



An
Bord
Pleanála

Inspector's Report

ABP-312672-22

Development

Change of use of retail premises to residential, retaining portion of ground floor for use as retail, construction of 3 apartments and 2 duplex apartments, alterations at basement level and elevational alterations, ancillary site works and services. The building is located within an Architectural Conservation Area.

Location

62-64 Dublin Street, Carlow

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

21155

Applicant(s)

Catherine Fitzgerald

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Orlaith Brennan

Observer(s)

None

Date of Site Inspection

28th November 2022

Inspector

Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.19ha is located on the corner of Dublin Street and Castle Street within the centre of Carlow town. The site comprises an unoccupied three storey over basement building with street frontages onto Dublin Street and Castle Street. The building is not a protected structure but is located at one end of the designated Dublin Street ACA. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Permission was sought on the 30th April 2021 for the change of use of existing retail premises for use as residential, retaining a portion of the original ground floor for use as retail. Full planning permission is sought to construct 1 no. apartment at ground floor level with associated stairwell access to upper and lower level, 2 no. apartments at first floor level and 2 no. duplex style apartments at second floor level, to carry out alterations at basement level to accommodate facilities /services associated with the proposed development, to carry out elevational alterations to accommodate same, all ancillary site works and services. The building is located within an Architectural Conservation Area.

2.2. The stated floor area of the existing building is 361.22sqm. The gross floor area of proposed works is 461.53sqm.

2.3. The application was accompanied by the following:

- Irish Water pre-connection enquiry form
- Section 97(3) Certificate of Exemption application form
- Architectural Heritage Impact Assessment

2.4. Further information was submitted on the 4th November 2021 and may be summarised as follows:

- Reduced works to the roof structure so that the new construction is contained within the courtyard area as proposed and the impact on Castle Street is

eliminated. To achieve this the number of duplex units has been reduced to 1 no unit and the remaining unit shall be a 1-bedroom unit studio style apartment

- Ground floor studio style unit has been eliminated and the area reallocated to the ground floor retail space as is the current arrangement
- 1.8m high concrete block wall to the rear open space to eliminate overlooking,
- Redesigned to take into account the natural light requirement for all apartments proposed taking cognisance of the fact that dealing with an existing building
- Revised plans, elevations and sections submitted
- Bin storage has been located externally at ground floor
- Revised site layout showing bicycle parking and existing car parking associated with the use of this building shall be credited to this proposed development
- Details of external finishes provided
- Section drawings
- Existing Perspex roof is to be removed with the area left open
- Revised floor schedule in accordance with the Sustainable Urban Housing Design Standards for New Apartments.
- Sash style window to be used where necessary
- Copy of Irish Water Pre-Connection Enquiry correspondence. The site will be subject to a separate connection application.

2.5. Revised public notices were submitted on the 9th December 2021.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Carlow County Council issued a notification of decision to grant permission subject to 15 no conditions summarised as follows:

1)	This grant of permission shall include for 1 No. retail unit on the ground floor level, 2 No. apartment units on the first floor level, and 1 No. apartment unit on second floor level. The basement level shall be used for ancillary storage purposes only.
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2)	Any works to the external elements of these structures – No. 62-64 Dublin Street shall be carried out to best conservation practice as outlined in Architectural Heritage Protection – Guidelines for Planning Authorities (2011). The Applicant shall engage appropriately qualified and competent conservation professionals, and the works shall be undertaken by skilled and experienced conservation contractors and specialists
3)	External finishes to be agreed
4)	Rear courtyard landscape to be agreed
5)	Location of bin storage
6)	Water and Wastewater Infrastructure connection
7)	Construction Management Plan
8)	Demolition and construction parking and safety
9)	No traffic associated with development shall be permitted to block or cause nuisance on adjoining public roads. Works shall be carried out in its entirety within the developer's property
10)	Construction hours and noise levels
11)	Developer shall not interfere with the public road/footpath without consulting and reaching agreement with the Municipal District Engineer.
12)	Developer shall avoid damage to infrastructural services through which vehicles/machinery servicing the proposed development will traverse
13)	Prior to the commencement of development, the applicant shall consult with the Chief Fire Officer
14)	All ESB, telephone cables, service lines and any other cables shall be located underground
15)	Development Contribution €13,008.29

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** in their first report raised concerns in relation to overdevelopment, residential amenity, and functionality, negative impact on adjoining residential amenities, daylight and sunlight, bin storage, car parking and bicycle provision, external finishes, contiguous drawings and boundary treatment. Further information was requested in relation to the following:
 - Roof design, overlooking, provision of natural light, location of bin storage, car and bicycle parking provision, external finishes, survey drawings, open space and boundary detail and compliance with the Sustainable Urban Housing Design Standards for New Apartments
 - Replacement of all windows with sliding sash windows of timber / wood construction
 - Applicant to liaise with Irish Water and Water Services Carlow County Council
 - The Department of Culture, Heritage and the Gaeltacht will advise in relation to revised proposals

3.2.2. Further information was requested on the 22nd June 2021. Revised public notices were requested on the 5th November 2021.

- The **Case Planner** in their second report and having considered the further information recommended that permission be refused for the following 4 no reasons as summarised:
 - 1) Substandard overdevelopment that is unacceptable within the ACA
 - 2) Negative impact on the residential amenities of adjoining properties to the rear / west and north in terms of overlooking and loss of residential privacy, possible overshadowing, loss of light and potential noise nuisance
 - 3) Development as presented would not enhance the special character of the Dublin Street Conservation Area
 - 4) The development would give rise to a substandard form of development with poor quality living environments for the intended occupants

3.2.3. In a further report by the Senior Executive Planner and following a site inspection it was recommended that permission be granted subject to conditions and amendments to the scheme. The notification of decision to grant permission issued by Carlow County Council reflects this recommendation.

3.2.4. Other Technical Reports

- **Transportation Section** – There is no roads related reason to refuse this planning application, it is therefore recommended that a grant of permission subject to the conditions as set out in the report. The report also notes that access to bin storage is of concern.
- **Water Services** – No objection. Applicant advised to apply to Irish Water New Connections as they are proposing to change the existing connection to 5 premises and therefore may require 4 / 5 separate connections similar to ESB. In a further report and having considered the further information submitted states that the development is unlikely to have an impact on Irish Water Assets. Recommended that a condition be attached requiring the developer to engage with Irish Water prior to commencement of development.
- **Fire Officer** – No objection subject to conditions outlined in their report.
- **Environment** – Development is connected to public mains water, public foul mains and public surface water. Recommended a grant of permission.

3.3. Prescribed Bodies

- **Irish Water** – No objection. Applicant advised to apply to Irish Water New Connections as may require 4 / 5 separate connections similar to ESB.

3.4. Third Party Observations

- 3.4.1. There is one observation recorded on the planning file from Orlaith Brennan, No 61 Dublin Street (appellant in this case). The issues raised relate to no revised notice on the building, significant change proposed, high density, loss of direct light to the rear of the property, proximity of outdoor space, waste management and apartment do not appear to be conducive to a good quality of life for residents.

4.0 Planning History

- 4.1. There is no evidence of any previous appeal at this location. The following planning history has been made available with the appeal file:

- **Reg Ref PD40** – Carlow Urban District Council granted planning permission for the erection of the Irish Life Building at No 64 Dublin Street on 14th December 1965.
- **Reg Ref PD1351** - Carlow Urban District Council granted planning permission for new shop front and enlargement of basement storage at No 62 Dublin Street on 12th April 1979.
- **Reg Ref PD2442** - Carlow Urban District Council granted planning permission to extend existing retail jewellery and boutique business at No 64 Dublin Street and to alter front at ground level to match Nos 62 and 63 Dublin Street on 30th May 1989.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Carlow County Development Plan 2022-2028**. I refer to Map 15.1 Carlow Town Land Use Zoning Map where the site is zoned **Town Centre**. Map 15.2 Carlow Town Objectives identifies the site within the designated **Carlow Town Council Boundary**, the defined **Core Retail Area** and **Architectural Conservation Area**. The **Trails of the Saints** route adjoins the appeal site to the south (Castle Street). A key objective of this Plan is to promote the sustainable and compact growth of Carlow Town and strengthen its position as a self-sustaining regional and interregional growth driver.
- 5.1.2. **Chapter 16: Development Management Standards** sets out the development standards and criteria that will be applied as relevant, in the assessment of planning applications for development in the County. Table 16.9: Land Use Zoning Categories, Objectives and Land Use Acceptability sets out the following objective and purpose for land use zoning category Town Centre:
- Objective:** *To protect, provide for and/or improve town and village centre facilities and uses.*
- 5.1.3. Section 16.14.7 Architectural Conservation Areas states that in Architectural Conservation Areas the Council will have regard to the following:

- *The effect of the proposed development on buildings and the surrounding environment, both natural and man-made.*
- *The impact of development on the immediate streetscape in terms of design, scale, height, plot, width, roof treatment, materials, landscaping, mix and intensity of use proposed.*
- *New alterations and extensions should complement existing buildings / structures in terms of design, external finishes, colour, texture, windows / doors / roof / chimney / design and other details.*
- *In dealing with advertisements in Architectural Conservation Areas, the overriding consideration will be the enhancement and protection of the essential visual qualities of the area*

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in a European Site. The River Barrow SAC is c225m to the west of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third-party appeal has been prepared and submitted by PDS Associates on behalf of Orlaith Brennan, 60 / 61 Dublin Street, Carlow and may be summarised as follows:
- **Overshadowing** – The development will devalue the appellants property and eliminate any natural daylight entering the rear of the dwelling unit. Having regard to the nature of the extended and altered areas to the rear and the proximity to adjacent residential units, a detailed shadow projection analysis should have been

requested to demonstrate the impacts on adjacent properties. Site photos submitted.

- **Overlooking** - A substantial glazing element is proposed to the rear that would appear (due to lack of dimensions) to encompass the entire rear section. This window will overlook all adjacent buildings to the rear and compromise the privacy of the existing residential homes. Photo attached.
- **Construction Impact** - Due to the tight nature of the site, lack of rear access and its location on the junction of Dublin Street and Tullow Street there are serious concerns regarding the construction phase of these works. A Construction Management Plan should have been requested as part of the planning process and not as part of the granted condition.
- **Conclusion** - The proposed development is out of context with the existing residential amenities of the area. It creates serious overlooking issues and overshadows several adjacent properties. The appellant does not disagree with the renovation and change of use of the appeal site. However, a better formulated approach removing the foregoing issues would be better.

6.1.2. The appeal was accompanied by a letter from the appellant (Orlaith Brennan) setting out the following as summarised:

- The electronic files were not updated by the Planning Authority
- The site notice was not updated
- Information pertaining to the case would not be made available on the web portal prior to the closing date for submission of objections
- The appellant was not provided with less than 2 hours to consider the further information and make a submission

6.2. Applicant Response

6.2.1. None

6.3. Planning Authority Response

6.3.1. Carlow County Council submitted the following comments in response to the third-party appeal:

- The proposal was assessed against the provision of the Joint Spatial Plan for Greater Carlow Graiguecullen Urban Area 2012 – 2018 containing the Carlow Environs Local Area Plan (as extended) and the Carlow County Development Plan 2015 – 2021.
- In making the planning decision, the Planning Authority had regard to the need to balance the reuse of this vacant mixed-use building with the protection of existing residential amenities of adjoining development.
- The Planning Authority is of the view that one apartment unit can be accommodated at second floor level without significant impacts on existing residential amenities in the area, noting that this site is located in a commercial town centre area of Carlow Town where the bringing back into use of vacant upper floors is encouraged.
- Notwithstanding the content of the appeal, the position of the Planning Authority remains as per the SEP Planning Report recommendation dated 13th January 2022

6.4. Observations

6.4.1. None

6.5. Further Responses

6.5.1. None

7.0 Assessment

7.1. This assessment is based on plans submitted to the Planning Authority on the 30th April 2021 as amended by further information submitted on the 4th November 2021 and revised public notices on the 9th December together with details and particulars submitted to An Bord Pleanála.

7.2. I note the concerns raised in the appeal that the electronic files were not updated by the Planning Authority, the site notice was not updated, the information was not updated on the planning web portal and that the appellant was not provided with less than 2 hours to consider the further information and make a submission. This is not a matter for An Bord Pleanála.

7.3. For the purpose of clarity, I would point out that the development now before the Board is considered “de novo”. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance. This includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines and any relevant planning history relating to the application. I am also satisfied that taken together with my site inspection that there is adequate information available on the file to consider the proposed development and to enable the Board to determine the impact of the schemes on the biodiversity and ecology of the area

7.4. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenity
- Visual Impact
- Construction Impact
- Other Issues
- Appropriate Assessment

7.5. **Principle**

7.5.1. Permission was originally sought for the change of use of existing retail premises for use as residential, retaining a portion of the original ground floor for use as retail and full planning permission for the following:

- 1 no. apartment at ground floor level
- 2 no. apartments at first floor level and
- 2 no. duplex style apartments at second floor level

7.5.2. The scheme was amended by way of further information as follows

- Number of duplex units reduced to 1 no unit and the remaining unit to be a 1-bedroom unit studio style apartment
- Ground floor studio style unit was eliminated and the area reallocated to the ground floor retail space as is the current arrangement

7.5.3. Carlow County Council granted planning permission for 1 No. retail unit on the ground floor level, 2 No. apartment units on the first floor level, and 1 No. apartment unit on second floor level with the basement level to be used for ancillary storage purposes only.

7.5.4. The operative plan for the area is the Carlow County Development Plan 2022-2028. I refer to Map 15.1 Carlow Town Land Use Zoning Map where the site is zoned Town Centre where the objective is to protect, provide for and/or improve town and village centre facilities and uses. It is further noted that a key objective of this Plan is to promote the sustainable and compact growth of Carlow Town.

7.5.5. Having regard to the land use zoning for the site together with the policies and objectives as set out in the Development Plan I consider the redevelopment of this prominent vacant building within the town core of Carlow to be welcomed. I further consider the continued use of retail at ground floor with residential units above to be a sustainable and appropriate use of such a building. However, I share the concerns raised by the Planning Authority that the design of the proposed third floor apartment was neither compatible nor sympathetic with the existing building. I further agree that the rear balcony proposed to serve Apartment No 3 on the third floor has had little regard to this compact nature of the site and proximity to adjoining residential properties. I consider that this balcony would lead to significant overlooking of adjoining residential properties and would therefore be unacceptable and agree with the approach of the Local Authority that this apartment should be omitted by condition.

7.6. Residential Amenity

7.6.1. I note the concerns raised regarding loss of daylight / sunlight, overlooking and loss of privacy. Having regard to the location of the site within Carlow Town Centre and the compact nature of the established building typology together with the assessment and conclusion set out above, I am generally satisfied that that the proposed development is compatible with existing uses and will not result in any significant loss of amenity to

adjoining properties to such an extent that would merit a refusal. Accordingly, I am satisfied that the proposed scheme subject to amendments by way of condition as recommended above strikes a reasonable balance between the redevelopment of this prominent vacant town centre site and the protection of amenities of adjoining properties in line with the policies and objectives of the Development Plan.

7.7. Visual Impact

- 7.7.1. As documented, this is a three storey over basement building at the corner of Dublin Street and Castle Street and occupies a prominent site within the centre of Carlow town. While not a protected structure the building is within a designated Architectural Conservation Area and is of relative architectural merit. However recent interventions have been less than sympathetic. It is therefore recommended that a condition be attached similar to Condition No 2 as set out in the notification of decision to grant permission requiring that any external works shall be carried out to best conservation practice as outlined in Architectural Heritage Protection – Guidelines for Planning Authorities (2011) and the Department’s Built Heritage Advice series for owners and that appropriate qualified and competed expertise is engaged to oversee the works.
- 7.7.2. In addition I consider the street clock with the inscription “Bramley’s Jewellers” located on the on the Dublin Street façade (site photos refer) to be of local historic and visual interest within the streetscape and recommend that it be returned to working order and retained in situ unless otherwise agreed with the Planning Authority

7.8. Construction Impact

- 7.8.1. I note the concerns raised by the appellant that due to the restricted nature of the site and lack of rear access there are serious concerns regarding the construction phase of these works and that a Construction Management Plan is required.
- 7.8.2. I refer to the report of the Carlow County Council Transportation Section. Construction Phase. While the proposal from an access / egress perspective is sufficient to ensure no material change in the accident risk to those using the public road, the Transport Section raised concerns regarding access for the construction phase. Therefore, the application was required to submit a detailed Construction Management Plan to

include detailed Traffic Management proposal, method statements etc for the construction phase.

- 7.8.3. It falls to the applicant to ensure that no damage or deterioration occurs to adjoining properties during the construction phase. While the construction impacts associated with this development will be temporary, they are likely to last several months and may have significant impact on the residential amenity of the adjoining properties. In this regard I agree with the Transportation Section that should the Board be mindful to grant permission for the proposed development that a detailed Construction and Environmental Management Plan (CEMP) be submitted for written agreement prior to commencement of development, in order to address construction management concerns. The detailed method of construction should be included and agreed having particular regard to adjoining neighbours. With the attachment of such a condition I do not consider that the construction phase of the development would give rise to an unreasonable impact on neighbouring properties in this instance.

7.9. Other Issues

- 7.9.1. **Development Contributions** – Carlow County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended); Development Contribution Scheme 2017 – 2021. Exemptions or reductions do not apply in this case. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.
- 7.9.2. **Devaluation of Property Values** - I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.9.3. **Car Parking** – Having regard to the configuration of the site the provision of on-site parking is not possible at this occasion. Therefore, the Transportation Section recommended that a financial contribution in respect of the shortfall be considered. It is noted that no such condition was attached by Carlow County Council. I refer to the

report of the Carlow County Council Transportation Section together with Section 16.10.11 Car Parking of the development Plan where it states that *where the provision of on-site parking is not possible, the Council may, in exceptional circumstances, accept a financial contribution in respect of the shortfall in the number of spaces.*

- 7.9.4. I refer to the Special Development Contributions (Section 48(2)(c)) of the Planning and Development Act 2000 (as amended). This provides for a Special Development Contribution where exceptional costs not covered by the general contribution scheme are incurred by a Local Authority in the provision of a specific public infrastructure or facility. Having regard to the foregoing it is recommended that the payment of a Special Development Contribution in addition to a contribution under the General Scheme is attached in this case.

7.10. **Appropriate Assessment**

- 7.10.1. Having regard to the nature and scale of the proposed development comprising a rear residential extension and its distance 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.

8.0 **Recommendation**

- 8.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of the Carlow County Development Plan 2022-2028, to the location of the site on lands zoned Town Centre within a designated Architectural Conservation Area and to the nature, form, scale and design of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the conservation, residential or visual

amenities of the area 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

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 30th day April 2021 as amended by the further plans and particulars submitted on the 4th day November 2021 and 9th day December 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>a) The development shall be carried out and completed in accordance with the plans and particulars received by the Planning Authority on 30th April 2021, as amended by the further information response submitted on 4th November 2021, except where altered or amended by conditions in this permission.</p> <p>b) This grant of permission shall include for 1 No. retail unit on the ground floor level, 2 No. apartment units on the first floor level, and 1 No. apartment unit on second floor level. The basement level shall be used for ancillary storage purposes only.</p> <p>c) Prior to the commencement of development, revised drawings shall be submitted for the written agreement of the Planning Authority omitting any residential use on the third floor level from the overall development including the omission of any associated extensions/balcony features on the rear elevation serving the third floor level.</p> <p>d) One apartment unit only shall be permitted on the second-floor level which shall amalgamate the floor area of Apartment Units 3 and 4 (as shown on the floor plan drawings submitted with the further information</p>

	<p>response on 4th November 2021). Revised details shall be submitted to and agreed in writing with the Planning Authority prior to commencement of work on site.</p> <p>Reason: In the interest of proper planning and sustainable development</p>
3.	<p>a) Any works to the external elements of these structures including the shopfront, windows and doors, roofs, guttering, downpipes, chimneys and external walls shall be carried out to best conservation practice as outlined in Architectural Heritage Protection – Guidelines for Planning Authorities (2011) and the Department’s Built Heritage Advice series for owners.</p> <p>b) The Applicant shall engage appropriately qualified and competent conservation professionals, as necessary, to specify the works and oversee their correct completion on site. A written report confirming same shall be submitted within 3 months of completion.</p> <p>c) The works shall be undertaken by skilled and experienced conservation contractors and specialists with relevant experience of historic materials and techniques.</p> <p>d) The street clock with the inscription “Bramleys Jewellers” on the Dublin Street façade shall be returned to working order and retained in situ unless otherwise agreed with the Planning Authority</p> <p>Reason: In the interests of the Architectural Integrity of the Architectural Conservation Area and in the interests of the proper planning and sustainable development of the area</p>
4.	<p>a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>b) Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The developer shall not interfere with the public road / footpath or road drainage without consulting and reaching agreement with the Planning</p>

	<p>Authority. No material associated with the proposed development shall be stored or deposited on the public road and / or footpath during the construction period without prior consent of the Planning Authority</p> <p>Reason: In the interest of public safety and to ensure the integrity of the public roads / footpaths</p>
6.	<p>The construction of the development shall be managed in accordance with a Site Traffic and Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.</p> <p>Reason: In the interests of amenities, public health and safety</p>
7.	<p>Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<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 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</p>

	<p>be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>
9.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under Section 48(2) (c) of the Planning and Development Act 2000 in respect of car parking.. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development</p>

Mary Crowley

Senior Planning Inspector

6th January 2023