



An
Bord
Pleanála

Inspector's Report

ABP-310564-21

Development	Demolition of an existing 2 storey dwelling and the construction of 8 no. townhouses, new vehicular access, car parking and ancillary site works
Location	Railway Square, 1213 Station Road, Kildare, Co. Kildare, R51 X206
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	21441
Applicant(s)	Chris Ryan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Chris Ryan
Observer(s)	None
Date of Site Inspection	8 th September 2021
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The subject site is located at Railway Square, 1213 Station Road, Kildare, R51 X206. It is approximately 400 metres north of Kildare town centre and connected via a public footpath. The site accommodates an existing, two-storey dwelling, together with ancillary sheds and outbuilding which are situated within the eastern part of the site.
- 1.2. The north, south and west portions of the site are green open space. Access is provided from the south from Fair Green Road and a driveway leads to the side and rear of house. The perimeter of the site accommodates established trees, hedgerows and shrubs and there is a tall stone wall running along the site's eastern boundary.
- 1.3. Kildare Train Station abuts the site to the north and west. The train station building is listed on the National Inventory of Architectural Heritage and Record of Protected Structures (NIAH Ref. 11817094 and RPS B22-59, respectively). A public car park is situated between the main station building and the appeal site. The R415 (Station Road) runs along the eastern boundary of the site. The road has a steep incline travelling in a south to north direction, before reaching a bridge that crosses the Kildare-Waterford railway line. Fair Green Road, which is also the main entrance into the train station car park, is to the south. Views into the site from this location are generally unimpeded.
- 1.4. The surrounding area is characterised by a mix of detached, semi-detached and terraced housing and transport related uses.
- 1.5. The site has a stated area of 0.18ha and it is within the settlement boundary for Kildare town.

2.0 Proposed Development

- 2.1. The proposed development is for the demolition of the existing house, and its related outbuildings, and the construction of 8 no. 3 storey 3-bedroom townhouses. The proposal also comprises off-street car parking at ground floor level, connection to existing services, a modified (wider) vehicular access arrangement, landscaping and associated site development works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on 25th May 2021, for the following reason:

1. While the principle of infill residential development may be acceptable at this location, it is considered the proposed development is substandard and would result in overdevelopment of the site along one of the main approaches to Kildare Town and as a focal point to Kildare Train Station, where the zoning objective seeks to protect and improve residential amenity. The proposed development by reason of having an inappropriate layout with poorly positioned public open space, and its failure to meet private open space requirements, would result in a substandard, poorly designed residential layout which would seriously injure the residential amenity of future occupants. The proposed development, therefore, would be contrary to the provisions of the Kildare County Development Plan 2017-2023 and the Kildare Local Area Plan 2021-2018, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.3. Planning Reports

The basis for the Planning Authority's Decision includes:

- The proposed development is 8 dwellings on an 0.18ha site, which yields a density of 44 units per ha, approximately. The Development Plan (Objective LDO 1) seeks *“to ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure, and makes efficient use of zoned lands in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)”*. The proposed density is considered acceptable.

- The proposed public open space area exceeds the minimum required as per Section 17.4.7 of the Development Plan. However, there are concerns regarding its usability and positioning. The open space at the northeast corner is considered incidental and it would be better to position it centrally within the middle of the site.
- The height of the three storey houses is at the limit of what would be acceptable on the site without having a negative impact on the Protected Structure to the northwest.
- The proposed private open space is deficient. None of the rear gardens meet the requirements outlined in Table 17.5 of the Development Plan ('Minimum Private Open Space Requirements for Dwelling Houses'). The inclusion of balconies is not an appropriate design solution to achieve the minimum private open space. Whilst this may be acceptable in apartment developments, new dwellings should meet the private open space requirements as per the Development Plan standards. Furthermore, the balconies negate the usability of the gardens as they would lead to inappropriate overlooking from above. In summary, the shortcomings in development standards, and cramped site layout, would result in an inappropriate scheme in terms of residential amenity.
- Each dwelling is proposed to have 1 no car parking space, which is below the required 2 spaces per dwellings as outlined in Section 17.9 of the Development Plan. It is noted that lower rates of parking are appropriate at certain sites (see Section 3.3.1 below).

3.3.1. Other Technical Reports

Area Engineer: No response.

Transportation: The Council's Transportation Department requested further information regarding: the number of car parking spaces proposed as part of the development, the potential future road widening of the R415 to accommodate two-way vehicular flow over the railway bridge, details in any level differences between the footpath and curtilage of the new buildings, cross section drawings, pedestrian access to the train station, provision of a footpath, car parking area dimensions, pedestrian crossing points, and swept analyses.

Water Services: No objection, subject to conditions.

Environment: No objection, subject to conditions.

Building Control: No response.

3.4. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

Iarnród Éireann: Report received, which raises various issues regarding noise, light spill and glare, and the structural integrity of the nearby railway embankment which supports the adjoining public road. (See Section 7.3.4 – 7.3.7 in this regard.)

3.5. **Third Party Observations**

None.

4.0 **Planning History**

Subject Site

Reg. Ref. 20/238: The Planning Authority refused permission for the demolition of an existing dwelling and construction of 9 no. 3-storey, 3-bedroom townhouses on 9th June 2020. The stated reason for refusal was that the proposed layout was considered to be sub-optimal in terms of residential amenity, resulting in the overdevelopment of a residentially zoned, highly prominent site located at one of the main approaches to Kildare Town Centre and a focal point to the train station.

The proposed development by reason of an inappropriate layout with public open space positioned in an enclosed poor quality location with no passive surveillance or adequate integration into the overall development results in a substandard and poorly designed residential layout.

The proposed dwellings have inadequate private open space and do not meet the minimum bedroom floorspace requirements as per the Kildare County Development Plan 2017 – 2023 and Quality Housing for Sustainable Communities, 2007.

5.0 Policy Context

5.1. Kildare Town Local Area Plan 2012 – 2018

- 5.1.1. The site is zoned 'Objective B - Existing Residential' under the Kildare Town Local Area Plan 2012 – 2018 (LAP), which seeks *“to protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services”*.
- 5.1.2. The zoning principally covers existing residential areas, but also provides for infill development within these existing residential areas. The primary aim of this zoning objective is to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered suitable to the area and to the needs of the population. Such areas, particularly where bordering the commercial centre, will be protected from the pressure of development of higher order uses such as retail and offices.

5.2. Kildare County Development Plan 2017-2023

The Kildare Development Plan 2017-2023 (the 'Development Plan') recognises Kildare as a 'Moderate Sustainable Growth Town (Hinterland Area)'. Moderate Sustainable Growth Towns are located both within the Metropolitan and Hinterland areas. Within the Hinterland area, the overall function is for Moderate Sustainable Growth Towns to develop in a self-sufficient manner, reducing commuting levels and ensuring sustainable levels of housing growth, providing a full range of local services adequate to meet local needs at district level and for surrounding rural areas. The provision of a strong social infrastructure in tandem with population growth, particularly in relation to schools and leisure facilities, is also required.

- Chapter 4 sets out Housing Policy in relation to inner suburban/infill sites.
- Chapter 16 sets out Urban Design Guidelines.
- Chapter 17 sets out Development Management Standards.

Objective SS1: *“Direct growth into the Large Growth Towns, followed by Moderate Sustainable Growth Towns and Small Towns, whilst also recognising the settlement requirements of rural communities”*.

5.3. National Planning Policy

- *Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007*
- *Sustainable Residential Development In Urban Areas – guidelines for Planning Authorities, 2009*
- *Urban Design Manual: A Best practice Guide, 2009*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019*
- *BRE Guide ‘Site layout Planning for Sunlight and Daylight’, 2011*
- *Design Manual for Urban Roads and Streets, 2019*

5.4. Natural Heritage Designations

No natural heritage designations apply to the subject site. The closest European Site is Pollardstown Fen SAC (Site Code 00396), which is approximately 4.2km to the southwest.

The Curragh (pNHA) (Site Code: 000392) is approximately 1.1km to the east.

5.5. 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 8 no. townhouses, 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

A First Party Appeal against Decision to Refuse Permission has been lodged by the Applicant. The main grounds of appeal are as follows:

Planning Report

- Kildare is one of the few towns in the Core Region of the Eastern Midlands Region, which has the benefit of notably strong infrastructure to facilitate residential development (i.e. motorway, rail infrastructure, and local infrastructure).
- The proposed development is consistent with national and regional planning policy and will provide much needed housing at a time when there is a housing crisis. The appeal site is an underutilised, brownfield site, adjacent to high quality public transport and within a town that has good social and community infrastructure.
- The proposed design and layout of the proposed development is high quality and would provide an attractive scheme at a high-profile location.
- The current application is a direct response to the refusal issued under Reg. Ref. 21/441, and the subsequent feedback received at pre-planning stage, which was based on similar reasons for refusal as Reg. Ref. 20/238 (see Section 4.0 above.)
- The Planning Authority has refused permission for a single reason, which is that the proposed design/layout of the public and private open space is inappropriate from a qualitative and quantitative perspective. In relation to private open space, it is submitted that the use of an innovative solution (i.e. provision of balconies) should be welcomed where higher densities is promoted.
- The shortfall in private open space for 3 no. units is minimal and should be considered as immaterial for the amenity of future occupants, particularly in light of the generous public open space provision.

Traffic Report

The Applicant has provided a Traffic Report in support of their appeal. The report responds to the issues raised by Council's Transportation Department Report, as follows:

- The Council's Transportation Department did not recommend for permission be refused.
- The proposed development would not prejudice the future road widening of the adjacent R415 Regional Road.
- It is not proposed to provide a direct pedestrian or vehicular access from the site to the train station lands. The proposed access arrangement, however, which connects with the existing pedestrian footpath in this area, would provide a high quality access from the site to the train station.
- An uncontrolled pedestrian crossing can be included via condition.
- The swept path analysis provided as part of the planning application indicates that a fire tender and refuse cart could readily access, turn within, and exit the site moving forwards.
- A Stage 1/2 Road Safety Audit can be undertaken, and be made a requirement under condition, if the Board considers this to be necessary.

Acoustic and Lighting Statement

The Applicant has provided an Acoustic and Lighting Statement, which addresses issues in relation to noise attenuation and the proposed method of street lighting for the proposed development.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- The Planning Authority has reviewed the content of the First Party Appeal and has no further comment of observation to make. The Board is referred to the

Planning Authority's Planning Report and reports of the various technical departments referred to during the assessment of the application.

6.4. Observations

- None

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Design and Layout
- Residential Amenity
- Other Issues
- Appropriate Assessment

7.1. Design and Layout

- 7.1.1. The Council's Reason for Refusal states that the proposal would be overdevelopment of the site. The site is on one of the main approaches to Kildare Town, and which acts as a focal point for Kildare Train Station, and where the zoning objective seeks to protect and improve residential amenity. It is noted that the proposed use (residential) is permitted in principle under the applicable zoning objective, which is 'B – Existing Residential'.
- 7.1.2. The site is constrained on each side by existing development. Kildare Train Station is to the north and west of the site, Station Road is to the east and Fair Green Road is to the south. The proposed development comprises 2 no. blocks of 4 residential units each. Block 1 is orientated north - south and located near the eastern boundary of the site. Block 2 runs along the site's northern boundary on an east - west axis.
- 7.1.3. The Applicant submitted a set of photomontages with the application to the Planning Authority to assist in the visual assessment of the proposal, which I have examined, together with the technical plans and drawings. The proposed houses have a monopitch roof profile, utilise a combination of red/yellow brick and render finish,

granite capping and zinc cladding. The overall height of the proposal is 8.8m above ground level. The development has a contemporary design and I consider that the proposed three storey height would not result in any negative visual, amenity or overbearing effects on the surrounding street network, residential areas, or any other nearby structures.

- 7.1.4. The Applicant has attempted to achieve a design that integrates the proposal with the nearby Protected Structure (Kildare Train Station). The design proposed, and the overall elevational treatment of the proposed residential blocks, is of sufficient architectural quality on this prominent site. The proposed scheme provides for a high quality landmark development that is respectful of its setting beside Kildare Train Station, which is a Protected Structure (RPS B22-59) and listed on the National Inventory of Architectural Heritage (NIAH Ref. 11817094). In my view, the station building would not be negatively impacted upon by the proposed residential development, which is of an appropriate size, scale, and design for its setting.
- 7.1.5. The main proposed public open space (237sqm) is located within the northeast corner of the site. The space exceeds the minimum required by the Development Plan, which is 180sqm (i.e. 10% of the site area). It would potentially be better if the space were more centrally located within the site, as this could allow for improved passive surveillance, and for the space to be more overlooked. It would also help to minimise overshadowing caused by the residential blocks, which are to the west and south, respectively. However, I note that the central part of the site is proposed to accommodate a vehicular driveway which would provide access to the proposed development, and to act as a space to allow vehicles to manoeuvre onsite, so that vehicles can exist in a forwards facing fashion.
- 7.1.6. The public open space is also well in excess of the minimum standard, by approximately 30%, and is proposed to be landscaped to a high-quality, using a mixture of larger, specimen trees and smaller trees (including maple and birch), low-lying shrubs and other forms of ornamental planting. There is a wide gap between the two residential blocks which would allow unimpeded views from most locations within the proposed development, and there is a wide, winding pedestrian footpath leading into it from a central, accessible location at the centre of the site. The space would, therefore, be an inviting place to enter, spend time, and have a strong visual connection with both the proposed development, and wider surrounding area.

Furthermore, the level of overlooking afforded to the space is satisfactory as the gable ends of Units 4 and 5 have windows, including from habitable rooms (living / kitchen rooms), that would provide an appropriate level of passive surveillance.

- 7.1.7. Also, I note that a second, smaller area of public open space is located at the centre of the site. This area is 90sqm and is partially enclosed to the north, west and south sides by the proposed internal driveway. The space would be well overlooked by the proposed dwellings. The space would also be landscaped to a high specification and provide good opportunities for passive recreation, including seating, green space, and informal amenity use. Furthermore, the appeal site is within walking distance of Kildare town centre, and the locality has a range of recreational amenities within a short distance, which would also benefit the development and its future residents.
- 7.1.8. It is, therefore, considered the proposed arrangement is acceptable and of sufficient amenity value for each of the dwellings.
- 7.1.9. In summary, I consider that the proposed development would result in an appropriate design and layout; and that the quantum, location and design of the proposed public open space is acceptable.

7.2. Residential Amenity

- 7.2.1. The Council's Reason for Refusal also states that the proposed development would be deficient in terms of private open space (POS), resulting in a substandard, poorly designed residential layout, which would seriously injure the residential amenity of future occupants.
- 7.2.2. The proposed development requires a minimum of 60sqm of POS for each dwelling. This standard is derived from Table 17.5 of the Development Plan and Quality Housing for Sustainable Communities - Best Practice Guidelines, 2007. The Proposed Site Plan suggests that five of the proposed dwellings would meet the minimum standard, and that three units fall only marginally short. [The greatest POS deficiency is in Unit No. 2, which has 55sqm of POS.]
- 7.2.3. However, I note that the full amount of POS provided for each dwelling includes the proposed balconies at the rear of each house. The balconies range in size from 10sqm to 19.3sqm.

- 7.2.4. The Council Planner's Report states that the inclusion of a balcony is not an appropriate design solution to bolster private open space provision and while such a design solution may be acceptable, in providing private open space for apartments, it is not for houses. I would agree with this, and consider that, as a housing development, the full allocation of POS proposed for each dwelling should either be capable of meeting the requirements of Table 17.5 of the Development Plan, or that a compelling argument and strong justification be made to support any deviation from the minimum standards required.
- 7.2.5. In my view, the proposed balconies would likely result in significant, negative overlooking of the rear gardens associated with the adjoining, proposed dwellings. This would be a particular issue for proposed Dwellings 4 and 5, where their balconies would protrude beyond the rear building lines of the adjoining terrace houses and have a direct, overhead view into the rear gardens associated with Dwelling Nos. 3 and 6, respectively. In summary, I am not convinced that the use of balconies to make up the shortfall in POS provision for each dwelling is appropriate, and it is recommended that they be omitted from the proposed housing development.
- 7.2.6. The provision of POS, discounting the proposed balconies, would mean that each proposed house would be served by a rear garden only. The amount of private open space for each dwelling would, therefore, be less than the minimum required (60sqm), and be as follows:

Unit No.	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6	Unit 7	Unit 8
POS Proposed	52sqm	45sqm	48sqm	47.7sqm	40.7sqm	51sqm	48sqm	57sqm

- 7.2.7. I consider that a marginal shortfall only would be incurred by Units 1, 6 and 8, whereby the deficit is between approximately 3sqm to 9sqm. The deficit for the remaining units, however, is greater. For example, Units 2 and 5 are approx. 15sqm and 20sqm short of the POS requirement, which is not insignificant.
- 7.2.8. I consider that there are mitigating circumstances, however, that support the reduction in POS provision. The location of the site is in an inner-urban location, next to a regular, high-capacity public transport service, where greater densities are

encouraged by both the Development Plan and relevant national policy. The proposed development would also a relatively large amount of public open space afforded to it, and which would be in excess of the minimum required. Also, given the central location of the site, including its proximity to Kildare town centre; and the amenities, services and employment opportunities that it provides; I consider that the reduction in POS is acceptable in this case.

- 7.2.9. In summary, and having regard to the above, I recommend that where permission is granted by the Board, that the proposed first floor balconies be omitted by condition.

7.3. Other Issues

Traffic and Car Parking

- 7.3.1. The comments provided by the Council's Transportation Department is noted. The Report requested further information regarding the provision of car parking, the potential road widening of the R415, details in level differences between the footpath and curtilage of the new buildings, cross section drawings, proposed access arrangements to the train station, footpath provision, car parking area dimensions, pedestrian crossing points, and completion of a swept analysis.
- 7.3.2. The Applicant has submitted a detailed Traffic Report, prepared by TPS Moran & Associates (dated June 2021), as part of their Appeal submission. The report is in response to the issues raised by the Transportation Department, and its key points are summarised in Section 6.1 above under the heading 'Traffic Report'.
- 7.3.3. It is considered that the Traffic Report sufficiently addresses the issues raised by the Council's Transportation Department, including in relation to the following:
- The proposed development would not prejudice the future road widening of the R415 (Regional Road). There is a considerable amount of public land available to the east of this section of the R415, should it be needed to accommodate the future upgrade of the road.
 - The Applicant has invited the Board to apply a condition that requires the installation of an uncontrolled pedestrian crossing between the appeal site and train station car park on the far side of the road. I would agree that such a measure would be in the interests of public safety and should be considered

as part of any future Road Safety Audit for the proposed development (see Dot Point 4 below).

- The Swept Path Analysis, included in Appendix 1.0 of the report, demonstrates that both a fire tender vehicle, and refuse collection vehicle, could readily access, turn within, and exit the site in forwards facing motion. Therefore, it would not be necessary for vehicles to reverse outwards from the site.
- The Applicant has invited the Board to apply a condition that requires the completion of a Stage 1/2 Road Safety Audit, which would be undertaken and submitted to Planning Authority for their agreement, prior to commencement of the development. I consider that the completion of a Stage 2 Road Safety Audit, which considers the layout of the junction / vehicular access, positioning of any road signs, markings, lighting provision, pavements and kerbing, plus other safety considerations, would be appropriate in this circumstance, and should be conditioned as part of any Grant of Permission issued.
- Each dwelling is proposed to have 1 no. car parking space, which is below the maximum required 2 no. spaces per dwellings as outlined in Section 17.9 of the Development Plan. Therefore, the standard for providing 2 no. car parking spaces per dwelling is not a minimum requirement and should not be viewed as a target. Under certain circumstances, a lower car parking provision is acceptable or, in some cases, actively encouraged by the relevant local policy. Section 17.7.6 of the Development Plan states that lower car parking provision is acceptable, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. Therefore, lower rates of parking are appropriate at certain sites. I consider the site's location next to a train station, within a short walking distance to Kildare town centre, as one such location. Therefore, I consider the provision of 1 no. car parking space per dwelling to be acceptable in this instance.

Iarnród Éireann

- 7.3.4. The main issue raised by the submission made by Iarnród Éireann (dated 10th May 2021) is that the proposed development must not undermine the integrity of the nearby railway embankment which supports the adjoining public road (the R415). It is considered that this can be adequately addressed by way of requiring the Applicant to prepare and submit detailed structural drawings and a construction methodology statement, indicating the means proposed to ensure the protection of the structural stability of the embankment.
- 7.3.5. The appeal site is proximate to Kildare Train Station and the Kildare - Waterford railway line. This is a potential source of noise, which should be addressed via condition. It is, therefore, recommended that the Applicant be required to prepare an acoustic report, with recommended noise mitigation measures, in order to achieve the required noise levels. The report should be submitted to the Planning Authority, for their agreement, prior to commencement of development. [It is noted that the First Party Appeal is accompanied by an Acoustic and Lighting Statement (dated 15th June 2021), which addresses some of these issues. The report notes, for example, that the glazing elements of the proposed development are the weakest in relation to noise ingress, and that upgraded windows will be required in these locations to sufficiently insulate the houses from excessive noise.]
- 7.3.6. Iarnród Éireann also raises a concern that lights from the proposed development, either during the construction phase, or when the development is operational, could potentially cause glare that might impair the vision of train drivers or personnel operating on the tracks. For this reason, it is recommended that a condition be applied to any Grant of Permission to minimise any excessive glare or lighting from the development. It is also recommended that the Applicant prepare and submit a Construction Management Plan and Public Lighting Scheme to the Planning Authority for their agreement, prior to commencement of the development. [The Acoustic and Lighting Statement is also noted in relation to the issue of public lighting and potential for distracting light emissions, but that a revised version, to the satisfaction of the Planning Authority should still be submitted and made a requirement under condition.]

- 7.3.7. In relation to Iarnród Éireann's requirement that no building should be constructed within 4m of the boundary on the Applicant's side, it is noted that the proposed development is setback approximately 5.7m and 5.4m from the northern and eastern site boundaries, respectively.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and small scale of the proposed development, which is for 8 no. dwellings in an established 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. I note also that the Planning Authority, and Applicant as part of their appeal submission, completed an AA Screening, which confirmed that there would be no material risk to any protected habitats and, therefore, no requirement for a Stage 2 AA.

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 *Kildare County Development Plan 2017-2023*; and the *Kildare Town Local Area Plan 2012-2021*, including the zoning objective for the site (Objective B - Existing Residential'), which seeks to protect and improve existing residential amenity: to provide for appropriate infill residential development, to provide for new and improved ancillary services 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; and would provide an acceptable standard of amenity for future residents. 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, 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 development shall be amended as follows:</p> <p>(a) The first floor balconies at the rear of each proposed dwelling 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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<p>A Road Safety Audit (Stage 2) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development in accordance with the Design Manual for Urban Roads & Streets (DMURS).</p> <p>The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p>Reason: In the interests of public safety and residential amenity.</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</p>

	<p>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>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
6.	<p>Public lighting from the proposed development, or lighting used to facilitate the construction phase, should not cause excessive glare or impair the vision of train drivers or personnel operating on track machines.</p> <p>Reason: In the interests of amenity and public safety.</p>
7.	<p>The internal noise levels, when measured at the Block 2 windows of the proposed development, shall not exceed:</p> <p>35 dB(A) LAeq during the period 0700 to 2300 hours, and</p> <p>30 dB(A) LAeq at any other time.</p> <p>A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.</p> <p>Reason: In the interest of residential amenity.</p>
8.	<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 the embankment which supports the adjoining public road to the east (R415) 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>

9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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>
10.	<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 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>
11.	<p>Details of the proposed arrangements for all hard and soft landscaping and boundary treatment, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenities.</p>
12.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development. Reason: In the interest of public health.</p>
13.	<p>A plan containing details for the management of waste, 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 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>

	Reason: To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.
14.	<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 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>

Ian Boyle
Planning Inspector

16th November 2021