



An
Bord
Pleanála

Inspector's Report

ABP-314469-22

Development	Demolish dwelling and construction of 6 dwellings and all associated site works (Revised to 4No. Dwellings)
Location	Ballindurrow, Multyfarnham , Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	21559
Applicant(s)	Connolly Home Ltd.
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Andrew Greenwood
Observer(s)	None
Date of Site Inspection	24 th of April 2023
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is 0.1689Ha located in the heart of Multyfarnham village in Co. Westmeath. The subject site is located beside the main building envelop of the village centre in close proximity to the church. The use of the adjoining and surrounding buildings is residential.
- 1.2. The site has a northern orientation with a rectangular configuration. It has a flat topography with an access point at the eastern extremity.
- 1.3. To the north is the Main Street, which consists of a 2metre wide footpath fronting the site, with a timber fence and mature beech hedging.
- 1.4. To the east there is a two-storey detached dwelling within the site boundaries. It is a traditional vernacular style dwelling in need of refurbishment. The existing house on the site was originally the Garda House in the village. It is not a protected structure, but it is located inside the Conservation Area boundary of the village. It is a two storey dwelling, uninhabited incorporating a double 'A' roof with narrow gables. On the day of my inspection its was undergoing refurbishment works.
- 1.5. The southern site boundary is a mature hedge. To the west along Main Street is a small housing estate, An Gleib, with a terrace of two storey dwellings along the same streetscape as the subject site.
- 1.6. There are dwellings on the opposite side of the road to the subject site which are single storey and dormer detached units.

2.0 Proposed Development

- 2.1. The proposed development consists of
 - (a) Demolish existing dwelling
 - (b) Construct 6No. terraced three-bedroom dwellings
 - (c) On street parking and all associated site development.
- 2.2. Further information issued on the 6th of December 2021.

A revised scheme was submitted on 13th of June 2022 and with revised public notices submitted on 7th of July 2022:

The further information included:

- (i) A revised site boundary line to exclude works to the existing dwelling east of the site;
- (ii) **4No. dwellings proposed** , three bedroom semi-detached units
- (iii) A Planning Design Statement stating the scheme consists of 4No. semi-detached units in order to reduce the density of the scheme and to increase the quality of the scheme.
- (iv) Appropriate Assessment Screening
- (v) Design Statement
- (vi) Archaeological Assessment Report
- (vii) Daylight Analysis Survey Report

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 3rd of August 2022 Westmeath County Council issued a Notification of a Decision to Grant planning Permission for the 4No. dwellings subject to 17No. conditions. The most notable conditions are as follows:

2. Section 47 Agreement to ensure first occupancy is owner/occupier.
3. New footpath to front the site.
15. EVC charging points.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

1st Report (26-11-2021)

- The site is zoned 'established residential'. In such areas sustainable intensification of gap infill, unused/ derelict land can achieve infill development. The proposal should respect the character of the area. Multiple residential units are permitted in this zoning.

- Multifarnham is identified as a rural serviced settlement within the Core Strategy of the County Development Plan. The site is located on zoned lands within the village, close to all services and is zoned for residential development and offers the potential to consolidate development within the village and is therefore acceptable in principle.
- The proposed development represents a density of 35.5house per hectare. Multyfarnham has a population of 420 in the 2016 Census. The proposed development is considered to be high density by the Sustainable Residential Density Guidelines standards for centrally located site.
- There is no Design Statement with the application. The houses are not reflective of the deisgn of the adjoining estate, and the deisgn should have a narrower roof span and wider frontages.
- The houses do meet with the private Open Space provision requirements stated under CPO 16.20 of the County Development Plan.
- The eastern most house must be moved in line with the existing dwelling to the east to prevent overlooking.
- Daylight to the adjoining houses needs to be assessed further.
- Part V is applicable.
- Archaeological Impact Assessment required.
- Additional information is required regarding the impact on the nearby Natura 2000 site.

The planning authority requested a revised design, and AA Screening Report, and A Daylight/Sunlight test, address Part V. Following receipt of the further information on the 13th of June 2022, the planning authority was satisfied with the revised proposals and the additional reports submitted by the applicant. A recommendation to grant permission was forwarded.

3.2.2. ***Other Technical Reports***

Engineer Report: No objections subject to conditions

- Footpath to be dished.

- Consult with Irish Water.
- Surface water.
- Services and cables.

3.3. Prescribed Bodies

3.3.1 *Department of Housing, Local Government and Housing*

The capacity of the wastewater plant in Multyfarnham is not addressed in the AA screening report. Any reduction in the water quality of the R. Gaine due to inadequate wastewater treatment and disposal would have adverse impact on downstream Natura 2000 sites in particular Lough Derravaragh SPA for Birds site code 004043.

3.3.2 A bat and bird survey is required, an ecologist report is required.

3.4. Third Party Observations

There were a number of third-party objections/ observations to the proposed development.

- There will be a lot of noise and dust from the demolition of the dwelling
- Unacceptable radon levels
- Too much pressure on the water supply
- Disruption to the village
- Lack of parking within the development leading to on-street parking.
- Experience of the applicant to complete the development is questioned
- Nature conservation area who owns it
- 6No houses does not blend in with the streetscape.
- Overlooking/ loss of privacy

4.0 Planning History

4.1 *04/5477 (site immediately to the west)*

Permission granted for the construction of 10No. dwellings in 2005.

4.2 **01/906 (further west of the site)**

Permission granted 26No. dwellings in 2002.

5.0 **Policy Context**

5.1. **National Planning Policy**

5.1.1 Relevant government publications include:

- ◆ Quality Homes for Sustainable Communities (DOE 2007)
- ◆ Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. (2009)
- ◆ Design Manual for Urban Roads and Streets
- ◆ The Planning System and Flood Risk Management. NRUP 02/21

5.1.2 **National Planning Framework**

NPO 6 : Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity and enhance levels of community and design and quality, in order to sustainably influence and support their surrounding area.

5.2. **Development Plan**

The site is zoned '**Established Residential**' in the Westmeath County Development Plan 2021-2027.

Section 2.0 of the Core Strategy.

CPO 2.9 promotes the consolidation coupled with targets rural housing and investment policies in Towns and Villages where required to improve local employment, services and sustainable transport options and to become more self-sustaining.

CPO 7.26 Support and facilitate the ambitious regeneration of underutilised town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands.

Infill sites

Development within urban infill sites must be considered in the context of the surrounding area. Development proposals on sites within existing streetscapes should provide for active frontages and continue the established building line.

8.6.8 Multyfarnham Village

Location:	Located 12km northwest of Mullingar and 8km southwest of Castlepollard.
Population 2016 Census:	420 persons which represents an 11.7% increase since 2011 census.
Key Social/Community Facilities	A number of social and community facilities serving the village and its hinterland including: – Bars, Shops, Restaurants, Primary & Secondary School, Nursing Home, Church, Community Centre, Garda Station, Playground and GAA Club.
Wastewater Treatment:	Served by an existing Wastewater Treatment Plant.
Water Supply:	Public Water supply available.

The village of Multyfarnham has evolved around its wide Main Street and the four principal roads to Crookedwood, Coole, Ballynafid and Bunbrosna. The crossing on the River Gaine informed the layout of the village. The core of the village is designated as an Architectural Conservation Area (ACA) with traditional village buildings, primarily terraced, contributing to the strong village character of Multyfarnham.

Priorities for the Village in this plan include the following:

- Facilitate improved local service provision.
- The provision of housing and commercial development within the village core.
- Consolidated enhancement of the village settlement form to engender a sense of place and identity, supplemented by public realm enhancement works.

Policy Objectives:

Public Realm	Development and Design	Community/Social
<ul style="list-style-type: none">• Support public realm enhancement works which distinguish core area of village by way of paving, street lighting, parking, furniture, planting etc.• Protect and maintain the buildings within the ACA and resist development proposals that would undermine the setting and interpretation of any such structure.	<ul style="list-style-type: none">• Support housing provision commensurate to its position in the settlement hierarchy.• Support the provision of new small-scale retail and commercial outlets of a range and type consistent with the scale of the village and located in Mixed Use and Expanded Settlement Centre zoning.	<ul style="list-style-type: none">• Support the creation of enhanced pedestrian walking links within the village, its hinterlands and at areas of interest and attractions.• Support creation of cycling infrastructure within the village, its hinterlands and at areas of interest and attractions including local waterways.

5.3. Natural Heritage Designations

There are 14No. Natura 2000 sites within 15km of the application site. The relevant sites are considered in the Appropriate Assessment section of this report.

5.4. EIA Screening

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

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

The application originally proposed to construct 6 units and then 4 units following the submission of FI. The number of units proposed is well below the threshold of 500 dwelling units noted above. The application site has an overall stated area of 0.13 ha and is therefore well below the applicable threshold of 20 ha.

The introduction of a residential development as proposed will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. Designated structures of built heritage or archaeological significance are excluded from the site area. The development proposes connecting to the public water and drainage services of Irish Water and Westmeath County Council. In this context I am satisfied that the proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other developments in the general area. It would not give rise to a risk of major accidents or risks to human health.

The application site is not directly connected to a European Site. I note the proximity of the site to the River Gaine c. 200m west of the site. There is no direct hydrological connection to a European site from the subject site. I consider that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that upon 'Preliminary Examination', an 'Environmental Impact Assessment Report' for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

Andrew Greenwood from Primrose Cottage, Main Street, Multyfarnham

- The original plan was to demolish the old Garda station and erect 6No. terraced dwellings with 8No. carparking spaces. Following a request for further information, the proposal was revised to 4No. dwellings and the Garda house to be redeveloped. This should have been a completely new planning application.
- The main objection to the proposed development relates to parking and the road. The section of road through the village is narrow, only 5metres and although there is a 50 kmph speed limit the road entering the village from Wilsons Hospital School from the N4 is 80kmph and is downhill. Cars, lorries and tractors speed through the village. There was an accident recently. There are many children living in the area walking to school. When there is

an event in the local church and Sunday lunch in the local pub, people park on the footpath causing havoc.

- There is no shop, no post office or public transport in the village, and most homes in the village have 2 or 3 cars. There is only one space per dwelling under the proposed scheme. Where are the extra cars going to park? Where will visitors park?
- There should be a clear sight line of 68metres in both directions within a 50kmph zone. There is a blind bend restricting the sightline. Why has the Council allowed that?
- There is 100s of acres of zoned in Mullingar, and the Council are allowing 4No. houses squeezed into the site on a dangerous bend.
- The renovation of the old Garda house has not been included in the revised plans. The company register reveals the applicant's company was formed just weeks before the plans went in. It is cheaper build a new house than to renovate an old one. The old house could be left derelict. The development is all about money and not about the village.

6.2. Applicant Response

- The rationale and design of the proposed development is presented in compliance with the Westmeath County Development Plan and the Multyfarnham Village Settlement Plan. The development is to provide residential units in an orderly and sustainable manner associated with the compact growth and infill development of the village as presenting the best possible use of underutilised lands within the terms of the Core Strategy and Settlement Hierarchy of the planning authority.
- The site layout is strongly influenced by the need to protect the residential amenities of the adjoining lands to the west and east. It will not impact negatively on the surrounding land uses.
- The proposal is located in a village setting accessible to community services.

- The existing dwelling has been removed from the scheme to ensure retention of the structure within a conservation area. The aim is to restore the structure in a later planning application.
- The proposed residential units will present a strong cohesive linkage between the existing and older fabric to the east, allowing the village to grow in a traditional manner.
- The revised site area is 1,310sq.m. as opposed to the original 1689sq.m. with a site coverage of circa 26% and represents a density of 35units per hectare.
- The revised scheme was readvertised in the newspaper and revised site notices were erected to clarify the scheme had been revised from 6No. dwellings to 4No. dwellings. The continued use of the existing dwelling which was excluded from the revised site boundaries is to retain and utilise as a dwelling house without the need for planning permission.
- The proposed development with an active road frontage and passive surveillance associated with the road network in this location may actually improve the current scenario, removing available roadside opportunities, presenting off-street parking spaces. Ultimately roadside parking opportunities will be removed from the proposed location. The Engineers Report has no objection to the proposed development. There is a wider footpath proposed fronting the dwellings. The wider footpath, narrower road and tighter urban grain will present a traffic calming effect.

7.0 Assessment

7.1. I have examined the third-party appeal, the application as originally submitted, and the further information submitted and all other documentation on file. I have inspected the site and have had regard to relevant local/regional/national policies and appropriate guidance. I am satisfied the substantive issues arising from the grounds of the third-party appeal relate to the following matters-

- Principle of the Development
- Design and Layout
- Other Matters including Parking

- Appropriate Assessment

7.2. Development Plan

The relevant development plan is the Westmeath County Development Plan 2021-2027. Section 8.6.8 outlines Multifarnham Village Settlement Plan. The 4No. residential units as proposed, is consistent with the residential zoning objective for the site. According to the development plan the village of Multyfarnham has evolved around its wide Main Street and the four principal roads to Crookedwood, Coole, Ballynafid and Bunbrosna. The crossing of the River Gaine informed the layout of the village. The core of the village is designated as an Architectural Conservation Area (ACA) with traditional village buildings, primarily terraced, contributing to the strong village character of Multyfarnham.

Priorities for the Village in the current development plan include the following:

- *Facilitate improved local service provision.*
- *The provision of housing and commercial development within the village core.*
- *Consolidated enhancement of the village settlement form to engender a sense of place and identity, supplemented by public realm enhancement works.*

The subject site is an infill site in the village positioned along the Main Street. The National Planning Framework identifies building up of infill sites which may not have been built on before to achieve a compact and sustainable urban growth. The subject site is bounded on two sides by two storey dwellings, making it an infill site in my opinion. The provision of four two storey dwellings along the streetscape along the building line of the existing dwellings, provides a positive architectural statement along the Main Street of the village. The proposal is in line with the priorities of the Plan to provide housing in the village centre in a consolidated manner.

7.3 Design and Layout

7.3.1 I refer to the *Design Statement* submitted by way of further information on the 22nd of June 2022. The revised proposals include for revised site boundaries, which exclude the existing old dwelling to the east of the site. There are now four semi-detached units proposed along the streetscape on a site area of 0.13ha (which is exempt from Part V of the Planning and Development act 2000, as amended). It

should be noted the existing dwelling on the original site area, was the former Garda house in the village. The curtilage of the dwelling is positioned within the designated Conservation Area of the village. The applicant intends to restore the dwelling under a separate planning application. I did note during my inspection restoration works have been carried out to the structure, however this dwelling does not form part of the current development under consideration. The overall design of the proposed dwellings was revised and this is in keeping with the village streetscape, and should be considered by the Board as the more favourable scheme for the site than the original proposals submitted on 12th of October 2022 which included a terrace of 6No. dwellings.

7.3.2 The revised design of 4 No. dwellings maintains the existing building line of the dwelling to the east. The building line projects slightly forward of the building line of the dwellings to the west, however, this is acceptable because of the slightness of the projection, the separation distance between the existing and proposed dwellings, and the curvature of the road fronting the existing dwellings. The design is simple in form and materials which will match the abutting two storey dwellings and the overall proportions and height will settle into the surroundings and streetscape with ease. I commend the contemporary front elevational design. The houses have a double gable design feature similar to the former Garda dwelling to the east. The rear elevation (southern) includes photovoltaic panels. In my opinion, the development will make a positive contribution in design terms to the village.

7.3.3 The planning history in the general vicinity of the site reveals acceptability of infill residential developments in the village, establishing a pattern of residential developments along the streetscape.

7.4 **Other Matters Including Parking**

7.4.1 **Boundary Treatment:** The front streetscape boundary will consist of low hedging with masonry piers finished and capped to match the dwellings. The side boundaries will be masonry and finished and capped to match the dwellings. The rear boundary will be concrete posts with timber panelling.

7.4.2 **Density:** The site coverage is 26% and with 4No. dwellings on the total site area, the proposed density is on the lower of the density scales for a built-up settlement.

7.4.3 **Parking:** Each dwelling has one carparking space, with an additional shared parking spaces. The third-party appeal expressed concern about parking in the village, particularly associated with church and event parking in the village. The active use of the road frontage along the site will reduce parking along this section of the road. The road will be narrower, the footpath will be widened, and this is in line with DMURS. The Area Engineer has no objection or concerns regarding the parking implications of the proposal.

Conditions 3 and 15 of the planning authority's decision to grant planning permission relates to Roads and Electric Vehicle Parking.

7.4.4 **Bat and Bird Survey:** Condition No. 8 of the planning authority's decision to grant requires a bat and bird survey to be carried out by a qualified ecologist. This issue was raised in the *Department of Housing and Local Government and Heritage* letter to the planning authority of 15th of July 2022. The bat and bird survey related to the derelict house and overgrown garden that formed part of the original planning application. The derelict house no longer forms part of the development proposal, the subject site has been cleared, and I do not consider the condition to be necessary.

7.4.5 **Archaeological Assessment Report** (4th of May 2022). There was trench testing carried out onsite on the 4th of May 2022 under a licence 22E0272 issued by the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland. A total of three trenches were excavated. No features of archaeological significance were identified, and no finds of archaeological significance were recovered. All site investigations were carried out and no further works are required.

7.4.5 **Daylight Distribution/ No sky Line.** The vertical sky component was drawn from the new development to the nearest existing ground floor window which is 20metres. The line extends into the room for over 7metres. The room has a depth of 3.4metres. Therefore there is no negative impact to existing dwellings regarding daylight distribution/ no skyline. Additionally the VSC is 68 degrees which gives acceptable results.

The rear gardens are south facing. The equinox shadowing diagrams illustrate no impact due to their respective orientations. Based on the overshadowing diagrams

during the equinox, neighbouring properties and their private amenity areas will receive well in excess of the 2hourss sunlight noted within the BRE 209: Site Layout Planning for Daylight and Sunlight, A good Practice Guide.

7.5 Appropriate Assessment

- 7.5.1 Article 6 of the EU Habitats Directive (Council Directive 92/43/EEC) requires that all plans and projects be screened for potential impacts upon Special Areas of Conservation and Special Protection Areas.
- 7.5.2 The application site lies within the Upper Shannon Hydrometric Area and Catchment, the Inny Sub-Catchment and the Gaine Sub-Basin. The River Gaine is 248m north-east of the site, but there is no hydrological connectivity between the application site and the river. The EPA have classified the ecological status of the River Gaine from its source to downstream of the Friary in Multyfarnham as poor. Lough Derravaragh has been classified as good status whilst the River Inny where it flows out of Lough Derravaragh has been classified as moderate status.
- 7.6.3 There are 14No. Natura 2000 sites within 15km of the application site. There are two sites hydrologically downstream of the application site ie. they are potentially within the zone of influence.

Site and Code	Distance	Qualifying Interests	Potential Signifigant Effects
Lough Derravaragh SPA 004043 NHA 4043	2km north	<ul style="list-style-type: none"> • Whooper Swan • Pochard • Tuffed Duck • Coot • Wetlands and Waterbirds 	There is no hydrological connection as there is no watercourse on the site leadly to the SPA. There is no pollution to the SPA arising form the construction

			and operation of the proposed development. No significant effects to the SPA are likely to occur. However the site will be given further consideration below as the Department raised concerns on this issue
Lough Owel SPA 004047	3.2km south	<ul style="list-style-type: none"> • Shoveler • Coot • Wetland and Waterbirds 	There is no hydrological or ecological connectivity between the application site and the SPA and there will be no significant effects upon the site arising from the proposed development.
Lough Owel SAC 000688	3.2km to the south	<ul style="list-style-type: none"> • Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. 	There is no hydrological or ecological connectivity between the application site

		<ul style="list-style-type: none"> • Transition mires and quaking bogs • Akaline Fens • Whiteclawed crayfish 	and the SPA and there will be no signifigant effects upon the site arising from the proposed development
Garriskill Bog SAC 00679	4km north-west	<ul style="list-style-type: none"> • Active raised bog • Degraded raised bogs still capable of natural regeneration 	There is no hydrological or ecological connectivity between the application site and the SPA and there will be no signifigant effects upon the site arising from the proposed development
Garriskill Bog SPA 004102	4km north-west	<ul style="list-style-type: none"> • Greenland White-fronted goose • Answer albifrons flavirostris 	There is no hydrological or ecological connectivity between the application site and the SPA and there will be no signifigant effects upon the site arising from the proposed development

Scragh Bog SAC 000692	4.5km south-east	<ul style="list-style-type: none"> • Transition mires and quaking bogs • Alkaline fens • Marsh Fritillary • Slender green feather moss 	There is no hydrological or ecological connectivity between the application site and the SPA and there will be no significant effects upon the site arising from the proposed development
Lough Iron SPA 004046	4.6km west	<ul style="list-style-type: none"> • Whooper Swan • Wigeon • Teal • Shoveler • Coot • Golden Plover • Greenland white fronted goose • Wetland and Waterbird 	There is no hydrological or ecological connectivity between the application site and the SPA and there will be no significant effects upon the site arising from the proposed development

7.5.3 There are 7No. other Natura 2000 sites within 10-15km of the subject site but there is no hydrological or ecological connectivity between the application site and the SPA and there will be no significant effects upon the site arising from the proposed development.

7.5.4 Lough Derravaragh SPA

This is one of the most important lakes in the midlands for wintering waterfowl. Site specific conservation objective for the site have not been prepared to date and the objectives for the site remain generic.

The construction of the proposed development in Multyfarnham village and subsequent operation of the site as a residential development will have no significant effects upon the integrity or the site structure of Lough Derravaragh SPA. The application site is 2km south of the Natura 2000 site and there is no hydrological connectivity between the areas, therefore significant effects upon the bird species Qualifying Interests of the lake are not likely to occur. In addition, there is no hydrological link from the subject site to the River Gaine, dissecting the village, downstream of Derravaragh NHA. There is no land take from Derravaragh SPA, and given the 2km separation distance between the sites, the distance is considered to be sufficient to ensure no impacts arise. There is no watercourse on the site, therefore emissions to local watercourses during the construction works will not arise. During operation, the foul water will be directed by the local sewer for treatment at the Multyfarnham Waterwater Treatment Plant. The plant is fully licenced by the EPA and connection to the plant will occur following agreement with Irish water.

Excavated material will be reused on site and waste material will be disposed of in a responsible manner to a licenced facility away from designated sites.

In terms of the in-combination/ cumulative impacts with other developments or proposed developments in Multyfarnham areas, there have been a number of developments over the past five years and the applications were screened for AA.

- 7.5.4 In view of the best scientific knowledge and on the basis of objective information, it can be concluded that the proposed development, whether individually or in combination with other plans or projects, will have no impacts upon a designated site.

The integrity of the sites will be maintained and the habitats and species associated with these sites will not be adversely affected. The proposed development does not require to proceed to Stage II of the Appropriate Assessment process.

8 Recommendation

- 8.5 Having inspected the site and considered the appeal file, I recommend the Board uphold the planning authority's decision to grant planning permission for the proposed development.

9 Reasons and Considerations

Having regard to the sites location within the designated settlement of Multyfarnham and the provisions of the Westmeath County Development Plan 2021-2027, to the provisions of the National Planning Framework 2018, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, ABP-314235-22 Inspector's Report Page 24 of 31 Towns & Villages) 2009 and the related Circular Letter: NRUP 02/2021, to the pattern of development in the area, and to the density, design, character, and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development, housing mix and appropriate density for the area, would not adversely impact on the residential or visual amenities of adjoining properties in the area, would not generate a traffic hazard or endanger public safety and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on, as amended by the further plans and particulars submitted on the 13th of June, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development consists of 4No. semidetached dwellings as per the revised plans and site boundaries submitted on the 13th of June 2002.

Reason: In the interest of orderly development, residential amenity, clarity, sustainable development and proper planning.

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

Reason: In the interest of visual amenity.

4. (a) The internal road and vehicular circulation network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such road works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS). Drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. shall comply with all relevant aspects of DMURS.

(b) Prior to the commencement of the development, the applicant shall consult with and agree with the planning authority all works associated with the public road, the provision of a new footpath and surface water drainage along the front of the dwellings.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. All of the parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water and implementation of Sustainable Urban Drainage measures, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The developer shall provide ducting to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational before any of the residential or commercial units are made available for occupation.

Reason: In the interests of amenity and public safety.

11. Prior to the commencement of the development, a comprehensive landscaping scheme shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be provided for within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

12. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan and Method Statement 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 noise management measures and offsite disposal of construction/demolition waste.

Reason: In the interest of amenities, public health and safety.

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

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

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management

company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

15. Prior to the commencement of any house in the development 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 unit), pursuant to Section 47 of the Planning and Development Act, 2000, that restricts all houses 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.

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.

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

Reason: To ensure the satisfactory completion of the development

17. 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 Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

18. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.
Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Caryn Coogan
Planning Inspector

09/11/2023