



An
Bord
Pleanála

Inspector's Report ABP-311572-21

Development

Revised plans including modifications to front and rear elevations, re-orientation of the internal layouts, removal of chimney stacks, separate front doors to each apartment in lieu of a common entrance and revision to access stairs to upper floor apartment. Previous Planning application 17/6359 refers.

Location

Pakenhamhall Road, Castlepollard,
Co. Westmeath.

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

21/165

Applicant(s)

N. J. Doyne Construction (Ireland) Ltd.

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

John Curran

Observer(s)

None.

Date of Site Inspection

17th February, 2022

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the small rural town of Castlepollard, Co. Westmeath, where it occupies an infill position along the northern side of Pakenhamhall Road (the R395 Regional Road) between a traditional terrace of streetside housing to the east and a detached two-storey dwelling to the west. The surrounding area is predominantly residential in character (although the lands to the rear (north) are in agricultural use) with more vernacular architecture prevalent on the approach to the village green / square to the east while increasingly conventional / contemporary housing predominates to the south and west.
- 1.2. The site itself has a stated site area of 0.078 hectares, is broadly rectangular in shape, and presently comprises a vacant brownfield plot of land that was seemingly previously occupied by a single bungalow (since demolished). The presence of incomplete footings / foundation works would suggest that some unfinished development works were previously carried out on site. The perimeter of the property is enclosed by a combination of existing building, boundary walls and hedgerow while hoarding has been erected along the roadside. A public footpath passes along the site frontage in addition to a set down area for buses serving a school located a short distance away to the west.

2.0 Proposed Development

- 2.1. The subject proposal, as initially submitted to the Planning Authority, involves the amendment of the development previously permitted under PA Ref. No. 17/6359 and includes for the following:
 - The revision of the building footprint & floor plans through the realignment / straightening of the front and rear elevations / building lines (with an associated increase in floor area);
 - Alterations to the front and rear elevations, including revised fenestration treatment and doorways;
 - The rearrangement / reorientation of the internal layout of the proposed units e.g. by repositioning the kitchen & dining areas);
 - The omission of the rear balcony;

- The omission of the chimney stacks;
- The provision of independent front doors to each of the apartment units in lieu of a common entrance; and
- The revision of the access stairs to upper floor apartment.

2.2. Amended proposals were subsequently submitted in response to a request for further information which provide for:

- The omission of the front balcony area and its relocation to the rear of the building.
- The reinstatement of chimney stacks to be positioned atop the roof ridge line.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. Following the receipt of responses to requests for further information and subsequent clarification, on 9th September, 2021 the Planning Authority issued a notification of a decision to grant permission, subject to 13 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, infrastructural works, and development contributions, however, the following conditions are of note:

Condition No. 8: - Requires all boundaries to accord with the details shown on Drg. No. 072-057-03 (received by the Planning Authority on 8th March, 2018) as permitted under the parent grant of permission issued for PA Ref. No. 17/6359.

In addition, details of public lighting are to be agreed in writing with the Planning Authority prior to the commencement of development.

Condition No. 13 – States that the grant of permission will expire with the parent permission (PA Ref. No. 17/6359) on 1st May, 2023.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Details the site location, planning history, and the applicable policy considerations before analysing the proposal in the context of the development previously permitted under PA Ref. No. 17/6359. It was concluded that the revisions proposed were largely consistent with the parent permission and were acceptable in principle, although a number of comparatively minor modifications to the design of the scheme (including the repositioning of the balcony to the rear of the building and the reinstatement of the chimney stacks) were required by way of further information. Clarification was subsequently sought in relation to the measurements shown on the contextual elevational drawing and the possibility of disparities between the further information response and the original documentation. Upon the receipt of this clarification, a grant of permission was recommended, subject to conditions.

3.2.2. Other Technical Reports:

Chief Fire Officer: No objection, subject to conditions.

Area Engineer: No objection, subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. A total of 3 No. submissions were received from the appellant and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The loss of the permitted chimney stacks would be at variance with the established pattern of development and would be at odds with the streetscape and architectural heritage of the surrounding area.
- The proposed street-front balcony is an inappropriate design feature given the site context and will also result in a loss of privacy to neighbouring residents.
- The inadequacy of the on-site parking provision and the associated impact on the availability of roadside parking and traffic safety considerations.

- The inclusion of apartment units will give rise to an excessive density of development.
- The close proximity of the development will have a detrimental impact on the residential amenity of the objector's dwelling by reason of overshadowing / loss of light, intrusive noise, and a devaluation of property.
- The contextual elevation submitted by way of further information is inaccurate / misleading with illegible measurements and serves to exaggerate the separation between the objector's property and the proposed development.
- There are concerns that the existing foundation works on site will be used to accommodate the proposed development.
- The proposal amounts to overdevelopment of the site and is out of keeping with the surrounding pattern of development.
- The application drawings do not accurately depict the objector's property and its relationship with the development site.

4.0 Planning History

4.1. On Site:

- 4.1.1. PA Ref. No. 17/6359. Was granted on 2nd May, 2018 permitting Alfie Devine & Paul Etherson permission for the construction of 3 No. 3 bedroom townhouses, 1 No. 1 bedroom apartment and 1 No. 2 bedroom apartment, with all associated car parking, connection to public services, an entrance onto public road, and all ancillary site works.
- 4.1.2. PA Ref. No. 06/2028. Was granted on 29th September, 2006 permitting George Browne permission for the demolition of an existing single storey dwelling and the construction of 2 No. 3 bedroom townhouses and 4 No. 2 bedroom apartments with all ancillary roads, car parking, site services, and ancillary site works.

5.0 Policy and Context

5.1. National and Regional Policy

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the importance of smaller towns and villages and their contribution towards Ireland's identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impact of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.
- 5.1.2. The '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*' are intended to set out national planning policy guidance on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. They aim to put into practice key National Policy Objectives contained in the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building heights and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels.
- 5.1.3. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document, these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. Furthermore, these Guidelines apply to all housing developments that include apartments that may be made available for

sale, whether for owner occupation or for individual lease. They also apply to housing developments that include apartments that are built specifically for rental purposes. Unless stated otherwise, they apply to both private and public schemes. These updated guidelines aim to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types. They also seek to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

5.2. Development Plan

5.2.1. Westmeath County Development Plan, 2021-2027:

Land Use Zoning:

The proposed development site is zoned as '*Established Residential*' with the stated land zoning policy objective '*CPO 15.1: Support high quality residential consolidation and sustainable intensification at appropriate locations in a manner that does not impact negatively on the amenities or character of an area*'.

Other Relevant Sections / Policies:

Chapter 2: Core Strategy:

Section 2.7.1: Settlement Hierarchy for Westmeath 2021-2027:

Castlepollard: Self-sustaining growth town: (Population 2016: 1,163):
Self-Sustaining Growth Towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.

Section 2.11: Self-Sustaining Growth Towns:

Core Strategy Policy Objectives:

CPO 2.7: Promote consolidation in Self-Sustaining Growth Towns coupled with targeted investment where required to improve local employment, services and sustainable transport options and to become more self-

sustaining settlements, in line with settlement specific policy contained within Chapter 8 of the plan.

Chapter 3: Housing Strategy:

Section 3.6: Apartment Development

Section 3.8: Layout and Design

Chapter 4: Sustainable Communities

Chapter 7: Urban Centres and Place-making:

Section 7.6: Urban Regeneration and Sustainable Development in Urban Areas:

Section 7.6.1: Compact Urban Centres:

Urban Regeneration and Sustainable Development in Urban Areas Policy

Objectives:

CPO 7.26: Support and facilitate the ambitious regeneration of underused town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands.

Infill Site:

Development within urban infill sites must consider the context of the surrounding area. Development proposals on sites within existing streetscapes should provide for active frontages and continue the established building line. On larger infill sites new development has the potential to establish a new pattern of development; it should however consider matters such as streetscape, layout, pedestrian permeability, location of car parking and service bays as well as the amenity of any adjoining buildings.

Chapter 8: Settlement Plans:

Section 8.3.1: Castlepollard:

Section 8.3.1.8: Sustainable Communities:

Castlepollard - Sustainable Communities Policy Objectives:

CPO 8.14: Provide for new residential development in accordance with the requirements of the Housing and Core Strategy.

CPO 8.15: Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential developments to meet the needs of the population of Castlepollard.

CPO 8.16: Encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up area.

Chapter 15: Land Use Objectives:

Section 15.4: Established Residential:

This 'Established Residential' zoning is intended to reflect existing established residential areas. In such area's sustainable intensification of gap infill, unused or derelict land can be achieved through infill development, the subdivision of larger houses, backland development and the development of corner sites.

The sensitive intensification of housing development in established residential areas is supported by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), which recognises that the provision of additional dwellings in towns can revitalise such areas.

Proposals for development involving the intensification of residential uses within established residential areas will be required to clearly demonstrate that the proposal respects the existing character of the area and would not harm the amenity value of adjacent properties.

Chapter 16: Development Management Standards:

Section 16.3: Residential Development

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Lough Glore Proposed Natural Heritage Area (Site Code: 000686), approximately 2.9km northeast of the site.
- The Lough Lene Special Area of Conservation (Site Code: 002121), approximately 3.0km southeast of the site.

- The Lough Derravaragh Special Protection Area (Site Code: 004043), approximately 3.9km southwest of the site.
- The Lough Derravaragh Natural Heritage Area (Site Code: 000684), approximately 3.9km southwest of the site.

5.4. EIA Screening

5.4.1. Having regard to the minor nature and scale of the development proposed, the site location in an established built-up area outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The excessively close proximity of the proposed development will have a detrimental impact on the residential amenity of the appellant's neighbouring dwelling house thereby giving rise to an associated devaluation of property.
- The appellant has previously provided the Local Authority with actual measurements of the distance between his dwelling house and the proposed building (with respect to both the subject proposal and the application lodged under PA Ref. No. 17/6359), however, these have been to no avail.
- A key measurement (i.e. the distance between the appellant's house and the proposed development) is illegible on the drawing detailing the contextual / contiguous elevation.
- The contextual drawing provided by the applicant as 'significant further information' worsens the appellant's understanding of the application as regards the proximity of the proposal to his property. That drawing

misrepresents the conditions 'on the ground' and appears to detail a measurement of 6m (insofar as is legible). While such a distance (were it to be accurate) would provide for an acceptable separation between the respective properties, it cannot be achieved in practice as the appellant's dwelling is much closer to the boundary wall than has been shown on the drawing. This misrepresentation significantly understates the impact of the proposal on the appellant's property and is also inaccurate in that the measurement in question is only 5m when scaled from the drawing itself.

The applicant's agent subsequently verified for the appellant that the contextual drawing was inaccurate as there was a separation of only 2.87m between the gable elevation of the proposed building and his dwelling house.

The submitted drawings are also inaccurate in that they mistakenly show the appellant's dwelling house as being parallel to the proposed construction. These variances result in the existing dwelling being closer to the rear of the proposed building than the 2.87m separation distance verified by the applicant's agent.

- The Planning Authority has not made it definitively clear as to what is the correct separation between the appellant's dwelling and the proposed development. It has repeatedly granted permission for development on foot of incorrect and inaccurate measurements which is clearly unacceptable
- There are no other examples of new construction in Castlepollard having been placed so close to older housing or, more pertinently, to any house along Pakenhamhall Road. The close proximity of the proposed building to the appellant's dwelling is out of keeping with the established pattern of development and the wider spacing of properties on Pakenhamhall Road.
- While development such as that proposed may be acceptable in urban areas where there is already a higher density of development, Castlepollard is a small rural town with a 'village-Georgian' layout and design. The exceptionalism evident in the proposed development is at odds with the spacing of both historic and newer buildings along the street and is further highlighted by the fact that the original art-deco styled, double-bayed

bungalow which was demolished to make way for the redevelopment of the site was situated at least 10m from the gable end of the appellant's property.

- It is queried whether the State can stand over a conditional grant of permission that is based on inaccurate / misleading information and which will have a negative impact on the amenity and value of the appellant's dwelling.

6.2. Applicant Response

- The proposed development accords with the relevant policies and objectives of the National Planning Framework through its delivery of a new housing scheme on an underutilised infill / brownfield site in an urban settlement.
- The subject proposal, which involves the redevelopment of an infill / brownfield site within walking distance of the centre of Castlepollard, accords with the relevant principles of the Eastern and Midlands Regional Spatial & Economic Strategy as regards the delivery of housing.
- Having regard to the designation of Castlepollard as a self-sustaining growth town in the county settlement strategy, the site location on lands zoned as 'Established Residential', and the wider policy provisions of the Westmeath County Development Plan, 2021-2027 in support of the regeneration and redevelopment of brownfield sites, it is considered that the subject proposal accords with the proper planning and sustainable development of the area.
- The subject proposal involves the modification of the development previously permitted on site under PA Ref. No. 17/6359 with the application having been lodged in order to address certain issues as regards compliance with Part M of the Building Regulations and to make some internal alterations that could have been resolved under Section 4(1)(h) of the Planning and Development Act, 2000, as amended. In this regard, the principal difference concerns the straightening of the front and rear elevations of the proposed construction. The location of the proposed building and its positioning relative to the site boundaries will remain unchanged from that permitted under PA Ref. No. 17/6359 and, therefore, there is no basis for the allegation that the proposed development will have a greater impact on the amenity of neighbouring properties or result in the devaluation of same. Accordingly, the subject

appeal is of a frivolous and vexatious nature and is without any substance or merit in terms of the proper planning and sustainable development of the area and should be dismissed as such.

- All of the drawings submitted with the application are to scale and include principal dimensions. In this respect, the site layout plan details a separation of 1.33m to the front and 1.59m to the rear of the proposed building while a measurement of 2.9m is shown as the distance between it and the appellant's house. There is no ambiguity in the site layout submitted with the application.
- Nowhere on the drawings submitted with either the subject application or PA Ref. No. 17/6359 is a separation distance of 6m shown.
- The contention in the grounds of appeal that the submitted drawings show the proposed development as being parallel with the appellant's dwelling is rejected and may have arisen from a misreading of the elevations provided.
- The suggestion that there was a misrepresentation of the separation distances in either the subject application or PA Ref. No. 17/6359 is rejected. Both applications show the separation distances on scaled drawings. The response to the request for clarification of further information submitted on 16th August, 2021 accurately shows a separation of 2.87m on the elevational drawing (indicating the closest point as the buildings are not parallel) and 2.9m on the site layout plan (in the centre) (or 1.3m to the site boundary).
- The contiguous / contextual elevation submitted by way of clarification of further information clearly shows a separation of 2.87m between the front elevations of the appellant's dwelling and the proposed development. A separation distance of 2.9m at the midpoint between the two buildings was shown in PA Ref. No. 17/6359 and this is reflected in the subject proposal.
- Any concerns that the appellant may have held as regards the possible impact of the development on the value of his property should have been raised during the determination of PA Ref. No. 17/6359 and not in the context of the subject proposal which has sought permission for minor elevational changes to a permitted development.

- By granting permission for both PA Ref. No. 17/6359 and the subject proposal, the Planning Authority has confirmed what it considers to be an acceptable separation distance between the proposed development and the appellant's property. In this regard, the applicant concurs with the decision of the Planning Authority that 2.9m is an appropriate level of separation between the gable ends of two buildings in a town centre location.
- With respect to the allegations in the grounds of appeal that the proposal is out of keeping with the established pattern of development and the spacing of properties both within Castlepollard and along Pakenhamhall Road, these are factually incorrect and show a failure to appreciate that the majority of the buildings in the town are in fact terraced properties (which contribute to the character and attractive quality of Castlepollard and the designation of an Architectural Conservation Area within the town's core).

6.3. Planning Authority Response

None.

6.4. Observations

None

6.5. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The merits of the third-party appeal
- The principle of the proposed development
- The nature of the proposed amendments
- Impact on residential amenity

- Appropriate assessment

These are assessed as follows:

7.2. The Merits of the Third-Party Appeal:

- 7.2.1. With regard to the applicant's request for the Board to dismiss the third party appeal pursuant to the provisions of Section 138(1) of the Planning and Development Act, 2000, as amended, on the basis that said appeal is 'vexatious' and 'frivolous', having considered the grounds of appeal, I am satisfied that they raise legitimate material planning considerations and thus I propose to assess same accordingly.

7.3. The Principle of the Proposed Development:

- 7.3.1. The proposed development is described in the public notices as comprising the modification of the development previously permitted on site under PA Ref. No. 17/6359. Accordingly, I am satisfied that the subject application can be reasonably described as amending an extant grant of permission and, therefore, there is no need to revisit the wider merits and overall principle of the development already approved on site. Indeed, it is clear that the subject proposal is intrinsically linked to the grant of permission issued in respect of PA Ref. No. 17/6359 and that the amendments detailed in the subject proposal are reliant on the implementation of that extant grant of permission and cannot be carried out in isolation of same. Therefore, as the overall principle of the redevelopment of this site has already been established under PA Ref. No. 17/6359, it would be inappropriate to revisit any issues of principle which have already been considered in the assessment of PA Ref. No. 17/6359.

7.4. The Nature of the Proposed Amendments:

- 7.4.1. The amendments proposed (as revised in response to the request for further information) are of a comparatively minor nature and provide for a simplified construction through the regularisation of the building footprint as a result of the realignment / straightening of the front & rear building lines and various revisions to the elevational treatment (e.g. the simplification of the fenestration details). Other modifications to the design include the rearrangement / reorientation of the internal layout of the proposed units e.g. by repositioning the kitchen & dining areas; the provision of independent / separate front doors to each of the apartment units in lieu

of a common entrance; and the revision of the stairway access to the upper floor apartment. In my opinion, the changes proposed are generally of a relatively cosmetic nature and are consistent with the broader design of the permitted scheme.

7.5. Impact on Residential Amenity:

- 7.5.1. The primary concern raised in the grounds of appeal relates to the positioning of the proposed building relative to the appellant's dwelling house to the immediate west and the intervening site boundary. In this regard, the main point of contention derives from an apparent discrepancy between the site layout plan and the contextual elevation as lodged with the original application documentation (with a similar discrepancy evident in the corresponding drawings provided under PA Ref. No. 17/6359). In summary, the contextual elevational drawing (Drg. No. PL05) received by the Planning Authority with the initial application on 31st March, 2021 and its depiction of the proposed development relative to neighbouring properties on either side of the site along Pakenhamhall Road does not correspond with the accompanying site layout plan. Although the precise measurements shown on the contextual drawing are illegible at the scale provided, it is clear that the depiction of the separation distance between the proposed building and the appellant's dwelling house has been shown to be substantially greater than that indicated on the site layout plan or as is evident on the ground (having conducted a site inspection). Indeed, the contextual elevation is also inaccurate in its portrayal of the proposed development relative to the existing housing to the east along Pakenhamhall Road given that the immediately adjacent property on that side comprises a two-storey dwelling with a single-storey side annex between the main residence and the application site. This misrepresentation is regrettable and has given rise to the appellant's legitimate concerns. The Planning Authority has sought to resolve the aforementioned disparities by way of further information with an amended contextual elevational drawing having been submitted on 14th August, 2021 in response to a second request for clarification of further information. This revised drawing corresponds with the accompanying site layout plan and details a separation distance of c. 2.87m between the proposed building and the gable end of the appellant's dwelling (it also provides for a more accurate illustration of the existing housing to the east of the site along Pakenhamhall Road). These drawings similarly

correspond with the positioning of the proposed building as shown on the site layout plan approved under PA Ref. No. 17/6359.

7.5.2. The inaccuracy of the contextual elevation initially lodged with the subject application (as well as the contiguous elevations submitted in response to the request for further information and a subsequent request for clarification) is acknowledged, however, the amended details submitted in response to the second request for clarification would appear to have addressed the matter by providing for a more accurate representation of the intended relationship between the proposed development and neighbouring properties.

7.5.3. At this point, it is of specific relevance to note that the positioning of the proposed development relative to the adjacent properties remains unchanged from that shown on the site layout plan approved under PA Ref. No. 17/6359 (as emphasised by the applicant in response to the grounds of appeal). Moreover, the overall length of the building footprint (i.e. 28.2m) along the streetside as shown on both the floor plans and the site layout plan submitted with the subject application remains the same as that approved by the parent permission with no change in the proximity of the construction to either the eastern or western site boundary. In effect, the amendments proposed as part of the subject application will not result in any alteration of the location of the permitted building on site or its relationship with the neighbouring lands.

7.5.4. Therefore, on the basis of the foregoing, it is reasonable to conclude that the subject proposal will not give rise to any significant additional impact on the residential amenity of the appellant's property over and above that already attributable to the development approved under PA Ref. No. 17/6359.

7.6. **Appropriate Assessment:**

7.6.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission for the proposed development be granted for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the planning history of the site, with particular reference to planning register number 17/6359, the pattern of development in the area, the infill nature of the site, the scale, form and design of the proposed development, and to the provisions of the Westmeath County Development Plan, 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the character of the streetscape and would not seriously injure the amenities of nearby dwellings. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 3rd day of June, 2021, the 2nd day of July, 2021, the 30th day of July, 2021, and the 14th day of August, 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 interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms

and conditions of the permission granted on the 2nd day of May, 2018, under planning register reference number 17/6359, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Robert Speer
Planning Inspector

25th February, 2022