



An
Bord
Pleanála

Inspector's Report

ABP-311285-21

Development	Revisions to permitted development including; increase in floor area of Primary Care facility and ancillary commercial units.
Location	Station Road and Old Gaol Road, Ennis, Co Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	21226
Applicant(s)	Valley Healthcare Fund Infrastructure Investment Fund ICAV
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	Valley Healthcare Fund Infrastructure Investment Fund ICAV
Observer(s)	(1) Residents of Ard Na Greine (2) Sile Ginnane & Maeve Hoey (3) Michelle Madden & Cathedral Court Management Company

Date of Site Inspection

11th November 2021

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.89 hectares, is located at the junction of Station Road and Old Gaol Road in Ennis town centre. The appeal site is split into two portions. The larger part of the site is located on the eastern side of Old Gaol Road and is occupied by a Primary Care facility currently under construction and permitted under P19/231. The adjoining site to the east is commercial in nature with a three-storey commercial development fronting Station Road with a long narrow open area to the rear. Beyond this are dwellings fronting Ard Na Greine. To the south is open space area in the Ard Clea housing development as well as existing dwellings fronting Ard Na Greine. The smaller portion of the site is located on the western side of Old Gaol Road and is current in use as car parking in association with the Primary Care Facility (in use for construction traffic). The western boundary of the site is defined by the Old Gaol Wall. To the north is a shop unit (Maddens Furniture), to the south is an open space area and to the west is two-storey housing at Cathedral Court.

2.0 Proposed Development

2.1. Permission is sought for revisions and amendments to a permitted mixed use development (P19/231) currently under construction consisting of permission for...

(1) An increase in the floor area of the four-storey primary healthcare facility and ancillary commercial units from 7,250sqm to 8.008sqm with provision of an addition floor set back at roof to level, and

(2) provision of an additional deck of car parking within the existing permitted car park to provide 63 no. car parking spaces.

Amendments works include...

(i) relocation of permitted plant store from roof level to the ground floor within the confines of the existing building footprint;

(ii) provision of a fifth floor set back at roof top level with ancillary roof plant;

(iii) removal of permitted PV panels from roof level;

- (iv) modification to the layout of permitted car park to reduce car parking from 62 no. to 57 no. spaces and provision of an additional deck of car parking accommodation 63 no. spaces;
- (v) Provision of additional bicycle parking spaces; and
- (vi) all associated site development works.

Retention permission is also sought for ...

- (a) internal relocation of permitted lift shaft extending from ground to roof level;
- (b) minor changes to window and door treatment on the western and eastern facades; and
- (b) relocation of permitted ESB substation and switchroom within the site.

3.0 Planning Authority Decision

3.1. Decision

Split decision

Permission granted for the elements for which retention was sought. The conditions are standard in nature.

Permission refused for the increased floor area including provision of an additional floor and the amendments to the permitted car park including the provision of an additional deck of car parking. Refused based on two reasons....

1. Having regard to the increase in floor space of the Primary health centre as proposed under the subject application and the consequent shortfall in on site car parking provision, the Planning Authority is not satisfied that the proposed development would not result in haphazard parking arrangement in the vicinity of the site . The Planning Authority thus considers that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

2. Having regard to the number of windows as proposed on the eastern elevation and their position relative to the existing dwellings to the east, and notwithstanding the proposal to utilise obscure glazing and coupled with the increase in overall height of the development, the Planning Authority is not satisfied that the proposed development would not result in significant overbearance on these dwellings and their associated private amenity space. The Planning Authority considers that the proposed development would seriously injure the amenities of property in the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (05/05/21): Further information required including a response to concerns regarding potential sterilisation of a vacant site, impact on the Old Gaol Walls provision of an inactive street frontage, response to concerns about the impact of increased height on the amenities of existing dwellings in the vicinity, the issue raised by the Road Design report and details of renewable energy provision.

Planning report (10/08/21): The elements sought for retention were considered to be minor in nature and acceptable. The proposal was considered to have a shortfall in parking relative to the increased development sought and the impact of windows along the eastern elevation was considered unacceptable in the context of adjoining amenity. A split decision was issued subject to the conditions and based on the reasons for refusal outlined above.

3.2.2. Other Technical Reports

Road Design (02/05/21): Further information required including clarification regarding size and number of car parking spaces provided and details of provision of disabled parking.

Irish Water (21/05/21): No objection.

Road Design (12/08/21): No objection subject to condition.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A number of submission were received form residents in the vicinity. The issues raised can be summarised as follows....

- Excessive scale, impact on adjoining properties, overshadowing/overlooking/overbearing impact, lack of shadow study, car parking issues, excessive parking, noise and disruption.

4.0 Planning History

19/231: Permission granted for a mixed use development including primary care facility, retail unit, café and coffee shop and associated site works. Currently under construction.

08/21172: Permission granted for replacement structure for fire damaged structure.

01/211085: Permission granted for a retail and office building.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Clare County Development Plan 2017-2023. Both sites part of development application area zoned 'mixed use' and such lands shall include the use of land for a range of uses, making provision, where appropriate, for primary and secondary uses e.g. commercial/retail development as the primary use with residential development as a secondary use. Secondary uses

will be considered by the local authority having regard to the particular character of the given area. On lands that have been zoned 'mixed use; in or near town or village centres, a diverse range of day and evening uses is encouraged and an over-concentration of any one use will not normally be permitted.

MU-5 Old Goal Rd (car parking portion of the site)

The development plan advises that this vacant site is located in a prominent location on Old Gaol Rd. the (southwest of Maddens's furniture) presents an opportunity to develop high quality office accommodation in a location with excellent connectivity to both town centre and the national and regional road network. The site is also easily accessed form Ennis Road and Rail Bus station and Friars Walk Coach park.

CDP 5.21 Health Services

It is an objective of Clare County Council

- a) to facilitate public private and community based agencies to provide an appropriate health care facilities including hospital care and community based primary care throughout the County.
- b) to encourage the integration of appropriate health care facilities into new and existing communities.

CDP 17.2 Universal design

It is an objective of the Development plan

To require all new buildings, facilities and works to the public realm to meaningfully engage with the principles of universal design so that all environment and buildings can be accessed understood and used by all persons to the greatest extent possible extent, having regard to all relevant legislation, publication and guidelines in their design.

5.2. Natural Heritage Designations

5.2.1 None within the zone of influence of the project.

5.3. EIA Screening

5.3.1 The development is well below the threshold of urban development which would involve an area greater than 2 hectares (appeal site is 0.89 hectares) in the case of a business district to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the site on lands zoned for urban development, the availability of public sewerage and water supply, the absence of features of ecological importance within the site, the nature of the adjoining land uses as residential and commercial. I conclude that there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by HRA Planning on behalf of Valley Healthcare Fund Infrastructure Investment Fund. The grounds of appeal are as follows...

- The level of additional floor space (969sqm) has a requirement of 18 spaces based on Development plan requirements. The permitted development provided for 119 spaces, which is 24 space in excess of Development Plan requirements (95 spaces). The cumulative requirement for the permitted and proposed is 113 with 119 permitted. It is stated that location of the site in the town centre, permitted parking provision, existing multi-storey car parks and implementation mobility management plan would mean that there is sufficient parking provision for the proposal.
- The applicant/appellant had initially proposed 58 no. additional spaces but made a change in response to further information to enter into a lease agreement with a neighbouring multi-storey car park to provide 18 no. spaces (within existing multi-storey car park with 261 no. spaces at Ennis Market Square). The Council have raised concerns regarding the length and ongoing implementation of such an agreement. The applicant/appellant states that this arrangement is sufficient to cater for the parking demand for the proposed development and will not give rise to a traffic hazard.

- It is stated that the increase in height of the structure is small (22.785m-23.210m) and would not result in significant overbearance on neighbouring dwellings and their private amenity space.
- It is noted that the alterations are imperceptible in the context of what was permitted on site from the public road and adjoining properties.
- A Daylight and Sunlight study was undertaken and such demonstrates that the impact of the proposed development is satisfactory in the context of adjoining properties.
- In relation to overlooking there are 16 no. additional windows on the eastern elevation facing the dwellings in Ard Na Greine. It is stated that the level of separation between the facade and the existing dwellings is significant and sufficient and would be satisfactory in an urban context. There are additional windows (6) on the southern elevation and such overlook public open space in Ard Clea Close.
- It was proposed by way of further information to provide obscure glazing to all windows at fifth floor level. It is considered that the proposed fifth floor is a minimal intervention and satisfactory in the context of adjoining amenities.

6.2. Planning Authority Response

6.2.1 Response by Clare County Council.

- It is considered that the applicant/appellant has not dealt with concerns regarding adjoining amenity raised in the further information request and the alterations proposed would have an adverse impact on the residential amenity of adjoining properties.

6.3. Observations

6.3.1 Observations were submitted by

Residents of Ard Na Greine

Sile Ginnane, St. Anthony's Ard-na-Greine and Maeve Hoey, St. Joseph's, Ard-na-Greine.

Michelle Madden, Maddens Furniture & Cathedral Court Management Company.

The issues raised can be summarised as follows...

- The increased height is excessive in the context of adjoining development and is a more significant increase than indicated by the applicant/appellant.
- Impact on adjoining properties in terms of overlooking, overshadowing and an overbearing impact. Lack of shadow study for the proposed development.
- The observers question the need to place all services on one site leading to excessive development on a restricted site with adverse impact on adjoining amenity.
- The level of parking provision is identified as being excessive with concerns regard impact of traffic as well questioning the implementation of a lease agreement with third party parking facilities.
- The incremental nature of the proposal and manner in which the increase has been sought is noted.
- The impact of the additional parking deck on adjoining properties is noted.
- Contrary Development Plan policy due to lack of variety of use, in particular night-time uses and the specific objective MU5 relating to the smaller area of the site.

7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Visual Impact/Adjoining Amenity

Traffic Impact/Car Parking

7.2. Visual Impact/Adjoining Amenity:

7.2.1 The proposal entails a number of alterations to a permitted Primary Care facility granted under ref no. P19/231). The main change entails the increase in floor area with an enlarged fourth floor level giving an increase in the gross floor area from 7,250sqm to 8.008sqm. The fourth floor level previously permitted features a limited level of development with a plant room and water tank storage structures. The new level features additional healthcare accommodation and is setback from the northern, western and partially setback from the southern elevation of the permitted structure.

7.2.2 Permission has been refused based on adverse impact on adjoining amenities in particular existing dwellings to the east with reference to overbearance on the dwellings to the east and their rear amenity spaces. In terms of visual amenity the proposal provides for an additional floor over a significant portion of the permitted development at fourth floor level. There is floor space permitted at fourth floor level, however such is modest in footprint and accommodates a plant room and water tank storage. The applicant/appellant states that the additional floor entails a marginal increase in ridge height from 22.785m-23.210m whereas the observers indicate that the visual increase is more given the permitted development at fourth floor level had a modest footprint and was well setback from the facades of the lower levels.

7.2.3 Having inspected the site and the intervening area, I would note that the site is a town centre location and is located at a junction where increased heights relative to buildings in the vicinity can be accommodated. The appeal site is a larger site, which allows it to set the scale of development rather than a smaller infill site where adjoining scale may dictate the appropriate scale of development. The permitted scale of development is four-storeys with some level of development at fourth floor. I would be of the view that the visual impact of the additional floor space and near full floor at fourth floor level, would be acceptable in the context of the visual amenities of the area and would not look out of character and scale having regard to level of development permitted, the scale of the site, its location in town centre location and at a junction. In addition lands to the south are elevated relative to the site and adjoining commercial development is three-storeys in height. I am satisfied that the

design and scale of the amended proposal would be satisfactory in the context of the visual amenities of the area.

7.2.4 The proposal also entailed amendments to the car parking area on the western side of Old Gaol Road with the permitted development consisting of a surface level open car park. The proposal sought to add a deck level above the surface level providing for a structure with a height of 4.8m (parapet wall level). In the context of adjoining structures, this structure would be modest in scale and would have an acceptable visual impact. It is notable that in response to further information the applicant proposed to omit the alterations to the surface car park in lieu of provision 18 additional spaces (lease arrangement) in an existing multi-storey car park a short distance from the site. This would mean no change to the visual impact of the car parking and the issue of level of car parking is dealt with in Section 7.3 below.

7.2.5 The main issue concerns the impact of the development on adjoining amenities in particular the existing dwellings in the vicinity of the site. The amendments proposed with the provision of the fourth floor accommodation relates to its scale and orientation relative to the dwellings to the east. The eastern facade of the development is separated from the dwellings fronting Ard Na Greine by a courtyard/parking area along the eastern side of the site. The depth of this area is 21m and beyond this a site that is to the rear of a commercial structure fronting onto Station Road with the Old Gaol Wall defining its eastern boundary and providing a another 17m of distance between the eastern elevation of the structure on site and the rear boundaries of the dwellings located to the east. Other dwellings in the vicinity include to the south of the site dwellings along Ard Na Greine and within Ard Clea Close. To the west of the site and adjoining the western boundary of the separate car park portion of the site is a housing development, Cathedral Court.

7.2.6 In response to the further information request the applicant submitted a Sunlight, Daylight & Shadow Assessment. This document relies on the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and BS 8206 Lighting for Buildings, Part 2: Code of Practice for

Daylight. The BRE guidelines state that if with a new development in place, the VSC to an existing neighbouring property 'is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.' Therefore, the preservation of a minimum VSC of 27% and reductions no more than 0.8 times the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21st September and 21st March, then the room should still receive enough sunlight. In relation to overshadowing, BRE guidelines recommend that at least 50% of existing properties rear gardens or other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21st March.

7.2.7 The BRE guidelines recommend that loss of light to existing windows needs not to be assessed if the distance of each part of the new development from existing windows is three or more times its height above the centre of the existing window, if this is the case then the next check is whether part of a new building measured in a vertical section perpendicular to the main window wall of an existing building from the centre of the lowest window subtends an angle of more than 25 degrees to the horizontal, then diffuse light of the existing building may be adversely affected. If a window falls within a 45 degree angle both in plan and elevation with a new development in place then the window may be affected and should be assessed.

7.2.8 In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21st September and 21st March.

7.2.9 The applicants' report carries out a test for VSC and APSH for a number of properties. The tests for VSC relates to dwellings Cathedral Court (9 dwellings) to the west and Ard Na Greine (8 dwellings) to the east. The modelling is based on ground floor windows on facades facing the site at a level of 1.6m due to no exact survey of window locations on these properties. The test for VSC identifies levels post development on site, relative to the permitted development on site and relative to the amended development proposed in this case. In the case of all of window groups identified all but one have a VSC above 27% and retain such post development in relation to the permitted development and in relation to the amended development with increased floor area. In the case of the situation where VSC is below 27% the level is 23.9% and this level is retained in both the permitted and amended development scenario with no reduction experienced as result of any development on site.

7.2.10 In relation APSH the test was carried out for a number of properties in Cathedral Court based on the requirement that this test relates to whether some part of the new development within is 90 degrees of due south of the main window wall of an existing building. The tests established the existing levels pre-development on site and then the levels post the permitted development and the amended development proposed in this case. In all cases the levels are above the recommended standard under the BRE guidelines in all cases.

7.2.11 In relation sunlight to gardens the BRE guidelines recommend that to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. The assessment report includes an assessment of the private amenity space of the dwellings to the east in Ard Na Greine and to the west in Cathedral Court. The results provided give a comparison between the pre-development on site scenario, the permitted development and the amended development proposed in this case. In the case of the pre-development scenario most of the amenity spaces achieve the standard of at least half of a garden or amenity area receiving at least two hours of sunlight on 21 March, with some below this standard. The results provided indicate that both the

permitted development and amended development do not alter or reduce the levels experienced pre-development.

7.2.12 I would point out that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The BRE guidelines also state in paragraph 1.6 that: “Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.” Notwithstanding such, I am satisfied that the report submitted by the applicant as further information provides a sound basis to reach a conclusion on the impact of the development in relation to adjoining amenities. I am satisfied that the scope of the report is sufficient and that the appropriate properties were identified in relation to the tests outlined in the guidelines. I am satisfied that it has been demonstrated that the development proposed is of a scale that would have no significant or adverse impact on daylight or sunlight levels to properties in the vicinity. Some of the observations raise concern regarding the lack of a shadow analysis with the application. I would consider that the proposed increased level of development is not significant or excessive in scale, that there is adequate separation between the appeal site and the nearest dwellings and that sufficient information was submitted to conclude no adverse impact would occur in regards to loss of light.

7.2.13 The refusal reason appears to relate to an overbearing impact and the provision of additional windows on the eastern elevation with 16 windows proposed along the eastern façade and 6 along the southern facade of the new fourth floor level. I would be of the view that the provision of the additional fourth level floor space and additional windows would not be a significant material change over the permitted development and would point out that the eastern and southern elevation already provide for a significant level of windows at ground, first, second and third floor level. The additional windows, which are smaller than those at the lower levels are at a similar distance from the adjoining properties and in the case of those on the southern and western elevation are set back from the lower levels. I would consider that the amended proposal and additional floor space does not have a significant impact over and above that of the permitted development in relation to adjoining

properties. I would consider that in the case of all residential properties in the vicinity, the level of separation from the site is sufficient to protect their amenities and that the relationship between the proposed and existing development would be acceptable in an urban context such as this. I am satisfied that overall design and scale of the amended development including additional floor space at fourth floor level would have adequate regard to the amenities of adjoining properties. The applicant has proposed to provide obscure glazing in the windows on the eastern elevation at fifth floor level. These windows are a similar distance from properties to the east as windows lower on the eastern facade and I do not consider that this is necessary restriction, I would however consider that it is not an onerous restriction to place on the applicants if considered necessary.

7.3. Traffic Impact/Car Parking:

7.3.1 Permission was refused on the basis that the increase in floor space and shortfall in on site car parking provision has the potential to result in haphazard parking in the vicinity of the site and would endanger public safety by reason of traffic hazard or obstruction of road users.

7.3.2 Based on the information on file, the permitted care facility under ref no. p19/231 consisted of the provision of 119 car parking spaces, 55 no. spaces within the main body of the site and to east of the facility and a separate car park on the western side of Old Gaol Road with 64 no. spaces. Based on CDP standards the permitted development has a minimum requirement of 95 spaces with the proposal providing surplus of 16 no. spaces. The indication was that these were spaces that could be used by patients. In the case of the proposed development the initial proposal was to provide an additional deck level on the car park on the western side of Old Gaol Road with amendment of the surface level and the provision of a total number of 120 spaces in the car park added to 59 spaces (includes three set down spaces) proposed within the curtilage of the centre (changes to the layout proposed in this application) itself giving a total of 179 spaces.

7.3.3 The Planning Authority expressed reservations about the proposals on the car park portion of the site on the basis that this portion of land has an objective, MU5 identifying it as suitable for to accommodate office accommodation (outlined under policy section above) and that the proposal for the additional deck would sterilise the land in terms of future development. In response to the FI request the applicant omitted the additional level of car parking and proposed to lease 18 no. additional spaces form multi-storey car park operator at Ennis Market Square leaving 141 spaces available for the proposed.

7.3.4 I would first note that the initial proposals submitted by the applicant providing for an additional deck of parking, provide for well in excess of the minimum parking requirements of the Clare County Development Plan, which is 113 spaces. In addition I would note that the permitted development, provides for 119 spaces, which is in excess of the minimum requirement under Development Plan policy for the amended proposal sought in this case. It would appear that additional spaces are being provided in the main body of the site, with 59 no. spaces proposed (three appear to be set down spaces) and added to the 64 permitted in the car park on the western side of Old Gaol Road gives a total of 123. No matter, which scenario is proposed, no provision of additional parking over that permitted, the provision of an additional deck level or the use of spaces in an existing car park, the minimum standard set out under County Development Plan policy is met. In this regard, I do not consider that it is appropriate to characterise the development as having a shortfall in parking as stated in the refusal reason.

7.3.5 In relation to the objective on the car parking portion of the site, I would question how this is relevant to the proposed development or should dictate the future use of the site. This portion of the site is part of an overall site on, which a Primary Care facility was granted under ref no. P19/231, with the portion of site in question approved as parking for the facility and the permission currently being implemented. Any proposal to amend this area that is consistent with the use approved should be assessed on its merits and not on the basis of this objective. I would consider it highly unlikely that consideration would be given to an alternative development on

this portion of the site given it is integral to the Primary Care facility. Notwithstanding such, I would consider that the proposal to retain this area as surface level car parking to be sufficient to cater for the proposed development. I recommend that the proposal is granted with no additional deck level. I do not consider it inappropriate that the applicant would enter into an agreement to lease spaces in a third party facility, which are existing and service the town-centre and would not that such is not necessary given the proposal meets the parking standard required by the County Development plan. In addition to the level of parking proposed on site, the site itself is located in walking distance of existing parking facilities in the town centre, accessible to public transport and in walking distance of residential development (a preliminary mobility management plan was submitted) I would consider that sufficient car parking is provided for the proposed development.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and 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.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to

- (a) The provision of the Clare County Council Development Plan 2017-2023,
- (b) The existing pattern of development in this town centre location,
- (c) The design, scale and layout of the proposed development, and
- (d) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties and acceptable in the context of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans and particulars lodged with the application, and as amended by the further plans and particulars received on the 19th day of July 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.

Reason: In the interests of clarity.

2. Details of materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. Reason: In the interests of visual amenity.

3. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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. Reason: In order to safeguard the amenities of property in the vicinity

4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission. Reason: In the interest of visual amenity.

5. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Reason: To ensure adequate servicing of the development and to prevent pollution.

6. 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 traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 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.

Reason: In the interest of sustainable waste management.

8. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

Colin McBride
Senior Planning Inspector

10th December 2021