



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312997-22

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<b>Development</b>	Demolition of garage. Amendments to site boundaries, site layout, house design and location granted under 310727-21 and all associated site works.
<b>Location</b>	Gleann Na Greine, Naas, Co.Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	211753
<b>Applicant</b>	Michael Moran.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ms. Sheila Deane.
<b>Observer(s)</b>	Briefne Conroy.
<b>Date of Site Inspection</b>	03/10/2022.
<b>Inspector</b>	Enda Duignan

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## **1.0 Site Location and Description**

- 1.1.** The appeal site, which has a stated area of 0.08ha. is located at the eastern end of Gleann Na Greine within the settlement of Naas, Co. Kildare. Gleann Na Greine is a cul-de-sac which connects to the Dublin Road to the north-west. The site has an irregular shape and comprises what would appear to have formed the side garden of Nos. 2/3 Gleann Na Greine. An existing pitched roof garage is located adjacent to the northern site boundary. The site is substantially cleared and site levels remain constant with those of the adjoining cul-de-sac.
- 1.2.** The western boundary of the site with Nos. 2/3 Gleann Na Greine comprises a block wall. The southern portion of the eastern boundary comprises a c. 2m high timber fence with the northern portion of this boundary comprising a retaining wall with a mesh panel fence above. I note that there is no formal southern boundary and lands which are outside the red line site boundary continue south towards a cul-de-sac which connects to Friary Road. In terms of the site surrounds, the area is typically characterised by low density residential development of varying architectural styles. An existing hotel development is located further to the west of the site.

## **2.0 Proposed Development**

- 2.1.** Planning permission is sought for what are described as amendments to an extant planning permission (i.e. ABP Ref. 310727-21). The proposal seeks planning consent for modifications to the application site boundaries and the appeal site now includes the side amenity space associated within Nos. 2/3 Gleann Na Greine. I note the southern portion of the site which formed part of the extant permission has been omitted and vehicular and pedestrian access to the site is now proposed to be provided via Gleann Na Greine to the north.
- 2.2.** The existing garage within the side amenity space associated within Nos. 2/3 Gleann Na Greine is now proposed to be demolished to facilitate access to the site and a new driveway will lead to a car parking area within the dwelling's front setback.
- 2.3.** The proposal seeks consent for amendments to the design of the permitted dwelling. A double storey dwelling is now proposed in lieu of the previously permitted single

storey dwelling. The dwelling has a pitched roof form and can be described as having neoclassical architectural features. Private open space, measuring c. 145sq.m. is provided on the southern (rear) side of the dwelling and can be accessed via the open plan kitchen/dining/lounge room. Additional amenity space in the form of a garden, totalling 105sq.m., is located to the front of the dwelling. The dwelling has a stated floor area of 275sq.m.

- 2.4.** The proposal also seeks consent for the relocation of the permitted garage within the site and for a modified design. The proposed garage will have a pitched roof form and will be sited adjacent to the site's western boundary.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority granted planning permission subject to compliance with a total of 19 no. standard conditions.

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

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

The Kildare County Council Planning Report forms the basis for the decision. The Planning Report provides a description of the site and the subject proposal, it sets out the planning history of the site and identifies the site as being located within lands zoned Objective A Town Centre of the Naas Local Area Plan, 2017-2023, which seeks "To protect, improve and provide for the future development of the town centre". The report also summaries the issue raised in the third-party observation on file.

The Planning Authority indicates that the application appears to be more akin to a new application rather than an amendment application given the scope of the proposed works. Notwithstanding this, the Planning Authority highlight that the application will be tied back to the parent permission given its inclusion within the development description.

Having regard to the zoning of the site and the character of the area, the Planning Authority indicate that the principle of the proposal (i.e. a new dwelling) is acceptable

at this location. In terms of the modified design and siting of the proposed dwelling, the Planning Authority has raised no objections to the proposed development and a grant of permission for the proposed development is recommended.

### 3.2.2. Other Technical Reports

Area Engineer: Report received stating no objection subject to conditions.

Water Services: Report received stating no objection subject to conditions.

Area Engineer: Report received stating no objection subject to conditions.

Heritage: Report received stating no objection.

### 3.3. Prescribed Bodies

Irish Water: Report received stating no objection subject to conditions.

### 3.4. Third Party Observations

One third-party observation was received from Ms Sheila Deane of Rathview, Rathmore, Naas, Co. Kildare (Third-Party Appellant). The observation indicates that there was no copy of the Planning Design Statement, as per the document schedule submitted with the application, on the on-line planning file. The third party could therefore not review the application in its entirety.

## 4.0 Planning History

**21/268 (ABP Ref. 310727-21):** Planning permission granted by the Planning Authority and the Board for (A) Erection of a single storey type house, (B) Garage/store for domestic use, (C) connection into existing foul sewer on the cul de sac of Gleann na Greine and (D) new vehicular recessed entrance onto the right of way leading to Friary Road and all associated site works.

## **5.0 Policy Context**

### **5.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy**

- 5.1.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).
- 5.1.2. National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

### **5.2. Design Manual for Urban Roads and Streets (DMURS), 2019**

### **5.3. Kildare County Development Plan, 2017-2023 (CDP)**

Naas is designated Large Growth Town 1 within the current CDP. Naas is also designated as a Primary Economic Growth Town and is promoted for local and regional enterprise and servicing its urban and rural hinterland areas.

Chapter 4 of the current CDP sets out Housing policy. Section 4.11 refers to Urban Infill and backland development. The policy states that ‘the development of underutilised infill and backland sites in existing residential areas is generally encouraged. A balance is needed between the protection of amenities, privacy, the established character of the area and residential infill. The use of contemporary and innovative design solutions will be considered for infill and backland development and connections to the surrounding area and services should be identified and incorporated into proposals.’

Chapter 16 of the current CDP sets out Urban Design Guidelines.

Chapter 17 of the current CDP sets out Development Management Standards.

#### **5.4. Naas Local Area Plan (LAP), 2021-2027**

The site is within an area zoned 'A – Town Centre', the objective of which is "To protect, improve and provide for the future development of the town centre". I note that dwellings are identified as being 'permitted in principle' under this zoning objective.

The appeal site is partially located within the Town Centre Architectural Conservation Area (ACA) and the relevant policies with respect to development within ACAs is included within Section 8.2 of the current LAP.

#### **5.5. Natural Heritage Designations**

- 5.5.1. The nearest designated site is the Red Bod, Kildare SAC (Site Code: 000397) c. 8.2km to the south-east of the site. The proposed Natural Heritage Area (pNHA): Grand Canal, is also located c. 600m to the west of the site.

#### **5.6. EIA Screening**

- 5.6.1. Having regard to the nature and scale the development, which consists of the construction of a detached double storey dwelling in a serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

A Third Party appeal has been prepared on behalf of Ms. Sheila Deane, of Rathmore Naas, Co. Kildare. The appeal submission notes that Ms. Deane is currently in the process of converting a former restaurant into a residential home beside the subject site (east). The main points made of the appeal can be summarised as follows:

- The Applicant's Planning Design Statement was not available to review on the online planning file during the notification period and was only placed available to review after the five week period, leaving no time to review it. The failure of the Council to issue a further information request to enable third parties to review this document is considered to be wholly unreasonable and unjust, particularly during a Pandemic.

- It is submitted that the proposed development does not involve a material alteration to a permitted development but is in fact an entire new development. The Board is urged to refuse the application on the basis that it is not a legally valid application and it should not have been validated by the Council.
- It is highlighted that under the parent application pertaining to the site, 3 no. site notices were erected. However, only 1 no. site notice was erected at the north of the site and at the same location as the site notice for the first application. The net result was that members of the public were not aware of the application which is totally unacceptable and undermines confidence in the planning system. Questions arise over the validity of the application given the location of the single site notice which is not readily accessible to members of the public.
- It is stated that the Applicant has not shown the full extent of lands in their ownership on the site location map which adjoined the site. It is highlighted that the application as submitted is legally flawed in this respect.
- It is highlighted that the site is located within the Naas ACA as provided in the current LAP and it is submitted that the architectural style of the proposed dwelling is totally out of character with dwellings in the area, including properties within the immediate surrounds.
- The appeal submission notes that the adjoining property is a designated Protected Structure, and no Conservation Impact Assessment was submitted addressing the potential impact of the proposed development on the character and setting of the nearby Protected Structure.
- Concerns are highlighted with respect to the size, bulk, mass and scale of the proposed dwelling and its proximity to the eastern side boundary. Concerns are highlighted that there was no shadow analysis submitted with the application and there are significant concerns that the proposal will result in overshadowing of the adjoining private amenity space of the neighbouring site.
- The appeal submission indicates that their client reserves the right to pursue the forementioned matters via a judicial review of any decision made and they have put their solicitor on notice.
- In conclusion, it is submitted that there are very serious concerns with this application in terms of non-compliance with basic legal requirements which should result in the board dismissing the appeal.



## **6.2. Planning Authority Response**

- 6.2.1. Response received dated 6<sup>th</sup> April 2022 which confirms its decision and indicates that it has no further comments to make.

## **6.3. Observations**

- 6.3.1. One (1) no. observation has been received from Breifne Conroy of Gleann na Greine, Naas, Co. Kildare. A summary of the issues raised in the observation are included as follows:

- Significant concerns highlighted with respect to the validity of the planning application.
- The site notice was not erected on a public road and therefore did not serve to inform the public of the proposal.
- The Applicant has failed to identify all lands within their ownership on the site location or site layout plans.
- The proposal fails to have regard to the policy requirements of the Naas LAP.
- Concerns with respect to the scale and design of the proposed dwelling and its impact on the architectural character of the area which is located within an ACA.
- Significant concerns with respect to construction and demolition traffic which is reliant on access through the existing cul-de-sac. Conditions have been recommended in the event of a grant of planning permission.

## **6.4. Further Responses**

None sought.

## **7.0 Assessment**

The main issues to be considered are those raised in the Third Party grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Procedural Matters.
- Residential Amenity.

- Built Heritage.
- Other Matters.
- Appropriate Assessment.

## **7.1. Procedural Matters**

7.1.1. Planning permission is sought for various amendments to an extant planning permission which provided planning consent for the construction of a detached dwelling on site. A number of concerns have been raised by the Third Party appellant and observer with respect to various procedural errors with the application which can be summarised under the following headings:

- Development description.
- Site notice.
- Availability of application documents.
- Site boundaries.

7.1.2. In terms of the development description, the appeal submission has noted that the proposed amendments do not involve a material alteration to a permitted development but the proposals in fact represent an entirely new development. As such, it is argued that permission should be refused on the basis that it is not a legally valid application. I note the Planning Authority in their assessment of the application commented that the proposed works were more akin to a new development. However, they did not raise this as an issue at either validation stage or throughout their assessment of the application and they tied the permission back to the life of the extant permission. It is acknowledged that there are significant amendments proposed as part of the development, notably the revised site boundaries, the change in house design and the alternative location of the proposed site entrance. Notwithstanding this, I am satisfied that these amendments have been adequately described in the development description as each material change to the development proposal has been identified. Should the Board be minded to grant permission for the proposed development, I recommend the inclusion of a condition which shall tie the permission back to the life of the parent permission.

7.1.3. Concerns have been highlighted by the Third Party appellant and the observer with respect to the adequacy of the site notice. It is stated that whilst 3 no. site notices were erected under the extant permission, only 1 no. site notice was erected on site for the current proposal. It is argued that a single notice was erected at the new site entrance onto a cul-de-sac on Gleann Na Greine which they note is not taken-in-charge and is therefore not a public road. As such, it is stated that members of the public were not aware of the application which is unacceptable and undermines confidence in the planning system. I note that the adequacy of the site notice is a matter for the Planning Authority to consider at the initial validation stage. In addition, Article 26(4) of the Planning and Development Regulations, 2001 (as amended) notes that “Where, on inspection of the land to which the application relates, the planning authority considers that the requirements of articles 17(1)(b), 19 or 20 have not been met, or the information submitted in the planning application is substantially incorrect or substantial information has been omitted, the planning application shall, notwithstanding the fact that an acknowledgement has been sent to an applicant in accordance with sub-article (2), be invalid.” I note from the Planning Authority’s Planning Report that the site was inspected on 8<sup>th</sup> February 2022 and concerns with respect to the adequacy of the site notice had not been raised as an issue at this point. From a review of land registry information, it would appear that the existing roadway is not in private ownership. Whilst Gleann Na Greine is a cul-de-sac, the road would appear to be a publicly accessible right-of-way. I also note that the location of the site notice under the current application would appear to be consistent with that under the extant permission (i.e. site entrance). The concerns of the Third Party appellant and observer are acknowledged, however, I note that the following planning assessment represents my *de novo* consideration of all planning issues material to the proposed development.

7.1.4. Concern has been highlighted in the appeal submission that the Applicant’s “Planning Design Statement” was not available for inspection on the online planning application register until after the 5 week notification period. Article 26(9) of the Planning and Development Regulations, 2001 (as amended) notes that “On receipt of a planning application, a planning authority shall make the planning application available for inspection, or purchased at a fee not exceeding the reasonable cost of making a copy

at the offices of the planning authority during its public opening hours". There is no documentary evidence in support of the appeal that this material was not available for inspection at the offices of the Planning Authority. In this regard, I am generally satisfied that the Planning Authority has met their obligations in terms of the relevant requirements of the Regulations. Notwithstanding this, I again note that the following planning assessment represents my *de novo* consideration of all planning issues material to the proposed development.

- 7.1.5. In terms of site boundaries, concerns have been raised by the Third Party appellant that the full extent of the lands with the ownership of the Applicant have not been identified on the Site Location Map as required under Article 22(2)(b)(ii) of the Planning and Development Regulations, 2001 (as amended) (i.e. lands outlined in blue). From the information submitted with the application and appeal, only a red line boundary has been identified on the Site Location Map. However, I am not in a position to determine whether the land ownership has changed since the time the parent permission was originally considered and I note that this is a matter for consideration of the Planning Authority at validation stage.

## **7.2. Residential Amenity**

- 7.2.1. The proposal seeks planning consent for various amendments to an extant planning permission. The modifications to the site boundaries has resulted in the footprint of the proposed dwelling being shifted to the north and a double storey dwelling is now proposed in lieu of the previously permitted single storey dwelling. I note the dwelling has a 'L' shape at first floor level with a green roof provided on its western side above the ground floor level accommodation. The proposed dwelling has a double storey form with a maximum height of c. 6.9m above natural ground level. Nos. 2/3 Gleann Na Greine is located directly to the north-west of the appeal site and the ground floor level of the dwelling is setback c. 9m from north-western site boundary with a setback of c. 10.5m provided at first floor level. Having regard to the scale, height and form of the proposed dwelling and the setback of the dwelling from the north-western site boundary, I am satisfied that the proposed development will not unduly compromise the residential amenity of properties to the north-west by reasons of overshadowing or by being visually overbearing. Given the orientation of the windows on the northern

(front) elevation, I am also satisfied that the proposal will not result in undue overlooking of properties to the north-west.

7.2.2. A single storey garage is also located on the western side of the dwelling. The garage has a pitched roof form with a maximum height of c. 4.3m above natural ground level and is set back c. 1.3m from the site's western boundary. Having regard to the scale, height and form of the proposed garage and the setback of the structure from the western site boundary, I am satisfied that the proposed development will not unduly compromise the residential amenity of properties to the north-west by reasons of overshadowing, overlooking or by being visually overbearing.

7.2.3. I note that the Third Party appellant is the owner of the property to the south-east of the appeal site which is currently being converted to a residential dwelling. Significant concerns have been highlighted by the Appellant with respect to the visual impact of the proposed development and the potential for overshadowing impacts of the appellant's private amenity area. On its eastern side, the proposed dwelling will have a double storey form with a maximum height of c. 6.9m above natural ground level. The dwelling will have a total length of c. 18.2m on its eastern side and will be set back c. 1m from the eastern site boundary which it shares with the properties to the east and south-east. I note the dwelling will be located opposite the rear amenity space of the Third Party appellant's property for a total length of c. 10.5m. Although I note a double storey dwelling is now proposed, the footprint of the building has been relocated further to the north so that it is located towards the rear end of the Appellant's private amenity area. Having regard to the overall scale, height and form of the proposed dwelling, the orientation of the site, whereby the dwelling is located to the north-west of this private amenity area and the urban location of the site, I am satisfied that the proposed development will not unreasonably compromise the residential amenity of the adjoining property by reason of overshadowing or by being visually overbearing.

7.2.4. In terms of overlooking, I note that the window serving the east facing first floor ensuite bathroom is to be manufactured opaque which I deem to be acceptable. However, I have some concerns with respect to the potential for overlooking from the window serving

the stairwell given its siting relative to the property to the south-east. In order to address this concern, I recommend the inclusion of a condition which shall require the glazing within the window to be manufactured opaque and permanently maintained. No overlooking issues are considered to arise from the first floor level window on the southern elevation given it serves a double height space. Given the orientation of the windows on the northern (front) elevation, I am also satisfied that the proposal will not result in direct overlooking of properties to the north-east. Subject to compliance with this recommended condition, I am satisfied that the proposal is acceptable having regard to the residential amenity of the surrounding area.

### **7.3. Built Heritage**

7.3.1. Concerns have been highlighted in the appeal submission and observation with respect to the scale and architectural design of the modified dwelling and its impact on the architectural character of the site and surrounds. I note that the northern portion of the site which contains the front section of the dwelling is located within the ACA for Naas Town Centre. Section 8.2.1 (Management of Development in the Architectural Conservation Area) of the current LAP notes that all planning applications within and adjoining the ACA shall be assessed in the context of the following criteria and the impact of any development on the immediate environs of the site, the broader townscape or its landscape setting:

- The height, scale and orientation of the proposed development.
- The bulk, massing and density of the proposed development and its layout in relation to any building line and the surrounding plan form.
- The quality and type of materials to be used in the construction of the development including any boundary treatments and landscaping.
- The design and detail of the proposed development.
- The retention of the traditional plot boundaries of the town.

Policy Objective BH 2.1 of the current LAP is also relevant to the assessment of the application which seeks to “Ensure that new development, extensions and renovation works within or adjacent to Naas ACA is sympathetic to the distinctive character of the area and enhances the special character and visual setting of the ACA including vistas, streetscapes, building line, fenestration patterns and architectural features.”

7.3.2. Although the provision of a neoclassical style of architecture is not typically in keeping with the vernacular character of the surrounding area, I note that the proposed dwelling is located at the end of a cul-de-sac and the dwelling is set back from the site frontage, behind the front building line of Nos. 2/3 Gleann Na Greine. Although glimpses of the dwelling will be visible from the cul-de-sac, I am satisfied that the scale and height of the proposal is generally consistent with the pattern of development of the area, is not visually incongruous at this location and the proposal will not detract from the architectural character of the Gleann Na Greine terrace of dwellings or that of the surrounding ACA. I also note that there are no designated "Important Views" within the immediate vicinity of the appeal site as identified on Map 8.2 of the current LAP. In terms of the impact of the proposal on Protected Structures, I note the separation distances between the proposed dwelling and the existing Protected Structure to the south-east. Given the separation distances provided and its siting of the proposal relative to this dwelling, I am satisfied that no adverse impacts shall arise. I therefore consider the proposal to be acceptable having regard the visual amenity of the site and surrounds and the architectural character of the surrounding area.

#### **7.4. Other Matters**

7.4.1. Concerns have been highlighted from the Third Party observer with respect to the revised access arrangement for the proposed development, whereby access to the site shall be provided via Gleann Na Greine in lieu of the previously permitted entrance to the south of the site. I note that the Planning Authority's Transportation section have raised no concerns with respect to this aspect of the proposal and have recommended suitable conditions to be attached to a grant of permission. Given the scale and nature of the proposed development and the size of the site, I am satisfied that the proposal is acceptable and I recommend the inclusion of suitable conditions in the event of a grant of planning permission.

#### **7.5. Appropriate Assessment**

7.5.1. The nearest designated site is the Red Bod, Kildare SAC (Site Code: 000397) c. 8.2km to the south-east of the site. Taking into consideration the nature, extent and scope of the proposed development and to the nature of the receiving environment, with no

direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. Grant of permission is recommended.

## 9.0 Reasons and Considerations

9.1. Having regard to the nature and extent of the proposed development which comprises amendments to an extant planning permission, to urban location of the site and to the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would, therefore, be accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The proposed development shall comply with the plans and particulars lodged with the application submitted, 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. <b>Reason:</b> In the interest of clarity.
2.	Save for amendments granted on foot of this permission, the development shall otherwise be carried out in strict accordance with the terms and conditions of planning permission reg. ref. 21/268 (ABP 310727-21) save as may be required by other conditions attached hereto.



	<p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The glazing within the stairwell window on the eastern elevation shall be manufactured opaque and permanently maintained.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
4.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed extension shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>The dwelling shall be occupied as a single dwelling unit and shall not be subdivided or used for any commercial purposes.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
6.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the dwelling without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
7.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

10.	Two (2) no. off street car parking spaces shall be provided on site. The Applicant shall ensure that electrical charging points are provided within the driveway, linked to the individual domestic electricity meter, to allow for the charging of electric vehicles.
11.	<p>During the construction, the Applicant shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service/trucks. There shall be no parking along the road outside the site boundary.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 2pm 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
13.	<p>No spoil, dirt, debris or other materials shall be deposited on the public road, footpath or verge by machinery or vehicles travelling to or from the development site during the construction phase. The Applicant shall ensure that no building material or plant shall be used or stored on the public footpath or road without the prior consent of the Planning Authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be</p>

	<p>referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Enda Duignan  
Planning Inspector

10/10/2022