



An
Bord
Pleanála

Inspector's Report ABP-315133-22

Development	Construction of 60 no. apartments in 2 no. five storey buildings, pedestrian and vehicular access from Kilcolman Road, pedestrian/cycle access from Ballyhaunis Road, and associated development and works.
Location	Kilcolman Road, Claremorris, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	22/769
Applicant(s)	Harold Conway
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Harold Conway
Observer(s)	Paul Hunt
Date of Site Inspection	6 th March 2023

Inspector

Hugh D. Morrison

Contents

2.0 Site Location and Description	4
3.0 Proposed Development	4
4.0 Planning Authority Decision	5
4.1. Decision	5
4.2. Planning Authority Reports	6
5.0 Planning History.....	7
6.0 Policy and Context.....	7
6.1. National Policy	7
6.2. Development Plan.....	8
6.3. Natural Heritage Designations	8
6.4. EIA Screening	8
7.0 The Appeal	9
7.1. Grounds of Appeal	9
7.2. Planning Authority Response	12
7.3. Observations.....	14
7.4. Further Responses.....	14
8.0 Assessment.....	16
9.0 Recommendation.....	31
10.0 Reasons and Considerations	31
11.0 Conditions	32

2.0 Site Location and Description

- 2.1. The site is located to the north-east of Claremorris town centre in a position between the Kilcolman Road (N60), to the north, and the Ballyhaunis Road (R331), to the south. Both Roads meet at a roundabout further to the east, which is adjacent to the N17. The former Road serves new development on its northern side, which comprises housing and a hotel and leisure centre, and on its southern side an Aldi foodstore, a detached dwelling house, and a Lidl foodstore. The latter Road serves housing, businesses, and recreational facilities, including Hillside Service Station and Claremorris GAA Club, which lie to the south and west of the site.
- 2.2. The site forms a continuous field, which has an area of 1.04 hectares. Its main body is of roughly regular shape, and it is subject to gentle/moderate gradients that fall from the northern corner and the eastern side to the mid-point in the western side of the site. This portion of the site is enclosed by means of hedgerows and fences, which abut the Kilcolman Road to the north, the Lidl site to the east, and the Hillside Service Station to the south and west. It is accompanied by two strips of land that extend eastwards and southwards. The former runs between the Lidl site and a site, which is being developed at present, while the latter runs between the recently expanded Hillside Service Station site and this development site.

3.0 Proposed Development

- 3.1. As originally submitted, the proposal would entail the construction of 2 no. similar five-storey buildings ($2951 \text{ sqm} \times 2 = 5902 \text{ sqm}$), which would be denoted as Blocks A and B. In total, these buildings would provide 60 no. apartments 10 one-bed, 30 two-bed, and 20 three-bed. They would be sited around a courtyard, which would be in the centre of the main body of the site: Block A would be sited to the north of this courtyard and Block B to the south of it.
- 3.2. The proposed apartment blocks would be accessed from the east and from the south. The former access would be constructed off the end of the existing access road from Kilcolman Road, which serves the Lidl site. This access would be laid out alongside this site, and it would be for pedestrians, cycles, and vehicles. The latter access would be laid out between the above cited development site, and the Hillside Service Station. This access would be off Ballyhaunis Road, and it would be for

pedestrians and cycles. On-site parking would be provided for vehicles in 53 no. spaces (including 4 no. for the mobility impaired and 5 no. with electric charging points). These spaces would be laid out on either side of the proposed access road on the eastern side of the main body of the site and on one side of this road within the northern side. Cycle stands and sheds would be provided, variously, to the east of the apartment blocks, and within the courtyard. A total of 154 no. cycles would be provided for thereby. A bin shed would be sited centrally adjacent to the eastern boundary of the main body of the site.

- 3.3. Communal open space would be provided in the courtyard, which would be predominantly hard landscaped, and in the western portion of the site, which would be predominantly soft landscaped. Where boundary treatments exist, they would be retained and, along the western boundary of the site, augmented/extended by means of 1.4m high timber post and rail fencing with chain link wire.
- 3.4. The proposal may entail the need for an electricity sub-station, which would be sited in the north-eastern corner of the main body of the site. It also shows indicatively a possible future pedestrian access from Kilcolman Road by means of steps and ramps, which would be provided in conjunction with the neighbouring Lidl site.
- 3.5. At the appeal stage, the proposal was revised to omit the fourth storey and to recess the fifth storey, thereby reducing the number of apartments by 16, from 60 no. to 44 no. (14 one-bed, 18 two-bed, and 12 three-bed).

4.0 **Planning Authority Decision**

4.1. **Decision**

Planning permission was refused under two schedules.

The first schedule cites the following reason:

The proposal is for a high-density residential development in Claremorris and so it would materially contravene Objective SSO16 of the CDP, which identifies Ballina and Castlebar for high buildings.

The second schedule cites the following reasons:

1. At 57 units per hectare, the proposal would, under Section 6.9 of the Sustainable Residential Development in Urban Areas Guidelines, be too dense for an edge of centre site, and it would, under Section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines be too dense for a peripheral and/or less accessible urban location.
2. At five storeys the two apartment blocks on a prominent outer town centre core site would be visually obtrusive, out of scale with the surrounding area, and dominant such as the character of the urban landscape would be altered and severely damaged.
3. The two blocks would be the same height and they would only comprise apartments. An inadequate mix of heights and typologies appropriate to the urban context of the site would result and Objective TVHO5 of the CDP would be materially contravened.

4.2. Planning Authority Reports

4.2.1. Planning Reports

See decision.

4.2.2. Other Technical Reports

- TII: Defers to the Planning Authority.
- Mayo County Council:
 - Architects: Advises that within the context of the site, four storeys would be more appropriate, a softer colour palette would differentiate the proposed apartments from existing modern buildings in the vicinity, the aesthetic balance of architectural elements of the entrance elevations should be improved, internal layouts should comply with the latest Guidelines, and the landscaping should be maintained by a management company.
 - Mayo NRO: No objection.

- Engineer: Advises that plan of site access off R331 and details of stormwater layout and calculations are needed.
- Road Design: Advises that detailed plans of site access off R331 are needed. Also advises that the proposal should accord with CDP's development management standards on roads and parking.

5.0 Planning History

Site

- 08/2102: The site and adjoining lands to the east were the subject of a proposal for a retail development (7075 sqm) comprising an anchor store and 7 no. retail units, which was permitted, although this permission has since expired.
- P16/22/054: Pre-application consultation.

Adjoining lands to the east

- 19/1015: Discount foodstore with an ancillary off-licence: Permitted at appeal ABP-307861-20, and subsequently implemented to provide a Lidl.

Adjoining lands to the south-west

- 18/1059: Extension of shop and forecourt, provision of new access, construction of new tyre shed: Permitted and implemented.

Adjoining lands to the south-east

- Under the European Union (Planning and Development) (Displaced Persons for Ukraine Temporary Protection) Regulations 2022, construction works have commenced to provide 28 modular homes.

6.0 Policy and Context

6.1. National Policy

- National Planning Framework 2040
- Sustainable Residential Development in Urban Areas Guidelines

- Sustainable Urban Housing: Design Standards for New Apartments
- Urban Development and Building Heights Guidelines

6.2. Development Plan

Under the Mayo County Development Plan 2022 – 2028 (CDP), Claremorris is identified as a Tier II self-sustaining town. The site is shown as lying within an area that is zoned town centre (outer core).

The Planning Authority's reasons for refusal cited the following two objectives of the CDP:

- SSO 16

To identify and facilitate higher and increased building heights for appropriate uses at suitable locations in the Tier I (a) Key Towns of Ballina and Castlebar consistent with SPPRs 1-4 of the Urban Development and Building Heights Guidelines for Planning Authorities' (2018).

- TVHO 5

To achieve minimum appropriate densities and provide an adequate mix of building heights and typologies appropriate to the urban context having regard to the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009); Urban Development and Building Heights Guidelines for Planning Authorities' (2018) and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) (or as updated), including any relevant specific planning policy requirements (SPPRs), where appropriate.

6.3. Natural Heritage Designations

- River Moy SAC (002298)
- Lough Corrib SAC (000297)

6.4. EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2022, where more than 500 dwelling units would be constructed and/or where an urban site would exceed 10 hectares in area the

need for a mandatory EIA arises. The proposal is for the development of 60 dwellings on a site with an area of 1.04 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The applicant begins by identifying key issues and the rationale for the proposal. He then proceeds to his grounds of appeal, which can be summarised as follows:

- Interpretation of the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines as a barrier to development.

Claremorris has a population of less than 5000 and so it is technically a small town under the SRDUA Guidelines. Nevertheless, it is an important town within the County's settlement strategy.

Against the backdrop of the housing crisis, the town's housing stock has grown only slowly, e.g., between 2016 and 2022 by 57 units, whereas previous CDPs cited targets of 186 units.

Section 6.3 of the SRDUA Guidelines states that "Significant enhancement of the scale and density of development in small towns...may be appropriate."

They also state that "there should, in principle, be no upper limit on the number of dwellings that may be provided within any town..." These Guidelines are thus an enabler of development.

Likewise, the National Planning Framework encourages "more compact forms of growth in the development of settlements of all sizes".

- Town centre -v- edge/outer core

The site is in the town centre, and it is zoned as such. Under ABP-307861-20, the Board explicitly stated that lands within Claremorris town centre are

sequentially equivalent. Accordingly, the inner and outer distinction is irrelevant.

- Locational classification of the site

Under the Sustainable Urban Housing: Design Standards for New Apartments (SUH: DSNA) Guidelines, the site is not in a peripheral and/or less accessible urban location but in an intermediate urban location. The Planning Authority's categorisation in this respect gives too much weight to "small town" and insufficient weight to factors of proximity and accessibility.

The site is within good cycling and walking distance. These modes of transport would be facilitated still further, under the proposal, by the provision of a cycle and pedestrian link between the Kilcolman and Ballyhaunis Roads.

- Appropriate density

In the light of the site's location, a density of 45 units per hectare should not be viewed as a cap but as a target to exceed. Nevertheless, under the revised proposal, the density would ease from 57 to 42.3 units per hectare. It would thus be compatible with either a peripheral or an intermediate urban location.

The site lies within a landbank. Other sites would be developed at lower densities and so the cumulative density for the whole landbank would, under the revised proposal, be within the range of c. 35 – 40 units per hectare. Likewise, these sites would be developed to different typographies from that of the current proposal.

The applicant also sets out in tabular format attributes of the proposal that illustrate the appropriateness of its density in the light of relevant standards.

- Visual impact

Under the original proposal, its physical presence would be moderate to significant in townscape terms and its visual impact would be minor either negative or positive depending on aesthetic taste.

Under the revised proposal, its physical presence would be moderate in townscape terms and its visual impact would be neutral to minor positive depending on aesthetic taste.

- Landscape character

The Planning Authority's reference to the need to preserve the character of the landscape is misplaced. The site is zoned for development and as such its character will change from that of landscape to townscape. The Authority's view in this respect was previously critiqued by the inspector who reported in ABP-307861-20.

In terms of the County's approach to landscape appraisal, the site is "robust" and so appropriate development, such as the current proposal, can reinforce existing desirable land use patterns.

Given the site's topography, the height of the proposal, and its siting in relation to existing buildings, this proposal would not be dominant. Indeed, as revised, its shoulder (three storey) height would coincide with the adjacent Lidl's foodstore.

Precedent for height within Claremorris exists, e.g., the locationally comparable Silverbridge development has a height of c. 15.5m compared to the revised proposal's height of 13m.

Insofar as the architectural consultee provided an aesthetic critique of the original proposal, this has been responded to in the revised proposal.

- Housing (type) mix

The Planning Authority's critique of the proposal on the grounds of housing mix is misplaced. The SUH: DSNA Guidelines state that "apartments need to become more and more the norm for housing solutions." Within this context, both the original and revised proposals would comprise a good mix of one-bed, two-bed, and three-bed units.

The proposal would respond well to the need for rightsizing of older housing within Claremorris, the provision of appropriately sized social housing, and a significant proportion of three-bed units, which would reflect the context of the town.

- Mix of building heights and typologies

The Planning Authority's critique of the proposal on the grounds that the two blocks would be identical is misplaced. Variety is derived from the existing

context of the site and from the envisaged future development of the landbank. Thus, in the absence of apartments on the current site, it could be developed for two-storey housing, but then it would not differ from the form of development that is envisaged for the remainder of the landbank, where on higher land two-storey housing adjacent to existing two-storey housing would be appropriate.

- Perceived material contravention of CDP Objective TVHO5

The applicant considers that its proposal would not contravene Objective TVHO5, let alone materially so, i.e., to represent a fundamental departure from the CDP, which would seriously prejudice its implementation.

Nevertheless, if the Board considers that the provisions of Section 37(2)(b) of the Planning and Development Act, 2000 – 2022, are applicable, then the applicant presents its case for considering that the Board could still grant planning permission.

- Perceived material contravention of CDP Objective TVHO5

The applicant considers Objective SSO16 is not relevant to Claremorris and so his proposal would not contravene this Objective, let alone materially so, i.e., to represent a fundamental departure from the CDP, which would seriously prejudice its implementation.

Nevertheless, if the Board considers that the provisions of Section 37(2)(b) of the Planning and Development Act, 2000 – 2022, are applicable, then the applicant presents its case for considering that the Board could still grant planning permission.

7.2. Planning Authority Response

The Planning Authority has responded to the applicant's appeal as follows:

- Invalid in accordance with Section 37(1)(b) of the Planning and Development Act, 2000 – 2023.

Attention is drawn to the revisions submitted with the applicant's appeal.

These revisions are considered to constitute a new proposal, which is materially different from the original one. Under Section 37(1)(b), the Board

must determine the application as if it was made to it in the first instance. The revisions do not permit the Board to do this, and so the appeal should be declared invalid.

- Inconsistent with Section 37(2)(b) of the Planning and Development Act, 2000 – 2023.

Attention is drawn to the Planning Authority's reasons for refusal, which pertain to a failure to comply with relevant national planning guidelines. The submitted revisions signal that the applicant accepts that such non-compliance would have occurred under his original proposal.

Given the Planning Authority's refusal was partly on the grounds that the proposal would materially contravene the CDP, the Board could only grant this proposal if one or more of the provisions of Section 37(2)(b) of the Act was found to be applicable. The view is expressed that these provisions would not be applicable.

- Items raised in the applicant's appeal statement.

Section 3.1: The applicant considers that the Planning Authority interpreted the SRDUA Guidelines too narrowly. Attention is drawn to the Circular Letter NRUP 02/2021, which advises on the importance of town classifications and defining appropriate densities. The CDP does this in the case of Claremorris.

Section 3.2: The applicant sets aside the inner core/outer core distinction within the town centre zoning, and yet this distinction is in the CDP.

Section 3.3: While the applicant considers the site to be an intermediate urban location, the Planning Authority continues to consider that it is a peripheral one, in the light of the discussion of these terms in the SUH: DSNA Guidelines and, in particular, the classification of Claremorris as a "small town".

Section 3.6: Exception is taken to the applicant's dismissal of the need to preserve the landscape of the site.

- Planning transparency and public involvement

Section 34(3)(b) of the Act is cited. The need to have regard to written representations from the public is thereby emphasised. Concern is expressed that limited time was available for objectors to consider the revisions to the

applicant's proposal submitted at the appeal stage. Wider public engagement has not occurred.

- **Conclusion**

The Planning Authority concludes by quoting the above cited Circular Letter as follows: "The NPF 2040 acknowledges that there is a need for more proportionate and tailored approaches to residential development. This means that it is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high-density urban approaches are not applied uniformly, and the development responds appropriately to the character, scale and setting of the town or village."

7.3. Observations

Paul Hunt of Hillside Service Station

- The submitted plans omit to show the observer's service station. Likewise, no information is submitted with respect to separation distances.
- The boundary between the observer's service station and the site needs to be sufficiently robust to secure his service station in the interest of public safety.

7.4. Further Responses

The applicant has responded to the Planning Authority's response. He begins by drawing attention to the absence of any critique by the Planning Authority of his revised proposal itself, as distinct from procedural matters concerning it. In this respect, the applicant notes that the submission of revisions at the appeal stage is a relative common occurrence. He also notes that, as the Board has discretion over whether to give effect to these revisions, the validity of the appeal is not in question. He proceeds to respond to the Planning Authority's critique as follows:

- Legitimacy of revisions at the appeal stage

The applicant has appealed against the Planning Authority's refusal of his original proposal. Notwithstanding this, he submitted revisions "in the interests of seeking to further overcome the refusal reasons".

The submitted revisions do not prevent the Board from considering the original proposal *de novo*. Rather they are akin to the situation which arises when, at the application stage, revisions to a proposal are submitted under further information and clarification of further information. Indeed, the Planning Authority often requests applicants to submit further information and clarification of further information. Its opposition to the applicant's submission of revisions at the appeal stage is, therefore, startling.

- Validity of appeal

The Planning Authority have mis-construed Section 37(1)(b) of the Act to mean that the Board can only consider an applicant's original proposal. Such an approach would disallow consideration of revisions submitted at either the application or appeal stages.

The Planning Authority's position disregards common place practice over many years, and it is stated without legislative authority.

- Material contravention restrictions

The applicant contends that his proposal would not give rise to any material contraventions, only the perception of such borne of the Planning Authority's flawed approach to the assessment of his proposal.

- Applicant acting in good faith

Attention is drawn to the revisions: they are entirely within the envelopes of the originally proposed buildings, and they entail a two-step iterative process, i.e., the removal of the fourth storey and the setting back of the top storey.

Attention is also drawn to the fact that, in the absence of any further information request, the appeal stage was the first opportunity for the applicant to bring forward any revisions. He has acted in good faith in doing so.

- Town centre location

While the CDP does refer to inner and outer cores to the town centre, it does not elucidate what this distinction means for development management.

Furthermore, insofar as town centre, edge of town centre and outer town

locations are sometimes referred to, this is in relation to retail rather than residential development. Under ABP-307861-20, the Board concluded that the sequential approach was not appropriate to lands zoned town centre. So, in the current case, the site lies within the town centre zoning and distinctions between sites which are the subject of this zoning are not warranted.

The SRDUA Guidelines explicitly state that “there should, in principle, be no upper limit on the number of dwellings that may be provided within any town or city centre site.” The Planning Authority offers no rebuttal to this statement.

- Subject site location classification

The applicant contends that the town centre zoning of the site takes precedence over any consideration as to whether it is in a central/intermediate/peripheral location. The applicant continues to contend that the site is in an intermediate location.

- Landscape

The site maybe a greenfield site. However, it is zoned town centre and so its development rather than landscape preservation is endorsed by the CDP.

- Transparency and public participation

Attention is drawn to the fact that the revisions submitted reduce the scale of the proposed buildings within their originally envisaged envelopes. Any impacts upon third parties would thus only be of a lesser order than under the original proposal.

The revisions are similar to those that are sometimes conditioned by Planning Authorities. Prejudice is not thereby deemed to arise. Nevertheless, if the Board has any concerns in this respect, then, under Section 142(4) of the Act, revised public notices could be requested of the applicant.

8.0 **Assessment**

- 8.1. I have reviewed the proposal in the light of the National Planning Framework 2040 (NPF), relevant national planning guidelines, the Northern and Western Regional Economic and Spatial Strategy 2020 – 2032 (RESS), the Mayo County Development

Plan 2022 – 2028 (CDP), recent planning history of the site within its immediate context, the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Preliminaries,
- (ii) National and local residential planning policies,
- (iii) Visual amenity,
- (iv) Development standards,
- (v) Traffic, access, and parking,
- (vi) Water, and
- (vii) Appropriate Assessment.

(i) Preliminaries

- 8.2. The Planning Authority considers that the submitted appeal should be declared invalid as it is accompanied by revised plans of the proposal. It cites the requirement, under Section 37(1)(b) of the Act, for the Board to consider “the application as if it had been made to the Board in the first instance”, and it contends that the submission of the revised plans prevents the Board from doing so and so the appeal should be declared invalid.
- 8.3. The applicant responds to the Planning Authority by stating that its appeal is against the refusal that was made on its original proposal. Nevertheless, “in the interests of seeking to further overcome the refusal reasons”, it submitted the revised plans. The submission of the same does not serve to negate its “starting position” that the original permission should be granted by the Board. The applicant recognises the imperative that the Board consider its original proposal. However, it has the discretion to consider its revised plans should it be so minded. In this respect, an analogy is drawn with situations wherein, under further information and/or clarification of further information, revised plans are submitted to planning authorities and are subsequently considered at appeal by the Board.
- 8.4. I note that, under Section 128(2) of the Act, the Board is explicitly authorised to take into account further information received at the application stage in its determination

of appeals. I note, too, under Section 127 (4)(a) of the Act, appellants can submit “any documents, particulars or other information” they consider to be necessary or appropriate to the appeals they wish to make. Wide discretion is thus afforded to appellants and so the submission of revised plans does not, in principle, warrant objection.

- 8.5. The Planning Authority considers that the submission of revised plans afforded insufficient time for objectors to view the same and it provided no mechanism for the wider public to view them.
- 8.6. The applicant responds by drawing attention to the opportunity that exists for third parties to make observations on appeals, which they have previously engaged with at the application stage. The applicant further draws attention to the nature and extent of the revisions made to the original proposal in the current case. These revisions relate to the height and scale of the proposed apartment blocks. They do not affect the siting or footprints of these blocks but rather their height and scale would be reduced by the removal of the fourth storey and the setting back of the top storey. The impact of the resulting proposal would, thereby, be less upon third parties than under the original proposal. Nevertheless, should the Board be so minded, new public notices could be issued, under Section 142(4) of the Act.
- 8.7. I note that one objector has made an observation. I note, too, that the revised plans would indeed have a lesser impact and that they would be comparable to changes that could have been conditioned without further reference to the public. In these circumstances, I do not consider that the need arises to request new public notices.
- 8.8. I conclude that there are no impediments to the Board assessing/determining the current appeal/application in the normal manner.

(ii) National and local residential planning policies

- 8.9. Under the CDP, Claremorris is identified as a tier 2, self-sustaining growth town, which had a population of 3894 in 2021. Under Table 12.1, the role of Tier 2 self-sustaining growth towns is described as follows: “self-sustaining growth towns with a moderate level of jobs and services and their own labour catchment areas. These towns have good transport links and have the capacity for continued sustainable growth. These towns play an important role in supporting the social, economic and cultural life within rural communities.” Under Settlement Strategy Policy SSP 3, the

Planning Authority undertakes to “Promote consolidation of self-sustaining growth towns coupled with targeted investment where required, to improve local employment, services and sustainable transport options and to become more self-sustaining settlements.” Under Table 2.4, the population target for Claremorris is an increase of 182 over the lifetime of the CDP, to achieve a total of 4397 by 2028.

- 8.10. Under Map CM1 of the CDP, the site is zoned town centre, and, under Table 12.2, the relevant zoning objective is “To maintain and enhance the vitality, viability and environment of the town centre and provide for appropriate town centre uses.” Under Table 12.3, uses listed as being generally permitted in the town centre zone include “apartments”.
- 8.11. Under Map CM2, the site is shown as lying within the outer, as distinct from inner, core of the town centre. The inner core overlaps largely with the core shopping area, while the outer core, to the north and to the east, comprises largely lands that have been recently developed or lands that are either underdeveloped or undeveloped. They include the sites of Tesco, Aldi, and Lidl.
- 8.12. The Planning Authority critiqued the applicant’s original proposal on the grounds that it would, at five storeys, be too high, and, at 57 units per hectare, be too dense. This critique is underpinned by its view as to what the implications are of Claremorris’ standing within the County’s settlement hierarchy and its application of relevant national planning guidelines to the town.
- 8.13. Under the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines, small towns are defined as having a population of between 2000 and 5000. Claremorris is thus a small town. These Guidelines interacted with the then extant National Spatial Strategy, which identified Castlebar as a hub. By virtue of its passenger rail link with this hub, Claremorris could entertain higher residential densities. Under the Northern and Western RESS, Castlebar is now identified as a key town, and the upgrade of the N60 between it and Claremorris is an objective of this Strategy.
- 8.14. More generally, the SRDUA Guidelines advise that, on centrally located sites within small towns, densities of 30 – 40 dwellings per hectare may be appropriate or greater again where a high quality of design would be achieved.

- 8.15. Under the Sustainable Urban Housing: Design Standards for New Apartments (SUH: DSNA) Guidelines, advice is given on the location of apartments within urban areas. Three types of location are set out. Only the one termed “peripheral and/or less accessible” relates to sites in small towns. Broadly, densities of less than 45 dwellings per hectare are considered appropriate.
- 8.16. Under the Urban Development and Building Heights (UDBH) Guidelines, advice is given on height to the effect that in cities and major towns at least six storeys should be achieved, and in the suburbs at least three to four storeys should be achieved. The CDP translates this advice to mean that, under SSO 16, it is relevant to Castlebar and Ballina only. It also states that, under SSO 4, higher densities apply to these two towns (tier 1(a)) and Westport (tier 1(b)). SSO 5 states “To apply graded densities in towns...having regard to their role in the settlement hierarchy and where they are commensurate to the existing built environment.”
- 8.17. In the light of the foregoing, the Planning Authority refused the applicant’s original proposal for 2 no. five storey apartment blocks, which would exhibit a density of 57 dwellings per hectare. I consider that such refusal was reasonable in the light of the advice set out in the aforementioned national planning guidelines and its translation into the CDP.
- 8.18. Turning to the applicant’s revised plans for 2 no. four storey apartment blocks, which would exhibit a density of 42.31 dwellings per hectare. Under these plans, the proposal would be of more modest height, which would benefit Claremorris as a tier 2 settlement and the site’s town centre location. The applicant draws attention to the four storey Silverbridge development adjacent to Tesco. This development is within the zoned town centre, too, and it provides a precedent for four storey development within Claremorris, albeit the ground floor is in retail/commercial use and the upper floors are in residential use. Under these plans, too, the density would adhere to the advice set out in the SUH: DSNA Guidelines, and, if its design is considered to be high-quality, the advice set out in the SRDUA Guidelines, too.
- 8.19. The site is centrally placed within the overall context of Claremorris and so its development would contribute to the town’s consolidation and a compact settlement form, both of which are objectives of national, regional, and local planning policies and objectives. As revised, the proposal would also contribute, significantly, to

facilitating the achievement of the CDP's population target for the town over the course of its lifetime.

- 8.20. The site lies within the outer core of the town centre. It is a greenfield site, and it adjoins lands to the east and south-east that were until recently greenfield sites. The former lands have been developed to provide an Aldi foodstore, and the latter lands are being developed to provide modular housing. The emerging pattern of development is thus one of single uses on individual sites that, in combination, provide a mixed-use pattern. The current proposal would continue this pattern. While the two proposed apartment blocks would be the same size and height, these characteristics would differ from those exhibited by the adjacent Lidl foodstore and the modular housing under construction. The applicant also draws attention to the pre-existing pattern of predominantly two-storey dwelling houses in the wider area from which his proposal would differ, too.
- 8.21. The Planning Authority's third reason for refusal in the second schedule critiques the original proposal on the grounds that it would only comprise apartments rather than a mix of housing typologies. The applicant acknowledges that this would be so, but that the alternative of two-storey housing would perpetuate the predominant pattern in the surrounding area. He also draws attention to the good mix of apartment sizes, i.e., under the original proposal 10 one-bed, 30 two-bed, and 20 three-bed, and, under the revised plans, 14 no. one-bed, 18 no. two-bed, and 12 no. three-bed.
- 8.22. In the light of the foregoing, I consider that, under the applicant's revised plans, the proposal would uphold the CDP's SSO16, cited in the Planning Authority's first schedule reason for refusal, and it would comply with the CDP's TVHO5, cited in the Planning Authority's third reason for refusal in the second schedule. Accordingly, these objectives would not be contravened and so the question as to whether such contravention would materially contravene the CDP does not arise.
- 8.23. I conclude that, under the applicant's revised plans, the proposal would comply with the advice of relevant national planning guidelines and objectives of the CDP with respect to its location, density, height, and housing mix.

(iii) Visual amenity

- 8.24. The site is located to the north-east of the functioning town centre in a position off the Kilcolman Road (N60) between Claremorris GAA grounds to the south-west and a new Lidl foodstore to the north-east. The main body of this site is subject to gradients that rise generally from west to east. It presently forms the western portion of a wider field, which is bound by hedgerows and fencing. The south-eastern portion of this field is being developed to provide modular housing and to its south-west lies the observer's property, Hillside Service Station.
- 8.25. Under the proposal, the main body of the site would be the subject of "cut and fill" earthworks to provide a level surface for the proposed apartment blocks to be constructed upon. The submitted site section B-B shows that along the south-western edge of the "platform" formed thereby, site levels would be increased by a maximum of c. 3m to give a consistent level of 77.94m OD. Under the original proposal, the maximum roof height of the five-storey building would be 95.602m OD, i.e., the south-western elevation would have a height of 17.662m. Under the revised proposal, the three-storey parapet and four-storey roof heights would be 88.64m OD and 90.907m OD, i.e., the south-western elevation would exhibit heights of 10.7m and 12.967m.
- 8.26. The Planning Authority's second reason for refusal in the second schedule of its decision critiques the original proposal on the grounds that it would be visually obtrusive, out of scale with the surrounding area, and dominant such as the character of the urban landscape would be altered and severely damaged.
- 8.27. The applicant has responded to the aforementioned critique by stating that, under the original proposal, its physical presence would be moderate to significant in townscape terms and its visual impact would be minor either negative or positive depending on aesthetic taste. He adds that, under the revised proposal, its physical presence would be moderate in townscape terms and its visual impact would be neutral to minor positive depending on aesthetic taste.
- 8.28. During my site visit, I observed that, to the north and north-east of the traditional town centre, new development has occurred, which exhibits contemporary design and, in some instances, multi-storey buildings have been constructed. Thus, to the north, a new Tesco superstore has been provided along with three and four storey

buildings in its vicinity that have retail/commercial uses on their ground floors and residential use on their upper floors. To the north-east, on the southern side of the N60, Aldi and Lidl foodstores have been provided, and, on the northern side, two and two-and-a-half storey dwelling houses and a three-storey hotel have been provided. Also, to the south-east and to the south-west of the main body of the site, modular housing is presently being constructed and the Hillside Service Station has been extended to provide modern buildings of standard utilitarian design. Accordingly, the context of the site includes examples of new development that have incrementally and in aggregate changed and added to the townscape of Claremorris. The current proposal would continue this pattern.

- 8.29. As noted above, the site rises in an easterly direction and its development, as proposed, would be visible, especially from the neighbouring GAA grounds and the town centre beyond, e.g., the car park to the rear of the Leisure Centre on Dalton Street. Indeed, the proposal would be on the localised skyline from these vantage points. Clearly, the greater height of the original proposal would cause it to be more conspicuous than the revised proposal, and so the applicant's commentary on townscape impacts would be borne out.
- 8.30. At the application stage, the Planning Authority's architectural advice stated that a four-storey built form would be more appropriate to the context of the site. It also stated that the proposed finishing materials should differentiate the apartment blocks from other new development in its vicinity and the balance of materials on their entrance elevations should be improved.
- 8.31. Under the revised proposal, the applicant has responded to the above advice. He has omitted the fourth storey and set back the top storey in each of the 2 no. proposed apartment blocks, which would now be of four-storey form. He has also omitted the use of standing seam aluminium sheeting from feature openings, in favour of timber and stone finishes to such openings. Timber would also be used to clad the entirety of the top storey.
- 8.32. I concur with the architectural advice set out above. I consider that the applicant's response to this advice would achieve a more satisfactory aesthetic outcome for the site within its townscape context. Thus, the reduced height and set back top storey of each apartment block would give rise to a milder and more nuanced built form, and

the use of natural finishing materials would serve to soften these blocks and so send the signal that they would serve a domestic purpose. The resulting visual impact would be acceptable.

- 8.33. The proposal would entail soft and hard landscaping, which would retain the existing hedgerow along the south-western boundary of the site and augment the same with native woodland planting. The western portion of the site would be laid out as communal open space with considerable amounts of tree planting. In combination existing and proposed planting to the west of the proposed apartment blocks would, in time, afford a measure of screening. Further planting of the embankment on the north-eastern boundary of the site would, in time, afford screening from the Lidl site beyond, too. The north-western boundary of the site abuts a strip of semi-mature tree and hedgerow planting, which accompanies Kilcolman Road. This planting would afford significant screening of the site. It is accompanied by similar planting on the opposite side of the national secondary road, which largely screens new housing beyond.
- 8.34. I conclude that the revised, as distinct from the original, proposal would be compatible with the emerging townscape of the site within its context and its visual impact would be acceptable.

(iv) Development standards

- 8.35. Quantitatively, the applicant has submitted a Housing Quality Assessment (HQA) of the original proposal, which indicates that it would comply with or exceed all the relevant area and width parameters set out in Appendix 1 of the SUH: DSNA Guidelines. The accompanying commentary in the applicant's letter of support states that the total area of the proposed apartments would be 15% in excess of the minimum required by these Guidelines.
- 8.36. The revised proposal is accompanied by an updated HQA, which indicates that the apartments on the ground, first, and second floors would be largely unchanged. The third floor would be redesigned to accommodate 4 no. one-bed apartments, two of which would be type 1.2 and two of which would be type 1.3. The former type would be present on the lower floors, too, while the latter type would be wholly new to the proposal. Type 1.3 would have a total floor area of 51.7 sqm, which would exceed the relevant threshold of 45 sqm in the Guidelines. Individual room areas and widths

would either exceed the relevant thresholds or nominally fall short. Thus, the kitchen/living/dining room would be 22.9 sqm rather than 23 sqm and the width of the bedroom would be 2.766m rather than 2.8m. By way of compensation, the set back position of the third floor would allow for generous balconies with areas of 35.2 sqm and 57.8 sqm.

- 8.37. Externally, each of the proposed apartments would be served by private open space in the form of either terraces or balconies, which would exceed in area the minimum cited by the Guidelines. The overall proposal would be served by communal open space which would account for 33% of the net site area. This level of provision would exceed by a considerable margin that required by either the Guidelines or the CDP.
- 8.38. Qualitatively, all of the apartments would be either dual/corner or triple aspect. Windows would be triple glazed. Floor-to-ceiling heights would be 2.75m on the ground, first, and third floors, and 2.45m on the second floor. All of these specifications would serve to enhance the quality of the proposed apartments.
- 8.39. At the appeal stage, the applicant has submitted a report entitled “Sunlight, Daylight and Shadow Analysis of the revised proposal”. This report accords with advice set out in the third edition of BR209, “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice”, and it also references EN 10037 and Annex NA. It concludes that the relevant target illuminance of 50% of the floor areas of habitable rooms would be achieved throughout the revised proposal, except for the kitchen/living/dining rooms in the type 1.3 apartments. Daylight in these rooms would be lacking. However, an increase in the width of the window serving each of these rooms by 600mm from 0.9m to 1.5m would overcome this lack. The report advises that the applicant’s architect is agreeable to this modification, which should, under a grant of permission, be conditioned.
- 8.40. The aforementioned report also concludes that all of the proposed living rooms would receive 1.5 hours of sunlight on the test date of 21st March, and sampled spaces in the courtyard between the two apartment blocks and to their south-west would receive 2 hours of sunlight on this same date. These levels of sunlight would be satisfactory.
- 8.41. The proposed communal space would comprise the aforementioned courtyard, which would be largely hard landscaped and suitable for passive recreation, and an

area of soft landscaping in the western portion of the site, which would incorporate a wetland area with decking and seating and a grassed area within which children's play equipment would be installed. Passive and active recreation would be provided for thereby.

- 8.42. Under the proposal, the existing 2.4m high wire mesh security fencing around the common boundaries between the site and the adjoining Lidl site would be retained/repositioned. Elsewhere, the boundaries of the site would be denoted/ enclosed by means of new 1.4m high timber post and rail and chain link fencing. The observer expresses concern that this standard of fencing maybe insufficiently robust to secure his adjoining property, Hillside Service Station. During my site visit, I noted that the extended forecourt to this service station would abut the site, as would a tyre storage yard to the north of a building that fronts onto the original forecourt. I noted, too, that, whereas the forecourt is publicly accessible from Ballyhaunis Road, the tyre storage yard is not. I, therefore, take the view that the south-western boundary of the site, which abuts this yard along with the adjoining land to the north, should be enclosed by means of 2.4m high wire mesh security fencing. If permission is granted, then this type of boundary treatment should be conditioned.
- 8.43. I conclude that the development standards would, subject to a minor modification to apartment type 1.3 in the revised proposal and the re-specification of the proposed south-western boundary treatment, afford a satisfactory standard of amenity to future residents.

(iv) Traffic, access, and parking

- 8.44. Under the proposal, drivers, cyclists, and pedestrians would access the site from the east along an extension to the access road, which presently serves the Lidl site and which itself is accessed to the north off Kilcolman Road (N60). A further access to the south off Ballyhaunis Road (R331) would be provided for cyclists and pedestrians, and a future one, to the north, off Kilcolman Road, for pedestrians only is shown indicatively.
- 8.45. The application is accompanied by a Traffic and Transport Statement (TTS), which draws attention to the Traffic and Transport Assessment (TTA), which was prepared for the Lidl site (19/1015 and ABP-307861-20). This TTA included within its scope the development of lands to the south and east of the Lidl site to provide 75

dwellings. It concluded that the junction between Kilcolman Road and the proposed access road to the Lidl site and these adjoining lands would be capable of accommodating satisfactorily the vehicular traffic generated by the proposed Lidl foodstore and 75 dwellings. In the light of this conclusion, the TTS states that, as the proposal would be for a lesser number of dwellings, the junction would be capable of accommodating the vehicular traffic generated thereby.

- 8.46. The application is also accompanied by a DMURS Compliance Statement and a Stage 1 Road Safety Audit of the proposed on-site access arrangements.
- 8.47. The site is conveniently placed for cycling and walking to and from the functioning town centre with its public transport links (bus and rail).
- 8.48. Under the proposal, 53 no. car parking spaces (including 4 no. for the mobility impaired and 5 no. with electric charging points) and 154 no. cycle spaces would be provided. Under the SUH: DSNA Guidelines, apartments on sites in peripheral locations and/or less accessible should be accompanied by 1 no. space for residents per apartment and 1 no. space for visitors for every 3 – 4 apartments. These Guidelines also state that 1 no. cycle space should be provided for each bedroom and 1 no. cycle space should be provide for every 2 apartments to cater for visitors. If these standards are applied to the original and revised proposals, then the following levels of provision would be appropriate:
- Car parking spaces:
 - Original: $60 + 15 - 20 = 75 - 80$ or
 - Revised: $44 + 11 - 15 = 55 - 61$
 - Cycle parking spaces:
 - Original: $130 + 30 = 160$ or
 - Revised: $86 + 22 = 108$
- 8.49. In the light of the foregoing, under the revised proposal, the level of car parking provision would approximate to that required under the Guidelines, while the level of cycle parking provision would be excessive, i.e., 46 above the minimum. I note that 40 of the proposed cycle parking spaces would be provided in the form of cycle stands, which would be cited in positions adjacent to the eastern elevations of the two apartment blocks. I note, too, that if these stands were to be omitted, then the

opportunity would arise to add to the soft landscaping adjacent to these elevations and, thereby, to improve the amenity of the nearest apartments. If permission is granted, then these changes should be conditioned.

8.50. I conclude that vehicular traffic generated by the proposal would be capable of being satisfactorily accommodated at the existing junction between Kilcolman Road and the access road to the Lidl site, which would be extended into the current application site. I also conclude that the proposed access arrangements for cyclists and pedestrians would be satisfactory. Under the revised proposal, the level of parking provision for cars would be adequate and the level of parking provision for cycles would be excessive and so some reduction in the same would be warranted.

(v) Water

8.51. Under the proposal, the site would be connected to the public water mains and the public foul and stormwater sewerage systems in Ballyhaunis Road. The case planner reports that Irish Water was consulted, but no response is recorded as having been received.

8.52. The OPW's flood maps do not show the site as being the subject of any identified flood risk.

8.53. The applicant has submitted a Stormwater Attenuation Proposal, which recognises that, with the development of the existing greenfield site, new hard surfaces would be constructed and so the need to attenuate surface water run-off would arise. The applicant has thus designed an attenuation tank with a volume of 620 cubic metres, which would be capable of handling a 100-year storm event. This tank would be sited underneath the proposed courtyard, and it would be served by a hydro-brake, which would throttle the outflow from the tank to a maximum of 2 litres per second.

8.54. The Stormwater Attenuation Proposal does not explicitly refer to any allowance for climate change. In this respect, an additional volume of 20% is customarily sought. If permission is granted, then this matter should be conditioned, to provide the opportunity for clarification/amendment of the submitted Proposal.

8.55. I conclude that, provided the question of a climate change allowance is addressed by condition, the proposal would raise no water issues.

(vi) Appropriate Assessment - Screening

8.56. The requirements of Article 6(3) of the Habitats Directive as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act, 2000 – 2023, are considered fully in this section.

8.57. The applicant has submitted a screening report for appropriate assessment as part of the application. This report reached the following conclusion:

To determine the impacts, if any, from the proposed development of these lands at Kilcolman Road, Claremorris a screening for appropriate assessment was completed for the Natura site identified as being closest and therefore more likely to be negatively impacted by the development. Other sites were identified in the AA screening process as being within a 15km radius of the proposed development site and are designated as SACs, however they are unlikely to be impacted by the proposed development.

The information reviewed in this stage 1 process suggests that the development will not have a discernible impact on the integrity of SAC (002298) or indeed on any other sites considered, this represents a finding of no significant effects. Therefore, an AA/NIS (Stage 2) will not be required for the proposed development.

8.58. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

8.59. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site.

8.60. The applicant provides a description of the project on page 3 of the AA screening report. Essentially, it would entail the construction of 2 no. apartment blocks with associated access and SuDS arrangements.

8.61. The applicant also provides a description of the site on page 3 of the AA screening report, too. Essentially, it is disturbed ground between existing development and so it is an urban infill site.

8.62. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction phase: uncontrolled surface water run-off bearing silt and pollutants, and
- Operational phase: waste water generated by the residential use of the developed site, and stormwater run-off from the site.

8.63. The development site is not located in or immediately adjacent to a European site. The closest European site is the River Moy SAC (002298), which lies 8.6 km to the west of the development site. Further to the west, 14.5km away, lie Loughs Carragh and Mask, which are designated the Lough Carra/Mask Complex SAC (001774) and the Lough Carragh SPA (004051) and the Lough Mask SPA (004062).

8.64. I have been unable to identify a source/pathway/receptor route between the development site and the River Moy SAC. I have been able to identify one between the development site and Lough Mask insofar as the public drainage system in Claremorris discharges to the River Robe, which flows into Lough Mask.

- During the construction phase of the proposed development, standard construction practices would be employed to ensure that pollutants are not borne into the stormwater sewerage system.
- During the operational phase of the proposed development, waste water would be connected to the public foul sewerage system where it would be treated in the Claremorris WWTP before discharge to the River Robe. This WWTP was commissioned in 2000 and so it is a modern one. It has a capacity of 5333 PE and so it is capable of handling waste water generated by the existing and projected populations of Claremorris satisfactorily.
- During the operational phase of the proposed development, stormwater would be the subject of SuDS attenuation and so its rate of discharge from the site would mimic that of the existing greenfield site. Similar volumes of surface water run-off would thus discharge to the public stormwater as at present.

8.65. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

8.66. The proposed development was considered in the light of the requirements of Section 177U of the Planning and Development Act, 2000 – 2023. Having carried out screening for appropriate assessment of the project, it has been concluded that the

likely project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites Nos. 001774, 004051 & 004062, or any other European site, in view of the sites' conservation objectives, and appropriate assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The efficacy of standard construction practices, which ensure that pollutants are not borne into the stormwater sewerage system,
- The satisfactory operation of the Claremorris WWTP, and
- The efficacy of SuDS attenuation to ensure comparable levels of surface water run-off from the site with those occurring prior to its development.

9.0 Recommendation

9.1. That permission be granted.

10.0 Reasons and Considerations

Having regard to:

- The National Planning Framework 2040,
- The Northern and Western Regional Economic and Spatial Strategy 2020 – 2032,
- Sustainable Residential Development in Urban Areas Guidelines
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines
- Urban Development and Building Heights Guidelines, and
- The Mayo County Development Plan 2022 – 2028,

It is considered that, as the site is located within lands that are zoned town centre in the County Development Plan, the proposed apartments would be permissible in principle. It is also considered that, as Claremorris is a “small town” and so it is in a peripheral and/or less accessible location, the density and height of the revised proposal would accord with the advice of the above cited Guidelines, and, within the

context of the site, the exclusively residential use and mix of apartment sizes proposed would be appropriate. The revised proposal would be compatible with the visual amenities of the area, and subject to conditions, it would afford a satisfactory standard of amenity to future residents. Traffic generated by the proposal would be capable of being accommodated satisfactorily at the existing junction between Kilcolman Road and the access road to the Lidl site, which would be extended to provide access to the site. Cyclist and pedestrian provision would be satisfactory. No water or appropriate assessment issues would arise. The revised proposal would, thus, accord with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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 received by An Bord Pleanála on the 18th day of November, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The kitchen/dining/living room in the type 1.3 apartments shall be widened by 0.6m from 0.9m to 1.5m.</p> <p>(b) The treatment of the westernmost boundary of the site shall be re-specified from a 1.4m high timber post and rail fence with a chain link fence to a 2.4m high wire mesh security fence.</p>

	<p>(c) The 40 no. cycle stands, which would be sited in front of the eastern elevations of the apartment blocks, shall be omitted in favour of increased soft landscaping.</p> <p>(d) The Stormwater Attenuation Proposal shall include a 20% allowance for climate change and the size of the proposed attenuation tank shall reflect this allowance.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of the amenities of future residents, a reasonable level of cycle space provision, and sustainable drainage arrangements.</p>
3.	<p>The number of apartments permitted is forty-four.</p> <p>Reason: In the interest of clarity.</p>
4.	<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>

5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed apartment blocks and the hard surfaces comprised in the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<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>
7.	<p>Storm water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Street lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>Proposals for an estate/street name, dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
10.	<p>Subject to Condition 2(c), the landscaping scheme shown on drg no. DWG.01 shall be carried out 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</p>

	<p>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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
11.	<p>The management and maintenance of the proposed development comprising the apartment blocks and ancillary facilities, communal open space, and on-site access and drainage arrangements, following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event that the access and drainage arrangements are taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
12.	<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) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

	<p>(f) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(g) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(h) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(i) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
13.	<p>Prior to the commencement of development, a construction traffic management plan shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of good traffic management and road safety.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
15.	<p>Prior to the commencement of 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 residential unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to</p>

	<p>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>
16.	<p>A Stage 2 Road Safety Audit to be undertaken of the proposed access arrangements to the site. Any recommendations to be submitted to the planning authority for agreement.</p> <p>Reason: In the interest of road safety.</p>
17.	<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>

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.

Hugh D. Morrison
Planning Inspector

29th March 2023