



An
Bord
Pleanála

Inspector's Report ABP-312805-22

Development

To erect a residential building containing 19 No. apartments consisting of the following works: a) Demolition of existing dwelling, b) Construction of 9 No. 1-bedroom units and 10 No. 2-bed units, in addition to an office, communal area, plant room, internal bin / waste storage etc., c) Allow for an upgraded vehicular and new pedestrian access, d) Connection to existing service utilities, including watermain and foul sewerage, e) Ancillary site works, including car parking facilities.

Location

Rivendell, Graiguecullen, Co. Laois.

Planning Authority

Laois County Council

Planning Authority Reg. Ref.

2145

Applicant(s)

Eileen Brennan

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal	Third Party v. Decision
Appellant(s)	Mary B. Hande
Observer(s)	None.
Date of Site Inspection	28 th September, 2022
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in Graiguecullen, Co. Laois, approximately 1km northwest of Carlow town centre and 350m southeast of the N80 National Road, where it occupies a position along the northern side of the Portlaoise Road towards the north-western fringe of the built-up environs of the wider urban area. The broader surrounds include a number of land uses with the area to the north of the Portlaoise Road being predominantly residential (with the exception of a car sales business adjoining the development site) and characterised by a variety of conventional suburban housing. To the south, the Portlaoise Road is dominated by the industrial Glanbia mill complex with the Shamrock Business Park further west.
- 1.2. The site itself has a stated site area of 0.22 hectares, is broadly rectangular in shape, and is presently occupied by a detached, dormer-style, two-storey dwelling house (known as “Rivendell”) set within mature gardens with a concentration of trees and hedging extending along much of the northern, western and southern perimeter boundaries. It is bounded by existing housing development to the north and west (with an area of public open space within the adjacent ‘Barrowvale’ housing scheme bordering much of the northern site boundary), a motor sales outlet to the east, and by the Portlaoise Road / Church Street to the south. The site topography falls away from the public road on traveling northwards with the adjacent ‘Barrowvale’ housing scheme occupying a more elevated position.

2.0 Proposed Development

- 2.1. The proposed development, as initially submitted to the Planning Authority, consists of the following:
 - The demolition of an existing two-storey, detached dwelling house.
 - The construction of a three-storey apartment building providing for a total of 19 No. apartments (comprising 9 No. one-bedroom & 10 No. two-bedroom units) in addition to an office space, communal area, plant room, and internal bin / waste storage facilities etc.
 - The provision of an upgraded vehicular & pedestrian access arrangement onto the Portlaoise Road / Church Street.

- Connection to public services (including the watermain and foul sewerage network).
- Ancillary site development works, including the provision of 17 No. surface level car parking spaces, open space, and a new footpath alongside the public road.

2.2. In response to a request for further information, amended proposals were subsequently submitted to the Planning Authority on 1st November, 2021 which included the following changes:

- The omission of 2 No. two-bedroom apartments (Apt. Nos. 18 & 19) from the second floor of the apartment building thereby reducing the overall height of the rear section of the block to a two-storey construction (with a corresponding reduction to 17 No. apartments in total).
- The enlargement of the ground level private open space / terraces serving Apt. Nos. 1 & 5.
- Reference to the controlled pedestrian crossing point over Church Street approximately 60m west of the existing site access.

2.3. By way of a response to a request for clarification of further information (received by the Planning Authority on 22nd December, 2021), the design of the scheme was amended further as follows:

- The omission of 2 No. further two-bedroom apartments (identified as Apt. Nos. 11 & 12 in the original application documentation) from the first floor of the apartment building thereby reducing the overall height of the rear section of the block to a single-storey construction (with a corresponding reduction to 15 No. apartments in total).
- The redesign of the apartment building through the relocation of the southernmost stairwell thereby shortening the overall depth of the construction and allowing for an increased separation between it and the rear (northern) site boundary.
- A reduction to 16 No. car parking spaces so as to allow for the provision of a 'No Parking' / service area.

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 26th January, 2022 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 23 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, drainage, infrastructural services, landscaping, construction management, Part V, and development contributions, however, the following conditions are of note:

Condition No. 2 – Clarifies that the total number of residential units permitted is as per the clarification of further information received by the Planning Authority on 22nd December, 2021.

Condition No. 6 – Restricts the occupancy of those residential units not subject to the Part V agreement to persons over the age of 55 years with a Section 47 agreement to this effect to be entered into between the developer and the Planning Authority prior to the commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report details the site context and the relevant policy considerations before stating that the development of apartments is ‘open for consideration’ having regard to the applicable land use zoning objective. It proceeds to consider the overall design and layout of the proposal before recommending that further information be sought in respect of a number of issues, including the specific nature & intended purpose of the proposed development, the density of development proposed, the overall design, scale and bulk of the construction, the potential for the overshadowing of neighbouring properties, and the adequacy of the car parking arrangements.

Following the receipt of a response to a request for further information, a subsequent report was prepared which analysed the amended and / or additional details

provided. It states that the revised design of the proposal at c. 77 No. dwellings per hectare is acceptable in principle given the 'intermediate urban location' of the site. However, concerns remain as regards the scale and bulk of the construction relative to adjacent properties, the adequacy of the sunlight, daylight and overshadowing analysis, the car parking provision, and the surface water drainage arrangements. Therefore, it was recommended that clarification be sought on certain matters.

Upon the receipt of a response to a request for clarification of further information, a final report was prepared which recommended a grant of permission, subject to conditions.

3.2.2. **Other Technical Reports:**

Chief Fire Officer: States that there is no objection in principle to the proposed development before advising of the following requirements:

- There will be a need to ensure appropriate vehicle / fire service access to the elevation giving access to the interior of the building in compliance with Part B of the Second Schedule to the Building Regulations, 1997-2019.
- A Fire Safety Certificate will be required in respect of the development and any issues of non-compliance with Part B of the Second Schedule to the Building Regulations, 1997-2019 can be dealt with at the time of the Fire Safety Certificate Application.
- Hydrants are to be located within the parameters as set out in Section 5.1.7 of the Technical Guidance Document Part B: Fire Safety. Fire hydrants are to be of the round-thread outlet type and fed from a water supply sufficient to achieve a combined flow rate of 20 litres per second (Static water storage tanks may be used if there are any issues in providing hydrants).

Eastern Area Office: No objection, subject to conditions.

Road Design: An initial report recommended that further information be sought in relation to a number of issues, including the pedestrian access arrangements throughout the development (i.e. the design of crossing points, dropped kerbs etc.), the provision of public lighting, the inclusion of electric vehicle charging points & ducting, and details of the surface water drainage arrangements.

Following the receipt of a response to a request for additional information, a further report was prepared which indicated that there was no objection to the proposal, subject to conditions.

Waste Management & Environmental Protection: Recommends that further information be sought in respect of a number of items, including the provision of adequate external refuse storage facilities, a Construction and Demolition Waste Plan, a detailed Construction Management Plan, and the stormwater drainage arrangements.

Housing & Urban Regeneration: No objection, subject to the standard Part V agreements being in place.

Environment: Recommends that clarification of further information be sought as regards the waste storage arrangements.

3.3. Prescribed Bodies

- 3.3.1. *Health Service Executive / Environmental Health Officer:* No objection on public health grounds.

3.4. Third Party Observations

- 3.4.1. A total of 7 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern contained therein can be summarised as follows:

- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, loss of privacy, overshadowing / shading / loss of sunlight & daylight, increased noise, general disturbance, glare from solar panels, the obstruction of views, and an excessively overbearing appearance.
- Devaluation of property consequent on a loss of residential amenity etc.
- The design & scale of the proposal is not in keeping with the surrounding landscape / established pattern of development.
- The excessive density and height of the development proposed.
- The inadequacy of the bin / refuse storage arrangements.
- Traffic safety concerns and the potential to exacerbate traffic congestion, particularly along the heavily trafficked N80 National Road.

- The potential detrimental impact arising from the loss of (or damage to) the existing mature hedgerow along the western site boundary.
- Concerns as regards the capacity of the existing water and wastewater infrastructure to cater for the proposed development.
- The inadequacy of the proposed car parking arrangements.
- Concerns as regards the adequacy of the public and private open space provision.

4.0 Planning History

4.1. On Site:

None.

4.2. On Adjacent Sites (to the immediate east):

- 4.2.1. PA Ref. No. 071704. Was granted on 27th November, 2007 permitting J. A. Boland (Carlow) Ltd. permission to retain alterations to the existing showroom comprising 1) extensions and alterations to the side and rear of the building 2) material alterations to the front and side facades of the existing building, comprising of a new cladding finish and new building signage as per the drawings and 3) retention of 2 no. signage pylons, bollards, an automated car wash unit, metal railings and sliding gate together with all associated site works at Portlaoise Road, Graiguecullen, Co. Laois.
- 4.2.2. PA Ref. No. 10649. Application by J. A. Boland (Carlow) Ltd. for permission to retain the use of the existing car wash (handwashing) and car valeting service for public use as well as ancillary to the existing garage use at Portlaoise Road, Graiguecullen, Co. Laois. This application was withdrawn.
- 4.2.3. PA Ref. No. 13127. Application by J.A. Boland (Carlow) Ltd. for permission to install 2 no. hand car wash bays with screen for public use, together with all ancillary services at Portlaoise Road, Graiguecullen, Co. Laois. This application was withdrawn.
- 4.2.4. PA Ref. No. 21121. Was granted on 7th September, 2021 permitting the Republic of Ireland Billiards & Snooker Association permission for a change of use from existing

car showrooms to the National Headquarters and Centre of Excellence of Snooker & Billiards at Portlaoise Road, Graiguecullen, Co. Laois.

4.3. On Adjacent Sites (to the immediate west):

- 4.3.1. PA Ref. No. 081277. Was granted on 20th October, 2009 permitting Patrick & Thomas Kenny permission to construct 79 no. dwelling houses and a creche on the site (consisting of 17 no. 3 bed semi-detached units, and a semi-detached creche, 25 no. 3 bed terraced units, 37 no. 2 bed terraced units) and all associated site works, at Ballickmoyler Road, Graiguecullen, Co. Laois.
- PA Ref. No. 14317. Was refused on 21st November, 2014 refusing Carlow Graigue Project Ltd. an 'Extension of Duration' of PA Ref. No. 081277.
 - PA Ref. No. 14396. Was granted on 21st January, 2015 permitting Carlow Graigue Project Ltd. an 'Extension of Duration' of PA Ref. No. 081277 for a period of five years.
 - PA Ref. No. 19531. Was granted on 11th November, 2019 permitting Colm Wu an 'Extension of Duration' of PA Ref. No. 081277 (previously extended under PRN: 14/396 and subsequently revised / modified under PRN: 18/318) until 31st December, 2021.
- 4.3.2. PA Ref. No. 17127. Application by Colm Wu for permission to modify previously approved Ref. 08/1277 & 14/396 consisting of a change of the finished floor levels for house numbers 7 - 69 inclusive (63 no. houses in total) to follow existing gradient of the site together with internal road levels from what was previously granted. House numbers 1 - 6 and 70 - 77 inclusive will remain as previously granted. Together with all associated site works. All at Ballickmoyler Road, Graiguecullen, Co. Laois. This application was deemed withdrawn.
- 4.3.3. PA Ref. No. 18318. Was granted on 22nd January, 2019 permitting Colm Wu permission to modify previously approved Ref. 08/1277 & 14/396 consisting of the change of the finished floor levels for house numbers 7 - 69 inclusive (63 no. houses in total) to follow the existing gradient of the site together with internal road levels from what was previously granted. House numbers 1 - 6 and 70 - 77 inclusive will remain as previously granted. Together with all associated site works. All at Ballickmoyler Road, Graiguecullen, Co. Laois.

4.3.4. PA Ref. No. 19154. Application by Colm Wu for an 'Extension of Duration' of PA Ref. Nos. 081277, 14396 & 18318. This application was withdrawn.

4.4. On Adjacent Sites (to the immediate north):

4.4.1. PA Ref. No. 001352. Was granted on 28th March, 2001 permitting Valen Construction Ltd. permission to erect 46 no. 2-storey semi-detached houses, 6 no. detached 2-storey houses and 120 no. terraces, all at Graiguecullen, Carlow, Co. Laois.

4.4.2. PA Ref. No. 01582. Was granted on 2nd April, 2002 permitting Valen Construction permission to construct 33 no. 2 storey detached, 104 no. 2 storey semi-detached and 16 no. terrace dwellings, all at Graiguecullen, Carlow, Co. Laois.

4.4.3. PA Ref. No. 03334. Was granted on 18th June, 2003 permitting Valen Construction permission to change the house type from 3-bed detached 2 storey to 4-bed detached 2-storey on sites 13 - 30, 32 - 36, 141 and 142, all at Barrowvale, Graiguecullen, Co. Laois.

4.4.4. PA Ref. No. 03641. Was granted on 15th September, 2003 permitting Valen Construction permission to change the boundary walls from 2m high blockwork wall to 1.8m high precast concrete post and panel fencing. Previous application granted 01/582. All at "Barrowvale", Graiguecullen, Carlow, Co. Laois.

4.4.5. PA Ref. No. 0971. Was refused on 30th March, 2009 refusing Valen Construction permission to erect a creche on an infill site adjacent to sites 23 and 24 at Barrowvale Housing Estate, Barrowvale, Graiguecullen, Co, Laois.

- The Planning Authority considers that the proposed entrance width is insufficient to maintain a two-way flow of traffic to and from the creche. The width of the proposed entrance combined with the width of the access road and the absence of a turning circle is likely to result in traffic congestion in the vicinity of the entrance, driver frustration and a possible hazard for pedestrians. The proposed development would be likely to create a traffic hazard and is contrary to the proper planning and sustainable development of the area.
- The proposed development contravenes the policy of the Childcare Facilities – Guidelines for Planning Authorities (June, 2001) and the Laois County

Development Plan, 2006-2012, with regards to the suitability of a site for use as a childcare facility in relation to (a) the suitability of the site for the type and size of the facility proposed; (b) safe access and convenient parking for customers and staff and (c) local traffic conditions. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. National

5.1.1. Project Ireland 2040: National Planning Framework, 2018:

The National Planning Framework (NPF) is a long-term strategic planning framework intended to shape the future growth and development of Ireland out to the year 2040, a key objective of which is the move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. It provides for a major new policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. In this regard, it seeks to achieve compact urban growth by setting a target for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

A number of key ‘National Policy Objectives’ are as follows

- NPO 1(b): Eastern and Midland Region: 490,000 - 540,000 additional people, i.e. a population of around 2.85 million.
- NPO 3(a): Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- NPO 3(c): Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.2. **Housing for All - A New Housing Plan for Ireland, 2021:**

This a multi-annual, multi-billion euro plan to 2030 which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability;
2. Pathway to eradicating homelessness, increasing social housing delivery and supporting inclusion;
3. Pathway to increasing new housing supply; and
4. Pathway to addressing vacancy and efficient use of existing stock.

5.1.3. **Section 28 Ministerial Guidelines:**

The following Section 28 Ministerial Guidelines are of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (December, 2013) (as updated) (including Interim Advice note Covid-19 May, 2020)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).

5.2. **Regional**

Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031:

The following Regional Policy Objectives are of note:

RPO 4.75: A cross-boundary Joint Local Area Plan (LAP) shall be prepared for Carlow by Carlow County Council and Laois County Council having regard to its location within the combined functional area of both local authorities. The Joint LAP shall provide a coordinated planning framework to identify and deliver strategic sites and regeneration areas for the future physical, economic and social development of Carlow/Graigucullen to ensure it achieves targeted compact growth of a minimum of 30% and ensure a co-ordinated approach is taken to the future growth and development of the combined urban area, ensuring

that it has the capacity to grow sustainably and secure investment as a Key Town. The Joint LAP shall identify a boundary for the plan area and strategic housing and employment development areas and infrastructure investment requirements to promote greater co-ordination and sequential delivery of serviced lands for development. Regard shall be had to the respective housing, retail and other Local Authority strategies that may be in place.

5.3. Development Plan

5.3.1. *Laois County Development Plan, 2021-2027:*

Volume 1:

Chapter 2: Core and Settlement Strategy:

Section 2.4.2: Settlement Hierarchy for Laois:

Table 2.4: *Key Town* (Large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres): *Graiguecullen*

Section 2.9: Core Strategy Policies and Objectives (incl.):

- CS 01:* Ensure that the future spatial development of County Laois is in accordance with the National Planning Framework 2040 (NPF) including the population targets set out under the Implementation Roadmap, and the Regional, Spatial and the Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031.
- CS 01A:* Following the receipt and consideration of any section 28 Guidelines including the Revised Development Plan Guidelines, the Planning Authority will prepare a report detailing consistency with these guidelines and if required prepare a variation to ensure the County Development aligns with same.
- CS 05:* Support the regeneration of underused town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands to facilitate population growth and achieve sustainable compact growth

targets of 30% of all new housing to be built within the existing urban footprint of targeted settlements in the County.

CS 09: Prepare a cross boundary Joint Local Area Plan (LAP) for Carlow / Graiguecullen and associated local transport plan in conjunction with Carlow County Council having regard to the projected population growth set out in the Core Strategy of this Plan and to its location within the combined functional area of both Laois County Council and Carlow County Council. During the transition period between adoption of this county development plan and the adoption of the Joint Local Area Plan for Carlow / Graiguecullen, policies and standards in this county development plan shall apply.

CS 11: Ensure that Laois County Development Plan is consistent with Section 28 Guidelines and support the development of quality residential schemes with a range of housing options having regard to the standards, principles and any specific planning policy requirements (SPPRs) set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009); Urban Development and Building Heights Guidelines for Planning Authorities' (2018) and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020).

Section 2.10: *Future Settlement Growth:*

Section 2.10.1.2 *Graiguecullen:*

Graiguecullen is designated as a Key Town in the RSES, which are defined as '*Large economically active service and/or county towns that provide employment for their surrounding areas and with high- quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres*'.

A joint LAP for the Carlow / Graiguecullen area was prepared in 2012 and further extended up to and including 22nd October, 2022 after which time a new Joint Spatial Plan will be prepared for the Greater Carlow Graiguecullen Area in conjunction with Carlow County Council which will align with the policy provisions of the EMRA RSES and the Southern Regional Assembly RSES in order to comply with RPO 4.75.

In addition to this, RPO 4.76 will be considered and inform the preparation of the Joint LAP - support the sustainable development of environmentally sensitive, low intensity amenity development associated with the Barrow Blueway subject to compliance with the Habitats Directive and Floods Directive.

The vision for the Greater Carlow Graiguecullen urban area is as follows:-

“A high-functioning, inclusive, compact and accessible greater urban area, underpinned by a robust and diverse local economy comprising retail, commercial, industrial, education and tourism uses; with characteristics including a strong sense of place, a vibrant and vital town centre, opportunities for education and cultural experiences for all, a network of linked open spaces, recreational uses and other social infrastructure elements to provide for a good quality of life and increased emphasis on sustainable forms of transport and patterns of development”.

Graiguecullen Policy Objectives:

- CS 18: Support the continued growth and sustainable development of Graiguecullen to act as a growth driver in the region and to fulfil its role as a Key Town.
- CS 19: Work with Carlow County Council to Identify strategic housing and employment development areas and infrastructure investment requirements to promote greater coordination and sequential delivery of serviced lands for development.
- CS 20: Promote higher densities at appropriate locations, owing to position on public transport network where appropriate to do so having regard to Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas (DEHLG, 2009) and ensure that any plan or project associated with the provision of new housing is subject to Appropriate Assessment Screening in compliance with the Habitats Directive, and subsequent assessment as required.
- CS 21: Require sustainable, compact, sequential growth in Graiguecullen by consolidating the built-up footprint with a focus on the redevelopment and regeneration of infill and brownfield sites.

Chapter 4: Housing Strategy:

Housing Development Policy Objectives (incl.):

- HPO 3:* Support the regional Settlement Strategy, taking into consideration the estimated population growth set out within the NPF and RSES, and make provision for the scale of population growth and housing allocations.
- HPO 5:* To engage in active land management and site activation measures, including the implementation of the vacant site levy on all vacant residential and regeneration lands, and address dereliction and vacancy to ensure the viability of towns and village centres, i.e. Portlaoise, Portarlington, Mountmellick and Graiguecullen.
- HPO 8:* To ensure that an appropriate mix of housing types and sizes is provided in each residential development and within communities in keeping with Development Plan standards. All new housing development is expected to be of a high-quality design in compliance with the relevant standards.
- HPO 9:* To promote residential densities appropriate to the development's location and surrounding context, having due regard to Government policy relating to sustainable development, which aims to reduce the demand for travel within existing settlements, and the need to respect and reflect the established character of rural areas.
- HPO 14:* Promote residential development addressing any shortfall in housing provision through active land management and a coordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites, and underutilised sites. This includes backland development, thus promoting a more efficient use of zoned land
- HPO 17:* Meet the needs of the elderly by providing accommodation in central, convenient and easily accessible locations to facilitate independent living where possible.

HPO 20: Apply flexibility in the application of development management standards with the consideration of performance-based criteria appropriate to general location, which will provide high-quality design outcomes, where appropriate. This more dynamic performance-based approach, applicable to town centre, infill and brownfield locations, will facilitate flexible design solutions in instances where a proposal fulfils specific planning requirements.

Development Management Standard for Residential Development (incl.):

DM HS 2: Residential Apartment Development:

Applications for apartments will be assessed against the design criteria and Special Planning Policy Requirements set out in the Sustainable Urban Housing: A Design Guide for New Apartments – Guidelines for Planning Authorities (DHPLG, 2018).

The Design Manual for Urban Roads and Streets (DTTS and DECLG, 2019) provides guidance in relation to the design of urban roads and streets, encouraging an integrated design approach that views the street as a multi-functional space and focuses on the needs of all road users.

DM HS 3: Density of Residential Development:

The number of dwellings to be provided on a site should be determined with reference to the document Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). Within these Guidelines a range of residential densities are prescribed, dependent on location, context, scale and availability of public transport.

DM HS 7: Private Open Space in Apartment Developments:

It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels.

These spaces must be of a certain minimum depth of at least 1.5m, to be useful from an amenity viewpoint, e.g. to accommodate chairs and a small table.

Vertical privacy screens should be provided between adjoining balconies and the floors of balconies should be solid and self-draining.

DM HS 15: Infill Development in Urban and Rural Areas:

Infill development is encouraged in principal where it does not adversely affect neighbouring residential amenity (for example privacy, sunlight and daylight), the general character of the area and the functioning of transport networks.

Chapter 5: Quality of Life & Sustainable Communities:

Chapter 13: General Location and Pattern of Development:

Section 13.2.6: Density

Table 13.4: Residential Density:

Key Town: Location: Town Centre / Infill / Brownfield

Density: 35 No. units per hectare or Site Specific

Location: Outer Suburban/Greenfield

Density: 25 - 30 (at locations adjacent to open rural countryside)

Section 13.3.1: Residential Development Layout Considerations

Volume 2: Settlement Strategy:

Settlement Strategy Policy Objectives:

SS 1: Promote residential growth, local employment, services and sustainable transport options to enable each settlement to become more self-sustaining.

SS 2: Provide for new residential developments in accordance with the requirements of the Housing and Core Strategy which is compatible with the density of development in each settlement.

SS 3: Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential development to meet the needs of the population as indicated in the Core Strategy.

SS 7: Support and encourage residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.

Section 2.2: Key Towns: Graiguecullen:

A joint LAP for the Carlow / Graiguecullen area was prepared in 2012 and further extended up to and including 22nd October 2022. It is an objective of Laois County Council to prepare a Joint Spatial Plan for the Greater Carlow Graiguecullen Area in conjunction with Carlow County Council which will align with the policy provisions of the EMRA RSES and the Southern Regional Assembly RSES in order to comply with RPO 4.75.

5.3.2. *Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 (as extended until 4th November, 2022):*

Land Use Zoning:

The proposed development site is located in an area zoned as '*Residential 1: Established*' with the stated land use zoning objective '*To protect and enhance the amenity of developed residential communities*'.

Explanatory:

This zone is intended primarily for established housing development but may include a range of other uses particularly those that have the potential to improve the residential amenity of residential communities such as schools, crèches, small shops, doctor's surgeries, playing fields etc.

It is an objective on land zoned for residential 1 to protect the established residential amenity and enhance with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area. Within this zoning category the improved quality of existing residential areas will be the Council's priority.

Other Relevant Sections / Policies:

Part 2: Core Strategy:

Carlow Town Development Plan Core Strategy (including the following principles):

- Consolidate the urban area and provide for a retail hierarchy including town centre, district centres and neighbourhood centres in the interest of ensuring the vitality and viability of the town centre.
- Deliver development that supports sustainable modes of transport.
- Consolidate residential development by adopting a sequential approach and in light of reduced housing land requirement under the Regional Planning Guidelines and in order to provide for sustainable transport.

Vision for the Greater Carlow Graiguecullen Urban Area:

A high-functioning, inclusive, compact and accessible greater urban area, underpinned by a robust and diverse local economy comprising retail, commercial, industrial, education and tourism uses; with characteristics including a strong sense of place, a vibrant and vital town centre, opportunities for education and cultural experiences for all, a network of linked open spaces, recreational uses and other social infrastructure elements to provide for a good quality of life and increased emphasis on sustainable forms of transport and patterns of development.

Cross-Cutting Core Objectives:

CO7: Housing for All:

Provide sufficient numbers and range of house types, sizes and tenures to meet the diverse housing needs of the Greater Urban Area. These homes should optimise access to public transport, jobs and services.

Thematic Core Aims:

CA 2: Transport, Movement and Access:

Develop a sustainable, efficient and safe transport network within the Greater Carlow Graiguecullen Urban Area and deliver spatial development patterns that support universal access and sustainable modes of transport.

CA 8: Housing:

To facilitate the provision of housing in a range of locations to meet the needs of the urban area's population, with particular emphasis on facilitating access to housing to suit different household and tenure needs in a sustainable manner;

CA 10: Urban Design and Built Form:

Ensure the delivery of a safe, sustainable and liveable built environment suitable for everyone through good and well-considered design;

CA 11: Land-Use Zoning Objectives:

Use land use zonings to shape the orderly development of the Greater Carlow Graiguecullen Urban Area, reflecting development needs, reducing conflict of uses, protecting resources, make efficient use of urban land and public infrastructure, reducing the need to travel, promoting the renewal of under-utilized lands or brownfield sites and improving amenities and general quality of life

Part 3: Thematic Strategy:

Section 8: Housing:

Core Aim 8: To facilitate the provision of housing in a range of locations to meet the needs of residents living within the Greater Carlow Graiguecullen Urban Area, with particular emphasis on facilitating access to housing to suit different household and tenure needs in a sustainable manner.

Housing Policies:

HOUS P02A: Make available housing to persons who have different levels of income.

HOUS P03: Ensure a choice of house types and sizes to cater for all categories of households.

HOUS P05: Promote estate management in all schemes across the Plan area in order to support the formation of sustainable communities.

- HOUS P12:* Work in partnership with the voluntary housing bodies to address the social and affordable housing requirements of the area.
- HOUS P14:* Ensure that all future housing developments in the Plan area have regard to the development of neighbourhoods and sustainable communities.
- HOUS 17:* Encourage the provision of housing for the elderly in appropriate locations which will facilitate their continued integration in local communities and meet the needs of the aged population;
- HOUS 18:* Meet the needs of the elderly by providing accommodation in central, convenient and easily accessible locations to facilitate independent living where possible;
- HOUS 19:* Encourage a range of housing types in town centre and suburban locations;
- HOUS 20:* Encourage the provision of smaller dwelling units in new housing developments to allow for lifestyle transition;
- HOUS 21:* Encourage the provision of lifetime adaptable housing in order to ensure that people have the choice to stay in their own homes;
- HOUS 22:* Provide appropriate public transport points adjacent to accommodation for older people.

Section 10: Urban Design and Built Form

New Development Policy:

- DBF P01:* Deliver development that creates or improves places or structures, so they are designed well-designed, feel safe, are well-organised, interesting to the eye and fit into their setting and have regard to the above assessment principles

Density of New Residential Development:

While the Councils are supportive of higher density in principle, the higher the density proposed, the more challenging it is for the designer to create a well-considered, liveable and pleasant residential environment and therefore there is a

strong association between higher density and the need for good quality design and this will be reflected in decision-making. The Councils will have regard to the Residential Density Guidelines (DoEHLG 1999) and the Sustainable Residential Development in Urban Areas Guidelines (DoEHLG 2009) in the consideration of appropriate densities. The Councils will not allocate specific density ranges to particular sites, instead a site-by-site approach will be taken.

DBF P05: Determine the appropriateness of proposed residential densities on the basis of the following criteria:

- The status of Carlow as County Town and of Graiguecullen, County Laois as service town in the regional settlement hierarchy.
- The proximity of the development site to the town centre or a district centre.
- Existing sustainable transport infrastructure in the vicinity of the development site.
- Necessary density to support the future feasible provision of an intra-urban bus service.
- The prevailing density of residential development in the surrounding area.
- Existing topography, landscape and other site features.
- Physical and social infrastructure and related capacity.
- The quality of the design concept, layout, landscaping, block formation etc.
- Compliance with development plan qualitative and quantitative objectives and policies.

Infill Development:

As sites for infill development are often small and constrained, particular attention must be paid to issues such as building lines, urban grain, privacy, light and materials. Where proposals are carefully considered and are appropriate to the scale of the site, infill development is in the interests of proper planning and sustainable development. Good infill development makes efficient use of land and should take

place in areas such as the town centre that are well-served in terms of services and sustainable transport.

DBF P16: Encourage infill development, particularly within the town centre where proposals have regard to the character of the site and area and are not detrimental to the visual or residential amenity of the area.

Part 4: Sub-Area Spatial Strategy:

Section 2: Graiguecullen, County Laois: Graiguecullen Development Strategy

5.4. Natural Heritage Designations

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

- The River Barrow and River Nore Special Area of Conservation (Site Code: 002162), approximately 900m east of the site.

5.5. EIA Screening

5.5.1. An Environmental Impact Assessment screening report was not submitted with the application.

5.5.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001, as amended, provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.5.3. It is proposed to demolish an existing detached dwelling house and to construct a three-storey apartment building providing for a total of 19 No. apartments (comprising 9 No. one-bedroom & 10 No. two-bedroom units) in addition to office space, a communal area, plant room, and internal bin / waste storage facilities etc. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.22 hectares and is located within an

existing built-up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The site surrounds are predominantly characterised by low-density suburban housing. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site and there is no hydrological connection present such as would give rise to a significant impact on nearby watercourses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Laois (and Carlow) County Council, upon which its effects would be marginal.

5.5.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands zoned as '*Residential 1: Established*' in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 with the stated land use zoning objective '*To protect and enhance the amenity of developed residential communities*' where apartment development is 'Permitted in Principle' under the provisions of the Laois County Development Plan, and the results of the strategic environmental assessment of the Laois County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001, as amended, and

the mitigation measures proposed to ensure no connectivity to any sensitive location, and

- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003);

5.5.5. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development is not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

- Given the substantial nature of the proposed development, the public notices should have included a separate reference to the demolition works, such as ‘*demolition of a habitable dwelling house*’. In this regard, it is submitted that the purpose of the public notices is to create an awareness of development and that the substantial change proposed concerns the replacement of a single dwelling house with a scheme of 17 No. units. On this basis, a separate planning application should have been lodged for the demolition of the existing dwelling given that it continues to be in use and is in a habitable condition.
- The classification of the property as a ‘brownfield’ site is inaccurate given the current condition of both the site and the existing dwelling house.
- There are concerns as regards the imposition of Condition No. 8 of the notification of the decision to grant permission which has sought the submission of detailed design calculations etc. of the proposed attenuation tank prior to the commencement of development. The use of such post-consent conditions is of concern, and it is considered that the required details should have been requested in advance of any decision to grant permission.

- Condition No. 9 of the notification of the decision to grant permission requires the submission of a revised landscaping plan for the written agreement of the Planning Authority, prior to the commencement of development. The attachment of this condition is questionable given that there are numerous examples of landscaping plans for similar developments having been required to be provided in advance of any planning decision. Moreover, the condition denies the appellants the opportunity to comment on any revised landscaping proposals which could potentially impact on the site.
- Condition No. 10 of the notification of the decision to grant permission requires the submission of a revised public lighting scheme for the written agreement of the Planning Authority, prior to the commencement of development. However, the inclusion of such a condition further serves to deny the appellants the opportunity to review those proposals (e.g. the height, location & luminance of lighting etc.) and any associated impact on privacy considerations.
- With respect to Condition No. 12, it is submitted that consultations with Irish Water should have been formalised prior to any decision to grant permission. The input received from Irish Water only amounts to a pre-connection enquiry & a desk-top study and this is considered insufficient for assessment purposes in the absence of a detailed survey of the existing subsurface pipework and distribution systems in the surrounding area.

The water and wastewater infrastructure serving the proposed development site is operated by the Water Services Section of a different jurisdiction (Carlow County Council) and while it is part of a Service Level Agreement with Irish Water, the Planning Authority has not requested the applicant to produce any calculations as regards anticipated water usage, the volumes of effluent discharge, or the available service capacities. Although storm water drainage calculations have been provided, it is important to note that these have not been applied to the existing public mains system. The existing sewerage system feeding Graiguecullen to a pumping station is already at capacity (with the main effluent treatment plant in the Mortarstown area of Carlow Town).

No decision should have been made on the application until such time as the aforementioned calculations and agreement were received from Irish Water. The proposed development will impact on the infrastructure of the surrounding area, and it has not been established that the proposal will not pose a risk to public health.

- Condition No. 14 fails to refer to the requirement to obtain a Fire Safety Certificate for the development.
- The provision contained in Condition No. 18 whereby site development and building works will be allowed to commence at 08:00 hours on Saturdays is not acceptable given the potential detrimental impact on the residential amenity of nearby properties. Concerns also arise as regards the future monitoring of construction hours and noise levels.
- The sectional drawings provided with the application are inaccurate given that the adjoining dwellings to the immediate west are actually at a much lower ground level than the proposed development.
- The sectional details provided fail to show any apartment layouts with the result that the appellants have encountered difficulties in attempting to predetermine how the apartments will look.
- Concerns arise as regards the accuracy and veracity of the shadow impact assessment submitted in support of the application. For example, the proposed three-storey building cannot have the same shadowing effect as a two-storey dwelling as is shown in the details provided. Furthermore, the shadow projections do not represent overall size comparisons of the structures. The accuracy of the shadow impact analysis will have a significant bearing on any decision and particular concerns arise as regards the winter & summer shadowing projections.
- It is noted that the waste management plan requires further details and licensing. This plan should be prepared by an Environmental Consultant.
- No Environmental Impact Assessment has been requested.
- The proposed surface water drainage / soakaway arrangements have not been accompanied by accurate design calculations. Ground conditions in the

area are characterised by a compacted marl / loam subsoil with very poor infiltration qualities (as evidenced by percolation tests previously carried out in the area). In this regard, it is submitted that the proposed soakaways will not be effective given the prevailing ground conditions.

- Despite the site location within the River Barrow floodplain, the applicant was not required to undertake a flood risk assessment. *'The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009'* and Circular PL02/2014 identify areas where Site Specific Flood Risk Assessments should be prepared for development in accordance with the Water Framework Directive (River Basin Management Plans) and the Floods Directive (Catchment Flood Risk Assessment Management Studies).
- The architectural detailing of the proposal is out of character with the surrounding pattern of development by reason of its proportions, height and external finishes.
- No reference has been made to the need for a Disabled Access Certificate and no disabled car parking spaces have been shown.
- No reference has been made to the need for a Fire Safety Certificate despite the inclusion of an office as part of the proposed development.
- Further clarity is required as to whether the existing trees along the front site boundary are to be retained / protected as part of the proposed development.
- The lack of consultation with neighbouring residents as regards the proposed development.
- Notwithstanding that the proposed development is located in Co. Laois, given that the infrastructure of the area is intrinsically linked to that of Carlow town, cognisance should be taken of the requirements of the Carlow County Development Plan, with particular reference to issues of housing density, traffic management, and drainage infrastructure.
- The proposal is unsustainable by reference to Project Ireland 2040: The National Planning Framework, the Eastern & Midland Regional Spatial and Economic Strategy, and Section 28 of the Act, together with EU requirements regarding Strategic Environmental Assessment.

- The proposed development is:
 - out of proportion with existing residential development;
 - out of character with existing architectural design;
 - in excess of any existing densities;
 - impacting on privacy considerations;
 - impacting on natural light;
 - inconsiderate of the needs of existing residents;
 - lacking in detail on subsurface infrastructure;
 - deficient in car parking provision;
 - lacking in adequate domestic waste disposal facilities
- The proposal does not adequately address the housing need or the necessity for such a demand in a much lower density area.
- There are concerns as regards the future enforcement of conditions in the event of a grant of permission.

6.2. Applicant Response

None.

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 principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Infrastructural / servicing arrangements
- Procedural issues
- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as *'Residential 1: Established'* with the stated land use zoning objective *'To protect and enhance the amenity of developed residential communities'* in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 and that the development of apartments *'Will Normally be Acceptable'* in such areas as per Table 13.3: *'Land Use Zoning Matrix'* of the Laois County Development Plan, 2021-2027.

7.2.2. However, I would advise the Board that the proposed development site is within the administrative area of Laois County Council and thus is subject to the provisions of the Carlow Town Environs Local Area Plan which forms part of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018. Moreover, the Carlow Town Environs Local Area Plan would appear to have expired on 5th November, 2022 given that its duration was only extended for a period of 4 years up to and including 4th November 2022 (with no further extension of duration having been sought). Therefore, I would draw the Board's attention to Policy Objective CS 09 of the Laois County Development Plan, 2021-2027 which aims to *'Prepare a cross boundary Joint Local Area Plan (LAP) for Carlow / Graiguecullen and associated*

local transport plan in conjunction with Carlow County Council having regard to the projected population growth set out in the Core Strategy of this Plan and to its location within the combined functional area of both Laois County Council and Carlow County Council'. Policy Objective CS 09 also states that during the transition period between adoption of the Laois County Development Plan, 2021-2027 and the adoption of the Joint Local Area Plan for Carlow / Graiguecullen, the policies and standards set out in the County Development Plan are to apply.

- 7.2.3. (The Board is advised that Carlow and Laois County Councils have given notice of their intention to prepare a Draft Joint Urban Local Area Plan for the Carlow-Graiguecullen Area, 2023-2029 and that pre-draft consultation pursuant to Section 20(1) of the Planning and Development Act, 2000, as amended, has concluded with submissions from the public having been accepted up until 14th October, 2022. A report on submissions received during the pre-draft consultation process relating to the relevant functional area will now be prepared and presented to the elected members of Carlow and Laois County Councils as appropriate with a Draft Local Area Plan expected to be prepared and published in Q1 of 2023. A further period of public consultation will then take place and it is anticipated that the Carlow Graiguecullen Local Area Plan will be adopted Q3/4 of 2023. In the event that a Draft Local Area Plan is published prior to any decision on the subject appeal, the Board may wish to consider its implications, if any, as regards the proposed development).
- 7.2.4. Within the settlement strategy set out in the Laois County Development Plan, 2021-2027, Graiguecullen is identified as a 'Key Town' in recognition of its role as a large economically active service town that functions at a much higher level than its resident population with the capacity to act as growth driver to complement the Regional Growth Centres (as per the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031). Its continued growth and sustainable development are critical components of the Core Strategy set out in Chapter 2 of the Development Plan while Policy Objective CS 21 expressly supports the sustainable, compact, sequential growth in Graiguecullen by consolidating its built-up footprint with a focus on the redevelopment and regeneration of infill and brownfield sites.
- 7.2.5. With respect to the specifics of the subject proposal, the application site is located within the defined settlement boundary of Graiguecullen on lands that have been

identified as suitable for residential development as per the land use zoning objective contained in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018. It is also within an expanding residential area situated to the north of the Portlaoise Road where the prevailing pattern of development is broadly characterised by conventional housing construction as evidenced by the recently completed 'Graigue na hAinn' housing scheme to the immediate west of the development site. The site itself is occupied by a large, detached dwelling house set within substantial mature gardens and, in my opinion, amounts to an under-utilised property which could accommodate a suitably designed redevelopment of an increased density in the interests of land efficiency. In this regard, support is lent to the proposal by reference to the wider provisions of the Development Plan which place a strong emphasis on encouraging infill opportunities and the better use of underutilised land.

7.2.6. Accordingly, I would suggest that the subject site comprises a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas as per Ministerial guidance (including the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*', the '*Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' & the '*Urban Development and Building Height, Guidelines for Planning Authorities, 2018*') provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider national strategic outcomes set out in the National Planning Framework 'Project Ireland: 2040', including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 35 which aims to '*increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*'.

7.2.7. Therefore, having considered the available information, including the site context and land use zoning, and noting the infill nature of the site itself, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the

proposal on the amenities of neighbouring properties and the overall character of the wider area.

- 7.2.8. In specific reference to the appropriateness of developing apartments at the subject site, cognisance must be taken of wider national policy provisions. In this regard, I would reiterate that the National Planning Framework aims to move away from unsustainable “*business as usual*” development patterns and towards a more compact and sustainable model of urban development with current guidance supporting higher density developments in appropriate locations so as to avoid the trend towards predominantly low-density commuter-driven developments. Within such a context, the ‘*Sustainable Urban Housing: Design Standards for New Apartments, 2020*’ state that apartment development has a key role to play in the future sustainable growth of urban areas and that in order to meet housing demand, it will be necessary to significantly increase housing supply and that this must include ‘*a dramatic increase in the provision of apartment development*’. Moreover, the Guidelines state that ‘*Intermediate Urban Locations*’ such as sites within a reasonable walking distance of a principal town centre or employment location are generally suitable for smaller-scale, higher density development that may wholly comprise apartments, subject to local assessment and other relevant planning factors.
- 7.2.9. Notwithstanding that the density of the submitted proposal at c. 68 No. units / hectare exceeds that of the immediate site surrounds, in my opinion, it nevertheless provides for a comparatively small scale of development which consists of the construction of 15 No. apartments on an under-utilised infill / ‘brownfield’ site of 0.22 hectares in an established residential area within a comparatively short walking distance of the town centre. Therefore, having regard to the broader acceptability of developing apartments on lands zoned as ‘*Residential 1: Established*’, the proximity of the town centre and local services etc, the provisions of the ‘*Sustainable Urban Housing: Design Standards for New Apartments, 2020*’, and the desirability of providing for an improved housing mix in the area, it is considered that the subject proposal is appropriate in this instance.

7.3. Overall Design and Layout:

7.3.1. *The Density of the Proposed Development:*

A key objective of the National Planning Framework: 'Project Ireland 2040' is the achievement of more compact and sustainable urban growth. In this regard, greatly increased levels of residential development in urban centres and significant increases in building heights and the density of development are not only to be facilitated but actively sought out and brought forward by the planning process and particularly so at local authority and An Bord Pleanála levels. Moreover, at least half of the future housing growth of the main cities is to be delivered within their existing built-up areas with a focus on reusing previously developed 'brownfield' land, building up infill sites, and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.

7.3.2. By way of context, I would advise the Board that Graiguecullen has been designated as a 'Key Town' in the Laois County Settlement Strategy (in conjunction with Carlow town as per the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031) in recognition of its role in functioning at a much higher level than its resident population and its provision of key employment and services for its extensive hinterlands. The RSES further states that this higher order settlement has the capacity and future growth potential to accommodate above average growth in tandem with the requisite investment in employment creation, services, amenities and sustainable transport. In this respect, the broader strategy for the development of Graiguecullen as set out in Section 2.10.1.2 of the County Development Plan aims to support its continued growth and sustainable development with a view to acting as a growth driver in the region thereby fulfilling its role as a Key Town. More specifically, Policy Objective CS 20 promotes higher densities at appropriate locations owing to the town's position on the public transport network (noting the proximity of Carlow train & bus stations) having regard to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' while Policy Objective CS 21 emphasises the strategic requirement for the sustainable, compact and sequential growth of Graiguecullen through the consolidation of its built-up area with a focus on the redevelopment and regeneration of infill and brownfield sites.

7.3.3. The site itself is located along the Portlaoise Road towards the north-western fringe of the built-up environs where the broader surrounds include a number of land uses. Although the lands to the south of the Portlaoise Road are dominated by the industrial Glanbia mill complex with the Shamrock Business Park further west, those lands to the north, including the subject site, are predominantly residential and characterised by a variety of conventional suburban housing while the undeveloped lands further west towards the N80 Ring Road are zoned for residential development or are held as part of a 'Strategic Reserve' for the period 2018-2024 (noting that the preparation of a Draft Joint Urban Local Area Plan for the Carlow-Graiguecullen Area, 2023-2029 has commenced). In this respect, it is of relevance to note that Policy Objective HPO 9 of the County Development Plan aims to promote residential densities appropriate to the location and surrounding context, having due regard to Government policy relating to sustainable development, which aims to reduce the demand for travel within existing settlements, and the need to respect and reflect the established character of rural areas. This is given effect by reference to the applicable development management standard (DM HS 3: '*Density of Residential Development*') which states the number of dwellings to be provided on a site should be determined in accordance with the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'. The density standards subsequently set out in Table 13.4 of the Development Plan are derived from the aforementioned guidelines with Objective DN 1 reiterating that the appropriate residential density of a site is to be determined with reference to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' (and the accompanying Urban Design Manual); the '*Sustainable Urban Housing: Design Standards for New Apartments, 2020*'; the '*Urban Development and Building Heights Guidelines, 2018*'; the recommended maximum densities per settlement tier shown in Table 2.16: '*Core Strategy*' and Table 13.4: '*Residential Density*' of the Plan; and the prevailing scale and pattern of development in the area.

7.3.4. With a view to achieving the objectives of the NPF, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations such as along public transport corridors and within the inner suburban areas of towns or

cities, proximate to existing or due to be improved public transport corridors, where there is the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Section 5.8 of the Guidelines specifically states that increased densities should be promoted within 500m walking distance of a bus stop, or within 1km of a light rail stop or a rail station and that, in general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors.

- 7.3.5. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' further reiterate the need for increased housing supply and state that the scale and extent of apartment development should increase in relation to the proximity of core urban centres, while existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments. In this regard, the Guidelines provide a broad identification of the types of location in cities and towns that may be suitable for apartment development, including '*Central and/or Accessible Urban Locations*' and '*Intermediate Urban Locations*'.
- 7.3.6. In determining whether it would be appropriate to site apartments at the location proposed, the Planning Authority initially suggested that the proposed development site could be considered a '*Peripheral and / or Less Accessible Urban Location*' by reference to its suburban siting on the edge of Graiguecullen / Carlow with no bus service apparent within an easy or reasonable walking distance. However, it was subsequently concluded that the site was within a reasonable walking distance (i.e. less than 1,000m) of Carlow Town Centre as well as nearby retail & employment locations (including the Glanbia mill complex and the Shamrock Business Park) and thus satisfied the definition of an '*Intermediate Urban Location*' as per the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'. In this regard, it was further noted that the Guidelines consider such locations as generally being suitable for smaller-scale, higher density apartment developments at net densities of broadly >45 dwellings per hectare.
- 7.3.7. While I would acknowledge that the application site is located towards the fringe of the built-up urban area, it is nevertheless within a comparatively short walking

distance of the town centre and several local employment locations, including the Shamrock Business Park and a nearby (Aldi) convenience store. Furthermore, I am cognisant that the site adjoins a National Cycling Corridor identified in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 and that there are wider improvements planned for public transport and walking & cycling infrastructure in the Graiguecullen / Carlow area as per the strategy document prepared by Carlow County Council titled '*Project Carlow 2040: A Vision for Regeneration*'. For example, a new town bus service is expected to be in place by Q4 of 2022 (with the proposed 'CW2 Sleaty Road to Wall's Forge' route situated c. 850m walking distance from the development site), and although the proposed development will not be within a 10-minute walking catchment of a bus stop, it is envisaged in 'Project Carlow 2040' that the provision of new direct pedestrian / cyclist paths from surrounding residential areas will shorten the distance thereby improving the accessibility of residents living in those areas to the town bus network and supporting the development of the '10-minute town' concept. A catchment analysis for cycling undertaken as part of 'Project Carlow 2040' also indicates that the proposed development site will be within a 10-minute cycle of a bus stop. Further credence is lent to the suitability of the area for more intensive redevelopment proposals by reference to the designation of the nearby Glanbia complex as an 'Opportunity Site' in the Joint Spatial Plan which is considered suitable for range of commercial and enterprise uses (Opportunity Site 19: Glanbia Site, Portlaoise Road).

- 7.3.8. The subject proposal (as amended) involves the development of 15 No. apartments on lands with a stated site area of 0.22 hectares which equates to a density of 68 No. units per hectare. In this regard, while I would acknowledge the historically lower density pattern of development in the immediate surrounds, in my opinion, the subject site is a suitable location for a small scale, higher density format of apartment development. Accordingly, in the context of current local, regional and national policy, I am satisfied that the density proposed is within acceptable limits.

7.3.9. *Building Height:*

The '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*' aim to put into practice key National Policy Objectives of 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 height 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. In this regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

- 7.3.10. In a local context, the predominant pattern of development in the immediate vicinity of the application site is typically characterised by conventional two-storey, suburban housing, although there is a single storey car sales showroom to the immediate east while the lands further south are dominated by the industrial Glanbia mill complex. However, it is apparent from the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area that this is an expanding residential area with further housing development anticipated as the town extends westwards.
- 7.3.11. In terms of building height, the subject proposal involves the construction of a free-standing apartment block extending up to three storeys with a maximum parapet height of c. 9.9m over ground level. The principle three-storey element of the construction will be sited towards the front of the scheme while the rear section of the block (as amended in response to the request for clarification of further information) will step down to a single storey given its proximity to neighbouring housing ('Barrowvale') thereby providing for a gradual transition in building height on travelling northwards through the development from the roadside.
- 7.3.12. While I am cognisant of the site context, including the need to preserve the residential amenity of neighbouring properties, as well as the potential impacts arising from the introduction of a three-storey construction into an area predominantly characterised by two-storey development, in my opinion, the site location, the proximity and availability of local services and amenities, and the overall size and shape of this infill site, would all be conducive to supporting the principle of developing a building of increased height in line with current policy provisions. While any such proposals will inevitably result in change, it must be acknowledged that the

urban environment is not a static phenomenon and that townscapes are constantly evolving.

7.3.13. On balance, I am amenable to the building height as proposed. This is a 'brownfield' site, proximate to local services, which affords the opportunity to provide an appropriately scaled redevelopment of an infill site. Furthermore, the site itself is of such a size and configuration as to allow for a flexibility in building design, including height, while taking account of the prevailing character of the surrounding area. Although the introduction of a building of the design and height proposed will undoubtedly have some visual impact, given the site context, it is my opinion that this is an appropriate location in principle for the three-storey construction proposed and that it will make a positive contribution to the area.

7.3.14. *Compliance with the Design Standards for New Apartments:*

It is necessary to consider the detailed design of the proposed apartment units having regard to the requirements of both local planning policy and the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'. In this respect it is of particular relevance to note that where specific planning policy requirements are stated in the Guidelines, these are to take precedence over any conflicting policies or objectives contained in the development plan. Therefore, in accordance with Section 3.0 of the Guidelines I propose to assess the subject scheme as regards compliance with the relevant planning policy requirements set out in the Guidelines in relation to the following:

- Apartment mix within apartment schemes
- Apartment floor areas
- Dual aspect ratios
- Floor to ceiling height
- Apartments to stair / lift core ratios
- Storage spaces
- Amenity spaces
- Aggregate floor areas / dimensions for certain rooms

details, I am satisfied that the subject proposal accords with the applicable requirements.

7.3.17. Dual Aspect Ratios:

The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement that in more central and accessible urban locations the minimum number of dual aspect apartments to be provided in any single apartment scheme will be 33% whereas in suburban or intermediate locations the foregoing requirement is increased to 50%.

Given that all of the proposed apartments will be dual aspect, it is clear that the proposal accords with Specific Planning Policy Requirement 4 of the Guidelines.

7.3.18. Floor to Ceiling Height:

The Guidelines state that floor-to-ceiling height affects the internal amenities of apartments (in terms of sunlight / daylight, storage space, and ventilation) and that this is of most significance at ground level where the potential for overshadowing is greatest, although it is also noted that ground level floor to ceiling height will also influence the future adaptability of individual apartments for potential alternative uses, depending on location. Whilst it is acknowledged that the Building Regulations suggest a minimum floor to ceiling height of 2.4m, the Guidelines also state that from a planning and amenity perspective, applicants and their designers may consider the potential for increasing the minimum apartment floor-to-ceiling height to 2.7m where height restrictions would not otherwise necessitate a reduction in the number of floors. In relation to ground floors, it is a specific planning policy requirement (SPPR5) that ground level apartment floor to ceiling heights are a minimum of 2.7m and increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use.

From a review of the submitted drawings, it can be ascertained that all of the proposed apartment units will be provided with a floor to ceiling height of 2.7m. Therefore, the proposed development accords with SPPR5.

7.3.19. Apartments to Stair / Lift Core Ratios:

Given the design & scale of the development proposed, the proposal satisfies the requirements of the Guidelines in this regard.

7.3.20. Storage Spaces:

The Guidelines state that apartment developments should include adequate provision for general storage and utility requirements in order to accommodate household functions such as clothes washing and the storage of bulky personal or household items. I would refer the Board to the minimum requirements for storage areas set out in Appendix 1 of the Guidelines as follows:

- One-bedroom apartment: 3m²
- Two-bedroom (3 No. person) apartment: 5m²
- Two-bedroom (4 No. person) apartment: 6m²

Notably, this storage provision is to be in addition to kitchen presses and bedroom furniture (although it may be partly provided within these rooms provided it is in addition to the minimum aggregate living/dining/kitchen or bedroom floor areas). The Guidelines also state that no individual storage room within an apartment should exceed 3.5m².

From a review of the available information, including the floor plans and the floor areas provided (noting that the schedule of floor areas detailed on the drawings does not entirely reflect the measurements shown on the plans themselves), it would appear that each of the 9 No. one-bedroom (Type 'B') units has an identifiable storage space measuring either 2.38m² or 2.77m² which is clearly below the minimum requirement of 3m². However, the Guidelines state that some storage may be partly provided in kitchens and bedrooms (assuming it is in addition to the minimum aggregate living/dining/kitchen or bedroom floor area) and in this respect I am satisfied that the >2m² of bedroom floorspace in excess of the minimum aggregate requirement adequately compensates for any shortfall and could reasonably be interpreted as providing for additional storage space thereby achieving the required minimum.

With respect to the 2 No. Type 'C' apartments on the first and second floor levels, I note that the 2 No. storage rooms provided in each of those units (with stated floor areas of 4.41m² & 4.98m²) exceed the maximum floor area permissible for an individual storage room i.e. 3.5m². While this is regrettable, in my opinion, these deviations are of little consequence in broader terms and I am satisfied that the proposal generally complies with the requirements of the Guidelines. I am also

cognisant that the proposed development site measures 0.22 hectares and that Section 3.34 of the Guidelines states that for urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality (*N.B.* Should the Board deem it necessary, changes could be made to the size of the individual storage areas by way of condition in the event of a grant of permission).

7.3.21. Additional Storage:

Section 3.32 of the Guidelines states that apartment schemes should provide for the storage of bulky items outside of individual units (i.e. at ground or basement level) given that secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful as it may be used for equipment such as bicycles, children's outdoor toys or buggies. However, whilst planning authorities are to be encouraged to seek the provision of such space in addition to the minimum apartment storage requirements, this would not appear to be mandatory.

Although the subject proposal does not include for any additional ground level storage areas allocated for the specific use of individual apartments, provision has been made for communal refuse / bin storage areas and shared bicycle parking.

7.3.22. Amenity Spaces:

Private Amenity Space:

It is a policy requirement of the Guidelines that adequate private amenity space be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. In this respect I would advise the Board that a one-bedroom apartment is required to be provided with a minimum amenity area of 5m² while two-bedroom (3 No. persons) & two-bedroom (4 No. persons) apartments are to be provided with 6m² and 7m² of private amenity space respectively.

Consideration must also be given to certain qualitative criteria including the privacy and security of the space in question in addition to the need to optimise solar orientation and to minimise the potential for overshadowing and overlooking.

From a review of the submitted plans and particulars (as revised in response to the request for clarification of further information), it can be confirmed that the private open space provision for each of the apartments exceeds the minimum requirements

of the Guidelines (as well as the development management standards set out in DMHS7: '*Private Open Space in Apartment Developments*' of the County Development Plan).

7.3.23. *Communal Amenity Space:*

The Guidelines state that the provision and proper future maintenance of well-designed communal amenity space is critical in meeting the amenity needs of residents, with a particular emphasis being placed on the importance of accessible, secure and usable outdoor space for families with young children and for less mobile older people, and in this respect the minimum requirements set out in Appendix 1 of the guidance are as follows:

- One-bedroom apartment: 5m²
- Two-bedroom (3 No. person) apartment: 6m²
- Two-bedroom (4 No. person) apartment: 7m²

Accordingly, the proposed development will necessitate the provision of 87m² of communal open space in order to satisfy the minimum requirements of the Guidelines based on 9 No. one-bedroom & 6 No. two-bedroom (4 person) units (with a lesser requirement for two-bedroom (3 person) units). In this regard, the subject proposal includes for c. 320m² of 'communal' open space in the form of a semi-private amenity area (which will only be accessible to residents of the scheme itself) located between the apartment block and the western site boundary. Therefore, it is apparent that the 'communal' open space proposed amounts to more than three times the minimum quantitative requirement specified by the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'.

Within the '*Development Management Standards for Residential Development*' set out in the Laois County Development Plan, 2021-2027, DM HS 4: '*Landscaping and Public Open Space in Residential Developments*' states that for large infill sites or brownfield sites public open space should generally be provided at a minimum rate of 10% of the total site area. Having established that the proposed development will provide c. 320m² of public open space, it is clear that the proposal exceeds the minimum requirements of the Development Plan.

7.3.24. Aggregate Floor Areas / Dimensions for Certain Rooms:

Having reviewed the submitted particulars, the proposed development satisfies the minimum floor areas and standards set out in Appendix 1 of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'.

7.3.25. Design of the Apartment Units:

On the basis of the foregoing, it is my opinion that the broader design of the submitted proposal accords with the minimum requirements of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' and correspondingly provides for a satisfactory level of residential amenity for future occupants of the proposed units (notwithstanding some discrepancies in the detailed schedule of the various rooms etc.).

7.3.26. Overall Design & Layout of the Proposed Development:

With respect to the broader design of the proposal, given the site context, with particular reference to its infill location and the availability of local amenities / services, I would accept that the site is suitable in principle for the construction of a higher density format of development with an increased building height. Furthermore, although the architectural treatment proposed is at variance with the prevailing pattern of development, in my opinion, the site itself is of such a size and configuration as to allow for a greater flexibility in building design. In this regard, it should also be noted that the siting of the apartment block (as amended) has taken cognisance of the need to protect the residential amenity of the neighbouring housing to the west by locating the majority of the three-storey construction towards its eastern perimeter (proximate to the motor sales outlet to the east). In addition, the stepping down of the building height towards the rear of the site serves to reduce the impact on those properties to the north / northeast. Other considerations include the recessed positioning of the apartment block and the moderately lower ground levels towards the rear of the site which will partially mitigate the visual impact of the proposal on the immediate locality.

Therefore, on balance, I am satisfied that the overall design and layout of the proposed development is acceptable in this instance.

7.4. Impact on Residential Amenity:

7.4.1. *Overlooking:*

Given the site context, including its location within a built-up urban area, concerns have been raised that the proposed development may have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking with an associated loss of privacy. In this respect, I am inclined to suggest at the outset that some degree of overlooking would not be entirely unexpected given the site location in an established residential area, however, consideration should be given to the overall design, orientation and positioning of the proposed development and its relationship with adjacent housing to the immediate west and northeast.

7.4.2. The design of the scheme is such that the bulk of the three-storey construction (with the exception of that comprising the first and second floor Type 'A' apartments) has been positioned towards the eastern perimeter of the site thereby increasing the separation distance between it and the existing housing to the west. In this regard, it is of note that in order to avoid overlooking of the adjacent housing within the 'Graigue na hAbhainn' estate to the west, the proposed development includes for the following mitigation by design:

- The absence of any windows within the western elevation of the Type 'A' units proposed at first and second floor levels of the apartment block.
- The balconies serving the one-bedroom (Type B) apartments on the first and second floor levels have been positioned on the eastern elevation of the apartment block and thus are orientated to face onto the adjacent car sales compound and away from neighbouring housing.
- The provision of a separation distance of c. 32m between the rear elevation of the adjacent two-storey housing and the 'galley' access walkways on the western elevation of the apartment block. Although these external galleries will afford views towards the 'Graigue na hAbhainn' housing, they are not 'balconies' in the traditional sense and will only be used by residents / visitors for comparatively short periods to access individual apartments. Accordingly, given the site location in a built-up area, the likely pattern of usage of the external walkways, and the separation distances involved, I am satisfied that

any overlooking of 'Graigue na hAbhainn' from the galley accessways will be within acceptable limits.

- 7.4.3. In addition to the foregoing, I would suggest that opaque screening should be provided by way of condition (in the event of a grant of permission) at the western end of each of the balconies serving the first and second floor Type 'A' units so as to further mitigate the potential for overlooking of the 'Graigue na hAbhainn' housing to the west.
- 7.4.4. With respect to the housing within the adjacent 'Barrowvale' estate to the north / northeast, I would draw the Board's attention to the revised design submitted in response to the request for clarification of further information. The amended proposal provides for the recessing of the first and second floor levels back from the northern site boundary which serves to reduce any perception of direct overlooking or an unduly overbearing appearance. Furthermore, the inclusion of an opaque privacy screen to the north-easternmost balconies in tandem with the absence of any fenestration at first and second floor levels within the northernmost elevation of the apartment building obviates any direct overlooking of those residences.
- 7.4.5. In relation to the remainder of the development, the fenestration and balconies serving the Type 'C' apartments at first and second floor levels (in the south-eastern corner of the building) are orientated to face towards the public road and / or the adjacent car sales lot and thus will not detract from the residential amenity of neighbouring properties by reason of overlooking. Similarly, given the separation distance from the perimeter site boundary, the differences in elevation relative to neighbouring properties, and the screening to be afforded by the existing & proposed boundary treatment / landscaping, the ground floor units will not give rise to any overlooking concerns.
- 7.4.6. *Overshadowing: Daylight & Sunlight: Open Space:*

From a review of the shadow projection diagrams submitted by way of further information on 1st November, 2021 (noting that these relate to the two / three storey apartment block then proposed as opposed to the design as amended in response to the request for clarification of further information wherein the height of the rear section of the building was reduced to a single-storey construction and an increased separation provided from the northern site boundary) it would appear that at least

50% of the communal landscaped area will receive at least 2 hours of sunlight on 21st March thereby exceeding the 50% requirement recommended at Para 3.3.17 of '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*' (3rd Edition) (which has superseded the 2nd Edition of the same document).

7.4.7. *Overshadowing: Daylight & Sunlight: Impact on Adjacent Residential Properties:*

In assessing the potential impact of the proposed development from an overshadowing / loss of light perspective on the amenity of neighbouring residential property, I would draw the Board's attention to Section 2.2 of '*Site Layout Planning for Daylight and Sunlight*' which emphasises the importance of safeguarding the daylight to nearby buildings when designing new development. It proceeds to state that loss of light to existing windows need not be analysed if the distance of each part of the new development from the window in question is three or more times its height above the centre of the window (e.g. if the new development were 10m tall, and a typical ground floor window would be 1.5m above the ground, the effect on existing buildings more than $3 \times (10 - 1.5) = 25.5\text{m}$ away need not be analysed). If the proposed development is taller or closer than this, a modified form of the procedure adopted for new buildings can be used to determine whether an existing building still receives enough skylight.

7.4.8. A more detailed methodology involves determining the Vertical Sky Component (VSC) received at the windows of the neighbouring properties. Any reduction in the total amount of skylight can be calculated by finding the VSC at the centre of each main window (windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed). If the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. If the VSC with the development in place is both less than 27% and less than 0.8 times its former (existing) value, then occupants of the existing building will notice the reduction in the amount of skylight i.e. the diffuse level of daylighting in affected rooms may be adversely affected by the proposed development.

7.4.9. With respect to the potential for neighbouring residences to experience a loss of sunlight consequent on the proposed development, I would refer the Board to the guidance contained in Section 3.2 of '*Site Layout Planning for Daylight and Sunlight*' which states that in order to assess loss of sunlight to an existing building, all main

living areas of dwellings should be checked if they have a window facing within 90° of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun. Normally loss of sunlight need not be analysed to kitchens and bedrooms. If any of the identified windows can receive more than 25% of Annual Probable Sunlight Hours (APSH), including at least 5% of APSH in the winter months between 21st September and 21st March, then the room in question should still receive enough sunlight. In this regard, the shadow projection diagrams submitted by way of further information on 1st November, 2021 would suggest that some rooms to the rear of Nos. 20-23 Barrowvale (inclusive) will experience a degree of overshadowing consequent on the proposed development at certain times of the day and year. However, it should be noted that these shadow projection diagrams relate to the two / three storey apartment block proposed in response to the request for further information whereas the scheme was modified by way of clarification with the rear section of the building being reduced to a single-storey construction while the entire structure was relocated further south away from the adjacent 'Barrowvale' estate. Accordingly, the likelihood is that any overshadowing of housing in 'Barrowvale' from the amended proposal will be less than that represented in the submitted shadow projections (it is regrettable that updated shadow projections were not provided with the response to the request for clarification of further information). Furthermore, those rooms to the rear of the affected housing most likely comprise kitchens and bedrooms where a loss of sunlight would not normally need to be analysed (in keeping with Section 3.2 of '*Site Layout Planning for Daylight and Sunlight*').

- 7.4.10. In conjunction with the shadow projection diagrams submitted by way of further information, a review of the potential impact on sunlight received by No. 23 Barrowvale (which is directly adjacent to the north-eastern corner of the subject site) was undertaken by the applicant. This analysis (as supported by the accompanying VSC calculations) used the south-facing window in the rear extension of No. 23 Barrowvale as a reference point and determined a Vertical Sky Component of approximately 34% following construction of the proposed development. Therefore, I would reiterate that if the VSC is greater than 27% then enough skylight should continue to reach the window of the existing building (such a value typically supplies enough daylight to a standard room when combined with a window of normal

dimensions, with glass area around 10% or more of the floor area). Accordingly, it has been submitted that the proposed development will adhere to the recommendations set out in '*Site Layout Planning for Daylight and Sunlight*' as regards the rear window wall of No. 23 Barrowvale.

- 7.4.11. With respect to the amended proposal supplied in response to the request for clarification of further information (which modified the building design with the rear section being reduced to a single-storey construction and the entire structure relocated further south), it has been put forward that the additional alterations to the height and location of the rear elevation remove the necessity for a VSC analysis. In this regard, reference is made to Drg. No. 19.100.P.17: '*Vertical Sky Component Compliance Drawing*' and it has been submitted that there is no need to for any calculation to check the sunlight potential given that the neighbouring conservatory window faces within 90 degrees of due south and no obstruction measured in the section perpendicular to the window wall subtends an angle of more than 25 degrees to the horizontal.
- 7.4.12. Notwithstanding the limitations of the data presented, having regard to the site context, the separation distances concerned, and the particulars of the development proposed, including its height and positioning relative to neighbouring dwellings, I would broadly concur with the applicant's calculations to the effect that the proposed development (as amended) is unlikely to result in any undue reduction in the level of sunlight received by those rooms to the rear of houses in the Barrowvale estate.
- 7.4.13. Similarly, I am satisfied that any overshadowing of rooms to the rear of Nos. 70-77 within the neighbouring 'Graigue na hAbhainn' housing estate will not be of such significance as to warrant a refusal of permission. Typically, any overshadowing of the rear elevations of the aforementioned properties will occur for a brief period during the early morning with a more pronounced impact in the winter months when the sun is at its lowest, although this will be of limited duration and scope.
- 7.4.14. In relation to the potential for overshadowing of the private rear garden areas of neighbouring housing, I would reiterate that Para 3.3.17 of '*Site Layout Planning for Daylight and Sunlight*' recommends that at least half of a garden or amenity area should receive a minimum of 2 hours of sunlight on 21st March. Regrettably, the subject application has not been accompanied by a detailed analysis of the

overshadowing implications of the proposed development, however, while it is likely that the proposal will result in some additional overshadowing of the rear garden areas of neighbouring properties, on the basis of the available information, it would appear that at least 50% of the gardens in question will receive at least 2 hours of sunlight on 21st March thereby exceeding the requirement recommended at Para 3.3.17 of '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*' (3rd Edition).

7.4.15. Overbearing Appearance:

In relation to the suggestion that the development will have an unacceptably overbearing or negative visual impact on neighbouring housing, while I would acknowledge that the proposal involves the construction of a three-storey building of an increased height and that this will undoubtedly change the outlook available from surrounding properties, in my opinion, the significance of any such impact must be considered in light of the site context, including its location in a built-up urban area on lands which have been identified for development. In this respect, I am satisfied that the overall design, scale, height and siting of the proposed development, including the separation distances available, has taken sufficient cognisance of the infill nature of the site and its relationship with surrounding residences to the effect that the subject proposal will not unduly detract from the residential amenity of properties by reason of an excessively overbearing or visually intrusive appearance.

7.4.16. Construction Impacts:

With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, while I would acknowledge that the subject site is proximate to existing housing and that construction works, including the movement of vehicles etc., could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition, including through the submission of a Construction and Environmental Management Plan for written agreement with the Local Authority prior to the commencement of development.

7.5. Infrastructural / Servicing Arrangements:

7.5.1. Foul Water Drainage:

Concerns have been raised in the grounds of appeal as regards the capacity of the existing foul sewerage network to accommodate the additional loadings consequent on the proposed development, with specific reference being made to a pumping station which seemingly links the feed from Graiguecullen to the municipal wastewater treatment plant in the Mortarstown area of Carlow town. It has also been submitted that in the absence of more detailed survey works of the wastewater infrastructure in the surrounding area, the outcome of the applicant's pre-connection enquiry with Irish Water forms an insufficient basis on which to determine the acceptability of the subject application.

7.5.2. While I would acknowledge that the servicing of the proposed development will be reliant on infrastructure across two different local authority administrative areas, Irish Water is the body responsible for the public wastewater network, including the treatment and the subsequent discharge of treated effluent back into the water environment. In this respect, it is apparent from the available information that the applicant has entered into discussions with Irish Water as regards the servicing arrangements for the proposed development with the initial application documentation having been accompanied by a copy of the outcome of a pre-connection enquiry (dated 25th January, 2021) with that authority. This correspondence states that a connection to the wastewater network '*can be facilitated at this moment in time*' and is '*feasible*', subject to upgrading works, although '*It will be necessary to carry out further detailed study and investigations to determine the size and location of the existing wastewater network and to determine the full extent of any upgrades which may be required to be completed to Irish Water infrastructure, prior to agreeing to the proposed connection*'. Notably, the Planning Authority subsequently sought further clarity by way of a request for further information on the position of Irish Water as regards the feasibility of the proposed servicing arrangements. In response to that request, the applicant submitted an updated copy (dated 6th July, 2021) of the outcome of its pre-connection enquiries with Irish Water which reiterated the earlier position as regards the feasibility of a connection, subject to certain upgrading works.

7.5.3. Having considered the foregoing, while I would acknowledge that it would certainly have been preferable if Irish Water had been more forthcoming in specifying the exact nature and extent of any upgrading works necessary to facilitate the connection of the proposed development to the public sewer network, it may be deduced from the outcome of the pre-connection consultations that any constraints arising are not of such significance as to warrant a refusal of permission. In my opinion, it would be reasonable to expect that if Irish Water was not satisfied that any deficiencies / constraints within the existing wastewater network could not reasonably be addressed as part of a conditional connection offer for the proposed development, then it would have recommended against a grant of permission. Therefore, in the absence of any evidence to the contrary, it appears that the proposed development can be adequately serviced, subject to the completion of certain upgrading works (likely to be conditional as part of any future connection offer).

7.5.4. *Surface Water Drainage:*

The proposed development, as initially submitted, provided for the collection, attenuation and disposal of surface water runoff on site by means of a gravity system which would drain runoff to a soakaway (constructed using cellular storage crates and capable of storing all stormwater runoff during a 1 in 100 year storm for a range of storm durations) with subsequent infiltration to ground. Although the system was designed to accommodate all surface water within the site boundary, an overflow mechanism was included as a means of discharging to the public surface water drain should the need arise in exceptional circumstances (e.g. during storms exceeding a 1 in 100 year rainfall event or in the event of a soakaway failure and / or during soakaway maintenance works). This overflow arrangement would involve the installation of a sump manhole immediately after the proposed soakaway with a rising main discharging to the public mains surface water sewer. In this regard, assorted design calculations for the system are included in the 'Infrastructure Design Report' submitted with the application.

7.5.5. In response to a request for further information, additional design specifications and calculations (including the results of a soakaway test carried out in accordance with BRE Digest 365) were submitted which detailed that the proposed soakaway was to be constructed using 'Wavin Aquacell' units and had been designed to store all

runoff generated during a 1 in 30 year return period storm. It was further stated that overflow from the soakaway is predicted for 24hr and 48hr duration storms within a 30-year return period, although the flow will be within the allowable greenfield discharge rate of 0.865l/s. During the 100-year return period, it is anticipated that the majority of storm durations will be addressed by the proposed soakaway design, with the exception of 720min duration storms or greater. The maximum overflow or discharge rate from the soakaway is predicted to be 2.0l/s during a 24-hour storm duration, giving an approximate flood volume of 173m³ for this extreme event. In such cases, it is expected that the overflow volume of stormwater can be partially catered for within the car parking area (with a finished ground level of 54.23m and a surrounding perimeter kerb height of 125mm) giving a potential holding volume of c. 46m³ with a secondary allowance for a pump chamber to be installed within Manhole S10 which will discharge to the roadside stormwater drain during extreme weather events e.g. 100 year return periods with durations in excess of 24 hours.

- 7.5.6. Following consideration of these proposals, a report prepared by the Road Design Office of the Council indicated that it was not satisfied with the 'Cellular Storage System' proposed and that this should be replaced with a concrete-type tank. Notably, the concerns raised related to the type of construction proposed as opposed to the design calculations for the drainage system. Accordingly, in response to a request for clarification of further information, revised proposals were submitted that included for the construction of a soakaway comprising an open base tank (with concrete walls and roof to allow for infiltration to ground) of such size as to accommodate the storage of all surface water generated during a 1 in 30-year storm.
- 7.5.7. On balance, it appears that the proposed development has sought to comply with the requirements of the Planning Authority as regards its surface water drainage arrangements. Moreover, the proposal adheres to Section 10.2: '*Surface Water, Drainage and Flooding*' of the Laois County Development Plan, 2021-2027, including DM SWD 1: '*Sustainable Drainage Systems*' which requires the submission of detailed proposals for Sustainable Drainage Systems (SuDS) which demonstrate that the development will not result in surface water discharges affecting neighbouring lands without agreement and/or the public road. Therefore, given that the principle of the surface water drainage arrangements is acceptable in this instance, and noting that no concerns have been raised as regards either the sizing

or capacity of the proposed soakaway system, I am satisfied that its final design specifications can be addressed by way of condition.

7.5.8. *Water Supply:*

It is proposed to connect to the public watermain and in this regard the application has been accompanied by copies of the outcomes of two different pre-connection enquiries with Irish Water wherein it has been confirmed that a water connection for the development is feasible without the need for any infrastructure upgrading works. In the absence of any conflicting information, I can see no reason to dispute the veracity of the details provided and thus it would appear for all reasonable purposes that the proposed development can avail of connection to the public mains water supply.

7.6. **Procedural Issues:**

- 7.6.1. In relation to the suggestion that the description of the proposed development as set out in the public notices is deficient on the basis that it should have included a separate reference to the demolition of the existing habitable dwelling house on site (with a view to creating an awareness of the broader scale of the development proposed i.e. the replacement of a single dwelling house with a scheme of 17 No. units), I am unclear as to the difficulty with the public notices as submitted given that they specifically refer to the '*Demolition of existing dwelling*' in the description of the proposed development. Article 18(1)(d) of the Planning and Development Regulations, 2001, as amended, only requires a newspaper notice to provide '*a brief description of the nature and extent of the development*' and, in this respect, I am satisfied that the description of the proposed development in the public notices, which includes reference to the '*Demolition of existing dwelling*' and the '*Construction of 9 No. 1-bedroom units and 10 No. 2-bed units*', provides for a clear synopsis of the nature and extent of the development as required and thus accords with the minimum regulatory requirements.
- 7.6.2. Following on from the appellant's commentary as regards the public notices, the grounds of appeal subsequently suggest that a separate planning application should have been lodged for the demolition of the existing dwelling given that it continues to be in use and is in a habitable condition. In response, I would advise the Board that there is no legislative requirement to separate out certain elements of a development

such as that proposed into individual components nor is there any prohibition on the submission of a single planning application encompassing the entirety of the development proposal. The subject application complies with the applicable statutory requirements and thus I do not propose to comment further on this matter.

7.6.3. The Adequacy of the Submitted Plans and Particulars:

Concerns have been raised as regards the adequacy of the documentation submitted with the planning application, however, it is my opinion that there is sufficient information on file to permit a balanced and reasoned assessment of the proposed development and that procedural matters, such as a determination as to the adequacy of the plans and particulars provided, and the subsequent validation (or not) of a planning application, are generally the responsibility of the Planning Authority which in this instance took the view that the submitted documentation satisfied the minimum regulatory requirements.

7.7. Other Issues:

7.7.1. Flooding Considerations:

Contrary to the assertion in the grounds of appeal that the proposed development site lies within the floodplain of the River Barrow, on examination of the most up-to-date flood mapping for the area prepared by the Office of Public Works as part of its CFRAM programme (which is available on www.floodinfo.ie and has informed the development of Flood Risk Management Plans for specific areas), it can be confirmed that there is no record of floodwaters from the River Barrow either on or bounding the development site. More specifically, the mapping showing the 'CFRAM River Flood Extents – Present Day' indicates that the site is located beyond the modelled extent of those lands that might be inundated by such floodwaters in the 'low' (0.1% AEP), 'medium' (1% AEP) and 'high' (10% AEP) probability scenarios. This is similarly reflected in the CFRAM 'River Flood Extent' mapping of the 'Mid-Range' and 'High-End' future scenarios (which take account of climate change).

7.7.2. Furthermore, while the National Indicative Fluvial Mapping compiled by the OPW does identify lands to the west / northwest of the development site where fluvial flooding is indicatively predicted to occur in the 'Present Day', 'Mid-Range' and 'High-End' future scenarios (in each of the 'low', 'medium' and 'high' probability scenarios), this would not appear to extend into the development site.

7.7.3. In addition to the foregoing, the Strategic Flood Risk Assessment prepared as part of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012 – 2018 does not identify any fluvial or pluvial flood risk to the development site with the relevant mapping (Appendix 'A': Map A: 'Flood Zones') having been informed by a number of datasets, including the OPW's Preliminary Flood Risk Assessment (a national screening exercise undertaken to identify areas at potential risk of flooding) and historical flood records.

7.7.4. Therefore, it would appear that the entirety of the proposed development site is subject to a 'low probability' of fluvial flooding (where the probability is less than 0.1% or 1 in 1,000 for river flooding) and is located within Flood Zone 'C' as defined by the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities*'.

7.7.5. Accordingly, having considered the available information, I am satisfied that the subject proposal would not warrant the preparation of a site-specific flood risk assessment and complies with the relevant provisions of the Development Plan and the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities*'.

7.7.6. *Car Parking:*

In accordance with Table 10.3: '*Land Use Parking Space Requirements*' of the County Development Plan, car parking for the proposed development is to be provided at the following rate:

- Apartments: 1.26 – 2 No. spaces per unit

7.7.7. Therefore, on the basis that the proposed development (as amended in response to the request for clarification of further information) comprises 15 No. apartments (9 No. one-bed & 6 No. two-bed units), it would generate a demand for 19 - 30 No. parking spaces.

7.7.8. The proposed development (as amended) provides for a total of 16 No. spaces (including 1 No. accessible space) by way of surface parking and thus there is a shortfall in the general parking requirement. However, I would draw the Board's attention to Parking Policy Objective TRANS 28 which states that '*A relaxation of car parking requirement may be considered where a development is located in town centre locations, in close proximity to public transport or for certain types of housing developments such as assisted living units*'. In this regard, I would refer the Board to

the specific nature of proposal as outlined in response to the request for further information wherein it is stated that the development is targeted at people over the age of 55 years who will require partial supervision or part-assisted living as well as those who may wish to downsize due to age, health or just for the opportunity to pass the family home onto their children. It is not intended to function as sheltered accommodation in the sense of providing for addiction or psychiatric care etc., but is instead to form a small, gated community for retired and / or elderly people to feel safe and secure.

- 7.7.9. In addition to the foregoing, I am amenable to a relaxation in the applicable parking standards by reference to the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' which state that within more intermediate urban locations, such as those served by public transport or close to town centres, consideration must be given to a reduced overall car parking standard and the application of an appropriate maximum car parking standard. The Guidelines also state that for urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.
- 7.7.10. Therefore, on balance, I would concur with the assessment by the Planning Authority that the specifics of the application site and the nature of the development proposed would warrant a relaxation in the applicable parking standard to 1 No. space per apartment. This would have the effect of necessitating a total of 15 No. parking spaces for the proposed development and thus the proposal as submitted would provide for adequate on-site parking.

7.7.11. *Lack of Public Consultation:*

With respect to the suggestion that there has been a lack of consultation with neighbouring residents as regards the proposals for the redevelopment of the subject site, it should be noted that there is no mandatory requirement for public consultation to be undertaken by a prospective applicant in advance of the lodgement of a planning application for the type of development proposed. It is the statutory planning process that expressly allows for input by the general public and interested third parties with the relevant legislative provisions allowing for submissions / observations to be made on individual planning applications. On this

basis, I am satisfied that local residents and other parties have been afforded the opportunity to comment on the proposed development.

7.7.12. The Requirement for a Fire Safety Certificate & Disabled Access Certificate:

In reference to the appellant's concerns as regards the necessity for the proposed development to obtain a Fire Safety Certificate & a Disabled Access Certificate, it is my opinion that such issues are essentially building control matters which are subject to other regulatory control / legislative provisions, including the Building Regulations, and thus are not pertinent to the consideration of the subject appeal.

7.7.13. The Potential for Future Non-Compliance / Unauthorised Development:

While concerns have been raised as regards the enforcement of any planning conditions that may be attached to any grant permission issued in respect of the subject proposal, I do not propose to engage in speculation and would advise that the Board has no function in respect of issues pertaining to enforcement with the pursuit of such matters generally being the responsibility of the Planning Authority.

7.7.14. Matters for Agreement Post-Decision / Compliance Conditions:

It is reasonable and permissible in accordance with the provisions of the Planning and Development Act, 2000, as amended, and Section 28 Guidelines (including the 'Development Management, Guidelines for Planning Authorities, 2007') to provide that points of detail relating to a grant of permission be agreed between the person carrying out the development and the planning authority (as reiterated in 'Practice Note PN03 Planning Conditions' issued by the Office of the Planning Regulator). In this instance, I am satisfied that the details to be agreed (i.e. the landscaping & public lighting specifications etc.) will not involve a fundamental part or determining issue in the case under consideration.

7.8. Appropriate Assessment:

- 7.8.1. Having regard to the limited nature and scale of the development under consideration, the site location in a 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 be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the land use zoning of the site as 'Residential 1: Established' in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 and the provisions of the Laois County Development Plan, 2021-2027, the infill nature of the site location in an established urban area within walking distance of local services, the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020' (as amended), the scale, design and density of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity 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. 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 1st day of November, 2021 and the 22nd day of 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

a) Opaque privacy screening shall be provided at the western end of each of the balconies serving the first and second floor Type 'A' apartment units.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent the overlooking of adjoining residential property.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

5. 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. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area

8. The internal road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, and the junction with the public road shall be in accordance with the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of amenity, traffic and pedestrian safety and sustainable transport.

9. All of the communal car parking spaces serving the residential units shall be provided with functioning electric vehicle (EV) charging stations/points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transport.

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any apartment.

Reason: In the interests of amenity and public safety.

11. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

- c) details of proposed street furniture, including bollards, lighting fixtures and seating; and
- d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual and residential amenity.

12. Proposals for an apartment name and numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. A plan containing details for the management of waste for the apartment blocks, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

17. 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.

18. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of

housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and

the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

20th January, 2023