



An
Bord
Pleanála

Inspector's Report ABP-313135-22

Development	Demolition of derelict outbuildings, storage sheds and boundary walls, and construction of two storey building on the site comprised of 12 no. apartments, and all associated site works
Location	Rear of Logans bar, Granary Court, Edenderry, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	21140
Applicant	Alison Leeson
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Alison Leeson
Date of Site Inspection	16 th June 2022
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. Rear of Logans bar, Granary Court, Edenderry, Co. Offaly where it forms part of the existing service yard to the pub and a further yard behind,
- 1.1.2. Logans bar faces JKL Street which is part of the main spine of the town. Granary Court is a relatively new street which extends south from JKL Street to serve new mixed use developments opposite the site and large parking areas to the south.
- 1.1.3. The road to the front/east of the site is called Granary Court. It has a footpath on the opposite side. A kerb runs along the road and there are double yellow lines along the frontage.
- 1.1.4. The development opposite the site is a modern development with a series of gable end roofs. To the west of the site is the rear of a premises on JKL St; a yard and storage sheds, including a turf shed. The rear yards and returns of at least three narrow plots, which front JKL St, are visible from the site.
- 1.1.5. A double gateway and high block wall separate the property from surface car parking to the south/rear.
- 1.1.6. The site comprises outbuildings and outdoor facilities associated with the pub. Part of a two storey building, which runs along Granary Court, is included in the subject site.
- 1.1.7. There is currently no footpath along this side of the road. A narrow planted setback, separates the site from the road, and a high block wall forms the site boundary.
- 1.1.8. The land rises to south.
- 1.1.9. The site is given as 0.0643ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the demolition of derelict outbuildings, storage sheds and boundary walls, and construction of a two storey building on the site comprised of 12 no. apartments, and all associated site works.
- 2.1.2. In response to a further information request the application was modified to 9 apartments.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to refuse planning permission for one reason:

Based on the information submitted, the applicant has failed to demonstrate that there is sufficient capacity and efficiency of water supply and waste water facilities in the area to cater for the proposed development. The proposed development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two planning reports on the file. The first, recommending further information, which issued 12/5/21, includes:

- CDP 2014-2020 is referenced.
- Edenderry LAP 2017-2023 is referenced.
- The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 is referenced.
- The Sustainable Urban Housing: Design Standards for new apartments ,Guidelines for Planning Authorities 2019 is referenced.
- Car parking – 2 spaces per residential unit: 6 proposed 24 required. According to the developer the adjacent car park of 105 spaces is under used with a minimum of 75 spaces available at any time of day or night. The adjacent car-park was granted permission to serve both the residents of the 48 apartments in Granary Court and the commercial units granted under PL2/01/745 and PL2/03/904.
- The development consisting of 10 one bed apartments and 2 two bed apartments, includes no detail of external finishes, which requires FI. The proposed stepped boundary wall between the development and the adjoining

property to the west requires FI. The PA has serious concerns in relation to the scale and form of the development.

3.3. Other Technical Reports

3.3.1. Chief Fire Officer, 8th April 2021 – no objection.

3.3.2. Water Services and Environment, 16th April 2021 - further information required – 1 (re. Water Services) engage with IW, this will start a pre-connection enquiry phase which comprises 1) pre-connection enquiry, 2) confirmation of feasibility, 3) design vetting, 4) development of planning application.

Submit the completed water supply and wastewater drainage design to Offaly Co Co together with the IW confirmation of feasibility letter and also the statement of design acceptance.

2 (re. Environment) - waste management – submit a formal project construction and demolition waste management plan.

3.3.3. Part V Compliance Officer, 19th April 2021 – the proposal to provide Offaly Co Co with 1 apartment is acceptable.

3.3.4. Municipal Engineer, 26^h April 2021 – further information required – 2 parking spaces are required per apartment. The layout shows the car parking located outside the boundary of the site. All car parking should be located inside the site boundary. Design and construction of the car parking area – details. The proposed spaces extend onto the public road which has not been agreed with the District Engineer. Refer proposals for foul sewer and watermains to IW.

3.4. **Third Party Observations**

3.4.1. Third party observations on the file, in support of the need for residential accommodation in the town, have been read and noted.

3.5. **Further Information**

3.5.1. A further information on 14 points issued 12/5/21, which included:

1) The density is considered overdevelopment.

2) Submit revised design statement.

- 3) Shortfall of car parking spaces is of serious concern; address.
- 4) Reasonable levels of natural light, in particular for ground floor apartments kitchen living space of apartments 1 to 5 the proposal does not seem to meet standards.
- 5) Concern that first floor balconies could give rise to undue overlooking of ground floor private open space.
- 6) Justification for the number of one bedroom apartments.
- 7) External finishes.
- 8) Structure drawings of proposed western boundary.
- 9) Site layout showing footpath widths, kerb radii etc designed in accordance with DMURS 2019.
- 10) Re. the 6 car parking spaces shown.
- 11) Proposals for street lighting.
- 12) The existing roadside gully shall not be impaired, resubmit design taking this into account.
- 13) Re. IW consents.
- 14) Project construction and demolition waste management plan.

3.6. Further Information Response

3.6.1. The further information response included:

3.6.2. Letter from Kruger / Lyons responding to each item of the request:

- 1) The density has been reduced. New layout.
- 2) Design principles and design concept etc.
- 3) The newly adopted CDP requires 11 spaces.
- 4) The design has been altered to remove the living areas from the east boundary and place them on the west boundary overlooking Granary Court Road. The revised Design Statement illustrates through an Average Daylight Factor Study that the rooms to the east boundary do comply with the minimum standards set out in sections 6.5, 6.6 & 6.7 of Sustainable Urban Housing: Design Standards for New Apartments.

- 5) The design has been revised to locate private open space to the west and eliminate overlooking.
- 6) Per SPPR 2 for sites of up to 0.25ha where up to 9 residential units are proposed there shall be no restriction on mix. The reduction to 9 units complies with this.
- 7) Finishes shown.
- 8) Drawing S1437-E-012 refers.
- 9) Drawings S1437-E-015 / S1437-E-016 refer.
- 10) Parking spaces removed.
- 11) Sabre report.
- 12) Drawing S1437-E-010 refers.
- 13) Loscher Moran Civil Engineering Report.
- 14) Please include as condition.

3.6.3. Architectural Design Statement by Kruger / Lyons, which includes:

3.6.4. The building has been placed to create a streetscape along the Granary Court Road to establish an urban edge continuing from the Logans Pub to the adjoining public parking area providing a continuous pedestrian link along Granary Court.

Car parking – the County Development Plan 2021-2027 requires 1 space per unit and 1 visitor space per 4 apartments – 11 spaces. A total of 10 spaces is provided 9 for residents and 1 for visitors, at the ground floor, with access through Granary Court. The other space will be provided in the adjoining public car park.

Bicycle parking at a rate of 1 stand per unit and 1 visitor space per 2 units is required, 14 secure and covered spaces are allocated at ground floor level.

Bin storage is provided at ground floor level.

Re. light levels – 5.4 of Architectural Design Statement which gives Average Daylight Factor for each apartment divided in areas: Living/Dining, Kitchen and Bedroom. (The kitchen areas, although calculated separately are within an open plan Kitchen/Living/Dining area.

- 3.6.5. Civil Engineering Report by Loscher Moran re water supply, surface water and foul drainage.

The foul sewer will discharge to the existing combined sewer on JKL Street by constructing a new foul sewer line from the site along Granary Court.

All surface water from the proposed new car parking, open spaces and building roof area will discharge to a new attenuation system and the discharge will be controlled with a flow restriction device prior to discharge to the existing combined sewer on JKL Street.

- 3.6.6. Lighting report by Sabre Electrical Services Ltd – the public lighting along Granary Court Road has been recently upgraded to LED luminaires by others. The public lighting is shown on Offaly Co Co website as taken in charge. They feel it reasonable to assume that the existing light levels are satisfactory, and no requirement to upgrade.

3.7. Further Reports

Following the further information response:

- 3.7.1. Water Services and Environment, 11th February 2022 – clarification of further information required –

Sewerage - confirmation of feasibility from IW not submitted; wastewater drainage design not submitted.

Water supply - confirmation of feasibility from IW not submitted; water supply design not submitted.

Waste management – formal project construction and demolition waste management plan not submitted.

- 3.7.2. Water Services and Environment, 28th February 2022 – listing similar issues but recommending refusal.

- 3.7.3. Road Design, 23rd February 2022 - clarification of further information required –

- 1) Section 4.3 of DMURS minimum footpath width of 1.8m – site layout to indicate required footpath widths, kerb radii etc designed in accordance with DMURS.

- 2) The proposed pedestrian walkway across Granary Court Road is shown on drawings site & demolition plans and 3D views applicant to provide details of same in accordance with DMURS and TII document DN-GEO-03084, The Treatment of Transition Zones to Towns and Villages on National Roads Date: July 2021.
- 3) DMURS quality audit.
- 4) Sabre report is noted. However applicant to submit a full LED lighting design.
- 5) Re surface water discharge from the proposed development into the combined network CWMH1. Applicant to submit Confirmation of Feasibility letter from IW.

3.7.4. Road Design, 28th February 2022 – similar to previous report, but recommending conditions..

3.7.5. Municipal Engineer, 22nd February 2022 – conditions.

3.7.6. The second planning, recommending refusal, includes:

Re item 13 - The further information was submitted to both IW and the Environment/Water Services Section who subsequently recommend a refusal as the applicant has not submitted an IW Confirmation of Feasibility letter and also the Statement of Design Acceptance.

Re item 14 – Environment / Water Services Section, who subsequently recommend a refusal.

4.0 Planning History

PL2/08/549 permission granted to Thomas Scanlon for demolition, refurbishment of existing public house return, extension to rear and increase in ridge height of 0.7m facing JKL Street, also change of use to office at first floor, shop units at ground floor; and provide 6 car parking spaces.

PL2/07/642 permission refused to Thomas Scanlon for demolition of existing building; construction of a building facing JKL Street, increase in ridge height of 1.3m. To include public house at ground with basement to rear, restaurant kitchen

toilets to first floor. Buildings to rear facing new street with shop units to ground floors and office to first and second floors; and provide 6 parking spaces.

Pre planning consultation is recorded.

Adjacent

PL2/05/1435 permission granted to Brendan Bergin for the relocation of 24 car parking spaces and the provision of 44 additional car parking spaces associated with PL2/01/745 and PL2/03/904 both concurrent applications.

PL2/03/904 permission granted to Brendan Bergin for amendments to 01/745 to include 8 more apartments (from 38 to 46).

PL2/01/745 permission granted to Brendan Bergin for demolition of retail buildings and stores and construction of retail & office space and 38 apartments; demolition of boxing club and construction of boxing club.

5.0 Policy Context

5.1. Development Plan

5.1.1. Offaly County Development Plan 2021-2027 is the operative plan. Relevant provisions include:

DMS-102 Car Parking Requirements - Apartment 1 space per unit + 1 visitor space per 4 apartments in suburban locations, towns and villages.

DMS-103 Car Free Developments The Council will consider the development of car-free developments on suitable small-scale sites within or adjacent to town centres which have high levels of public transport accessibility, have convenient and safe access to local shops and community facilities

G2.3.3 Residential development Residential development will be encouraged in town centre areas to contribute to the daytime and night time uses. Innovative designs, a good mix of tenure and larger residential units will be encouraged particularly where the residential development is complementary to the existing and prevailing urban scale and setting.

QREP7 Promote the reuse, development or re-development of underutilised infill town centre sites and to facilitate high quality development respecting the design, context and setting of the surrounding development and the character of the area. All new developments will normally be required to provide adequate off-street car parking facilities and suitable maneuvering space, as set out in Chapter 8 of the current Offaly County Development Plan. 2014-2020. Provision of car parking spaces to meet the needs of persons with disabilities should be made. Landscaping shall be provided within surface car parking areas to soften the visual impact. Spaces for coaches, cycle parking and staff parking shall be provided where necessary.

7.9.1 Exceptions/Further application of Car Parking Standards In the case of the town centre, the car parking requirements may be relaxed provided adequate and suitably located off-street public car parks are available or proposed. In this event, the developer will be required to make a payment towards the provision of car parking by the Planning Authority. This charge will be related to the type of development proposed and the cost of the provision of the car park. The developer will be liable to pay the charge prior to the commencement of the development or in such a manner as the Planning Authority may require. A reduction in the car-parking standards outlined in Table 8.2 of the County Development Plan, including a dispensation from payment of contribution in lieu of shortfall may be deemed acceptable by the Planning Authority when an application for development can demonstrate a reasonable reduction in the number of car parking space being provided on grounds including:

Adequate car parking within the control of the applicant exists in close proximity to the site of the application.

Complementary uses are proposed on the site, taking into consideration daytime and night time uses.

Level of car parking being provided on site is in accordance with a specifically designed Transport Mobility Plan.

No significant increase in demand or pressure on existing on-street or public car parking, for a particular development. For the avoidance of doubt, it should be noted that every development should demonstrate full compliance with car parking

requirements for the residential content of any scheme. No provision for car parking at all for residential development will incur the application of a financial contribution in lieu of the shortfall of car parking spaces required.

5.2. Edenderry Local Area Plan 2017-2023

5.2.1. The LAP applies, relevant provisions include:

Water - Three boreholes provide water in the town. Two of these boreholes are located close to the water tower near the town park and one in close proximity to the Kishawanny Bridge. The town water supply is also supplemented by a connection to the Tubberdaly Public Water Scheme. Edenderry has benefitted from rehabilitation works completed through Irish Water's Capital Investment Plan 2014-2016.

Rehabilitation works have ensured that the town is adequately meeting the demand for water.

Wastewater - Works were undertaken to the treatment plant in 2016 to improve efficiency. The Edenderry treatment plant has sufficient capacity to deal with the current load while the expansion is required to effectively treat the wastewater generated by already permitted and future development. There is currently sufficient capacity to meet the needs of potential employment generating development.

Surface water drainage - To make certain the sustainable management of surface water and its proper discharge/disposal, all developments in Edenderry should make provision for the inclusion of SuDs.

SWDO1 To upgrade and extend the surface water collection system for the town.

Zoned town centre / mixed use - The proliferation of any individual use within the Edenderry town centre which in the opinion of the Planning Authority, does not contribute to the vitality and viability of the town centre will not be permitted. A diversity of uses for both day and evening will be encouraged and all developments should contribute to the vitality and vibrancy of the town centre.

5.3. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2015

5.3.1. To update the "Sustainable Urban Housing: Design Standards for New Apartments" guidelines, published by the Department in 2007. The guidelines include:

Minimum floor to ceiling height must accord with the Building Regulations requirement of 2.4m, except in relation to ground floor apartments, where it should be greater. It is a specific planning policy requirement that ground level apartment floor to ceiling heights shall be a minimum of 2.7m. These are absolute minimum requirements and applicants and their designers should consider the potential for increasing the minimum apartment floor-to-ceiling height to 2.7 metres where height restrictions would not necessitate a reduction in the number of floors and should consider 3.0 metres on the ground floor of multi-storey buildings.

5.4. Natural Heritage Designations

- 5.4.1. The nearest protected site is the Grand Canal pNHA 002104 a short distance south of the town with a spur into the town, c 250m distance from the site. the nearest Natura site The Long Derries Edenderry SAC (site code 000925), a semi dry natural grasslands and scrubland facies on calcareous substrates (an Important orchid site), is c4.25km from the subject site.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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

- 6.1.1. Kruger Lyons Ltd on behalf of the first party have submitted this appeal. The grounds include: refers to the reason for refusal and the stages of the application process to IW and states that they have now received the Confirmation of Feasibility' letter from IW, such that the refusal reason no longer applies.

- 6.1.2. The letter from IW, dated 22nd March 2022, is provided with the grounds, which includes:

Based on the details provided with the pre-connection enquiry and their desk top analysis of the capacity currently available in the IW network(s) as assessed by IW, they advise that the proposed connection to the IW network(s) can be facilitated at this moment in time.

Water connection is feasible without infrastructure upgrade by IW.

Wastewater connection is feasible without infrastructure upgrade by IW.

Site specific comments are included which refers to policy in relation to storm water discharge to its network.

6.2. **Planning Authority Response**

- 6.2.1. The planning authority responded to the grounds of appeal referring the Board to the technical reports on the file.

7.0 **Assessment**

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, the principle of the development, water supply surface water drainage and sewerage, the footpath and other issues and the following assessment is dealt with under those headings.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

7.3. **Principle of Development**

- 7.3.1. The subject site is zoned – Town Centre / Mixed Use.

- 7.3.2. The Edenderry Local Area Plan states that the proliferation of any individual use within the Edenderry town centre which in the opinion of the Planning Authority, does not contribute to the vitality and viability of the town centre will not be permitted; and requires/encourages a diversity of uses for both day and evening and all developments should contribute to the vitality and vibrancy of the town centre.
- 7.3.3. The proposed development comprises a single use: residential, but is located on a side street, in the town centre, where a mixture of uses can be found in the vicinity, including on the parent site. The subject site would be relatively small for the purpose of accommodating multiple uses. It is considered therefore that the proposed development accords with the local area plan and is acceptable in principle.

7.4. **Water Supply, Surface Water Drainage and Sewerage**

- 7.4.1. The Civil Engineering Report submitted 3rd February 2022 states that the foul sewer will discharge to the existing combined sewer on JKL St by constructing a new foul sewer line from the site along Granary Court Road where it intersects with JKL St. All surface water from the new car-parking, open spaces and building roof area will discharge to a new attenuation system and the discharge will be controlled with a flow restriction device prior to discharge into the existing combined sewer line on JKL St. Drainage calculations are provided.
- 7.4.2. The report of the Water Services and Environment, 28th February 2022, on which the decision to refuse is based, includes that:
- Sewerage - confirmation of feasibility from IW has not been submitted; the wastewater drainage design has not been submitted.
- Water supply confirmation of feasibility from IW has not been submitted; water supply design has not been submitted.
- 7.4.3. Since the refusal issued, confirmation of feasibility from IW has been received by the applicant and a copy is submitted with the appeal. The refusal reasons no longer apply.

7.5. Footpath

- 7.5.1. A footpath has not been included in the design of the proposed development.
- 7.5.2. The Road Design, 23rd February 2022 – recommending that clarification of further information is required, and the further report of Road Design, 28th February 2022 – recommending conditions, state that:
- Per section 4.3 of DMURS footpath of 1.8m minimum width is to be provided, designed in accordance with DMURS.
- The proposed pedestrian walkway across Granary Court Road is shown on drawings site & demolition plans and 3D views applicant to provide details of same in accordance with DMURS and TII document DN-GEO-03084, The Treatment of Transition Zones to Towns and Villages on National Roads
Date: July 2021.
- 7.5.3. There is no specific provision in the application details to provide a footpath. A footpath is required to facilitate the proposed development so that residents have safe access to/from the development and do not emerge onto a busy road, and so that they have safe access to/from the car park to the south, the development opposite, and the town centre. A footpath of 1.8m width is capable of being accommodated along the site frontage, by setting back the front wall of the car park. The frontage of the apartments already provides sufficient space for such a footpath width.
- 7.5.4. A crossing to the footpath on the opposite side of Granary Court Road is indicated in the application documents, but not detailed. Such a crossing is required to facilitate the proposed development since a footpath along the frontage would only extend to the end of the site and would not connect to existing footpaths in the town. Along the side of Logans pub there is insufficient width to provide a footpath.
- 7.5.5. Public lighting – the Road Design report recommended that the applicant should submit, an LED lighting design, notwithstanding that there is already public lighting along the road. Since the proposed development will create a new footpath edge to the street, I consider it reasonable that an LED lighting design be provided, prior to commencement of development.
- 7.5.6. These are matters capable of being addressed by condition.

7.6. Other Issues

7.7. Car parking

- 7.7.1. The Offaly County Development Plan 2021-2027 was adopted during the course of the application and has reduced the car parking requirement relating to the proposed development. There is a shortfall in provision of 1 space. The plan notes that a contribution in lieu of provision should not be payable in relation to residential use.

7.8. Residential amenity

- 7.8.1. The lighting available in the proposed apartments was subject to examination and included a response to a request for further information. It should be noted that the details submitted, which state compliance with the relevant standards, provide an average daylight factor for the open plan living / dining / kitchen which states that the guideline measurement, ADF of 1.5 for living spaces has been achieved. The daylight available is also shown in colour on a layout plan. It is worth noting that the kitchen area has adequate light i.e. an ADF in excess of 2, is available to this area. The guidelines state that where the kitchen is part of the living / dining area the higher figure ADF 2 is to be applied throughout. In the subject case the kitchen is not a separate area. I am satisfied however that adequate daylight is available to all parts of the proposed shallow plan, dual aspect apartment development and daylight availability should not be a reason to refuse or modify the proposed development.
- 7.8.2. The proposed development will include access at first floor level, which will face in the direction of the rear of adjoining properties. In my opinion this requires that suitable screening along the rear access to first floor apartments should be provided to avoid overlooking of those properties.
- ### 7.9. Floor to Ceiling height
- 7.10. The planner's report, recommends a min height of 2.7m to all ground floor apartments. These apartments are at street level, just off the main street in the town. I consider that in accordance with the Sustainable Urban Housing: Design Standards for New Apartments, a floor to ceiling height of 3m should apply.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that planning permission should be granted, in accordance with the following conditions, for the following reasons and considerations

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Offaly County Development Plan 2021 – 2027 and the Edenderry Local Area Plan 2018 - 2024, it is considered that, subject to compliance with the conditions set out below, the proposed residential development, would be adequately provided with water, surface water drainage and public sewerage, would not injure the amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of February 2022, 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 or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the planning authority:</p>

	<p>a) Proposals to provide a footpath of a minimum width of 1.8m, along the entire frontage with Granary Court Road, designed in accordance with DMURS.</p> <p>b) Proposals to provide a pedestrian walkway across Granary Court Road in accordance with DMURS and the TII document DN-GEO-03084, The Treatment of Transition Zones to Towns and Villages on National Roads Date: July 2021.</p> <p>c) An LED lighting design for the public road / footpath adjoining.</p> <p>Reason: In the interest of pedestrian safety.</p>
3.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water (IW).</p> <p>Confirmation of agreement to drainage designs for wastewater and surface water discharges to the public mains shall be submitted for the written agreement of the planning authority.</p> <p>Confirmation of agreement to water supply design, shall be submitted for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health and orderly development.</p>
4.	<p>Revisions incorporating the following details shall be submitted to the planning authority for written agreement prior to commencement of development:</p> <p>a) The ground floor apartments shall have a floor to ceiling height of 3m. Revised drawings shall be submitted for the prior written agreement of the planning authority.</p> <p>b) The first floor walkway, providing access to first floor apartments, shall be provided with a screen to avoid overlooking of adjacent properties to the west.</p> <p>c) Details of the colour and finish of all external materials</p>

	<p>Reason: In the interest of amenity and orderly development.</p>
5.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>
6.	<p>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:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; b) Details of site security fencing and hoardings; c) Measures to obviate queuing of construction traffic on the adjoining road network; d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; e) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

	<p>Reason: In the interest of amenities, public health and safety.</p>
7.	<p>Prior to commencement of development, the applicant 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.</p> <p>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.</p>
8.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p>

	<p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Planning Inspector

29 June 2022

Appendix 1 Photographs

Appendix 2 Offaly County Development Plan 2021-2027 extracts