



An  
Bord  
Pleanála

## Inspector's Report ABP-315280-22

<b>Development</b>	Demolish existing derelict house and construct two-storey over basement building comprising two retail units at basement level, retail space at ground floor level, and offices at first floor level.
<b>Location</b>	Mountain View Road, Castlebar, Co. Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	22/839
<b>Applicant(s)</b>	Vivian Hussey
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 10 conditions
<b>Type of Appeal</b>	Third Party -v- Decision
<b>Appellant(s)</b>	Edward McEllin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> March 2023

**Inspector**

Hugh D. Morrison

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## **1.0 Site Location and Description**

- 1.1. The site is located in the south-western portion of Castlebar town centre, in a position adjoining the junction between Mountain View/Westport Road (R310) and Stephen Garvey Way. This site is surrounded by a variety of buildings and land uses. To the north lies a modern multi-storey complex, which is composed of shops/eateries and student apartments known as Nephin Halls, to the east lies the extensive grounds of a two-storey detached dwelling house, to the south on the opposite side of Mountain View lie 2 no. two-storey detached dwelling houses and a row of two-storey terraced houses, which are in use as dwellings, offices, and for the provision of health services, and to the west on the opposite side of Stephen Garvey Way lies a graveyard beyond which lies the Royal Hotel and Theatre.
- 1.2. The site itself is of regular shape and it extends over an area of 0.0971 hectares. This site is level over its southern half, and it rises at moderate gradients in a southerly direction over its northern half. The site presently accommodates a vacant, two-storey, detached dwelling house (243 sqm), and it is accessed off Mountain View by means of vehicle and pedestrian entrances. (An agricultural gate also affords access off Stephen Garvey Way). The site is bound along its roadside boundaries by means of a concrete wall. Its northern boundary is enclosed by temporary wire mesh sectional fencing and its eastern boundary is enclosed by a combination of boarded panel fencing and blockwork walls.

## **2.0 Proposed Development**

- 2.1. Under the proposal, the existing vacant house on the site would be demolished and a new two-storey over basement building (1531 sqm) would be constructed in its place. This building would comprise the following:
- 2 no. retail units at basement level,
  - 2 no. retail units at ground floor level, and
  - 2 no. offices at first floor level.

The retail floorspace would total 949 sqm, and the office floorspace would total 452 sqm.

- 2.2. The proposed building would be sited over the majority of the site, and it would be of split-level form to span the rising levels across the depth of the site. Thus, the basement level would be sited in the northern and central portions of the site, while the ground and first floor levels would be sited in the southern portion, too.
- 2.3. The front elevation of the proposed building would follow a diagonal line, which would allow a triangular shaped plaza to be laid out in front of it. The building would present to Mountain View as if it were a row of 3 no. two-storey buildings under double pitched roofs. The middle building would be raised slightly above those on either side of it. The building would present to Stephen Garvey Way as a gabled two storey building with a slightly recessed two-storey element sandwiched between it and a flat-roofed multi-storey building to the rear. A pedestrian walkway would lap around the south-western corner of the building to facilitate access between the plaza and a secondary entrance to one of the retail units in the recessed element. The combined side elevation would have a variety of window styles, e.g., traditional and modern, and finishing materials, e.g., brick and render.
- 2.4. The rear elevation of the building would be accompanied by a new footpath, which would run between this elevation and the access road to the car park to the rear of Nephin Halls. This elevation would incorporate two shop fronts to the rear of this footpath, the second of which would be recessed/tilted towards Stephen Garvey Way. The first floor would be largely blank and finished in timber. It would rise to enclose patios to the rear of the recessed first floor offices.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Planning permission was granted, subject to 10 conditions.

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

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

The case planner's report outlines how an earlier application for a three-storey development on the site was considered to be excessive within the context of the existing Mountain View streetscape and, as it would have included consulting rooms,

the view was taken that the need for on-site parking could not be waved. The current application reflects this critique of its predecessor.

### 3.2.2. Other Technical Reports

Mayo County Council

Water Services: Draws attention to the public water mains adjacent to the site.

## 4.0 Planning History

Site:

- 16/18/064: Pre-application consultation was held on 10<sup>th</sup> April 2018.
- 18/655: Demolish house and construct three-storey over basement building comprising retail, offices, and consulting rooms: Withdrawn.
- 16/21/071: Further pre-application consultation.

Adjoining site to the east:

- 19/69: Construct dwelling house: Permitted.

## 5.0 Policy and Context

### 5.1. National Planning Policy

NPO 13 of the National Planning Framework 2040 states:

*In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*

Retail Planning Guidelines

## **5.2. Development Plan**

Under SSO13 of the Mayo County Development Plan 2022 – 2028 (CDP), the site continues to lie within an area that is zoned town centre, under the Castlebar and Environs Development Plan 2008 – 2014 (DP), wherein retail and office uses are permissible.

Under BEO 40 of the CDP, the Planning Authority undertakes “To facilitate appropriate densities and compact growth within urban settlements, the Planning Authority will consider a relaxation of relevant development management guidelines to assist the delivery of appropriate uses on urban brownfield and infill sites, based on the individual merits of each development proposal, with due cognisance to NPO 13.”

Under EDP 14 of the CDP, the Planning Authority undertakes “To promote the reuse or reactivation of vacant underutilised properties/shop units, in order to assist with the regeneration of streets and settlements in the county”, and, under EDO 44, it undertakes “To ensure proposals for retail development in towns and villages make a positive contribution to the general townscape through the promotion of excellence in urban design, signage, consideration of the built heritage; and designed to a scale appropriate to the settlement.”

## **5.3. Natural Heritage Designations**

- River Moy SAC (002298)

## **5.4. EIA Screening**

Under Items 10(b)(iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2022, where an urban site would exceed 10 hectares in area the need for a mandatory EIA arises. The proposal is for the development of a site with an area of 0.0971 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant threshold, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant owns the adjoining site to the east. He cites the following grounds of appeal:

- The proposal would be excessive in size for the footprint of the site.
- The submitted floor plans show 3 no. windows in the eastern elevation, which could affect the appellant's privacy.
- The submitted plans do not clearly show the separation distance of the proposed building from the appellant's adjacent boundary.
- Concern is expressed over the adequacy of the proposed fire escape arrangements.
- Details of the proposed boundary wall are lacking; would it have a security rail on top of it.
- The open area in front of the proposed building could become a venue for anti-social behaviour.
- A separation distance of 2.3m is shown between the proposed building and the car park road to the north-west. This separation distance should be replicated to the east.
- The submitted plans do not depict the proposed dwelling house on the appellant's adjoining site.
- Concern is expressed over the impact of the proposal upon trees on the boundary of the site.
- Concern is expressed that the development may undermine the appellant's property.
- Concern is expressed that the proposed building would overshadow the appellant's proposed dwelling house.
- Concern is expressed over the increase in traffic that the proposal would generate.



The case planner did not engage with the above points, which were contained in a letter of objection at the application stage.

## **6.2. Applicant Response**

The applicant's response to the appellant can be summarised as follows:

- The size of the proposal reflects refinements over two applications for the site.
- The 3 no. windows cited have been omitted.
- The proposed building would comply with Part B of the Building Regulations for the purposes of fire safety.
- Boundary treatments will be addressed under the conditioned landscaping scheme.
- The applicant was unable to obtain the consent of the adjoining landowner to the north for access to possible parking within the site off the existing private car park road. The Planning Authority has exercised its discretion to attach a levy to its permission in-lieu of parking spaces, i.e., under condition No. 10, the sum of €109,572.
- The view is expressed that the case planner's report is comprehensive.

## **6.3. Planning Authority Response**

None

## **6.4. Observations**

None

## **6.5. Further Responses**

None

## **7.0 Assessment**

7.1. I have reviewed the proposal in the light of the National Planning Framework (NPF), the Mayo County Development Plan 2022 – 2028 (CDP), the Castlebar and Environs Development Plan 2008 – 2014 (DP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, zoning, and car parking,
- (ii) Streetscape and visual amenity,
- (iii) Residential amenity,
- (iv) Water, and
- (v) Appropriate Assessment.

### **(i) Land use, zoning, and car parking**

- 7.2. The site presently accommodates a single house. Under the proposal, it would be redeveloped to provide a mixed-use building comprising shops at basement and ground floor levels and offices at first floor level. Under the CDP and DP, this site is zoned town centre, and the proposed uses are permissible in principle therein.
- 7.3. The proposal would not include any off-street car or cycle parking provision. Instead, under Condition 10 of the Planning Authority's permission, a payment in lieu of car parking provision would be made.
- 7.4. Under the CDP's car parking standards, 1 space per 25 sqm of shop floorspace and 1 space per 45 sqm of office floorspace would normally be required in towns. Given that the former floorspace would be 949 sqm and the latter 452 sqm, 48 spaces would be required (38 + 10). The Planning Authority, however, reduced this total by 2, to allow for the existing house, i.e., 46 spaces were levied for.
- 7.5. Under NPO 13 of the NPF latitude is extended to planning authorities in how they implement car parking standards. Under BEO 40 of the CDP, NPO 13 is cited. Both the applicant and the Planning Authority report that previous proposals for the site envisaged vehicular access either from Stephen Garvey Way or Mountain View Road, but both were deemed to be unsafe for road users. Consequently, the current proposal does not entail such access and associated off-street parking.

- 7.6. During my site visit, I observed that the town centre is served by on-street and off-street public car parking and off-street customer car parking. Such parking is conveniently situated in relation to the site. I anticipate that customers/visitors to the proposal would be able to avail of either public parking or, where linked trips arise, customer parking. I observed, too, traffic movements adjacent to the site and I concur with the view that the provision of a vehicular access and off-street parking on the site would be inadvisable.
- 7.7. Under the CDP's cycle parking standards, 1 stand per shop till or checkout and 1 stand for 10% of office employees, subject to a minimum of 10 stands, are cited. The proposal, as submitted, does not show cycle stands. These should be provided, e.g., there may be scope to do so in the proposed plaza space, to accord with these standards, thereby promoting this sustainable mode of transport. If the Board is minded to grant, they should be conditioned.
- 7.8. I conclude that, under the town centre zoning of the site, the proposed mixed-use building would be permissible in principle, and the omission of car parking spaces would be appropriate, provided a payment in-lieu of them is levied. I also conclude that cycle stands should be provided in accordance with the relevant CDP standards.

**(ii) Streetscape and visual amenity**

- 7.9. The proposed building would be sited over the majority of the site, and it would be of split-level form to span the rising levels across the depth of the site. Thus, the basement level would be sited in the northern and central portions of the site, while the ground and first floor levels would be sited in the southern portion, too.
- 7.10. The appellant expresses concern that the proposed building would represent over development of the site. Site coverage and plot ratio factors assist in quantifying whether over development would occur. Under Section 5.5 of the CDP and Section 14.3.3 of the DP, a maximum site coverage of 60% and 80% are cited and, under Section 5.4 of the CDP and Section 14.11.2 of the DP, plot ratios of 1.5 and 1.5 – 2.5 are cited.
- 7.11. Under the proposal, the footprint of the building would be c. 600 sqm over a site area of 971 sqm and so the site coverage would be 61.8%. The total floorspace would be 1531 sqm and so this building would have a plot ratio of 1.577. Accordingly, while

these factors would strain the more general citations in the CDP, they would be comfortably within the specific citations of the DP.

- 7.12. The front elevation of the proposed building would follow a diagonal line, which would allow a triangular shaped plaza to be laid out in front of it. The building would present to Mountain View as if it were a row of 3 no. two-storey buildings under double pitched roofs. The middle building would be raised slightly above those on either side of it. The building would present to Stephen Garvey Way as a gabled two storey building with a slightly recessed two-storey element sandwiched between it and a flat-roofed multi-storey building to the rear. A pedestrian walkway would lap around the south-western corner of the building to facilitate access between the plaza and a secondary entrance to one of the retail units in the recessed element.
- 7.13. I consider that the proposed front elevation would be in sympathy with the scale, design, and form of the proposed two-storey dwelling house on the appellant's adjoining site. By the same token it would be in sympathy with the detached and terraced two-storey houses on the opposite side of Mountain View Road. At the level of detail, while the first-floor window openings would be arranged symmetrically, the ground floor window and door openings would not be so arranged. Furthermore, they would not align vertically with the windows above and they would exhibit poor solid-to-mass ratios. I, therefore, consider that they should be reworked to acknowledge the first-floor windows and to improve the spacing of windows and doors. The two light shop window at the western end of the front elevation should be respecified as a three light one.
- 7.14. The western side elevation reveals the progression across the depth of the proposed building from a more traditional design form to a more modern one, which acknowledges the presence of contemporary design in the multi-storey Nephin Halls complex to the north. The modern design would comprise rectangular forms and openings, a variety of finishes, and a flat roof enclosed by a parapet. Surfaces across this elevation would project and be recessed, too. Consequently, there would be a degree of complexity to it. As with the front elevation, the ground floor window in the gabled element of the side elevation would need to be reworked. Likewise, the basement window should be re-specified with three lights.

- 7.15. The rear elevation of the building would be accompanied by a new footpath, which would run between this elevation and the access road to the car park to the rear of Nephin Halls. This elevation would incorporate two shop fronts to the rear of this footpath, the second of which would be recessed/tilted towards Stephen Garvey Way. The ground floor would be largely blank and finished in timber. It would rise to enclose patios to the rear of the recessed first floor offices. The window at the western extremity of the ground floor should align horizontally with the corresponding windows in the western side elevation.
- 7.16. The remaining eastern elevation would, as clarified by the applicant at the appeal stage, be blank, apart from a single fire exit door at ground floor level. This elevation would be largely hidden from view by adjacent trees on the appellant's site.
- 7.17. I conclude that, subject to certain identified conditions, the proposal would be an appropriate addition to its varied streetscape context, and it would be compatible with the visual amenities of the area.

**(iii) Residential amenity**

- 7.18. The site is situated in an area where there is some residential content. Thus, for example, the appellant's adjoining property to the east is in residential use, and his side garden, which adjoins the site, has extant permission for a detached two-storey dwelling house (19/69).
- 7.19. The appellant raises several concerns with respect to residential amenity. Essentially, he is concerned over the relationship between the proposal and his residential property, especially the proposed dwelling house, which has been permitted, and which would be sited in a position adjacent to the current proposal. Specifically, he draws attention to three windows shown in the floor plans as being inserted in the eastern elevation, the separation/clearance distance between the proposed building and the common boundary, the treatment of this boundary, and overshadowing. He also draws attention to the proposed plaza space and expresses concern that it may become a venue for anti-social behaviour.
- 7.20. The applicant has responded to the appellant's specific concerns by stating that the three windows would be omitted. In addition to a streetscape elevation of Mountain View Road, which shows the current proposal in conjunction with the appellant's proposed dwelling house, he has submitted, at the appeal stage, the site layout plan

of this proposed dwelling house. This site layout plan shows the footprint of the proposed dwelling house, as lying slightly behind the front building line of the appellant's existing dwelling house and the existing house on the current application site. The front elevation of the proposed building would follow a diagonal alignment and so its south-western corner would coincide with the existing front building line while its south-eastern corner would be set well behind it. The resulting siting of the front elevation would respect the front elevation of the proposed dwelling house.

7.21. Under the proposal, between the eastern elevation of the proposed building and the common boundary with the appellant's site, an external side passageway would be laid out. This passageway would run between the proposed plaza space to the front and the proposed footpath along the rear of the proposed basement level. It would serve a fire exit at ground floor level. The appellant has questioned the adequacy of its width, to which the applicant has responded by stating that it would comply with Part B of the Building Regulations for the purposes of fire safety. The appellant has also questioned how the common boundary would be treated. The submitted plans show a proposed capped block wall, plastered and painted on both sides, on the applicant's side of this boundary. The site layout plan for the adjoining site shows a proposed stone wall for the southern portion of the boundary and the retention of existing fencing along the northern portion. Potentially, there may be some duplication of provision here and so the applicant's suggestion that the final details should be the subject of a landscape condition would provide the opportunity for this matter to be addressed more fully.

7.22. The appellant expresses concern that the proposed part two/part three-storey building would overshadow his residential property. This building would lie to the west south-west of the appellant's property. Its part two-storey form would correspond with his proposed two-storey dwelling house, which would be set back between 3m and 4.49m from the common boundary. Its part three-storey form would correspond with the proposed rear garden, which would slope downwards to the north, and which would retain its extensive existing tree cover. If existing tree cover along the common boundary is discounted, then the proposals for these adjoining sites would each lead to an increase in overshadowing of the other site. If existing tree cover is allowed for, such increase may, in practice, be marginal. Against the backdrop of their town centre locations, such increase would not warrant objection.

- 7.23. The appellant expresses concern over the potential for anti-social behaviour in the proposed plaza space. While such potential cannot be dismissed, the opportunity to minimise its likelihood by the careful design of the plaza space should be realised, and so, under any permission, such design should be conditioned.
- 7.24. The submitted plans do not make explicit provision for either deliveries or bin storage. The likelihood is that deliveries would be made before the working day, when pressure on adjoining road space would be less. Secure bin storage should be designed-in to the proposal so that it does not subsequently become an issue. A condition precedent should be attached to any permission concerning this matter.
- 7.25. The appellant raises a cluster of other concerns that relate to the stability of his site and the retention of existing trees. These are concerns that would be addressed at the construction stage and, in the event of issues arising, they would be capable of being addressed under other codes/civil law remedies.
- 7.26. I conclude that, subject to certain identified conditions, the proposal would be compatible with the residential amenities of the area.

#### **(iv) Water**

- 7.27. The site is presently connected to the public water mains and the public foul and stormwater sewerage system. Under the proposal, the site would continue to be so connected.
- 7.28. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.
- 7.29. I conclude that, under the proposal, no water issues would arise.

#### **(v) Appropriate Assessment**

- 7.30. The site is a fully serviced urban site, which, under the proposal, would be redeveloped. It is neither in nor beside any European site. I am not aware of any source/pathway/receptor routes between this site and European sites in the wider area. Accordingly, under the proposal, no appropriate assessment issues would arise.
- 7.31. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and proximity to the nearest European site, it is concluded that no appropriate assessment issues arise as the proposal would not be likely to

have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

That permission be granted.

## 9.0 Reasons and Considerations

Having regard to the National Planning Framework, the Mayo County Development Plan 2022 – 2028, the Castlebar and Environs Development Plan 2008 – 2014, and the planning history of the site, it is considered that, subject to conditions, the proposed redevelopment of the site to provide shops and offices would, under the town centre zoning, be permissible in principle. The resulting building would be of an appropriate density for its town centre location and, subject to several elevational amendments, it would be compatible with the visual and residential amenities of the area. The omission of off-street parking would be appropriate. Cycle stands should, however, be provided. No water or appropriate assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>The proposed development shall be amended as follows:</p> <p>(a) A bin storage area(s) shall be designed-in to the proposed building.</p> <p>(b) Bicycle stands shall be provided in accordance with the relevant standards of the Mayo County Development Plan 2022 – 2028.</p> <p>(c) The elevations of the proposed building shall be reworked as follows:</p> <p>(i) In the southern elevation the ground floor openings shall exhibit greater vertical alignment with the first-floor openings above by being contained within the extremities established by these first-floor openings. The western shop window shall be fitted with three lights.</p> <p>(ii) In the western gabled elevation the ground floor opening shall exhibit greater vertical alignment with the two first-floor openings above by being contained within the extremities established by these two first-floor openings. The ground floor shop window shall be fitted with three lights. Additionally, the basement level shop window in the western elevation shall be fitted with three lights.</p> <p>(iii) In the northern elevation, the ground floor window shall align horizontally with the adjacent ground floor windows in the western side elevation.</p> <p>(iv) In the eastern elevation, the windows shall be omitted.</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><b>Reason:</b> In the interests of visual and residential amenity and to facilitate cycling as a sustainable mode of transport.</p>
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3.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths and the plaza;</p> <p>(b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) Details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>(d) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>Details of signage shall be submitted to, and agreed in writing with, the planning authority prior to installation, and only agreed signage shall be installed thereafter on the building.</p> <p><b>Reason:</b> In the interest of the amenities of the area/visual amenity.</p>
6.	<p>Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour</p>

	<p>scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
7.	<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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
8.	<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><b>Reason:</b> In order to safeguard the [residential] amenities of property in the vicinity.</p>
9.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>Stormwater drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>

11.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
12.	<p>The developer shall pay to the planning authority a financial contribution of €138,402 (one hundred and thirty-eight thousand four hundred and two euro) 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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> 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.

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Hugh D. Morrison  
Planning Inspector

17<sup>th</sup> April 2023