Further Information on 8th April 2021, including details relating to: safe access for residents to the proposed bicycle stores (Item 1); how the structural integrity of boundary walls with adjoining properties would be maintained during the construction phase (Item 2); relocation / removal of an existing utility pole from in front of the appeal site (Item 3); and the preparation of a modified junction and kerbing layout to accommodate required sightlines, car parking and to facilitate turning movements of vehicles, including fire and refuse vehicles. (Item 4).
- 2.3. The Applicant responded with further information on 28th April 2021.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission on 24th May 2021, subject to 13 no. conditions.
- 3.1.2. Conditions were mainly standard, and included: the preparation of a Waste Management Plan (Condition 3), a requirement that noise and air emissions during the construction phase should not interfere with the residential amenities of the area (Condition 5), requirement for a connection agreement prior to connecting to Irish Water networks (Condition 6), restrictions on site working hours (Condition 9), that no traffic or material should be stored on the public road or footpath during the build phase (Condition 10), and that specifications of external finishes must be submitted to the Planning Authority for approval, prior to commencement of development (Condition 12).

3.2. Planning Authority Reports

3.3. Planning Report

- The Planning Officer recommended that permission be granted, subject to conditions.
- The site is zoned 'Existing Residential' according to the Kilkenny City and Environs Development Plan 2014 – 2020. The purpose of this zoning is to protect and enhance residential amenity in the area.

- The plot ratio for the proposed development is 0.93. In this outer city location, a plot ratio of up to 1.0 is acceptable according to the Development Plan.
- The site coverage for the proposed development is 65%, which is the recommended site coverage under the Development Plan.
- The proposed apartments comply with the Development Management Standards as per the 'Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018)'.
- The Development Plan requires 1.25 car parking spaces per apartment, with 0.25 spaces per unit for visitor car parking. This equates to a total of 6 no. car parking spaces for the overall development. The Applicant proposes to provide 5 no. on-street parallel car parking bays, meaning there would be a shortfall of 1 no. car parking space. This is acceptable.
- The height and appearance of the proposed development along Lord Edward Street is considered acceptable.
- The proposed design addresses issues concerning the potential for overlooking and overshadowing. In relation to overshadowing, a Shadow Projection Diagram has been submitted, which shows that the rear gardens of the properties to the rear of the site would be overshadowed (i.e. Nos. 11 - 14 The Avenue, Ayrfield). This is due to the proposed development being situated to the southwest of these houses. The Planning Report notes, however, that there is 13.4 to 14 metres between the opposing rear walls of the proposed development and Nos. 11 - 14, and that design measures have been undertaken to reduce / eliminate the potential for negative overlooking.

3.4. **Other Technical Reports**

Roads and Traffic: No objection, subject to conditions.

Environment: No objection, subject to conditions.

3.5. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

3.6. Third Party Observations

A total of 4 no. third party submissions were received by the Planning Authority. The submissions are from neighbouring residents who reside in the adjacent Ayrfield development.

The main issues raised can be summarised as follows:

- The proposed development would cause direct overlooking and result in a serious loss of privacy for residents in the area.
- The proposed development would reduce the amount of daylight entering the homes on Ayrfield, which is to the north of the appeal site.
- Concerns raised in relation to visual impact and the overbearing nature of the proposal. The apartments would be out of scale and character with the area, and of too high a density. The proposed scheme would devalue properties in the area if permitted.
- Construction phase would cause nuisance, including environmental impacts such as pollution, dust, mud, and disturb habitats.
- Noise caused by the occupied apartments would diminish quality of life.
- The refuse collection area may attract rodents.
- There would be increased footfall on Lord Edward Street and additional traffic movements, which is considered a traffic safety issue.
- The proposed development would be located close to the road and only has on-street car parking. It would, therefore, cause a safety issue to children walking to and from the nearby school.
- Concerns were raised regarding the structural integrity of the northeastern boundary wall (i.e. the rear garden wall for Nos. 11 - 14) as works during the construction phase could potentially make the wall structurally unstable.
- Adequate sightlines not shown on the drawings.
- There is no correspondence from Irish Water regarding the provision of water to the proposed development.

4.0 Planning History

Reg. Ref. P.10/673 On 28th March 2011, permission was granted on the subject site for the demolition of the existing house and the construction of 4 No. own door apartments in a two storey block, including parking, footpath adjustments and ancillary related works.

The permission was never implemented and has now expired.

5.0 Policy Context

5.1. Kilkenny City and Environs Development Plan 2021-2027

Zoning

The *Kilkenny City and County Development Plan 2021-2027* ('Development Plan') came into effect on the 15th October 2021. The site is zoned 'Existing Residential', which is the same zoning objective that applied under the previous Development Plan for the period 2014 – 2020.

The 'Existing Residential' zoning objective seeks to protect, provide and improve residential amenities. Dwellings are listed as a Permitted Use.

5.2. National Planning Policy

- *Design Standards for New Apartments - Guidelines for Planning Authorities, 2020 ('the Apartment Guidelines');*
- *Urban Design Manual: A Best practice Guide, 2009;*
- *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011; and*
- *Design Manual for Urban Roads and Streets, 2019.*

Other guidance documents referred to include:

- *BS 8206-2:2008 (Part 2: Code of practice for daylighting); and*
- *BRE 209: Site Layout Planning for Daylight and Sunlight*

5.3. Natural Heritage Designations

No natural designations apply to the subject site. The closest European site is the River Nore Special Protection Area (SPA) (Site Code: 004233) at a remove of approximately 660m to the east.

The River Barrow and River Nore Special Area of Conservation (SAC) (Site Code 002162) is roughly 675m to the east.

The Lough Macask proposed Natural Heritage Area (pNHA) (Site Code 001914) is approximately 680m to the northwest.

5.4. EIA Screening

Having regard to the nature and relative small scale of the proposed development, which comprises the demolition of an existing dwelling and construction of 4 no. apartments and ancillary works, the nature of the receiving environment, and proximity to the nearest 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

- 6.1.1. A Third Party Appeal was received from the residents at Nos. 11, 12, 13 and 14 Ayrfield, Granges Road, Kilkenny. Ayrfield is the adjoining residential development to the north / northwest of the appeal site. These houses have southwest gardens adjoining the appeal site.
- 6.1.2. The main grounds of appeal generally reiterate the concerns raised in the third party observations lodged with the Planning Authority. The Appeal, however, raises a specific issue in that the recommended separation distance of 22m from opposing bedroom windows cannot be achieved between the proposed development and existing houses at Ayrfield.

- 6.1.3. The amount of private and public amenity space proposed as part of the development is also submitted as being insufficient. Therefore, the proposal is unacceptable.
- 6.1.4. The Appeal notes that whilst the site is a residential site, the scale of the proposal is too large for the space available, and that a single house, or two apartments, would be more appropriate. The intensification of use of the site would detract from the character of the area.
- 6.1.5. A concern is also raised in relation to overshadowing and that the proposed development would impact the rear gardens and properties associated with Nos. Nos. 11, 12, 13 and 14 Ayrfield, particularly evening light, after 3pm. The Shadow Diagram Projections submitted by the Applicant fail to illustrate the amount of overshadowing that would occur on foot of the proposal going ahead.

6.2. Applicant Response

The Applicant lodged an Appeal Response on the 9th July 2021, which includes the following main points:

- The minimum recommended private amenity space for 2-bedroom apartments under the Apartment Guidelines is 7sqm. The proposed development far exceeds this standard as the groundfloor apartments have access to private terraces at the rear, which are 50.8sqm and south facing terraces at the front, which are 7sqm. The proposed first floor units have 7sqm south facing balconies.
- No public open space is proposed as part of the scheme. However, this is considered reasonable on the basis of the small size of the development (4 no. residential units), and that there are several parks in proximity to the site.
- Paragraph 11.4.4 of the Development Plan ('Separation Distance between Houses') seeks to ensure adequate provision between opposing first floor windows in 2-storey dwellings. Relaxation of this standard can be considered where the careful positioning of opposing windows would prevent overlooking, even with shorter back-to-back distances. There are no first-floor windows on the proposed development which would overlook the Appellants' homes, and

the Appellants' first floor windows to the rear are rooflights, or serve ensuite rooms and are fitted with opaque glass.

- The submitted Shadow Diagrams indicate that there would be overshadowing of the Appellants' rear gardens, but not of the houses. Any overshadowing will be negligible. The Applicant states that the shadow analysis conforms to the *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011*.
- The proposed plot ratio (0.93) is within the maximum plot ratio allowable for the site, which is 1.0 as per the Development Plan.
- The proposed site coverage (47.7%) is within the maximum site coverage allowable for the site, which 65% as per the Development Plan.
- In terms of car parking, it is submitted that a shortfall of one car parking space should be deemed appropriate on the basis that 5 no. spaces are still being provided, and that the site is close to the city centre and its various amenities and services. The nearest bus corridor is a 5-minute walk from the site and is via a footpath.
- The footpath width adjacent to proposed parking spaces nos. 1 and 2 has the potential to be widened, so that a disabled car parking space could be accommodated, if the Board consider this necessary.
- In terms of traffic hazards, the Applicant notes that the Council's Roads Section did not object to the proposal, and that the proposed changes to the existing road line and layout would be an improvement on the existing situation. It is also noted that the Appellants would be unaffected as their properties are accessed from Granges Road, and not Lord Edward Street. Lord Edwards Street is where the proposed access to the new development would be located.
- Irish Water have been notified of the proposed development and it is not envisaged that there would be any impact on the provision of services for other residential dwellings.

6.3. **Planning Authority Response**

- No further comments to make in relation to the appeal. Full assessment is set out in the Planner's Report.

7.0 **Assessment**

The main planning considerations relevant to this appeal case are:

- Design and Layout
- Residential Amenities
- Traffic and Access
- Other Issues
- Appropriate Assessment

7.1. **Design and Layout**

- 7.1.1. The Appellants submit that the proposed development constitutes overdevelopment of the site and that the scale of the building would detract from the character of the area and its wider vicinity. The site is on one of the main, western approaches to Kilkenny City. It is in a visible setting, facing Lord Edward Street, where the zoning objective seeks to protect, provide and improve residential amenities. It is noted that the proposed use (residential) is permitted in principle under the zoning.
- 7.1.2. The proposal adopts a contemporary design and seeks to utilise a combination of natural stone and render on the building façade, and slate materials for the roof. However, it also seeks to emulate a similar architectural style of construction as the adjoining buildings, however, as it adopts a traditional, double-pitched roof. The proposed fenestration arrangement is relatively uniform and avoids any elaborate designs or features.
- 7.1.3. The Applicant has, therefore, sought to achieve a design that integrates the proposal with its receiving environment and I consider that they have done this successfully. The scale of the development proposed, its design, and the overall elevational treatment of the apartment block, is of sufficient architectural quality and would be a welcome addition to the streetscape, in my opinion. I consider that the proposed two

storey height would not result in any negative visual, amenity or overbearing effects on the surrounding street network, residential areas, including that of the properties located to the north, which are Nos. 11 - 14 The Avenue, Ayrfield.

- 7.1.4. Section 13.21.1 of the Development Plan states that the maximum plot ratio for urban areas is 2.0. The proposal has a plot ratio of 0.93. Section 13.21.2 states that the maximum normal site coverage is 65%, but that in urban areas, the site coverage may be allowed to increase up to 85%. The proposed development would have a plot ratio of 0.93 and site coverage of 48%. Therefore, I do not consider that it would represent overdevelopment of the site, and that it would be of an appropriate scale size and mass.
- 7.1.5. I have examined the technical plans and drawings that were submitted by the Applicant to the Planning Authority, together with the appeal submission, which have aided my assessment of the proposal from a potential visual impact and residential amenity perspective. The elevation drawings do not include any principal height dimensions. However, I have scaled the overall ridge height of the proposed development to be 6.8m above ground level. I note from the contiguous elevations submitted that this would be of a similar height as the abutting buildings on either side of the site, to the southeast and northwest, respectively. The houses in the residential development to the north (Ayrfield) are taller and stand over the proposed development by roughly 1.6m.
- 7.1.6. The Appellants submit that the amount of proposed private and public amenity space for future residents would be insufficient. The relevant standard in this case is set out under the Apartment Guidelines (2020), where it is recommended that a minimum of 7sqm be provided for 2-bedroom apartments. I note that the groundfloor units would have private terraces at the rear of the development (approximately 51sqm), which would provide a good level of private amenity space. These units also have access to southwest facing private terraces that are orientated towards Lord Edward Street, which are roughly 7.4sqm. The proposed first floor units have access to private terraces that are a minimum of 7sqm. Therefore, the proposed private amenity space is in accordance with the Apartment Guidelines and considered to be acceptable.
- 7.1.7. There is no provision for public open space as part of the proposed development. However, given the proximity of the site to Kilkenny city centre (1.1km to the east),

and the amenities and services that it provides, I consider the absence of public open space for the proposal to be acceptable. The proposed development is also relatively small – i.e. it comprises 4 no. apartments only – and there are adequate nearby recreational facilities, such as the River Nore Linear Park, which is accessible at Riverside Drive (900m to the east, i.e. a 10-minute walk), and other open space areas that are within a short distance of the site.

7.2. Residential Amenities

- 7.2.1. In terms of assessing the potential for negative visual impact and unacceptable overlooking of the properties to the north, I note Section 13.9 of the Development Plan, which states, in general, that there should be adequate separation (traditionally about 22m between 2-storey dwellings) between opposing first floor windows. However, it is also noted that a relaxation of this standard will be considered by the Planning Authority where the careful positioning of opposing windows can prevent overlooking even with shorter back-to-back separation distances.
- 7.2.2. The Development Plan states that windows serving halls and landings do not require the same degree of privacy as, say, balconies and living rooms. I have examined the plans submitted as part of the application and it is clear to me that a relaxation in separation distances would be appropriate in this case. There are no proposed, first-floor rear-facing windows included in the proposed design, which would lead to potential, significant overlooking of the Appellants' homes to the north. The first floor windows, at the rear of the development, are either small, high-level windows fitted with opaque glass serving only ensuite rooms, or rooflights, which are placed well above head height and positioned at an upwards angle on a pitched roof.
- 7.2.3. The Appellant submits that overlooking would still be physically possible from these windows if they were to be opened. However, I consider that such a scenario would likely be seldom and infrequent, and it would not constitute a reasonable basis upon which to refuse permission, or to necessitate a change in the design.
- 7.2.4. In terms of potential overshadowing of existing properties, the Applicant's shadow projections plot the sun path at various times of the day and month in order to identify the extent of potential overshadowing on the existing, adjacent houses and gardens. The assessment concluded that there would be little or no impact on the properties to the north. I have considered the assessment against the provisions of

'BS 8206-2:2008 (British Standard Light for Buildings - Code of Practice for Daylighting)' and 'BRE 209 - Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice (2011)'. Both documents are referenced in the Section 28 Ministerial Guidelines on 'Urban Development and Building Heights (2018) and 'Sustainable Urban Housing: Design Standards for New Apartments (2020)'. I also note that Section 13.5 of the Development Plan references that the development of infill sites will need to be sensitive to the potential of them imposing on existing neighbouring structures in terms of encroachment, overlooking and overshadowing.

- 7.2.5. Regarding the potential overshadowing impact on third parties, no assessment against Virtual Sky Component (VSC) or Annual Probable Sunlight Hours (APSH), in accordance with the BRE Guide has been conducted or submitted by the Applicant. Whilst I accept a series of shadow projection diagrams have completed by the Applicant, these do not provide a review against the criteria as per the relevant British Standard(s), or BRE Guide. Furthermore, the diagrams do not provide any illustrations that make a comparison between the existing and proposed scenarios for 21st March (3pm), which is the required test date according to the guidance.
- 7.2.6. However, I have carried out a physical inspection of the appeal site, and its surrounding vicinity, and viewed the technical drawings accompanying the application. I am satisfied due to the minimum back-to-back separation distance of 13.4m, and overall height of the proposed development, which is two-storeys (with an overall, approximate ridge height of 6.8m) and which is, therefore, similar to the existing, prevailing height in the area, including that of the buildings directly adjoining the site to the southeast and northeast, that there would no significant overshadowing impact on these houses, or their associated amenity spaces, caused by the proposed development.
- 7.2.7. In summary, I do not consider that the proposed development would injure the residential amenities of the area or of property in the vicinity, by way of visual impact, overlooking, loss of daylight or sunlight, or otherwise, and that it would provide an acceptable standard of amenity for future residents.

7.3. **Traffic and Access**

- 7.3.1. In relation to car parking provision, I consider that the shortfall of one car parking space would be appropriate on the basis the site is within walking distance of the city centre, and a number of other amenities and services in the vicinity.
- 7.3.2. The location and orientation of the car parking spaces alongside the footpath as parallel car parking would not present any pedestrian or traffic safety issues, and I consider this an acceptable form of car parking in this location. Sightlines have been demonstrated as adequate and there is already existing parallel car parking on the street to the east of the appeal site. The proposed arrangement of on-street car parking would physically link in well with these existing spaces. Furthermore, the Council's Roads Department raised no concerns in their internal reports regarding the number, location, or alignment of the proposed car parking spaces, subject to a condition requiring final details of finishes and detailing of the footpath.
- 7.3.3. The Appellant submits that the proposed development does not provide any disabled car parking spaces, which is a deficiency in the proposed development. However, this could potentially be addressed by way of increasing the width of one of the proposed car parking spaces, as has been put forward by the Applicant. I note that the existing on-street parking to the east of the site also does not include any disabled spaces. For this reason, I would recommend that the Board consider including a condition that requires the provision of a single disabled car parking bay, and that this be shown on revised plans to be submitted to the Planning Authority, prior to commencement of development.

7.4. **Other Issues**

Provision of Water Services

- 7.4.1. In relation to the adequate provision of water services for the proposed development, I note that there is correspondence on file from Irish Water (IW), which states they have no objection to the proposed development, subject to conditions (letter dated 19th March 2021).
- 7.4.2. Irish Water have requested that in the event permission is granted for the proposed development, that their standard conditions be applied. This includes: the Applicant being required to sign a pre-connection agreement, prior to commencement of

development; that the development is completed in compliance with the standard IW codes and practices; and any diversion of IW services must be approved in writing with IW, prior to commencement of development.

Shared Boundary Wall

- 7.4.3. The third party appeal raises a concern regarding the structural integrity of the shared boundary wall along the northeast section of the appeal site, which could be at risk of falling during the construction phase of the proposed development.
- 7.4.4. I note that this issue was addressed by the Applicant as part of further information to the Planning Authority, where it is stated that all works will be undertaken in a manner which does not compromise the current condition of the boundary walls. The contractor will apply the appropriate construction methodologies to ensure walls are not affected by the proposed development.
- 7.4.5. I consider that this issue could be addressed by way of requiring the Applicant to prepare and submit a structural survey and construction methodology statement to the Planning Authority, prior to commencement of development, indicating the means proposed to ensure the structural stability of the wall would be maintained.

7.5. Appropriate Assessment

Having regard to the nature and small scale of the proposed development; which is for four apartments and ancillary site works, located within an urban and serviced area, and the distance from the nearest European site; no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the *Kilkenny City and County Development Plan 2021-2027*; including the zoning objective for the site ('Existing Residential'), which

seeks to protect, provide and improve residential amenities in the area; and the nature, design and 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 visual or residential amenities of the area, or of property in the vicinity, would provide an acceptable standard of amenity for future residents, and 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.

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 28th April 2021, 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>
2	<p>The proposed car parking layout shall be modified so that at least 1 no. space is provided for persons with impaired mobility. The spaces shall be located as close as possible to the building entrance in lieu of one of the proposed car parking spaces shown on the submitted car parking layout drawing. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document “Building for Everyone - a Universal Design Approach” (National Disability Authority). 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: To ensure a satisfactory parking provision for the proposed development that is accessible to all users.</p>

3	<p>Prior to commencement of development, detailed structural drawings and a construction methodology statement, indicating the means proposed to ensure the protection of the structural stability of shared boundary walls with adjoining properties, including the boundary wall to the rear (northeast) of the subject site, shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures.</p>
4	<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 all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
5	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
6	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample</p>

	<p>panels shall be erected on site for inspection by the planning authority in this regard.</p> <p>Reason: In the interest of visual amenity.</p>
7	<p>Prior to commencement of development, final finishes, construction makeup and detailing of the proposed footpath and the layout of the proposed car parking, junction kerbing, drainage, roadmarkings, and signage, shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
8	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the Planning Authority.</p> <p>Reason: In the interest of public health.</p>
10	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
11	<p>The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 developers or, in default of such agreement, the</p>

matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Ian Boyle
Planning Inspector

29th November 2021