



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311189-21

<b>Development</b>	Demolition of Clonmore Shopping Centre and construction of 2 apartment buildings consisting of 17 units.
<b>Location</b>	Clonmore Shopping Centre, Mullingar, Co Westmeath
<b>Planning Authority</b>	Westmeath County Council
<b>Planning Authority Reg. Ref.</b>	206308
<b>Applicant(s)</b>	Peadar Conlon
<b>Type of Application</b>	206308
<b>Planning Authority Decision</b>	Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Newbrook &amp; Clonmore Road Residents Association;</li><li>2. Clonmore Heights Residents;</li><li>3. Ken &amp; Claire Glynn</li></ol>
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> of January 2022
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The subject site, 2,145sq.m., is located in Mullingar town on the corner junction of Newbrook Road and Newbrook Grove within a residential area of Mullingar. The area is within walking distance of Mullingar town centre, the railway station and an industrial park.
- 1.2. As stated, the predominant landuse in the general vicinity of the site is residential. Newbrook Road has single storey detached dwellings fronting onto it and Newbrook Grove consists of two storey semi-detached units. Clonmore Heights to the rear and west of the site consists of two storey dwellings.
- 1.3. There is a mature hedgerow along Newbrook Road on the opposite side of the road with no footpath, therefore all pedestrian movement is, and will be, along the southern side of main road. To the north of Newbrook Road on the opposite side to the site are the main railway tracts and beyond that is the Grand Canal way.
- 1.4. There is an existing vacant building on the subject site which is two storey and flat roofed. It is a dark brick building with 4No. retail units on the ground floor, and 6No. apartments at first floor level. It has been vacant for a considerable length of time. The overall general appearance of the site is lifeless. There is extensive hard surfacing to the front and side of the existing building for carparking and circulation, a rear yard area for refuse storage and perimeter walls.
- 1.5. There are two existing accesses to the site from the road to the north and east with the main access currently off Newbrook Road

## 2.0 Proposed Development

- 2.1. The proposed development consists of planning permission for the demolition of the Clonmore Shopping Centre (a mixed-use building with 4No. retail outlets on the ground floor and 6No. apartments on the first floor) and construction of a new three and two storey apartment building consisting of 17No. two-bedroom units, car-parking, bicycle spaces and bin storage, landscaping and all associated site works.
- 2.2. In response to the further information received on the 25<sup>th</sup> of June 2021, the following amendments were carried out:

- The floor area of 9No. of the 17No. apartments was increased by 10% from 73sq.m. to 80sq.m.
- A pedestrian access was provided along the northern elevation, and additional fenestration
- Balconies were repositioned to limit overlooking.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Westmeath Co. Co. granted planning permission for the proposed development subject to 15No. standard planning conditions for residential apartments.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

- The site has laid vacant and been a blight on the streetscape for several years. The site is zoned for Residential Purposes, and the proposal is consistent with the zoning objectives of the land. The proposed apartments are 600m from the Mullingar railway station and the town centre of Mullingar is accessible by foot. The principle is acceptable under the Mullingar LAP. The provision of 2-bedroom units will introduce an increased mix of housing in the area which complies with policy P-HT1.
- The site is at the corner junction of two roads and lies adjacent to a laneway and open space to the west. The two-storey element is comparable to the two-storey scale of Newbrook Grove. The remainder of the three storey facades is considered to be appropriate in scale and form in this context.
- There will be significant tree loss as a result of the development.
- The proposal will not give rise to adverse impacts on residential amenities of the adjoining properties by virtue of overlooking or loss of privacy.
- The building should be accessible from the public street.

- All apartments comply with Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities.
- No details of cycle storage have been provided.
- There should be 321sq.m. public open space provided with the scheme, however given the proximity of open space areas and the brownfield site which is accessible to the amenities of Mullingar town. A contribution should be payable towards the shortfall.

### 3.2.2. **Other Technical Reports**

*Housing* – Part V applicable

*District Engineer* – No objections

*Fire Officer* – No objections

### 3.3. **Prescribed Bodies**

Irish water: No objections

### 3.4. **Third Party Observations**

There was a significant number of third-party objections to the proposed development from local residents. The following is a summary of their concerns.

- Height
- Density too high
- Lack of parking
- Lack of open space and play areas
- Design not in keeping with the area
- Overlooking
- Bin store and roof top present anti-social behaviour concerns.
- Access through Newbrook Grove is inadequate to cater for the proposal
- Proximity to junction will cause a traffic hazard

- Additional pressure on overloaded infrastructure
- Restrict to two storeys and 8/9units
- Rat infestation form demolition
- Density concerns and covid
- Property maintenance
- Loud parties on the roof top

## 4.0 Planning History

### 4.1 Planning Reference: 04/5515

Planning permission was granted in 2005 to Seamus Bracken for the redevelopment of Clonmore Shopping Centre to include construction of 1No. additional shop unit (5No. in total) and 5No. additional apartments (11No. in total permitted on site). This permission was not carried out.

### 4.2 Vacant Site Registration MG4 (Folio Reference WH12717F)

The site was been identified as a vacant site was given notice of this on 30<sup>th</sup> November 2018 and was confirmed entry onto the Vacant Sites Register in December 2018. Section 9 Appeal (ABP – 303581-19) was made to the Board against the notice and the Board determined it was not a vacant site in 2019.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1 *Westmeath County Development Plan 2021-2027*

Mullingar is designated as a Key Town in the Settlement Strategy, which is defined as 'Large economically active service and/or county towns that provide employment for their surrounding areas and with highquality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres'.

*Core Strategy Policy Objectives*

It is a policy objective of Westmeath County Council to:

**CPO 2.5** Support the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES.

**CPO 2.6** Prepare a Local Area Plan (LAP) for Mullingar to align with the RSES and this Core Strategy.

Chapter 3 relates to **Housing**:

### 5.1.2 **3.6 Apartment Development**

The 2016 Census indicates that 1-2 person households now comprise a majority of households and this trend is set continue, yet Ireland has only one-quarter the EU average of apartments as a proportion of housing stock. (Department of Housing, Planning and Local Government, 2018). In Westmeath, 8.5% of households lived in apartments in 2016, slightly lower than the national rate of 12%. 23.5% of all households in the county were 1-person households. As with housing generally, the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors in line with the standards, principles and any specific planning policy requirements (SPPRs) set out in the 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018) and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018). Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.

**CPO 3.7** Apply higher densities to the higher order settlements of Athlone and Mullingar to align with their roles as Regional Growth Centre and Key Town, subject to good design and development management standards being met.

**CPO 3.8** Apply graded densities in towns and villages having regard to their role in Settlement Hierarchy and that are commensurate to the existing built environment.

**CPO 3.15** To support the development of quality residential schemes with a range of housing options having regard to the standards, principles and any specific planning policy requirements (SPPRs) set out in the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (2009); 'Urban Development and

Building Heights Guidelines for Planning Authorities' (2018) and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018)

### 5.1.3 ***Mullingar Local Area Plan 2014-2020 (as extended)***

#### **2.6 HOUSING AIM:**

To facilitate the provision of high-quality residential development in sustainable communities and provide an appropriate mix of house sizes, types and tenures in order to meet the different household needs of the people of Mullingar.

P-H6 To support the right of every individual to own their own property, and to ensure a suitable range of tenure types, and engage with the Private Rented Sector to meet the needs of a more mobile population.

P-H7 To ensure the provision of a suitable range of house types and sizes to facilitate the demographic profile of the town.

P-H8 To have regard to the provisions of the 'Guidelines on Sustainable Residential Development in Urban Areas'(2009)and the accompanying 'Urban Design Manual' in assessing applications for housing development.

P-H9 To require diversity in the form, size and type of dwellings within residential schemes.

### 5.1.4 **2.10 SUSTAINABLE RESIDENTIAL DEVELOPMENT POLICIES & OBJECTIVES**

It is the policy of the Council:

P-SR1 To support the principle of sequential development in assessing all new residential development proposals, whereby areas closer to the centre of the town, including underutilised and brownfield sites, will be chosen for development in the first instance to promote a sustainable pattern of development.

P-SR2 To encourage and promote the development of underutilised infill and backland development in the town, subject to Development Management criteria being met.

P-SR3 To ensure all new residential development complies with the Evaluation Criteria for determining the suitability of housing in an urban area, as set out in the National Spatial Strategy. (Table 2.4)

P-SR4 To promote residential accommodation in the town centre as part of Mixed Use development schemes.

P-SR5 To resist the loss of existing housing stock in the town centre.

#### **5.1.52.11 RESIDENTIAL DENSITY**

The Department of Environment, Heritage & Local Government Guidelines on 'Sustainable Residential Development in Urban Areas' (2009) outline sustainable approaches to the development of urban areas. The Guidelines promote increased densities in locations where there is appropriate infrastructure, compliance with open and private space requirements, would not give rise to undue impact on amenities and is in keeping with the character of the area. Densities and detailed residential layouts are prescribed in the Framework Plans contained in Chapter 8 of the plan. One of the key aspirations of the Mullingar LAP is to support sustainable densities within the Framework Plans in the town, whilst facilitating the commencement of development in the short to medium term; responding to the unique conditions, opportunities and challenges in the Robinstown, Mullingar South and Ardmore/Marlinstown areas.

#### **5.1.6 9.9.18 Residential Car-parking**

Car parking for detached and semi-detached housing should be within the house site. Car parking for apartments and terraced housing should be in informal groups overlooked by housing units. The visual impact of large areas of car parking should be reduced by the judicious use of screen planting, low walls and the use of textured or coloured paving for parking bays.

In town centre residential estates, the on-site car parking requirement may be reduced in light of availability of public transport and urban design requirements.

## **5.2 National Policy**

### ***National Planning Framework***

5.2.1. One of the key overarching goals set out in the National Planning Framework is to achieve compact growth. This is sought by carefully managing the sustainable growth of compact cities, towns and villages. It is noted that the physical format of urban development in Ireland is one of the greatest national development



challenges. Presently the fastest growing areas are the edges and outside our cities and towns meaning:

A preferred approach would be the compact development that focuses on reusing previously developed brownfield land, building up infill sites which may not have been built on before, and reusing and redeveloping existing sites and buildings. National Policy Objective 3B seeks to deliver at least half of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick and Galway within

- A constant process of infrastructure and services catch up in building new roads, new schools, services and amenities and a struggle to bring jobs and homes together meaning that there were remarkably high levels of car dependents and that it is difficult to provide good quality transport.
- A gradual process of rundown of the city and town centre.
- Development which takes places in the form of greenfield sprawl, extends the physical footprint of the urban area, and works against the creation of attractive liveable high quality urban spaces in which people are increasingly wishing to live, work and invest.
- National Policy Objective 13 seeks that in urban areas, planning and related standards including, and in particular building height and car parking, will be based on performance criteria that seek to achieve well designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 35 seeks to increase residential density in settlements, to a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 5.2.2 **Rebuilding Ireland Action Plan for Housing and Homelessness**

Pillar 3 of this national strategy seeks to build more homes by increasing the output of private housing to meet demand at affordable prices. In terms of housing supply

requirements, it is noted that current completion levels must double in the next four years. It is also noted that there is a significant requirement to expand the build to rent sector which is not being catered for in the current construction levels. There is also a need to increase the level of social housing. The Rebuilding Ireland Policy emphasises the need to supply and build more homes with delivery of housing across the four Dublin Local Authorities.

### **5.2.3 Sustainable Urban Housing Design Standards for New Apartments**

- To enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas.
- Make better provision for building refurbishment and small-scale urban infill schemes.
- Address the emerging build to rent and shared accommodation sectors.
- Remove requirements for car parking in certain circumstances where there are better mobility solutions to reduce costs.

### **5.2.4 Urban Development and Building Heights - Guidelines for Planning Authorities**

These guidelines note that in the short term to 2020, the Housing Agency has identified a need for at least 45,000 new homes in Ireland's five major cities, and more than 30,000 of which are required in Dublin City and suburbs. This does not include the additional pent-up demand arising from undersupply of new housing in recent years. In broader terms there is a need for an absolute minimum of 275,000 new homes in Ireland's cities up to 2040 with half of these located within built up areas. This necessitates a significant and sustained increase in housing output and apartment type development in particular. Specifically, there is a need for proposals with increased building height linked with the achievement of greater density of development.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The appellants are 1) Newbrook & Clonmore Road Residents Association 2) Clonmore Heights Residents Association, 3) Ken & Claire Glynn have taken this third party appeal against Westmeath Co. Co. decision to grant planning permission for the apartments. A summary of the appeal is as follows:

The appellants have no objection to the principle of the development and welcome the regeneration of the site. Their appeal aims to seek amendments to the scale and quality of the proposed development, so it results in a reduced negative impact on the residential amenities of the existing adjoining residents. The grounds of the appeal are under 8 separate headings.

#### 6.1.2 **The logic regarding the waiver of Public Open Space provision in the proposed development has not been adequately considered by the planning authority.**

It is stated by the planning authority the proposed development is close to public open space area in Newbrook Grove. The area is too removed from the proposed development for children to play without adult supervision. It would also necessitate children crossing the road in close proximity to a busy junction. There should be adequate open space provision for children to access independently, and the current proposal is unacceptable.

Newbrook Estate open space area has not been taken in charge, the residents must pay for the upkeep and maintenance of the area. It is unreasonable for the planning authority to allocate this area of public open space to a new development outside of the private Newbrook Estate.

#### 6.1.3 **The height, scale, mass and proposed finishing materials of the proposed development do not integrate with the urban grain of the surrounding area.**

The proposed buildings when interpreted from the North Elevation facing Newbrook Road contain four distinct three storey blocks. The blocks have a red brick finish. The character of the urban grain along Newbrook Road is predominantly single storey buildings on Newbrook Road. The ridge height of the existing bungalow to the north-east is 4.48metres, while the stated height of the proposed building is

10metres. The separation distance between the existing bungalow and the proposed apartments is 20metres. There has been little effort to integrate the proposed building with the scale of the existing streetscape. The existing building on the subject site is two storey and is setback from both roads and is well screened from adjoining properties. In contrast the proposed three storey building will have large window/ balcony opes, with the building pushing tightly to the site boundaries.

It is submitted that the corner of the proposed building should be more sensitively designed and scaled to achieve better integration with the scale of the existing buildings on Newbrook Road. The proposed building should be stepped from east to west and would reduce the proposed monolithic appearance.

In addition, it is submitted the red brick finish should be revised to a softer finish in the interests of visual amenity.

There should be mature planting on the site to provide the required level of screening more quickly.

**6.1.4 The proposed housing mix for the development is unsatisfactory and needs to be changed to attract a wider range of households.**

The planning report states the development proposes two bedroom units only. The provision of two bedroom units will increase the mix of housing in the area and complies with Policy P-FT1. It is acknowledged P-FT1 indicates there is a shortage of two-bedroom units in the town, however this does not justify the sole provision of two bedroom apartments in the proposed development. The reporting planner overlooks other policies in the Mullingar Town Development Plan and the principle of creating sustainable residential communities. The proposal does not comply with policies P-H6, P-H7, P-H8 and P-H9, and also policy 3.9 relating to sustainable residential development. The proposed development falls short of density and mix, protection of existing residential amenities, and provision of practical open spaces.

**6.1.5 There is scope to reduce the density of the proposed development in order for the proposed building to integrate better and at a more appropriate scale with the surrounding buildings.**

The stated density is 79.3units per hectare. The density is high. Section 9.94 of the Mullingar Town Development Plan 2014-202 is relevant. The site location is

suburban. There should be a maximum density of 50 units per hectare. The proposed development exceeds the maximum threshold. The proposed building is too big and high in density for the area. The site is 0.2Ha and is lower site area threshold set out for higher density in Mullingar. The development needs to be redesigned to take account of the individual characteristic of the site and the character of the surrounding area.

**6.1.6 The assessment of the Surface water infrastructure has not taken adequate account of local history of flood events.**

There is currently a problem with the surface water drainage network in Newbrook Grove overflowing following heavy rain and flash flooding. The area of public space within this development cited for use by the development is prone to flooding. Westmeath Co. Co. have carried out relief works on the lands with a view to preventing flooding and marshy lands. There has to be more technical figures-based assessment given the history of flooding in the adjoining sites. Condition No. 13 of the permission relating to surface water suggests the planning authority are aware of the problem relating to excess discharge to the combined sewer. It has to be demonstrated the proposed development will not exacerbate the local flooding events in Newbrook Grove.

**6.1.7 The proposed roof garden is not in character with adjacent low density estates.**

The proposed roof garden is directly above the private open space area of the single storey dwelling on the corner at the junction of Newbrook Road and Newbrook Grove. The building is 22 metres from the garden, the occupants of the dwelling will still have the perception of being overlooked. Roof gardens are more appropriate in inner urban areas where the buildings are of similar heights and scale, and would not result in overlooking.

**6.1.8 The reduction of the parking standards does not reflect the reality that the two bedroom units are likely to be occupied by two people with a car each. The 34No. individuals will travel to work by car. There is an under provision of cycle parking bays.**

There are 20No. parking spaces proposed to cater for 17No. 2 bedroom apartments. Any design should cater for 1.5 spaces per unit which would equate to 30No.

spaces. There will be overspill of parking onto Newbrook Grove due to the shortfall of spaces. This has the potential to cause a traffic hazard because it will clock sightlines associated with the proposed entrance. There are 19No. bike lockers to services 34No. bedspaces. This is not in line with Sustainable Urban Housing - Design Standards for Apartments 2020.

**6.1.9 There does not appear to be a dedicated area for future occupants to dry their clothes.**

Without a dedicated drying area, the occupants will dry their clothes on the balconies.

**6.2. Applicant Response**

**6.2.1** The applicant has responded in detail to the issues raised in the third party appeal.

It should be noted the subject site is on the Derelict Sites designation in 2018. The applicant presents the scheme in the context of the Urban Regeneration and Housing Act, and to deliver housing in line with government publications – *Rebuilding Ireland* and *Housing For All- A New Housing Plan*.

- The decision to grant planning permission for the scheme should be upheld because the proposal will provide much needed housing in a consolidated form in close proximity to the town centre and has public transport links.
- The site has an 'Existing Residential' zoning objective under the Mullingar Local Area Plan 2014-2020.
- The lands have been under-utilised for alongtime. The existing building consists of 4No. retail units on the ground floor, and 6No. apartments at first floor.
- The proposed development accords with the policies and objectives contained within Westmeath County Development Plan 2021-2027, and the Mullingar LAP 2014-2020.

**6.2.2 Development Contributions Amended**

The First Party could have appealed the Financial Contribution condition, however under Section 146A of the Planning and Development Act, the Board is asked to

correct Condition No. 5 of the Notification of the Decision to Grant which requires a contribution payable for 17No. units without the appropriate discount for the 6No. existing apartments on site.

6.2.3 A summary of the grounds of the third party appeal rebuttal is as follows:-

**The logic regarding the waiver of the public open space in the proposed development has not been adequately considered.**

- There is a roof garden proposed for communal open space at the requisite standard of 7sq.m. per apartment.
- There is 1.6hectares of public open space provided locally.
- All of the family sized housing in Newbrook Grove and Clonmore Heights necessitate children having to cross residential access roads.
- The proposed 17No. apartments are less likely to cater for families, as they are more likely to accommodate childless working individuals.
- A map of the local public open space area is outlined in Figure 4.1
- These open space areas were considered available in 2004 when the 6No. additional apartments at Clonmore Shopping Centre were granted planning permission.
- The development contributions payable provide and pay for Class A – Open Spaces, Recreational Facilities and Landscaping.

**The height, scale, mass and the proposed finishing materials of the proposed development do not integrate with the urban grain of the surrounding area.**

- It is accepted the approach to the site is predominantly single storey, however planning policy expresses the need for more economic use of urban lands and to ensure better utilisation of under-utilised urban lands.
- The residential enclave of Clonmore is bounded by industrial type buildings.
- Scale and massing do not automatically lead to overdevelopment, as the subject site has the carrying capacity to cater for the proposed development.
- Three dimensional drawings illustrate the context of the proposed development into the receiving built environment. The building is stepped

down to two storeys alongside the contiguous two storey dwelling and there is 20metres between the three storey element and the single storey dwelling on Glenbrook Road.

- The submitted shadow analysis underlies the favourable orientation of the site, north and west of established residential properties.
- The use of a mix of materials smooth render and brick, the stepped nature of the building and setbacks to the building line, use of windows operable and internalised balconies present respectful vertical and horizontal emphasis to counter the monolithic critique presented by the appellant.

**The proposed housing mix for the development is unsatisfactory and needs to be changed to attract a wider range of households.**

There are currently 193 No. 3 and 4 bedroom residential houses within the 15.2ha area of Clonmore/ Newbrook residential area. This equates to around 12.6 units per hectare or 5.2 units per acre. The 17 No. 2 bedroom units increase the proportion of 2 bed units from none 8% locally. The proposal complies with policy P-HT1 to ensure a mix and range of housing types and in particular two bedroom accommodation.

**There is scope to reduce the density of the proposed development to allow the proposed building to integrate better at a more appropriate scale.**

The site presents an opportunity to deliver housing at a density commensurate with its location, and existing infrastructure and the most economic use of urban lands. The proposed density is in keeping with national guidelines and policies i.e. greater than 45 units per hectare.

**The assessment of the surface water infrastructure has not taken adequate account of the local flooding events.**

ORS Consulting were commissioned to write a report and it is included in Appendix C of the appeal response. The existing site is hard surfaced with no attenuation tank or flow control for the surface water. The proposed development includes a surface water drainage with an outfall into an attenuation tank. The tank is sized to cater for 1 in 100 year flood event of critical duration and the discharge from this tank will be fitted with a flow device to limit runoff to the adjacent combined sewer to allowable



run off rates (5l/sec/ha). The proposals are standard practice for a site of this nature and in compliance with Sustainable Urban Drainage Systems.

A study of the flood events in the area was undertaken and nothing was noted. The development will improve the performance in relation to surface water treatment and will not hinder any downstream flood issues that may currently exist.

**The proposed roof garden is not in character with the adjacent low density schemes.**

The proposed roof garden is setback from the outer wall to minimise overlooking. Roof gardens are acceptable in this scenario.

**There is an under provision of carparking and cycle parking.**

The SUH Guidelines state under section 4.21 in urban/ suburban locations served by public transport or close to town centres or employment areas particularly housing schemes with more than 45 units planning authorities must consider a reduced overall parking standard. The provision of higher density at a location proximate to the town centre and places of employment directly identifies with the subject site. The recently adopted Westmeath County Development Plan 2021-2027 incorporates maximum standards and it is set out as 1 space per dwelling unit irrespective of the number of bedrooms. The proposal has 34No. cycle spaces and 20No. car parking spaces

**There does not appear to have a dedicated area to dry clothes.**

The laundering of clothes is undertaken by electrical appliances.

**Financial Contributions**

A total of €37,7984 is payable by the applicant under the terms of Condition No. 5 of the decision to grant planning permission. This sum does not take into account the existing 6No. residential units on the site and the 4No. ground floor retail units, as these are exempt under the Planning and Development Regulations 2018, and deserve the appropriate discount. There was a supplementary development contribution applied for the shortfall of open space provision, calculated at €30 per sq.m. . There is a small roof garden provided at 7sq.m. per apartment which was not included in the calculations. The Board is asked to clarify these issues.

### 6.3. Planning Authority Response

There were no further issues raised by the planning authority.

### 6.4. Further Responses

The third-party appellants replied to first party rebuttal of items raised in the appeal.

- It is not specified what type of tenure is proposed.
- It is acknowledged the house types are new to the area but there is no range or mix of house types proposed. A suggested mix of 1, 2 and 3 bedroom units is forwarded, which would allow compliance with the Westmeath Policy P-HT1 to ensure a range of housing types to meet the diverse needs of the residents of the town.
- The level of proposed parking is unrealistic and will lead to on street parking at the entrance to Newbrook Estate. The traffic survey submitted was carried out during the pandemic and does not represent accurate data. The Board's conditions should impose street furniture or railings to provided at the entrance to the estate to prevent parking.
- Westmeath Co. Co. has not taken the Newbrook Estates in charge, and the residents must pay for the upkeep an maintenance of the areas. These areas will not be made available to the proposed development. Therefore, the open space areas are miscalculated.
- There is a local history of surface water drainage problems that cannot be found on the national database. Westmeath Co.Co. has carried out remediation works in the form of a French drain and increased height of footpath outside 6No. houses opposite the green area. There is an on-going issue of overflowing drains in the front and rear gardens of Newbrook Grove. Any surface water malfunction on the subject site both during and after the construction process should be the responsibility of the developer.
- There is a history of blockages in the foul sewer network adjacent to the site.
- The applicant should demonstrate how bin collection can be carried out without blocking the estate roads and footpaths.

## 7.0 Assessment

7.1 I have examined the application details and all other documentation on file, including the submissions received in relation to the appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance.

7.2 I consider the substantive issues arising from the grounds of this third-party appeal, and for the purpose of assessing the appeal, are as follows-

- Zoning and the Principle of the Development
- Core Strategy
- Density
- Visual and Residential Amenity
- Sunlight and Daylight
- Traffic and Parking
- Open Space
- Flooding
- Other Matters
- Appropriate Assessment

### 7.3 Zoning and the Principle of the Development

The proposed development consists of 17No. residential units on an urban site in Mullingar which is zoned in the Mullingar LAP 2014-2020(as extended) as '**Existing Residential**'. The site is a brownfield site and was formerly known as *Clonmore Shopping Centre* which consists of a two storey building with 4No. retail outlets on the ground floor and 6No. apartments on the first floor. The existing building is a dark cube like structure which is setback deep into the site creating a void along the streetscape. The premises has been vacant for along time and the planning authority included it on the Vacant Sites register (The site was identified as a vacant site under notice dated 30<sup>th</sup> November 2018 and was a confirmed entry onto the Vacant Sites Register in December 2018. Section 9 Appeal (ABP – 303581-19) was

made to the Board against the notice and the Board determined it was not a vacant site in 2019).

Furthermore, under Planning Reference: 04/5515, permission was granted in 2005 to Seamus Bracken for the redevelopment of Clonmore Shopping Centre to include construction of 1No. additional shop unit (5No. in total) and 5No. additional apartments (11No. in total). This permission was not carried out. In conclusion, the former, permitted and established use on the site is residential in the form of apartments. Therefore, the principle of the development is in keeping with the existing landuse, adjoining landuse, permitted landuse and the residential zoning objective in the current development plan for the area.

#### 7.4 **Core Strategy**

The Mullingar LAP 2014-2020 (as extended) outlines its Core Development Strategy for the town in Chapter 2. **Policy P-SR2** states the planning authority will encourage and promote the development of underutilised infill and backland development in the town, subject to Development Management Criteria being met. I would consider the subject site to be infill site along Newbrook Road, and the principle of the development complies with this core strategy.

The Department of the Environment, Heritage and Local Government Guidelines on 'Sustainable Residential Development in Urban Areas' (2009) promotes increased densities alongside the National Planning Framework. One of the key overarching goals set out in the National Planning Framework is to achieve compact growth. This is sought by carefully managing the sustainable growth of compact cities, towns and villages. It is noted that the physical format of urban development in Ireland is one of the greatest national development challenges. Presently the fastest growing areas are the edges of cities and towns. A preferred approach would be the compact development of the towns that focuses on reusing previously developed brownfield land, building up infill sites which may not have been built on before, and reusing and redeveloping existing sites and buildings. The subject site is a brownfield inner urban site. The site is circa 2,145sq.m. resulting in a proposed density of 79No. dwellings per hectare. The proposed density complies with National Objective 35 which seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

According to the Mullingar LAP the residential profile of the town varies from detached houses within established estates on the periphery of the town, to ribbon development on the approach roads, to a high-density apartment complex adjacent to the Railway Station, to several residential schemes of various scale, designs and densities. In accordance with the Gateway Status of the Town, as prescribed in both the Midland Regional Planning Guidelines 2010-2022 and the County Settlement Strategy, the number of residential units required to meet projected population targets for Mullingar over the lifetime of this Local Area Plan is **4,471 units**. The plan has designated greenfield areas to accommodate the projected targets and will also promote and encourage the provision of residential development in the town centre and brownfield sites and thus enhance the vitality and viability thereof, as in provided for in the proposed development. On balance, the proposed development complies in full with the underlying planning policies aimed at catering for the projected populations targets of Mullingar.

## 7.5 Density

As stated, the site is circa 2,145sq.m. and with 17No. residential units this will result in a proposed density of 79No. dwellings per hectare. Section 2.11 of the Mullingar LAP 2014-2021 deals out Residential Densities. The density exceeds the envisaged density to Town Centre and Brownfield sites which is prescribed at 35-50 units per hectare.

*It is the policy of the Council: P-RD1 To promote higher residential density development in the town centre and on brownfield and infill sites, subject to Development Management Standards being met, the Evaluation Considerations in the National Spatial Strategy being adhered to and existing residential amenity not being compromised.*

The proposed high density does not compromise existing residential amenities and it represents a sustainable and efficient use of a strategic urban site reinforcing the compact residential growth of the Mullingar town centre adjacent to public transport links.

## 7.6 Visual and Residential Amenity

The appellants have raised the issue that the proposed development does not integrate into the urban grain of the surrounding area due to it's height, scale, mass and elevation treatment.

7.6.1 **Height:** The overall height of the three-storey building is 9.215m reducing to two storey 6.515m along Newbrook Grove, and peaking at the corner of both roads at 10metres. The apartment block is L-shaped and positioned along the streetscape of Newbrook Road and Newbrook Grove. The dwellings along Newbrook Road are single storey, circa 6metres to the ridgeline. The separation distance between the apartment block and the nearest single storey dwelling is 22metres with a residential access road acting as a buffer area. The physical and visual break in the streetscape from the single storey dwellings to the subject site enables the site to have capacity to accommodate a significant increase in height. By urban standards, the proposed 9.2- 10metres is a modest height. I do not consider the height to be overbearing or oppressive when viewed from the surrounding area. Newbrook Road (R390 to Athlone) is an important link road out of Mullingar town centre. Further east along the road there are tall industrial buildings and large grain silos a short distance from the site. The single storey dwellings are setback from the road and do not create an urban definition. The current building on the site is two storey, flat roofed and setback into the site, ultimately creating an incongruous architectural feature along the streetscape. The new apartment block will create a more appropriate building envelope along Newbrook Road. To the west of the site along Newbrook Road, the building height increases again to in excess of 9metres at Mullingar Business Park.

The adjoining dwellings in Newbrooke Grove and Clonmore have ridge heights up to 8.6metres in height, which represents a less than 2metres increase in height. This is not a significant increase in height from the majority of prevailing building heights in the area.

I conclude the proposed height is modest and consistent with similar building heights in the wider area along Newbrook Road.

7.6.2 **Scale and Massing:** The appellants consider the proposed development to be monolithic in scale and massing. The main elevation along Newbrook Road is 39.3metres in length. This is broken up into four blocks, 9.3m, 7.7metres, 7.15metres and 7.15metres, with three setback plaster panels between each block. The Newbrook Grove elevation which is 40.6metres in length is broken up in height from three storey to two storey, with varying building line setbacks, and use of brick panelling throughout. On appeal, the applicant has presented digital three-dimensional drawings of the proposed development within the existing built

environment. In my opinion, the proposed building wraps around the perimeter of the site along the streetscape with a moderate mass that will blend into the neighbourhood. As a corner site, the site is visually dominant because it has two frontages and located along a main road in Mullingar, and the apartment units face two ways. In my opinion, the legibility of the building will enhance the area. The existing structure on the site setback from the road creates a dead space along the streetscape. The scale and massing of the new building in a low-medium density residential area, will introduce a variety of building massing and height, which is appropriate on the site and location. It also introduces a variety of scale and massing to the area, which will enhance the streetscape.

7.6.3 **Elevational Treatment:** The appellants considered the use of brick on the main elevations will detract from the visual qualities of the area and is not in keeping with the architectural style of the area. In addition, it is considered the extensive brick finish emphasises the monolithic nature of the building. The drawings clearly indicate the brick blocks are broken up by panels of smooth render finish, and these are stepped back to create a more vertical emphasis to the overall design. The use of window opes and internal balconies also break up the monolithic perception of the building.

7.6.4 **Residential Amenity:** The proposed development consists of 17No. two-bedroom apartments. The residential neighbourhood consists of family homes/ houses with individual front and rear gardens. The apartments will cater for a range of lifestyles, and socially mixed communities in an energy efficient building. The setback of the building from adjoining residential properties is respectful of the existing neighbourhood.

There will be no direct overlooking of adjoining private open space areas. There is a roof garden proposed on the two-storey element of the development along the eastern elevation. This is along Newbrook Grove which is aligned with mature trees that screen the rear garden area of the bungalows along Newbrook Road. In addition, there is over 20metres setback from the existing private rear garden areas from proposed windows, balconies and roof garden areas which implies there will be no direct or invasive overlooking of adjoining properties from the proposed development.

Roof gardens are a normal design feature urban/  
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~within suburban areas. The proposed roof garden area is 122sq.m. is modest and screened to ensure privacy and maintain existing residential amenities.

The building is north and east facing, and given the separation distances from adjoining residential properties, there will be no undue loss of light or overshadowing as a result of the proposed development.

## 7.7 Sunlight and Daylight

The application documentation does not include a Sunlight-Daylight report which would explicitly demonstrate regard to BRE209 Guidelines / BS8206 Standards/ Recommendations.

7.7.1 According to Section 3.2 of the *Building Height Guidelines*, 'Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's '*Site Layout Planning for Daylight and Sunlight*' (2nd edition) or BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*'. The applicant has not referenced these Guidelines in support of the part 3 storey apartment building, and as such, I have reviewed the design, layout and materials submitted with this in mind.

7.7.2 The proposed apartment building is low in height, and as such should not unduly overshadow the associated amenity spaces or neighbouring gardens. The apartments themselves would be expected to meet the BRE209 standards for ADF, i.e. 2% for kitchens, 1.5% for living rooms and 1% for bedrooms (and where a room has a dual use, the higher ADF % would apply). The two bed apartments have large window opens serving the kitchen-living-dining areas, with some kitchens served by a secondary window ensuring ADF targets are met. These comprise 40% of the apartments. The remaining apartments are dual aspect two-bedroom units, with large windows and balconies serving an open plan living room/ kitchen area, with the kitchen to the rear. The living rooms are served by a large window ope and would meet the required ADF. It is possible that the kitchens may have lower ADF level, however, these areas would have less frequent use and overall I am satisfied that adequate amenity and daylight/sunlight will be achieved. All apartments have balconies, which although often reduce ADF, is considered to be a compensatory measure and improves the overall amenity of apartments. ADF is only one factor in determining the residential amenity of the apartments and I am satisfied that a



balance has been achieved. There are no neighbouring buildings that would reduce daylight into the apartments.

7.7.3 While there is no documentary evidence to demonstrate compliance with BRE209 requirements based on the planning documentation submitted, I am satisfied that compliance with BRE209 would be achieved, and that the absence of such material does not have a material bearing on my assessment.

#### **7.7.4 Sunlight/ Daylight Analysis – Existing Neighbouring Residents**

In terms of potential impact on existing third-party properties, no analysis was taken in terms of loss of daylight, sunlight or overshadowing of neighbouring properties. Where a potential impact may arise, applicants would be generally required to carry out Virtual Sky Component (VSC), Annual Probable Sunlight Hours (APSH), overshadowing or other. However, potential impact can be ruled out prior to the undertaking of such assessments, based on the distance of the proposed development from neighbouring properties and given the low height of the proposed development, and its northern and eastern orientation.

7.7.5 I am satisfied the properties that may be potentially at risk which in respect of the development are immediately south of the appeal site, and to a much lesser extent the bungalow further east from the subject site. Given the separation distance, I am satisfied that there is no potential impact arising for the adjoining properties. The bungalow to the east is a single storey dwelling, located 20 metres from the proposed 2-3 storey building. It is located to the east of the proposed apartment block (which is max 10m in height), with its gable facing the proposed building. - As the primary windows serving this house are not facing the proposed development, it can be reasonably concluded that there will be no reduction in VSC, and as such no potential loss of daylight to this property. Equally having regard to the orientation of this house relative to the proposed development there would equally be no material loss of sunlight.

7.7.6 Having regard to the above, I conclude the proposed development is unlikely to have any significant overshadowing impact or loss of daylight to existing adjoining residential property or associated amenity space. I am further satisfied that adequate residential amenity has been afforded the proposed residential units, with adequate compliance with the BRE Standards, and the appropriate levels of flexibility applied (as provided for in the Guidelines).

## **7.8 Access and Parking**

The existing shopping centre building and apartments have two access points from both roads, Newbrook Road and Newbrook Grove. The proposed development consists of a singular access off Northbrook Grove to a carparking area and communal bin storage and cycle store area at the rear of the apartment block. The carparking area will not be visible from the streetscape. The proposal provides 20No. carparking spaces and 34No. secure cycle storage spaces. The appellants considered the parking provisions was inadequate and may lead to overspill parking onto Newbrook Grove.

The site is within a ten-minute walking distance of the town centre and the Mullingar Train Station. National policy, the Sustainable Urban Housing Guidelines enable a reduced carparking standard to be considered in a higher density scheme within central and accessible urban locations. National policy is to promote the use of public transport, cycling and the use of electrical vehicles. I am satisfied a reduced carparking requirement is also in line with section 9.9.18 of the Mullingar LAP 2014 and national policy. I consider that the proposal will encourage more sustainable modes of transport and will not result in additional traffic or parking congestion at this location.

## **7.9 Open Space**

The third-party appellants are concerned about the lack of available open space within the proposed development and the dependency on the open space area within Newbrook Grove which is detached from the site. It has also been cited the open space area in Newbrook Grove has not been taken in charge and the residents pay for the maintenance and upkeep of the open space area. Therefore, it is unreasonable for the local authority to allocate or impose a development contribution relating to the open space area in Newbrook Grove.

The proposed roof garden equates to a communal open space area of 7sq.m. per apartment. The apartments are unlikely to attract families with children. There is 1.6km<sup>2</sup> of public open space within walking distance of the site. I note also, there is no existing open space area on site to cater for the existing 6 No. apartments within the existing building on site. The response to the appeal includes a map of the local

public open space areas. I consider the proposed development and the locality has combined adequate open space provision to cater for the modest two-bedroom apartment complex. Section 9.9.14 of the Mullingar LAP indicates that 15-20sq.m. of private open space is required for 2–3-bedroom apartments. There is a considerable shortfall of onsite public open space.

The imposition of a development contribution for a shortage of open space provision is acceptable in the context of the development plan requirements. The public open space area does not necessarily imply it will be located in Newbrook Grove as implied by the third party appeal. I am satisfied this issue has been addressed adequately in the assessment and outcome of the planning application.

#### **7.10 Flooding**

The appeal raised the issue of poor surface water drainage in Newbrook Grove following heavy rain or flash flooding. A detailed report was prepared by the Area Engineer and it did not consider flooding to be a problem or an issue in the area. This report stated the Flood Risk Maps do not indicate the area is at risk of flooding. In addition, a standard condition is recommended regarding the collection and attenuation of the surface water. I note there are currently no attenuation measures on site.

The proposed development will include surface water drainage on the site to a below ground gravity pipe which will outfall to an attenuation tank. The proposed tank is sized to cater for a 1 in a 100 year flood event of critical duration and the discharge from the tank will be fitted with a control device to limit runoff to the adjacent combined sewer. The system is in compliance with the principles of Sustainable Urban Drainage Systems (SuDS).

A site-specific flood assessment was not deemed to be necessary due to the site's topography, lack of risk indicated on the flood information maps and no requirement from the planning authority.

#### **7.11 Other Matters**

- The Housing Officer report dated 6<sup>th</sup> of October 2020 states it is preferred to get 10% of the units for social housing.

- There is adequate bin storage proposed on site within a communal storage area to cater for the proposed development. It is proposed along the southern site boundary similar to the existing bin storage/ yard area on the existing site.
- The issue of laundry is not a consideration for the Board and it will include electrical appliances with each apartment.
- The applicant has asked the Board to review the financial contribution imposed by Condition No. 5 to the sum of €32,784.00 which included all 17 No. residential units in the calculation and it did not make allowances for 6 No. existing residential units on site, and the 4 No. retail units. The calculations for the open space area did not allow for the 122sq.m. proposed in the roof garden area.

The First Party did not appeal this condition under Section 48 of the Planning and Development Act. Therefore, the Board cannot alter the condition. The applicant may wish to revisit the points raised with the planning authority prior to the commencement of the development. The Board can apply a general condition that all financial contributions must be agreed with the planning authority prior to the commencement of the development and in default of an agreement the Board can be consulted. The planning authority did not comment on this issue on appeal.

## 7.12 **Appropriate Assessment**

### **Stage I Screening**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### ***Compliance with Article 6(3) of the Habitats Directive***

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal

will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

### **8.1.3 *Brief Description of the Development***

Planning permission is being sought for the construction of 17No. units within a single apartment block together with the provision of access to the development, boundary treatments, landscaping, site drainage and all ancillary work.

#### *Construction Phase*

Construction works will consist of the initial site preparation works, including the removal of vegetation and the excavation of topsoil and subsoil with the subsequent construction of the development. All associated works include connections to existing storm/ surface water drainage and wastewater drainage by gravity feed to the north of the site.

#### *Operational Phase*

The site will be residential apartments and associated site infrastructure. The site is not within the boundaries any designated site. There will be a water supply, foul and surface water drainage to and from the operational site via existing Irish Water and local authority infrastructure. The development will be connected to the Irish Water potable water supply. The proposed surface/ storm water discharge, following controlled site attenuation, is via a public stormwater network situated below and north of the site along the Newbrook Road. The wastewater and effluent drainage

for the operational phase will connect with the local authority foul drainage sewers for transfer and treatment at the Mullingar WWTP. In applying the source-pathway-receptor model in respect of potential indirect effects there is no potential hydrological connection between the proposed development site and the European site to the north,(i.e. the Grand Canal), via ground, surface water and wastewater pathways. It is reasonable to conclude that the potential for impacts on European site within 75metres to the north of the northern site boundary can be excluded.

## **8.0 Recommendation**

8.1. I recommend the Board uphold the planning authority's decision to grant planning permission for the proposed development.

## **9.0 Reasons and Considerations**

Having regard to the following:

- (a) the policies and objectives set out in the National Planning Framework
- (b) the policies and objectives set out in the Westmeath Development Plan 2021-2027;
- (c) the policies and objectives set out in the Mullingar Local Area Plan 2014-2020 (as extended);
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (g) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009

- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the submissions and observations received,
- (m) the report of the Inspector

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

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| 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 information submitted on 25<sup>th</sup> of June 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><b>Reason:</b> In the interest of clarity.</p> |
| 2. | <p>Details of the materials, colours and textures of all the external finishes to the proposed development, including details of the brick finish, shall be</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|    | <p>submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>                                                                                                                                                                                                                                                                                                                                                               |
| 3. | <p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health</p>                                                                                                                                                                                                                                                                                             |
| 4. | <p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health</p>                                                                                                                                                                                                                                                                                                                                    |
| 5. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of residential amenities of surrounding properties and in the interest of clarity.</p>                           |
| 6. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, management measures for noise, dust and dirt, and construction traffic management proposals.</p> <p><b>Reason:</b> In the interest of public safety and residential amenity.</p> |
| 7. | <p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste</p>                                                                                                                                                                     |



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|    | <p>Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 8. | <p>Operational waste management measures shall comply with the following:</p> <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 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) The proposed bin store shall be adequately ventilated, drained and illuminated.</p> <p>(c) Appropriate waste management/storage facilities shall be retained for the existing properties in numbers 27 and 28 Manor Street.</p> <p>Proposals in respect of (a) to (c) above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p> |
| 9. | <p>Prior to the occupation of the development, a Mobility Management Plan / Residential Travel Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The plan shall be prepared and implemented by the management company for all units within the development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|     | <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 10. | <p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11. | <p>No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.</p> <p><b>Reason:</b> In the interests of visual and residential amenities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12. | <p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p> |

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| 13. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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> |
| 14. | <p>The developer shall pay to the planning authority a financial contribution to be agreed with the planning authority prior to the commencement of the development in respect of public infrastructure, Clonmore Link Road &amp; Robinstown Link Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>                                                                                                                       |

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|  | Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission. |
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.Caryn Coggan  
Planning Inspector

17<sup>th</sup> February 2022