



An
Bord
Pleanála

Inspector's Report ABP-315394-22

Development	The construction of a 2/3 storey building comprising 5 no. apartments, 5 no. on-street car parking spaces and pedestrian connection revisions.
Location	Rear of Blossom Hill, O'Neill Park, Newtownmountkennedy, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	22/611.
Applicant	AJP Thermal Properties Limited.
Type of Application	Permission.
Planning Authority Decision	Refusal of Permission.
Type of Appeal	First Party v Refusal of Permission
Appellant	AJP Thermal Properties Limited.
Observer(s)	Lorraine and Anthony Martin.
Date of Site Inspection	30 th May 2023
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is the Rear of Blossom Hill, O'Neill Park, Newtownmountkennedy, Co. Wicklow. The appeal site is located on the south-eastern side of the L1049-0, c. 30m to the south-west of the junction of the L1049-0 and Main Street. The site is heavily overgrown with vegetation and trees and is screened from view from the public road to the north-west. There is an existing gated pedestrian entrance at the eastern end of the site's roadside boundary which connects to a series of steps which runs along the side (north-east) boundary of the appeal site. There is a significant slope across the site and a level difference of c. 6m between the rear (south-east) boundary and the public footpath along the roadside boundary. The site has an irregular shape with an area of c. 0.0624ha and also includes a grassed embankment and pedestrian footpath to the south-west.
- 1.2.** In terms of the site surrounds, the site is located within an established residential area. The site is bound to the south-west by the side and rear garden of No. 9 Joseph's Road. A detached single storey dwelling which is accessed from O'Neill Park is located to the rear (south-east) of the site and the rear amenity space of this dwelling has a direct abuttal with the appeal site. There is also an amenity space associated with another dwelling on O'Neill Park located to the north-east. I note that there is also a pedestrian entrance off the L1049-0 which provides access to this dwelling.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for the construction of a new 3 no. storey apartment building on the appeal site comprising a total of 5 no. apartments. The development will comprise a 1 no. 2 bedroom apartment and 1 no. 1 bedroom apartment at ground floor level and first floor level and a 1 no. 2 bedroom apartment at second floor level. The proposed development will have a dedicated pedestrian entrance from the existing roadside boundary and a bin store and bicycle parking is proposed internally at ground floor level.
- 2.2.** The ground floor level apartments are served by terraces on their north-western (front) side with additional terraces provided to the rear and which are accessible from the

bedrooms of each unit. The apartments at first and second floor level are served by balconies on the rear (south-east) elevation of the building. An area of communal open space in the form of a roof terrace measuring c. 46sq.m. is also proposed at second floor level.

- 2.3. Given the topography of the appeal site, the proposal includes extensive groundworks and includes the construction of a retaining wall along its side and rear boundaries. A 2m high hit and miss hardwood timbered panel fence with concrete posts is also proposed above the retaining wall.
- 2.4. Works on lands to the south-west of the proposed apartment building comprise the removal of the existing pedestrian footpath and grassed embankments to provide 5 no. parallel car parking spaces along the roadside frontage. A new footpath is proposed which is to be set back behind the proposed car parking and will tie in with the existing footpath to the north-east and south-west of the site. A new pedestrian access ramp is also proposed at this location and will tie in with the existing footpath which provides access to St. Joseph's Road further to the south-west. Visitor cycle parking is also proposed to the south-west of the proposed apartment building.

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council refused planning permission for the following 1 no. reason:

1. Having regard to the proposed development, and further information submitted, it is considered that the development would result in a poor level of residential amenity for future occupiers due to the overbearance and limited outlook arising from the height, proximity and treatment of the proposed retaining walls. Therefore the development would not achieve a suitable standard of development to allow for the intensity of development proposed on the site, would be contrary to the Wicklow County Development Plan 2022-2028, and the Design Standards for New Apartments: Guidelines for Planning Authorities which seeks to ensure that infill developments achieve acceptable qualitative standards in terms of natural light/amenity. The proposed development would

therefore seriously injure the amenities of future residents, result in substandard development, and would be contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Wicklow County Council Planning Reports form the basis of the decision. The First Report sets out the planning history of the site, provides an overview of the policy at national and local level that is relevant to the development proposal and summarises the observations on the planning file.

Within their assessment of the application, the Planning Authority was satisfied that the principle of development was considered to be acceptable at this location. However, concerns were raised regarding the scale of development proposed and questions were raised as to whether the application site could accommodate the development whilst providing a sufficient level of amenity to its future occupants. Further information was requested by the Planning Authority with respect to the following matters:

- The submission of additional documentation to demonstrate that the proposal would provide an adequate level of amenity for its future occupants, which included:
 - o Updated Daylight Analysis and Overshadowing Assessment.
 - o Further details with respect to the rear balcony for Unit No. 3.
 - o Revisions to the fenestration of the bedrooms of Unit Nos. 3 and 5.
 - o Revisions to the screening treatment of the proposed roof terrace.
- Revisions to the area to the south-west of the apartment building which is located within the public realm.
- Revisions to the front boundary treatment.
- The submission of a detailed report from a suitably qualified engineer which demonstrates that the proposed retaining structures have been designed to an appropriate standard and that they can be constructed without having a significant impact on adjoining properties.

- A demonstration that the proposed parking is safe to use, given the gradient of the site.
- A review of the surface water proposals for the proposed development.

Notwithstanding the submission of the Daylight Analysis and Overshadowing Report, the Planning Authority had significant concerns with respect to the impact on the residential quality of Unit Nos. 3 & 5 in terms of overbearance and a lack of outlook arising from the proximity of the proposed retaining wall, its height relative to the balconies/windows of those units and to the consequent impact on outlook and daylight to those units. Combined with the compromised nature of the private amenity spaces as a whole, it was considered that the proposed development would not provide an adequate level of residential amenity for future occupiers. The application was therefore refused for 1 no. reason.

3.2.2. Other Technical Reports

Roads: Report received recommending additional information with respect to suitability/adequacy of car parking and a recommendation for a condition with respect to public lighting.

Housing Department: Report received stating no objection subject to compliance with a condition.

Chief Fire Officer: Report received stating no objection subject to compliance with conditions.

3.2.3. Prescribed Bodies

Irish Water. Report received stating no objection subject to compliance with conditions.

3.2.4. Third Party Observations

A total of three (3) no. Third Party observations were initially received. The issues raised within the observations can be summarised as follows:

- Concerns with respect to overlooking of neighbouring properties.
- Concerns highlighted with respect to the proposed boundary treatments.
- It is noted that the agreement had been supplied for a previous application not the current development.
- Concerns with respect to the height and scale of the proposed development.
- Concerns with respect to noise impacts from the rooftop amenity area.
- Concerns highlighted with respect to the location of the proposed bin enclosure.
- The proposed development is not considered to be in keeping with the character of the surrounding area.
- Concerns with respect to the proposed car parking arrangement.
- It is contended that the proposed development fails to provide adequate car parking and the introduction of a high density development will put additional pressure on on-street car parking.
- Concerns raised with respect to the degree of excavation required and the noise impacts associated with the construction phase of the proposed development due to the need for a rock breaking.
- Concerns raised with respect to the impact of the proposal on the structural integrity of properties within the vicinity of the appeal site.
- Drainage related concerns.
- Concerns raised with respect to the proposed ramped pedestrian access which is likely to be hazardous to pedestrians.
- A full appraisal of Part M implications should be produced to ensure the design of the access ramp is adequate.
- It was highlighted that the creation of a new pedestrian link would introduce a safety concern for the parents of young children that live in the adjoining estate.
- A submission notes that the site has the potential to be a positive addition to the community. However, in its current form the proposal brings no benefit to the neighboring or wider community.

A second observation from the owners of the property to the immediate south of the appeal site (Lorraine & Anthony Martin) was received following the Applicant's submission of additional information. The submission notes that they have not been

approached by the Applicant to give consent for the boundary wall works between their land and the site. It is also noted within the submission that it is not acceptable for the Applicant to use the name of their home as the address to the site in the public notices.

4.0 Planning History

4.1. Appeal Site

4.1.1. **21/580:** Planning permission refused by the Planning Authority for the construction of a new 2/3 storey building comprising of the following: 3 no. 2 bedroom apartments, 2 no. 1 bedroom apartments, communal open space for all apartments at roof terrace level, refuse and cycle storage areas, 6 no. car parking spaces to cater for the proposed development, all together with associated works including drainage, retaining walls, landscaping, private and public open space areas. The application was refused for the following 1 no. reason:

1. Having regard to the proposed development, and further information submission, it is considered that insufficient information has been submitted to show that the development will not give rise to a negative impact for future residents with respect to the suitability and quality of the balconies to serve their needs due to the overbearing impact of the retaining works required to complete the development and the lack of evidence submitted that all private balconies / terraces will receive an adequate level of sunlight in line with the minimum BRE Standard. Therefore, the development would not achieve a suitable standard of development to allow for the intensity of development proposed on the site, would be contrary to the provisions of the Wicklow County Development Plan 2016 - 2022, and the Design Standards for New Apartments; Guidelines for Planning Authorities which seeks to ensure that infill developments achieve acceptable qualitative standards in terms of natural light / amenity. The proposed development would therefore seriously injure the amenities of future residents, result in substandard development, and would be contrary to proper planning and sustainable development.

17/1126: Extension of duration refused by the Planning Authority to extend the

appropriate period of a permission (Ref. 11/4416) which permitted the construction of 3 no. 2 storey houses over a shared semi basement parking storey and associated site works.

11/4416: Extension of duration granted by the Planning Authority to extend the appropriate period of a permission (Ref. 07/722) which permitted the construction of 3 no. 2 storey houses over a shared semi basement parking storey and associated site works.

07/722: Planning permission granted by the Planning Authority for the construction of 3 no. 2 storey houses over a shared semi basement parking storey and associated site works.

5.0 Policy and Context

5.1. Wicklow County Development Plan, 2022-2028 (CDP)

- 5.1.1. The Wicklow County Development Plan, 2022-2028 states that 'For larger towns in Levels 1-5, where more significant growth is targeted that is unlikely to be possible to accommodate wholly within the existing built up envelope, a minimum of 30% of the targeted housing growth shall be directed into the built up area of the settlement. In cognisance that the potential of town centre regeneration / infill / brownfield sites is difficult to predict, there shall be no quantitative restriction inferred from this Core Strategy and associated tables on the number of units that may be delivered on town centre regeneration / infill / brownfield sites.
- 5.1.2. The policy notes that town centre regeneration / infill / brownfield developments normally located within the existing built-up part of the settlement, generally on lands zoned 'town centre', 'village centre', 'primary area', 'existing residential' and other similarly zoned, already developed lands will be prioritised and promoted in the first instance for new housing development.
- 5.1.3. Relevant policy objectives of the current CDP include:
- **CPO 4.2:** Town centre regeneration / infill / brownfield developments normally

located within the existing built up part of the settlement, generally on lands zoned 'town centre', 'village centre', 'primary area', 'existing residential' and other similarly zoned, already developed lands will be prioritised and promoted in the first instance for new housing development.

- **CPO 4.3:** Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

5.1.4. Section 6.3.5 (Densities) of the Plan notes that higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. In the case of Small Towns and Villages (Newtownmountkennedy), the following density standards apply:

- Centrally located sites: 30 – 40+ units per hectare for mainly residential schemes may be appropriate or for more mixed use schemes.
- Edge of Centre Sites: 20-35 dwellings per hectare.
- Edge of small town / village: Densities of less than 15 – 20 dwellings per hectare (as an alternative to one-off housing) as long as such development does not represent more than 20% of the total new planned housing stock of the small town or village.

5.1.5. Housing related objectives of the Plan that are relevant to the consideration of this appeal include:

- **CPO 6.3:** New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.
- **CPO 6.4:** All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

- **CPO 6.5:** To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design...
- **CPO 6.13:** To require that new residential development represents an efficient use of land and achieves the minimum densities as set out in Table 6.1 subject to the reasonable protection of existing residential amenities and the established character of existing settlements. In promoting higher densities and more compact development, new development should demonstrate compliance with:
 - o The Sustainable Urban Housing Guidelines for Planning Authorities (DEHLG 2009) and accompanying Urban Design Manual – A Best Practice Guide;
 - o Quality Housing for Sustainable Communities (DoEHLG 2007);
 - o Design Standards for New Apartments Guidelines for Planning Authorities (2018)
 - o Design manual for Urban Roads and Streets; and
 - o any subsequent Ministerial guidelines.
- **CPO 6.14** To densify existing built-up areas subject to the adequate protection of existing residential amenities.
- **CPO 6.15** Higher density proposals should be designed to a high standard, incorporate a mix of housing types and sizes and deliver compact urban forms that enhance the local built environment and contribute towards a sustainable mix of housing options. Proposals should provide an appropriate design response to the site, be designed to a high quality and afford adequate protection for residential amenity of neighbouring properties.
- **CPO 6.16** To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well designed high quality outcomes and public safety is not compromised and the environment is suitably protected.
- **CPO 6.28** Apartments generally will only be permitted in settlements Levels 1

to 6 and in accordance with the location requirements set out in Section 2.4 of the Design Standards for New Apartments, Guidelines for Planning Authorities (2020). All apartment development should be served by high quality usable open space.

- **CPO 6.22:** In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously unserved, low density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

5.1.6. Relevant Appendices

- Appendix 1: Development and Design Standards.

5.2. Newtownmountkennedy Town Plan 2022-2028

- 5.2.1. Under the Newtownmountkennedy Town Plan, the appeal site is zoned RE – Existing Residential. The objective of which is to: ‘To protect, provide and improve residential amenities of existing residential areas’. The description for the zoning is ‘To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned ‘RE’ as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted’.
- 5.2.2. The Plan notes that the Planning Authority shall determine each proposal on its merits, and shall only permit the development of uses that enhance, complement, are ancillary to, or neutral to the zoning objective. Uses that are materially inconsistent with and detrimental to the zoning objective shall not be permitted. Uses generally appropriate for residential (RN / RE) zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare,

health centres, guest house, bed and breakfast, places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the CDP.

- 5.2.3. In terms of Population & Housing Objectives, the Plan notes that ‘A minimum of 30% of the targeted housing growth shall be directed into the existing built up area of the settlement, on lands zoned ‘town centre’, ‘village centre’, ‘existing residential’ and ‘mixed use’. In cognisance that the potential of such regeneration / infill / brownfield sites is difficult to predict, there shall be no quantitative restriction inferred from this plan or the associated tables on the number of units that may be delivered within the built up envelope of the town’.

5.3. Project Ireland 2040 National Planning Framework (NPF)

- 5.3.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).
- 5.3.2. National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.4. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

- 5.4.1. A key National Strategic Outcome (NSO 1) in the NPF and Regional Strategic Outcome (RSO 2) in the RSES is the need to achieve ambitious targets for compact growth in our urban areas. Urban regeneration and infill sites can contribute to sustainable compact growth and revitalisation of existing settlements of all scales. This will help to address National Policy Objective 3a, 3b and 3c of the NPF which targets the delivery of new homes within the footprint of existing settlements.

- 5.5. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, the Department of Housing, Local Government and Heritage, December 2022 (Last updated March 2023). (Referred to herein as the Apartment Guidelines)**
- 5.6. Design Manual for Urban Roads and Streets (DMURS), 2019.**
- 5.7. The Planning System and Flood Risk Management, Guidelines for Planning Authorities (DoEHLG/OPW, 2009).**
- 5.8. Natural Heritage Designations**
- 5.8.1. The nearest designated site is the Carriggower Bog SAC (Site Code: 000716), located c. 3.56km to the north-west of the appeal site.
- 5.9. EIA Screening**
- 5.9.1. Having regard to the nature and scale the proposed development which consists of the construction of 5 no. apartments, and its location on zoned land within the settlement boundary of Newtownmountkennedy, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party appeal has been prepared on behalf of the Applicant. The appeal submission provides a description of the appeal site and surrounds, it sets out the policy at local level that is relevant to the consideration of the appeal and provides a summary of the site's recent planning history.
- 6.1.2. The appeals submission notes that Newtownmountkennedy is one of the fastest growing towns in County Wicklow and 443 no. houses are targeted to be built during the life of the current County Development Plan. It is stated that the majority of all new

housing to be built in town will likely constitute three and four bedroom houses and there is demand for one and two bed units in the area to cater to the needs of the largest cohort of the population (i.e. those who live in one and two bedroom households). It is highlighted at the outset that the proposed development meets all minimum technical requirements, and it is contended that the concerns of the Planning Authority are based on a subjective assessment rather than technical matters. It is highlighted that the Planning Officer acknowledges that the development complies with all relevant development management standards and applicable SPPRs. Notwithstanding this, it is commented within the Planning Authority's assessment that the quality of the amenity spaces would be poor in comparison with the general pattern of the area. However, it is highlighted that the prevailing pattern of housing in the area are three and four bedroom houses so comparisons are not appropriate in the context of the subject proposal.

6.1.3. The refusal reason has stated that the proposed development is contrary to the provisions of the new County Development Plan and the Apartment Guidelines, but has not cited any particular elements of the document making it difficult to address specific concerns that they may have and none have been referenced in the assessments. It is noted that the designer of the development is governed by the shape of the site itself, its topography and the obligation to seek to comply with numerous and frequently challenging national guidelines, as well as regional, county and settlement specific policies, objectives and development management standards, which are often competing and conflicting, and collectively they turn the art of design into a difficult and technical task.

6.1.4. It is contended that the proposed development as amended by way of the response to the request for further information is an appropriate one for this urban site and will provide much needed accommodation for small households within walking distance of town centre amenities, facilities and services. It is contended that the development complies with all the required standards and the decision of the Planning Authority is subjective rather than of a technical nature. It is therefore difficult to understand how the proposal can be deemed to be substandard. The Board is requested to review the

proposal anew and issue a decision to grant permission, subject to the attachment of appropriate conditions.

6.2. Planning Authority Response

None.

6.3. Observations

An observation has been received from Lorraine & Anthony Martin who reside in the property to the south-east of the appeal site and their rear amenity space has a direct abuttal with appeal site. The matters raised in the observation can be summarised as follows:

- Concerns with respect to overlooking of the observer's rear amenity space and habitable rooms from the rooftop communal area.
- It is noted that an agreement had been provided for works to the boundary wall on a previous application and not the proposed development. The previous agreement was for the provision of a mass concrete wall, with the height to be confirmed. Concerns are raised with respect to the long term maintenance and acoustic properties of the proposed timber fence.
- Concerns raised with respect to the height of the proposed development.
- Concerns raised with respect to noise impacts associated with the rooftop communal area. Security concerns are also highlighted given the proximity of the development to the observer's property.
- Odour related concerns associated with the proposed bin store.
- Concerns raised with respect to the proposed car parking arrangement.
- It is highlighted that no consent has been given to use the observer's address in the application documents.

6.4. Further Responses

None.

7.0 Assessment

The main issues are those raised in the Applicant's grounds of appeal and I am

satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development & Density
- Residential Amenity
- Design & Visual Impact
- Public Realm, Access & Parking
- Retaining Wall & Associated Works
- Appropriate Assessment

7.1. Principle of Development & Density

7.1.1. The proposal seeks planning consent for construction of a three storey residential building and associated site works on the appeal site. The development comprises a total of 5 no. apartments with a rooftop communal area and the development includes works along the site frontage and within the public realm to provide 5 no. on street car parking spaces and provide pedestrian connectivity. The appeal site is located within an established residential area within the Level 4 Settlement of Newtownmountkennedy. Under the Newtownmountkennedy Town Plan, 2022-2028, the site is attributed an RE zoning (Existing Residential), the objective of which seeks 'To protect, provide and improve residential amenities of existing residential areas'. The Town Plan notes that the Planning Authority shall determine each proposal on its merits, and shall only permit the development of uses that enhance, complement, are ancillary to, or neutral to the zoning objective. Uses that are materially inconsistent with and detrimental to the zoning objective shall not be permitted. The Town Plan identifies 'apartment' developments as generally being an appropriate use type for residential (RN / RE) zoned areas. This use type is also considered to accord with Objective CPO 6.28 of the County Development Plan, which notes that 'apartments generally will only be permitted in settlements Levels 1 to 6'. Given the nature of the proposed development and the pattern of development in the surrounding area, I am satisfied that the principle of the proposed development is acceptable, and the proposed can contribute to the mix of units within the area which is predominantly characterised by 3 and 4 no. bedroom houses. The proposal is therefore considered

to be in accordance with the applicable zoning objective for the site.

7.1.2. The Town Plan recognises that ‘a minimum of 30% of the targeted housing growth shall be directed into the existing built up area of the settlement, on lands zoned ‘town centre’, ‘village centre’, ‘existing residential’ and ‘mixed use’. It is policy (Objective CPO 4.3) of the current CDP to ‘Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.’ Further to this, I am conscious of Objective CPO 6.22 of the CDP which notes that small scale infill development in existing residential areas shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. Based on the current site area, a density of c. 124 units per hectare is proposed in this instance. As per Section 6.3.5 of the current CDP, higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. Whilst I acknowledge that the proposed development represents a significant increase in density relative to the established pattern of development in the immediate surrounds, I am conscious of the typology proposed in this instance and the location of the appeal site relative to the town centre. I am therefore satisfied that the principle of a higher density of development is acceptable in this instance, subject to the protection of the residential amenities of the surrounding area which I will discuss in further detail below. In addition to the local level policy support for developments of this nature, I am satisfied that the proposed development would represent a more efficient use of an edge of centre site. This is particularly relevant in the context of national policy objectives which seek to ensure that 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a) and the preferred approach to development for compact development that focuses on reusing previously developed, ‘brownfield’ land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings. However, the issue that needs to be ascertained is whether the proposed development is acceptable on this specific site,

taking into consideration the design and layout of the scheme, the impact on the amenities of adjoining residents and its future occupants, car parking and the sustainable planning and development of the area.

7.2. Residential Amenity

- 7.2.1. Within their initial assessment of the application, a key concern of the Planning Authority was that they were not satisfied that the proposed development would provide for an adequate level of residential amenity for its future occupants. Amongst other items, the Applicant was requested by way of additional information to provide an updated Daylight Analysis and Overshadowing Assessment, further details with respect to the balcony of Unit 3, showing its position relative to the rear retaining wall and the balcony above and revisions to the windows serving the bedrooms of Unit Nos. 3 and 5. In addition, the Applicant was requested to revise the screening treatment to the roof terrace to allow passive surveillance to the north and north-west. The development as modified by way of additional information, comprises a 1 and 2 no. bedroom apartment at ground floor level (i.e. Unit Nos. 1 and 2 respectively). The kitchen/dining rooms of each unit are located on the northern side of the building and are orientated towards the street with direct access to a ground floor terrace. The terrace wraps around each side of the building and is also accessible from the south facing bedrooms. At first floor level, the kitchen/dining room of Unit No. 3 (i.e. 2 no. bedroom unit) is located on the building's southern side and is served by a 9sq.m. balcony. Like the level below, the kitchen/living/dining room of Unit No. 4 is located on its northern side. However, a 5sq.m. balcony is provided to the south which is directly accessible from the bedroom of this apartment. The upper floor level apartment (Unit No. 5) has a similar layout to the level below (i.e. Unit No. 3) with a balcony provided on its southern side.
- 7.2.2. The Daylight Analysis and Overshadowing Assessment submitted at additional information stage confirms that all units within the development would meet the BRE standards with respect to daylight (i.e. Average Daylight Factor). In terms of sunlight, the Applicant's analysis confirms that with the exception of the 2 no. amenity areas to the rear of the building at ground floor level, all amenity areas would meet the relevant

BRE standard. However, the Planning Authority acknowledged that both ground floor level apartments benefited from terraces on the northern side of the building. The Daylight Analysis and Overshadowing Assessment confirms that the primary terraces (i.e. accessible from the principal living areas) of the ground floor units exceed the relevant minimum BRE Standard, insofar as 50% of each terrace receives at least two hours of sunlight on the 21st of March (i.e. 54.2% for Unit 1 and 60.1% for Unit 2). Notwithstanding these results, the Planning Authority formed the opinion that the quality of the amenity spaces would be poor in comparison with the general pattern of development in the area. In terms of upper floor level units, additional section diagrams were submitted at additional information stage to illustrate the relationship between the proposed balconies on the southern elevation and the proposed retaining wall. Despite the apartments and their amenity areas exceeding the relevant BRE Standards, the Planning Authority had serious concerns regarding the impact on the residential quality of these units in terms of overbearance and lack of outlook arising from the proximity of the retaining wall, its height relative to the balconies/windows of those units and to the consequent impact on outlook and daylight to these units. For these reasons, the Planning Authority recommended a refusal of permission.

- 7.2.3. Having examined the plans and particulars, it is evident that the apartments within the proposed development are in compliance with the relevant Specific Planning Policy Requirements (SPPRs) of the Apartment Guidelines in terms of housing mix (SPPR 1 & 2), minimum floor areas (SPPR 3), dual aspect (SPPR 4), floor to ceiling heights (SPPR 5) and lift and stair shafts (SPPR 6). In addition, the proposal meets the minimum recommended standards with respect to internal storage, private amenity space and communal amenity space, a point which is also confirmed within the Planning Authority's initial assessment of the application. Although the terraces of the ground floor level apartments are located on their north-western side, each terrace complies with the relevant BRE Standard in terms of solar access. Whilst the Planning Authority commented that the quality of the amenity spaces are poor in comparison to the prevailing pattern of development in the surrounding, I note that the surrounding area is typically characterised by houses with traditional gardens and is therefore not a fair comparison given the typology proposed in this instance. Overall, I am satisfied

the ground floor level apartments within the proposed development and their respective terraces will afford an acceptable standard of amenity to its future occupants and are therefore acceptable.

7.2.4. In terms of the upper floor level apartments, I acknowledge that the amenity of the balcony of Unit No. 3 is somewhat constrained with the current layout given its location relative to the proposed retaining wall and by the fact that the balcony is recessed within the southern façade and therefore partially enclosed by the balcony above (Unit No. 5). This is illustrated on the submitted cross section (Proposed Cross Section 1-1) which shows the relationship between the balcony the proposed retaining wall. I also note that Unit No. 4 does not benefit from an amenity space that is directly connected to its principal living area. This apartment is served by a balcony to the rear which is accessible from the unit's bedroom. As a measure to improve the amenity of each of these apartments, I recommend the inclusion of a condition which requires amendments to the design of the development, comprising the provision of projecting balconies to serve the primary bedroom (13.1sq.m) of Unit 3 and the Kitchen/living room of Unit No. 4. Each balcony shall have a minimum depth of 1.5m and shall be provided on the northern façade of the apartment building, the details of which are to be agreed with the Planning Authority prior to the commencement of development. This condition shall also stipulate that the north facing high level windows to the secondary bedrooms of Unit Nos. 3 and 5 shall be replaced by windows of a conventional height and the west facing windows of these bedrooms shall be replaced by high level windows. It is my view that there are also design improvements that can be achieved through modifications to the fenestration and the introduction of the first floor level balconies which I will discuss in further detail below. Subject to compliance with the forementioned condition, I am satisfied that the apartments within the development and their respective amenity areas will afford a good standard of amenity to its future occupants, and I therefore recommend that permission be granted for the proposed development. Given the siting of the balcony of Unit No. 5 relative to the proposed retaining wall, I am also satisfied that the occupants of this apartment will be afforded a good standard of amenity and the amenity area will benefit from good solar access.

- 7.2.5. In response to the Planning Authority's concerns with respect to the outlook from the proposed apartments given their siting relative to the proposed retaining wall, the Applicant submitted proposals for a revised retaining wall (concrete) which included a Jakob's Wall Planting system. This would extend to approximately half the height of the proposed retaining wall as a measure to soften its appearance when viewed from the proposed apartments. Whilst concerns were raised with respect to the long term maintenance of this landscaping feature given its accessibility through the terraces of the ground floor level apartments, it is reasonable in this instance to recommend the inclusion of a condition requiring the Applicant to submit details of a properly constituted owner's management company for the future management and maintenance of the proposed apartment building, the public open space area (including pedestrian connection), landscaping, footpaths, communal areas and public lighting within the site boundaries onwards from their completion in a satisfactory manner. Further to this, it is my view that the proposed retaining wall shall utilise a high-quality and durable finish given its visual prominence from the proposed apartments (such as a brick/stone cladding), the detail of which shall be agreed with the Planning Authority prior to the commencement of development.
- 7.2.6. When examining the proposed northern elevation (i.e. Drawing No. M134-RFI-016), it is evident that a conventional window to serve Unit No. 1 is proposed at ground floor level. Given this window serves the kitchen/living room of this apartment, it is my view that this window should be replaced within a glazed operable door, similar to that proposed for Unit No. 2 as access is required to the ground floor level terrace from this space. I note that this matter can be addressed by way of condition.
- 7.2.7. As discussed in Section 7.2.1, the Applicant was requested to revise the screening treatment to the roof terrace to allow passive surveillance to the north and north-west and create a sense of openness with the communal amenity area. In my view, this is not achieved by the Applicant's additional information response, whereby opaque glazing to a height of 1.8m is now proposed along the north-western side of the rooftop terrace. In order to address this issue, I recommend the inclusion of a condition requiring the omission of the screening along the north-western side of the communal

terrace in order to ensure passive surveillance of the street below and to provide an outlook from this space.

7.2.8. The observers to the appeal reside in the property to the south-east of the appeal site. This is a single storey backland dwelling which is accessed from O'Neill's Park to the south and is served by an area of amenity space on its north-western side. This area of amenity space has a direct abuttal with the appeal site. Concerns have been highlighted within their observation with respect to the overall scale and height of the proposed development and its overbearing impact. In addition, overlooking from the communal rooftop area and noise impacts associated with this amenity space have been highlighted as issues of concern. A separation distance of c. 10.4m is provided between the southern façade of the proposed apartment building and the existing property to the south-east. Although a 3 no. storey building is proposed in this instance, the development entails a significant degree of excavation works across the site. As a consequence, the overall height of the building therefore does not exceed the height of the existing property to the south-east given the modified site levels as illustrated in the submitted section diagrams. Having regard to the overall height of the proposed development relative to the properties within the surrounds, the variation in site levels now proposed, the separation distances provided from adjoining properties and the orientation of the site, I am satisfied that the proposed development will not unduly compromise the residential amenity of properties within the vicinity of the site by reason of overshadowing, loss of daylight/sunlight or by being visually overbearing.

7.2.9. I note that screening is proposed around the perimeter of the rooftop communal area which will preclude overlooking of properties to the north-east, south-east and south-west. The recommended condition to omit screening along the northern side of the terrace will not result in overlooking of properties within the site's vicinity. I also note that the proposed boundary treatment along the rear and side boundaries of the site will also preclude overlooking from the balconies and windows within the proposed development. I acknowledge the observer's concerns with respect to odour associated with the proposed bin store which will serve the proposed development. However, the proposed bin store is internally located within the proposed building, and I have no

concerns in this regard. I am therefore satisfied that the proposed development is acceptable having regard to the residential amenity of properties within the vicinity of the appeal site and I recommend that permission be granted for the proposed development.

7.2.10. The observer to the appeal has indicated that an agreement had been provided for works to the boundary wall on a previous application and not the current development. It is stated that the previous agreement was for the provision of a mass concrete wall, with the height to be confirmed and concerns are now raised with respect to the long term maintenance and acoustic properties of the proposed timber fence which shall run along the length of their rear amenity space (i.e. south-eastern site boundary). Whilst it would appear that the Applicant had submitted the same letters of consent that were submitted with the previous application on site (i.e. Ref. 21/580), I note that the previous boundary treatment (i.e. 2m high treated hardwood timber fence) is similar to the one currently proposed and which forms part of this appeal. Whilst I accept that there are less maintenance issues associated with a more robust boundary treatment such as a solid wall, I acknowledge there may be difficulties in providing this suggested boundary treatment given its proximity to the proposed retaining wall and I therefore deem the proposed boundary treatment to be acceptable in this instance. I note that the issue/dispute of consent raised in the observation is a civil and/or legal matters that is outside the statutory remit of this appeal, it is of relevance to highlight the provisions of section 34(13) of the Planning and Development Act, 2000 (as amended), which states:

- 'A person shall not be entitled solely by reason of a permission under this section to carry out any development.'

7.3. Design & Visual Impact

7.3.1. The proposed split level apartment building has a maximum height of 3 no. stories with the western portion of the building comprising 2 no. stories with the rooftop communal amenity space located above. The eastern portion of the building has a 3 no. storey height and there is a step within the façade due to the site's topography and that of the adjoining footpath and public road. The proposed development has a

contemporary architectural expression with a flat roof form and the scheme has utilised a restricted palette of materials comprising 2 no. brick tones (i.e. light and dark coloured tones). I note that the Planning Authority have not raised any concerns with respect to the design, massing or form of the proposed development. Having reviewed the plans and particulars and having inspected the appeal site, I am generally satisfied that the development is designed to a good standard and is of a scale, height and form which is sympathetic to the character of the site and surrounding area. However, as I have outlined in Section 7.2 of this report, there are positive design improvements that could be achieved through the introduction of first floor level balcony projections on the building which would articulate the front façade and provide visual interest within the streetscape context. Further to this, the addition of balconies would both enhance the amenity of the proposed apartments and also provide passive surveillance of the street through a greater activation of this primary façade. I have also recommended modifications to the fenestration of the building's front façade which can be addressed by way of condition. Subject to the suggested design modifications, I consider the design of the proposed development to be acceptable and would provide a positive contribution to the existing streetscape.

- 7.3.2. Within their initial assessment of the application, the Planning Authority raised concerns with respect to the proposed boundary treatment along the front façade of the building and they requested the Applicant to consider the introduction of a lower boundary treatment, incorporating planting, that would improve the visual amenity of the scheme and provide an active frontage and passive surveillance of the street. In response to the Planning Authority's request, the Applicant at additional information stage proposed vertical galvanized railings (painted finish) with a height of c. 1.8m, back planted with a native yew hedging. Given passive surveillance of the street will be provided from the first floor level balconies, I am satisfied that the ground floor level front boundary treatment is acceptable and will ensure that the primary terrace of the ground floor apartments are appropriately secluded. It is my view that the combination of railings and hedging will provide an attractive interface at street level. For this reason, I consider the Applicant's proposals to be acceptable in this instance.

7.4. Public Realm, Access & Parking

- 7.4.1. The proposed development comprises works on lands to the north-west of the proposed apartment building which would appear to fall within the public realm but are identified on the Site Location Map as being within private ownership. I note that a letter of consent for the proposed works on said lands has been enclosed with the application. There is currently a pedestrian footpath within this area of the appeal site which bisects two grass embankments and provides a connection between the footpath which runs along the site frontage and the cul-de-sac (St. Josephs Road) to the site's south-west. An existing mature tree is also located within this portion of the appeal site. The proposed development seeks permission to relocate the existing footpath to provide a total of 5 no. parallel on-street car parking spaces to serve the proposed development. A new footpath will tie in with the existing footpath to the north-east and south-west of the appeal site. A new sloped pedestrian footpath is also proposed within this portion of the site which will tie in with the existing footpath linking the site and the cul-de-sac to the south-west.
- 7.4.2. In their initial assessment of the application, the Planning Authority requested the Applicant to have regard to the amenity value of the existing mature tree and provide justification for its removal. In addition, the Applicant was requested to consider more naturalised solutions for the proposed pedestrian route, provide clarity with respect to the width of this route and clarify the discrepancies between the architectural and landscape plans with respect to the landscape treatments. In response to the Planning Authority's concerns, the Applicant submitted a Tree Survey Report which confirmed that the existing tree is suffering from ash dieback and its removal is warranted on safety grounds. The design of the pedestrian connection was also amended to provide a reconfigured alignment. The submitted documentation confirms that the pedestrian connection has a minimum width of 1.2m and the amended landscape plans indicate that railings are proposed along the length of the pedestrian connection. The proposal includes the provision of a retaining wall on the inner side of the proposed relocated footpath and visitor cycle parking is proposed which would appear to be in the form of 'sheffield' style cycle parking stands. Although the Planning Authority highlighted that clarity should be sought as to whether railings were proposed along the proposed

pedestrian route given their omission on the sections and elevations, no fundamental concerns were raised with respect to this element of the proposed development. I am therefore satisfied that this matter could be dealt with by way of condition. Having regard to the information submitted at application and additional information stage, including the submitted Tree Survey Report, I am satisfied that the removal of the existing mature tree, the works to the public realm and the Applicant's hard and soft landscaping proposals are acceptable in this instance, will not detract from or adversely impact the character of the existing streetscape and will maintain pedestrian connectivity at this location. In this regard, it is my view that the Applicant's proposals are acceptable subject to compliance with appropriate conditions.

- 7.4.3. As discussed above, the Applicant is proposing on street car parking in lieu of in curtilage parking. The Planning Authority in their assessment of the application refer to the commentary of their Senior Engineer in the Roads Division who advised that on-street car parking on the public road cannot be allocated to individual housing units. Notwithstanding this, the Planning Authority noted that when inspecting the appeal site, they did not observe evidence of on-street parking pressures within the site's vicinity. In addition, it was stated that the 5 no. on street car parking spaces proposed would be unlikely to be in high demand due to the lack of on-street development within the surrounding area. Table 2.3 (Car Parking Standards) of Appendix 1 (Development and Design Standards) of the current CDP indicates that typically dwellings with 1-2 no. bedrooms require 1.2 car parking spaces per unit. However, I am conscious of the nature of the proposed development and the policy of the Apartment Guidelines (section 4.24) which notes that as a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit should generally be required. Although on street car parking is proposed in this particular instance, I am satisfied that the proposed car parking arrangement is acceptable, will not result in undue on-street car parking pressures and will satisfy the car parking demand generated by the proposed development. I am also conscious of the constraints of the appeal site and the difficulties associated with the provision of in-curtilage car parking. Further to this, I note that the proposed development is served by both resident and visitor cycle parking which is in accordance with the relevant

standards of the current CDP (i.e. Table 2.4 – Bicycle Parking Standards). It is noteworthy that the Planning Authority have highlighted the absence of public lighting proposals along the site frontage. However, I am satisfied that this matter can be addressed by way of compliance with a suitable condition.

7.5. Retaining Wall & Associated Works

- 7.5.1. Given the topography of the appeal site, extensive groundworks form part of the development proposal and a retaining wall is proposed along the site's side and rear boundaries. The documentation originally submitted with the application, including section diagrams, confirmed that the Applicant proposed an 'Evo Wall' system which would lean at slight angle from the building. The Planning Authority was satisfied that the block stone finish (warm coloured tone) for the retaining wall was considered to be appropriate for a residential setting noting the proximity of these walls to the proposed apartments. Notwithstanding this, the Planning Authority requested the Applicant to submit a detailed report from a suitably qualified engineer which demonstrated that the proposed retaining structures have been designed to an appropriate standard and that they can be constructed without having a significant impact upon adjoining properties.
- 7.5.2. In response to the Planning Authority's concerns, the Applicant submitted a report which confirms that a sheet pile wall would be appropriate in this instance and amended plans have been submitted at additional information stage, including the section diagrams, which now provide vertical retaining walls. It is also confirmed that the tallest section of the proposed retaining wall (i.e. c. 6m above the modified ground floor level) would be supported by the building itself as the bin store is proposed to have a direct abuttal with the rear site boundary. The report also suggests that silent vibrationless piling could be considered, and the Planning Authority was therefore satisfied that the submitted report provided sufficient comfort at this stage of the design process in terms of its feasibility. Having regard to the documentation submitted at application stage, and as amended at additional information stage, I am generally satisfied that the proposals are acceptable. However, I recommend the inclusion of a condition which requires the Applicant to prepare and submit for the written agreement

of the Planning Authority, a detailed ground investigation and structural report prepared by a suitably qualified engineer for the construction of the proposed retaining wall and associated site works. The report shall include proposals for silent vibrationless piling, if feasible. The condition shall also stipulate that the Applicant shall prepare a log which documents each phase of the proposed works and each phase shall be signed off by the consulting engineer to ensure compliance with the requirements of the submitted structural report. Given the extent of excavation works proposed, I also recommend the inclusion of a condition requiring the Applicant to prepare a Construction and Demolition Waste Management Plan which is to be submitted for the written agreement of the Planning Authority prior to the commencement of development on site. Subject to compliance with the forementioned conditions, I considered the proposed development to be acceptable and in accordance with the proper planning and sustainable development of the area.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, an infill development a total of 5 no. apartments and associated site works on a serviced site, and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

8.0 Recommendation

- 8.1. Grant of permission is recommended.

9.0 Reasons and Considerations

- 9.1. Having regard to;
- The relevant objectives of the Wicklow County Development Plan 2022-2028 and Newtownmountkennedy Town Plan 2022-2028, including the RE (Existing Residential) zoning objective for the site;
 - Project Ireland 2040: The National Planning Framework, including its objectives

which seek to consolidate residential growth in urban areas,

- The nature of the proposed development,
- The specific characteristics of the site; and,
- The pattern of development in the surrounds,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would provide an acceptable standard of amenity to its future occupants, would not be prejudicial to public health and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The proposed development shall comply with the plans and particulars lodged with the application submitted and as amended by Further Information received on 26/10/2022, 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Reason: In the interest of clarity.
2.	The proposed development shall be amended as follows: (a) Projecting balconies with a minimum depth of 1.5m shall be provided on the front façade of the apartment building to serve the primary bedroom (13.1sq.m) of Unit 3 and the kitchen/living room of Unit No. 4. (b) The north facing high level windows (front façade) to the secondary bedrooms of Unit Nos. 3 and 5 shall be replaced by windows of a conventional height and the west facing windows of these bedrooms

	<p>shall be replaced by high level windows.</p> <p>(c) The conventional window serving Unit No. 1 (front façade) shall be replaced with a glazed operable door, similar to that proposed for Unit No. 2 so that direct access is provided to the ground floor level terrace.</p> <p>(d) The proposed concrete retaining wall shall utilise a high-quality and durable finish given its visual prominence from the proposed apartments (such as a brick/stone cladding).</p> <p>(e) The 1.8m high glazed screening along the north-western (front) side of the communal terrace shall be omitted to ensure passive surveillance of the street below and to provide an outlook from this space.</p> <p>(f) Railings shall be provided along either side the proposed pedestrian route (i.e. ramped connection).</p> <p>Revised plans, elevations and sections incorporating the above revisions shall be submitted to the Planning Authority for written agreement prior to the commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of residential and visual amenity.</p>
3.	<p>Materials, colours and textures of all external finishes to the proposed apartment building shall be in accordance with the drawings and specifications hereby approved.</p> <p>Reason: In the interest of visual amenity and to provide for acceptable standard and quality of development for future residents.</p>
4.	<p>Prior to the occupation of any residential unit in the site, the Applicant shall submit for the written agreement of the Planning Authority, details of a management company for the future management and maintenance of the proposed apartment building, the public open space area (including pedestrian connection), landscaping, footpaths, communal areas and public lighting within the site boundaries onwards from their completion in a satisfactory manner. The company shall indefinitely manage the above and demonstrate capacity to resource and finance their activities. This shall include a layout map of the permitted development showing the areas to be</p>

	<p>maintained by the Owner's Management Company.</p> <p>Reason: To ensure the adequate future maintenance of this private development and in the interest of residential amenity.</p>
5.	<p>Prior to commencement of development, the Applicant shall enter into water and waste water connection agreement(s) with Irish Water and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Prior to the commencement of development on site, the Applicant shall submit a Construction Demolition and Waste Management Plan for the written approval of the Planning Authority. The plan shall provide details with respect to the removal and management of excavated material on site.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and public health.</p>
8.	<p>The Applicant shall prepare and submit to the Planning Authority for their written consent, a detailed ground investigation and structural report prepared by a suitably qualified engineer for the construction of the proposed retaining wall and associated site works. The Applicant shall prepare a log which documents each phase of the proposed works, and each phase shall be signed off by the consulting engineer to ensure compliance with the requirements of the submitted structural report. The report shall also include proposals for silent vibrationless piling, if feasible.</p> <p>Reason: In the interest of the structural integrity of adjoining properties.</p>
9.	<p>Prior to the commencement of development on site, the Applicant shall prepare a Waste Management Plan (WMP) for the operational phase of the development for the written approval of the Planning Authority.</p> <p>Reason: In the interest of waste management and the proper planning and</p>

	sustainable development of the area.
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of proper planning and development and amenity.</p>
11.	<p>Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
12.	<p>Prior to the commencement of development, the Applicant shall prepare and submit a Construction Management Plan to the Planning Authority for their written agreement. The Construction Management Plan shall deal with issues relating to traffic management, noise and dust mitigation measures, details of construction lighting and waste minimisation.</p> <p>Reason: In the interest of clarity and to safeguard the amenities of property in the vicinity.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 8am to 6pm Mondays to Fridays inclusive, between 9am to 2pm 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 amenities of property in the vicinity.</p>
14.	<p>Public lighting shall be provided on the site and shall be submitted to the Planning Authority for written agreement prior to the commencement of development.</p> <p>Reason: In interest of public safety.</p>
15.	<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</p>

	<p>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>
16.	<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 or 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.

Enda Duignan

Planning Inspector

13/11/2023