



An
Bord
Pleanála

Inspector's Report

ABP-313747-22

Development	Construction of 3 new dwelling units, connection to public sewer, works to site boundaries and all other associated site works and services constructed in conjunction with previously approved planning application PL19/49.
Location	Farmhill Manor, Ard Finn, Rathedmond, Co. Sligo.
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	21331
Applicant(s)	Knoxpark Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Residents of Brooke Grove, Ard Finn, Farm Hill Road and adjacent area (c/o Malachy Doyle).
Observer(s)	None.
Date of Site Inspection	9 th November 2022
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 0.152ha appeal site lies to the west of Sligo Town Centre in the townland of Rathedmond. It is situated to the north of the R292, Strandhill Road, the regional road that links Sligo and Strandhill in the west. The site lies on the on the eastern side of Farmhill Road, which Road joins the R292 approximately 100m to the south of the appeal site. The site lies in a residential area with new housing development under construction on land to the east of the appeal site.
- 1.2. The appeal site is situated on the inside of a wide bend in Farmhill Road. At the time of site inspection it was in use as a construction yard associated with the adjoining residential development. Immediately south of the appeal site are the rear gardens of nos. 1 to 3 Brooke Grove. To the west of the site, on the western side of Farmhill Road, are residential properties along Rathfinn Close.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of further information received on the 19th April 2022, comprises:
 - The construction of 3 houses on the subject site, two semi-detached (nos. 88 and 89) and one detached (no. 90). The dwellings are two storey. The main/front elevation of the semi-detached units, nos. 88 and 89, face north and rear gardens of the units back onto Brooke Grove. The main/front elevation of the detached unit, no. 90, faces west. The private open space for this unit lies to the south and south west of the property. Externally buildings are finished in brown/yellow brick and coloured render.
 - Connection to the existing public sewer.
 - Works to site boundaries. This includes retention of existing timber fencing to south and part of eastern boundary, timber fencing between rear gardens and low brick walls separating dwelling nos. 89 and 90 to front and to front of property no. 90.
 - All other associated site works and services constructed in conjunction with previously approved PA ref. 19/49.

- 2.2. Drawing no. 18074.A.003 indicates the following sightlines for the individual units:
- Nos. 88 and 89 – c.24m in both directions at 2.4m from edge of the public road.
 - No. 90 – 24m to north and 23.06m to south at 2.4m from edge of the public road and 24m to north and 25.24m to the south at 2m from the edge of the public road.
- 2.3. The Proposed Site Plan (Drawing no. 18074.A.002) indicates traffic calming measures on the public road between the site and the entrance to Rathfinn Close, to be agreed and installed in accordance with the PA and Area Engineer recommendations.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 13th May 2022 the PA decided to grant permission for the development subject to conditions. These include:
- C2:
 - (a) Provision of sightlines as indicated on drawing no. 18074.A.003 Visibility Splays.
 - (b) Traffic calming ramps on drawing no. 18074A.003 not appropriate. Prior to occupation, the applicant to engage with Roads Department and determine extent of traffic calming that may be required, for agreement in writing, pending traffic survey.
 - (c) Exempted development provisions removed for Class 5, Schedule 2, Part 1 within the curtilage of the dwelling houses [construction, erection, alteration of gate, gateway, railing, wooden fence or wall].
 - (d) No installations higher than 1.05m within the footprint of the visibility splays indicated on drawing no. 18074.A.003 on the triangular green areas adjacent to dwelling no. 90.

(e) Relocation of lighting pole to south of dwelling no. 90 for agreement with Area Engineer.

- C7 – Requires agreement with the PA into the provision of social and affordable housing.
- C8 – All houses to be restricted to first occupation by individual purchasers and/or those eligible for social and/or affordable housing.
- C9 and 10 – Requires payment of development charges.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 11th October 2021 – Considers the planning history of the site, pre-planning consultation, relevant policies of the Sligo County Development Plan 2017-2023 (SCDP), 3rd party submissions and internal reports. It considers that appropriate assessment and EIA are not required principally due to the nature and scale of the development. It assesses the proposed development under a number of headings including compliance with SCDP policy, design and layout, access and traffic safety, water supply and wastewater treatment, overlooking, third party submissions and Part V. The report recommends FI in respect of sightlines, connections to services and Part V.
- 11th May 2022 – Refers to the FI submitted and considers this to be acceptable. Addresses the matters raised in observations. Recommends granting permission subject to conditions.

3.2.2. Other Technical Reports

- Area Engineer (23rd September 2021) – Speed limit zone is 50kph. Raises concerns regarding sightlines. Recommends FI with applicant demonstrating sightlines in accordance with DMURS and that the applicant may be requested to consider installation of table top ramp at junction with Rathfinn Close to act as a form of traffic calming. Otherwise recommends conditions for a grant of permission. Subsequent report (9th May 2022) satisfied that sightlines in accordance with DMURS can be provided and traffic calming measures unnecessary. Recommends conditions regarding provision of

visibility splays as per applicant's drawing, omission of traffic calming measures, engagement with Roads Department post construction to determine extent of traffic calming measures that may be required, pending the outcome of a traffic survey, prohibiting installation of walls/furniture of >1.05m in height in the visibility splays (triangular areas adjacent to no. 90), removal of development exemptions at north-western corner of no. 90, relocation of public lighting to south of dwelling no. 90 and other standard conditions.

- Environmental Services (2nd September 2021) – No objections subject to conditions.
- SEE Water Services (14th September 2021) – Recommends further information in respect of arrangements for water supply, waste water and storm water. Subsequent to FI (9th May 2022) - No objections subject to conditions.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

3.4.1. On file are third party observations from the residents of Brooke Grove, Ard Finn, Farmhill Road and adjacent areas. Concerns are raised in respect of the following (including a response to the FI submitted):

- Ownership of site.
- History of site and why development did not form part of initial application under PA re. 20397.
- Loss of shrubs/trees/green area, over development and impact on amenity. Area previously identified as green space (PA ref. 0170140) and/or for use as a creche or public recreational space.
- Inappropriate boundary fencing should be replaced with a wall.
- Height of development and impact on existing dwellings.

- Traffic hazard. Busy road provides cul-de-sac to housing area with new development under construction. Site is located on a bend and sightlines are inadequate.
- FI made outside of time limit.

4.0 Planning History

- PA ref. 0170140 – Permission granted for the residential development of land to the east of the appeal site (5.05ha) (excludes the appeal site).
- PA ref. 19/49 – Permission granted to Knoxpark Developments Ltd, on land directly east and adjoining the appeal site, for 88 new dwellings, connection to public sewer, public open space, works to site boundaries and associated site works and services including pedestrian link to Knappagh Road/Strandhill road.
- PA ref. 20/397 – Permission granted for revisions to previously approved planning application PA ref. 19/49 (change of unit types and design on certain sites).

5.0 Policy Context

5.1. National Guidelines

- Guidelines for Planning Authorities. Sustainable Residential Development in Urban Areas. DEHLG, 2009.

5.2. Sligo County Development Plan 2017 - 2023

- 5.2.1. The Sligo County Development Plan 2017 to 2023 incorporates the Sligo and Environs Development Plan 2010-2016 (SEDP). It zones the appeal site as 'R2 – low-medium density residential areas'. The objective of the zoning is to promote the development of housing within a gross density range varying between 20 and 34 dwellings per hectare (8 to 13 dwellings per acre). It is stated that in R2 zones, *'blanket construction of three- and four-bedroom houses will be discouraged. All new residential development will have to recognise and reflect the changing demographic*

structure in the house type and design, site layout and the additional facilities proposed. While housing is the primary use in these zones, recreational structures, crèches/playschools, educational facilities, community buildings, sheltered housing and corner shops will also be considered’.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site lies c.1km to the west of Cummeen Strand Special Protection Area (site code 004035), Cummeen Strand/Drumcliff Bay proposed Natural Heritage Area and Special Area of Conservation (site code 000627) (see attachments)

5.4. EIA Screening

- 5.4.1. The proposed development is modest in scale and residential in nature. It is situated within an existing urban area and removed from sites of natural, cultural and built heritage interest and would be connected to existing services. The proposed development would not, therefore, result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.5. Appropriate Assessment

- 5.5.1. Having regard to the modest scale of the proposed development, its location in an urban area, removed from European sites, and connecting to existing services, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Grounds of appeal by residents of Brooke Grove, Ard Finn, Farmhill Road and adjacent areas are:

- Appellants are aware of disputed ownership of site. No information to confirm ownership of appeal site.
- Site area should not include part of Farmhill Road. Part of the site also included in development granted permission under PA ref. 0270066. The same land cannot be included in two planning applications. Incorrect information provided (validity of application).
- Development in the general area commenced in 2000, with planning applications including PA ref. 0070126, 0170140, 0170023. Appeal site was not included in these.
- Inappropriate reference to PA ref. 19/49. The proposed development is a standalone application. All obligations which fall on the proposed development cannot be mitigated or altered by reference to PA ref. 19/49.
- No Part V applies, development is <5 houses and therefore is exempt. Application is invalid.
- Size of developable site is 0.08ha. Development, without provision of open space, on very restricted site comprises overdevelopment and would materially contravene the zoning objective (15% minimum public open space).
- Overlooking of adjoining properties (unit no. 90 will overlook private open space of no. 89; first floor windows of no. 88 will overlook rear gardens of Brooke Grove).
- Proposed rear garden space of no. 90 is substandard (no windows overlook the open space, exposed to adjoining public area and security risk to no. 90 and Brooke Grove).
- Sightlines are inadequate. They extend across private residences, at 23m are less than length recommended by Area Engineer, development is situated on a bend and Farmhill Road caters for 222 households and large number of children use the road. Trees removed to facilitate sightlines. Sightlines should be based on 50kph speed, not 30kph (maximise safety of residents and road users). No explanation for why tabletop ramp no longer required. Precedent under PA ref. 04/73 (inadequate sightlines). Inappropriate to require condition for survey of safety hazard post permission.

- Private rear space to no.90 could be further compromised by requirement that a wall to the front of the houses can be no higher than 1.2m i.e. if higher wall built, would be behind the building line reducing the private rear space to below standard.

6.2. Applicant Response

- Description/Part V. The description of the development is appropriate (refers to PL19/49). Although it is a standalone development, it will be constructed in conjunction with the development at Farmhill Manor and will be part of this development when complete. The Part V agreement will be for the development as a whole, including the three units proposed here.
- Site history. The current applicant has acquired the lands in multiple parcels. The applicant cannot be certain why previous applicants did not include the land (possibly as did not own it). The red line boundary PL19/49 was taken from the previous application to develop the lands under 0170140 which did not include the appeal site, nor was it indicated that it was under the control of the applicant for PL19/49. The development is the most economically viable option to develop the corner site alongside ongoing development at Farmhill Manor and the only way to ensure continuity of streetscape.
- Site size/density/open space. The overall density at Farmhill provides adequate public amenity space and has been designed at a much lower density than the previously approved application on the site.
- Overlooking/privacy. Units 89/90 – Opposing first floor windows are bathrooms with frosted glazing and do not result in impacts on privacy or private amenity space. Each room in No. 90 is well lit. Any future addition of windows would require planning permission. Units 88 and nos. 4 to 7 Brook Grove – Minimum separation distance of 26m exceeds minimum standard of 22m and is acceptable separation for the protection of privacy.
- Private amenity space, unit no. 90 – 104sqm of private amenity space is provided which is in excess of the guidelines for private amenity space of 60-70sqm. The main living space has large amounts of glazing facing onto the private amenity area allowing supervision. All rear gardens are suitable

enclosed with appropriate boundary treatments providing adequate security and privacy. The applicant has agreed to provide like for like replacement (timber fence) of the southern and eastern boundaries between the development and Brook Grove, subject to agreement with occupiers.

- Sightlines and road safety. Farmhill Road is a slow zone with a speed limit of 30kph. Sightlines are in accordance with DMURS for this speed. No walls are proposed in any sightlines. To take adequate account of the use of the road when units are completed and occupied, SCC will carry out a Traffic Speed Survey and advise the applicant on what traffic calming measures are appropriate. Prior to occupation, the traffic calming measures will be agreed and put in place. The traffic calming measures combined with new advisory cycle lanes will ensure that vehicle speeds on the road are greatly reduced.

6.3. Planning Authority Response

- 6.3.1. The PA respond to the appeal (28th June 2022) and refer the Board to the Planning Reports made for the assessment of the application and appeal.

6.4. Observations/Further Responses

- None.

7.0 Assessment

- 7.1. Having examined the policy context of the development, application details and all other documentation on file, and inspected the site, I consider that the main issues in this appeal relate to:

- Site history, land ownership, description of development and Part V.
- Density of development/provision of open space.
- Impact on amenity.
- Traffic Safety.

7.2. Site History, Land Ownership, Description of Development and Part V

- 7.2.1. In section 8 of the planning application the applicant indicates that the applicant is the owner of the appeal site and adjoining lands. Whilst the appellant states that ownership has been disputed, no other party claims ownership of the site. I am satisfied therefore that the applicant has indicated sufficient legal interest in the site to make the planning application. Further, in law, the applicant is not entitled to carry out the development by virtue of the planning permission alone.
- 7.2.2. Land ownership includes land within the public road. This is not inappropriate, as it simply identifies the applicant's wider landholding and it is consistent with the information on file which indicates that the public road has not been taken in charge (Appendix 9). Similarly, it is not inappropriate that lands have been included in several planning applications, as each planning application would be determined on its merits at the time.
- 7.2.3. The appeal site has not formed part of any planning application made previously in the area of the site, including the development granted under PA ref. 0170140 (5.05ha) or under PA ref. 19/49 (as amended under PA ref. 20/397). As stated by the applicant, this may have been due to an absence of ownership by the then developers and is not unusual or unreasonable.
- 7.2.4. Under the current Sligo and Environs Development Plan 2010-2016, now incorporated in the Sligo County Development Plan 2017-2023, the appeal site is zoned for residential development (with no reference for its use as a green area). Within this context, it is not unreasonable in principle, therefore, that the proposed development refers to PA ref. 19/49 (as amended by PL ref. 21/331) or that it is brought forward for development, alongside and integrated with the residential development on adjoining lands which are now in the same land ownership.
- 7.2.5. Similarly, the inclusion of the site and 3 residential units, as part of the overall development to which Part V applies, is not unreasonable and enables a marginally greater provision of social and affordable housing on the overall housing lands (see section 14 of planning application form).

7.3. Density of Development and Provision of Open Space

- 7.3.1. As stated, the proposed development is not unreasonably integrated with the adjoining development to the east, granted under PA ref. 19/49. A consequence of this, the development will result in an increase in the density of residential development, served by the area of public open space provided under PA ref. 19/49.
- 7.3.2. In practice the increase is modest. Under PA ref. 19/49 permission was granted for 88 units on a 2.74ha site i.e. c.32 units per ha. Under PA ref. 20/397 permission was granted for a change in house types and design, no change in density. The subject development of 3 units on a site of 0.152ha provides an overall density of c.31.5 units per ha.
- 7.3.3. Having regard to the urban context of the development and government guidelines which advocate higher residential densities in urban areas (35-50 dwellings per ha in outer suburban/greenfield sites in cities and larger towns; 20-35 units per hectare in edge of centre sites of smaller towns and villages), I do not consider the increase in density of development to be inappropriate.
- 7.3.4. The government's guidelines on Sustainable Urban Housing and the SCDP require 15% of site area to be reserved for communal open space. With the subject development this will now serve a residential site of 2.74ha + 0.152ha i.e. 2.892ha. Requirement for public open space is 0.4338ha. The area of open space provided under PA ref. 19/49 is 3,793sqm (see drawing no. 18074.A.002 Proposed Site Plan, Residential Development at Ard Finn, Rathedmond, Sligo, PA public register). If the Board are minded to grant permission for the development, they may wish to include a contribution in view of the shortfall in open space provision. However, as much of the site area refers to the public road, I do not consider this to be necessary.

7.4. Impact on Amenity

- 7.4.1. Rear upper windows of unit no. 90 serve an ensuite bathroom, a bathroom and bedroom. Bathroom windows can be frosted and will not give rise to overlooking. The window serving bedroom no. 4 is one of three windows serving the room and looks directly at the gable wall of no. 89. Consequently only limited oblique views of the rear garden of no. 89 will be possible. Accordingly I do not consider that significant overlooking of private amenity space of unit no. 89 would arise. Any

future window on the first floor of no. 90 would require an application for planning permission, with any impact on the amenity of no. 89 would be considered at this time.

- 7.4.2. The distance between the back of unit no. 88 and 89 from the back of no. 3 Brooke Grove is c.25m, i.e. in excess of the 22m separation distance set out in the Government's Guidelines on Sustainable Residential Development in Urban Areas to provide for adequate privacy (NB the 1:500 scale of the Proposed Site Plan seems to be incorrect).
- 7.4.3. With regard to potential impacts on the private rear gardens of nos. 4-7 Brooke Grove, the first floor bedroom windows in unit nos. 88 and 89 will have oblique views of these deep rear gardens and again will be separated by more than 22m from the rear wall of the existing properties.
- 7.4.4. As stated by the applicant the private open space of no. 90 is overlooked by a mix of the glazed windows at ground and first floor. Further, at ground floor the front garden (to the south of the property) is enclosed by a wall of c.1.8m. I do not consider therefore that the area is insufficiently overlooked to provide unsupervised private open space or open space that provides a security risk.
- 7.4.5. Condition no. 5(d) of the PAs grant of permission precludes installations >1.05m within the footprint of the visibility splays on the triangular green areas adjacent to dwelling no. 90. This condition does not impact on the private amenity space to the rear of wall B to the south of the property (see Proposed Site Plan, Drawing no. 18074.A).

7.5. **Traffic Safety**

- 7.5.1. Section 4.4.4 and 4.4.5 of the Design Manual for Urban Roads and Streets (2019) set out guidelines on forward visibility and visibility splays for urban roads and streets. For roads with a design speed of 30kph the 'y' distance (the distance a driver existing from the minor road can see to the left and right) is 23m and the 'x' distance (the distance along the minor arm from which visibility is measured) is 2.4m or in difficult circumstances, 2.0m where vehicle speeds are slow and flows on the minor arm are low. For roads with a design speed of 50kph, y and x distances are 45m and 2.0/2.4m respectively.

- 7.5.2. In this instance the appeal site is situated in a residential area and on a minor road that serves a reasonably large housing development (appellant states 222 households). The site is situated on a bend in the public road which has the effect of reducing traffic speed. However, to the south and east of the site, Farmhill Road is straight with the risk of increased traffic speeds.
- 7.5.3. The Area Engineer's Report (dated 31st August 2021, copied in Appendix 6 of appeal) indicates a speed limit on the road of 50kph.
- 7.5.4. The applicant provides the following sightlines in Drawing no. 18074.A.003 (RFI):
- Unit no. 88 – 24mx25.93m at setback of 2.4m.
 - Unit no. 89 – 24.14mx25.94m at setback of 2.4m.
 - Unit no. 90 – 24.9mx23.16m at setback of 2.4m and 24mx25.35m at setback of 2m.
- 7.5.5. Traffic calming measures (ramps) are also proposed at the junction of Farmhill Road with Rathfinn Close and the public road includes cycle lanes. These reduce the width of the road and are again consistent with DMURS which states that narrow road carriageways are one of the most effective design measures that calm traffic.
- 7.5.6. As proposed, the development is therefore in principle, in accordance with DMURS for roads with a design speed of 30kph (Table 4.2). i.e. at a setback of 2.4m the minimum y distance of 23m is achieved. I note the appellant's comments in respect of the ESB installation, lamp post and boundary wall in the vicinity of the southern sightline of unit no. 90. However, the applicant has included the ESB building and boundary wall in the drawing and they lie outside of the proposed sightline. Further, the PA have conditioned the relocation of the public lighting pole in their decision to grant permission and this will remove this obstacle from the sightline.
- 7.5.7. The appellant argues that sightlines will be difficult to maintain as they extend over private spaces. Whilst I would acknowledge this point, the sightlines extend largely over paved or landscaped areas at the perimeter of the properties (access to nos. 89 and 90). Development within these areas can be restricted by condition with subsequent oversight by the planning authority. Further, it will be in the interest of the owners/occupiers to keep the sightlines clear for their own safety.

- 7.5.8. For unit no. 88, the western sightline extends over the paved area of no. 89 such that a parked vehicle may obstruct the sightline, in particular if parked on the western side of the property. If the Board are minded to grant permission for the development, I would recommend that a single parking space is provided to the front of this property, to the eastern side of the paved area and that this space is demarcated (e.g. by way of change in paving) so that there is minimal risk of impact on the sightline for no. 88.
- 7.5.9. The appellant refers to the agility of head movements in order for drivers to see over the proposed sightlines. In practice, a person turns with their body and head and such extreme movements are unlikely to apply.
- 7.5.10. In their decision to grant permission, the PA require provision of sightlines in accordance with DMURS and Drawing no. 18074.A.003 but consider that the proposed ramps are not appropriate. This response is not unreasonable and more appropriate traffic calming measures may be appropriate, consistent with DMURS, such as changes in material, texture, colour and deflection to achieve the required low traffic speeds.
- 7.5.11. Ideally, the type of traffic calming measures to be put in place should be identified at this stage. However, I am mindful that on inspection of the appeal site construction traffic is dominant, and associated road signage is likely to influence traffic speeds. Further, the on-going construction of dwellings will ultimately impact on traffic volume, with the occupation of units. If the board are minded to grant permission for the development I would recommend that appropriate traffic calming measures are included, subject to traffic survey post construction and pre-occupation, to ensure that traffic speeds are reduced to 30kph in the vicinity of the site, to ensure that the achievable sightlines facilitate safe access and egress.
- 7.5.12. I do not consider it necessary to consider a speed of 50kph when determining the sightlines, as provision of appropriate traffic calming measures can readily achieve lower speeds in the vicinity of the site and lower speeds are appropriate in the residential area.
- 7.5.13. The appellant refers to the felling of trees on the site during the course of the planning application (to achieve sightlines). As stated by the PA, Appendix no. 11 of appeal, there appears to be no planning restriction on the removal of trees from the

site. The appellant also refers to PA ref. 04/73 where permission was refused for an application to build a house on a similar corner site which was refused for inadequate sightlines. For the reasons stated above, I consider the sightlines are adequate to serve the development.

7.5.14. The appellant queries the absence of a report by Road Design from the application file (Referral of FI Received, check on form indicates report by Road Design had been received, Appendix 10). However, I note in Appendix 11 that the PA confirm that no report was received from Road Design and, similarly, there is no Road Design report on the PAs website for the planning application or submitted to the Board by the PA.

8.0 Recommendation

8.1. I recommend that permission be granted for the proposed development subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the development in an established urban area, the zoning of the appeal site in the current Sligo County Development Plan 2017-2023, the modest nature of the proposed development and its detailed design, it is considered that the proposed development, subject to compliance with the conditions set out below, is acceptable in terms of density of the development and traffic safety and would not detract from the visual or residential amenity 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 19 th day of April 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 and the
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Glazing on first floor bathroom windows shall be frosted glass.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>Prior to the occupation of any house:</p> <ul style="list-style-type: none"> (a) Visibility sightlines shall be achieved in accordance with the details indicated on Drawing no. 18074.A.003 Visibility Splays. (b) Revised details are submitted for written agreement to provide one parking space for unit no. 89, with the parking area indicated by treatment of block paving, outside of the sightline for unit no. 88, (c) Traffic calming measures shall be put in place at the junction of Farmhill Road and Rathfinn Close, to the written satisfaction of the planning authority, based on detailed survey of traffic speeds on the Fernhill Road and in accordance with the Design Manual for Urban Roads and Streets (2019). (d) Development described in Class 5, 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 any of the proposed dwellinghouses without a prior grant of planning permission. (e) Installations higher than 1.05m shall not be permitted within the footprint of the visibility of splays as indicated on Drawing no. 18074.A.003 (triangular green areas adjacent to no. 90). (f) Relocation of the public lighting pole that is situated south of dwelling no. 90 to the written satisfaction of the planning authority. <p>Reason: In the interest of traffic safety.</p>

4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall discharge onto the public road.</p> <p>Reason: In the interest of public health and traffic safety.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<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>
7.	<p>Prior to the commencement of any dwelling as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
8.	<p>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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Deirdre MacGabhann

Planning Inspector

16th November 2022