



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318662-23

<b>Development</b>	3 Storey Apartment Building incorporating 14no. apartments and all associated site development works including the removal of the existing dwelling.
<b>Location</b>	'Cashel', Hillside Road, Greystones, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	23257
<b>Applicant</b>	Barbara Barker
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Niall Barry
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	05 February 2024
<b>Inspector</b>	Rachel Gleave O'Connor

## **1.0 Site Location and Description**

- 1.1. The subject site occupies a corner plot on Hillside Road, with frontage to the road to the north and western boundaries of the site. Surrounding properties on Hillside Road are characterised by large plots and generally two storey in height, with some single storey properties also represented. A single storey Evangelical Church building is situated to the north east of the site on the opposite side of Hillside Road. The site is c.400m / 6 minutes (walking route) to Greystones DART Railway Station and c.220m / 3 minutes (walking route) to bus stops on Church Road. The site is approximately 170m west of Greystones Main Street.
- 1.2. The site itself is formed of a large plot, occupied by a large 2-storey dwelling in derelict state and associated garden area.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following:
- A 3-storey Apartment Building incorporation 14no. apartments (9 no.2 bedroom apartments and 5 no. 1 bedroom apartments with gross floor areas varying from 52sqm to 70sqm);
  - Balconies/terraces in the southeast, southwest and northwest facing elevations;
  - Bin storage &bicycle parking;
  - All boundary walls, gates and fences, hard and soft landscaping;
  - All site services above and below ground including connections to existing services; and
  - All associated site development works including the removal of the exiting dwelling (227sqm).

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.2. Following a Further Information Request on 5<sup>th</sup> May 2023 and subject to Further Information Received on 12<sup>th</sup> October 2023, the planning authority issued a notification of decision to grant permission on 15<sup>th</sup> November 2023, subject to 20 conditions.

3.3. Conditions of note included no.'s 4 and 5 concerning financial contribution and cash security; no.15 requiring submission of revised plans to omit the metal seam cladding double height dormer windows on the northeast and southeast elevations; and no.19 requiring the windows of 1<sup>st</sup> floor level on the south west elevation serving stair areas to be obscure glazing.

#### **3.4. Planning Authority Reports**

##### **3.4.1. Planning Reports**

3.4.2. Further Information Request on 5<sup>th</sup> May 2023 with respect to the following:

1. Having regard to the location of the proposed development and the design of the adjoining properties and surrounding area, there are concerns that the proposed development may be unbalanced and out of character with the area. The flat roof design and square box style elevations do not appear to be in rhythm with the existing streetscape and the stone cladding may dominant the area. The proposed brick and railing boundary treatment is not a common feature of the area. In this regard you are requested to submit a detailed design report to show how the proposal would not impinge on the character of the area. You may wish to modify the design to overcome the concerns raised.

2. Having regard to the disabled parking bay and set down space on Hillside Road, there are concerns that these designations would impinge upon the safe working of the current yield shuttle arrangement traffic management system immediately to the south of the site. Please address. IN this regard you are advised to contact the Municipal District Engineer (Greystones MD), prior to submitting your response.

3. The bin store is detailed as 18sqm, it is unclear if this space is sufficient to cater for all 14 no. units whom are likely to require 2 no. bins each (general and recycling). In this regard you are requested to submit the internal layout of the bin store to clarify it is appropriately sized. Furthermore your submission should detail how refuse collection will operate, i.e. will residents leave bins on the roadside on collection day and will this result in 14+ wheelie bins along the public footpath at one time which could negatively impact pedestrian movements. It is noted that your submission to item 2 may require a revised design and this should be incorporated into your response for this item.

4. The requirements of the County Development Plan 2022-2028 Design Standards set out that 26no. bicycles spaces are required for this development (9x 2 bed = 18 spaces, 5x 1 bed = 5 spaces and 14 units = 3 visitor). It is unclear if the bicycle parking provided allows for 26no. bicycles. Please address.

5. With respect to the boundary treatment, it is unclear if the proposed low boundary wall and rail has been appropriately located to allow for a clear 2m footpath width along Hillside Road. In this regard you are requested to clarify that the public footpath is 2m wide at all sections along the site boundary.

3.4.3. Following the receipt of Further Information on 12<sup>th</sup> October 2023 the Planners report confirmed the following main points:

- In response to item no.1 the design of the proposed development has been revised. The revised proposal is achieving an appropriate density for the area and it is respecting the two storey character of the area; therefore it is not considered that this development would be overbearing. The overall location of the site and set back from site boundaries is considered appropriate. A revised daylight and sunlight has been submitted and shows 100% compliance with target values. With reference to proposed dormer style double height windows to northeast and southeast elevations, these could be simplified to follow the characteristics of the area.
- In response to item no.2 a revised site layout plan has been submitted. The proposal no longer includes changes to the public road layout therefore potential impacts to the existing traffic management system can be ruled out. The location of the site proximate to public transport makes the elimination of

car parking acceptable and the development is not likely to generate major increased vehicular traffic in the area.

- In response to item no.3 revised drawings have been submitted. The proposal to include a communal bin store is considered appropriate and arrangements are acceptable for collection and storage.
- In response to item no.4 it was confirmed that there will be an enclosed and secure bicycle store on site in the southeast corner to accommodate 14 bicycles. Additional parking for 14 bicycles will be installed in the northeast corner and 12 bicycles to the front of the building. The total of 40 no. spaces proposed exceeds the required 26 no. spaces. The issue has been addressed.
- In response to item no.5 a revised landscape masterplan has been submitted. The revised drawing shows a 2m footpath width can be accommodated. The issue has been addressed.
- Conclusion: The issues raised in the further information request have been addressed and the proposed development has been shown to be an appropriate infill development on this urban brownfield site.

#### 3.4.4. Other Technical Reports

- Municipal District Engineer: Following receipt of further information – revised detail in response to items no.2 and 5 are acceptable.
- Fire Officer: Recommends inclusion of fire safety conditions.
- Water Services: No objection.

#### 3.5. **Prescribed Bodies**

- Uisce Éireann: No objection. Recommend conditions requiring connection agreements and adherence to standards and guidelines.

#### 3.6. **Third Party Observations**

- There were 14 no. third party submission to the Local Planning Authority with respect to the application as originally submitted. Following receipt of further

information, 7 no. third party submissions were received. These raised issues concerning site layout / set back to boundaries / building line, parking, design / character, privacy / overlooking, density, overdevelopment, property value, boundary treatment, daylight / sunlight / overshadowing, scale, removal of existing dwelling, location of entrance, bins / shared facilities, and road hazards.

## **4.0 Planning History**

- 4.1. 22/218: Planning permission REFUSED on 3<sup>rd</sup> May 2022 for 9 no. two storey dwellings and all associated works. One reason for refusal with reference to the location of the site proximate to the town centre / public transport and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the NPF and the design of the proposal; stating that the proposal would result in conflict with pedestrians using the footpath and motorists accessing off-street parking, and a poor use of town centre lands with an inadequate housing mix and removal of public parking spaces.

## **5.0 National Planning Policy**

- Project Ireland 2040, National Planning Framework.
- Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024)
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the 'Apartment Guidelines').

Other relevant policy guidance:

- Housing for All.
- Climate Action Plan 2023.

## **6.0 Regional Policy**

### **6.1. Regional Spatial and Economic Strategy for the Eastern and Midland Region**

- 6.1.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.
- 6.1.2. RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin City and suburbs and a target of at least 30% for other urban areas.

## **7.0 Local Policy Context**

7.1. Local Planning Policy is set out in the Wicklow County Development Plan 2022-2028.

7.2. The following are the main relevant applicable sections, policies and objectives of the Development Plan to the site (not an exhaustive list):

- Chapter 4 Settlement: the subject site is in the settlement of Greystones Level 3-Self Sustaining Growth Town.
- Chapter 6 Housing: Within large towns (Greystones) and public transport corridors, a minimum density of 50uph within 500m walking distance of bus stop or 1km of light rail station.
- CPO 6.2 the sale of residential developments to commercial institutional investment bodies is prohibited.
- CPO 6.3-6.11 concerning design.
- CPO 6.13-6.18 concerning density and scale.
- CPO 6.27-6.34 concerning mix/size/location.
- CPO 6.21 protection of amenities while promoting good design.
- CPO6.22 density for small scale infill development to reflect established character of the area.

- Transport is addressed in Chapter 12 and CPO 12.5, 12.7-12.8, 12.11-12.19, 12.49-12.54.
- Water services is addressed in Chapter 13 and CPO 13.10, 13.14, 13.20-13.22.
- Chapter 15 Waste / Emissions: CPO 15.1-15.6, 15.9-15.11 and 15.17-15.20.
- Appendix 1: Development and Design Standards.

### **7.3. Natural Heritage Designations**

7.4. The subject site is located a significant distance away from designated sites, and to the south of Bray Head SAC (000714), Bray Head pNHA; north west of The Murrough SPA (004186), The Murrough pNHA; east of the Glen of the Downs SAC (000719), and the Great Sugar Loaf pNHA; and south east of Kilmacanoge Marsh pNHA. There is no connection to any European (Natura 2000) sites and no pathways.

### **7.5. EIA Screening**

7.5.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **8.0 The Appeal**

### **8.1. Grounds of Appeal**

The appeal has been submitted by the adjacent property (Cool Na Vee) to the east of the site. The main points of the grounds of appeal can be summarised as follows:

- First ground of appeal comprises the adoption of the original objections made about the application to the Planning Authority as appended to the appeal grounds.



- Second ground of appeal relates to the failure to address the objections raised through the FI scheme.
- Concern regarding the revised FI stage design. Preference is for a two storey building. The FI scheme does not respect the existing and front building lines. The scheme does not integrate with the adjacent property, its scale and unbroken length causes the adverse impacts of a large apartment scheme. Houses would contain a rear garden depth and gaps between.
- Setbacks to the adjacent property rely upon space within the neighbouring plot.
- Proposing Tegral slates, while the area is characterised by Bangor slate.
- The PA has a desire for a pastiche of the area's housing, hiding an apartment scheme behind a scheme that looks like houses. The design is poorly proportioned and detailed.
- The proposed development steps up on the site with the adjacent property located at a lower ground level, exacerbating adverse amenity impact including overbearing, overshadowing, and overlooking (to gardens and property).
- A pedestrian entrance to the scheme is placed excessively close to the shared boundary with the adjacent plot.
- Own door two storey housing would be preferred on the site.
- The proposed block extends past the front (northern) and rear (southern) building lines.
- Two storey dwelling typology would require a different design. Building should be set back 11m to the boundary.
- The pitched roof appearance gives the impression of increased scale, that it is formed of a terrace of dwellings.
- Overlooking, balconies and east facing windows should be removed. Construction workers will be able to overlook during construction of balconies.

- The results of the daylight and sunlight assessment are not credible, showing improvements in places and baseline too low for VSC and APSH. Query why is the adjacent properties side garden not assessed.
- PA assessment relies unduly upon the density justifies adverse impact argument.
- Overshadowing will occur, reference to submission to PA with respect to [www.suncal.org](http://www.suncal.org) demonstrating the proposed development will adversely impact the adjacent property.
- There is no, or no adequate screening trees or hedgerow to the side boundary with the adjacent property. Loss of hedgerow which contains bird nests, wildlife etc.
- ABP is asked to assess the proposal de novo and to find that the existing hedgerow and pedestrian gate to the west of the adjacent property's (Cool Na Vee) entrance be retained in the interests of architectural conservation, hedgerow conservation, nature conservation, and to protect Cool Na Vee and the streetscape.
- A 2m wide footpath surrounding the site will involve the loss of the hedgerow and the established pattern of development around the site.
- A 2m wide footpath will increase vehicles mounting the pavement to park. The existing character of the footpath should be maintained.
- Lack of parking will cause overflow and fly parking into the surrounding areas. Discriminate against disabled persons who cannot park within the scheme.
- Proposed bin and collection arrangements remain of concern. Footpath not wide enough for communal bins. The collection arrangements are not credible, requiring a member of the management company to assist, while this is a non-concierge development.
- The bike shed is empty, no shared bike or pre-existing bikes provided. A shared bike shed separate to the apartment building not an attractive option for storage. The Apartment Guideline standard for bikes have not been met. Bike provision does not justify lack of parking.

- Ground no.3: Surface water/pluvial flood risk concerns remain. Question how site soakaways and in site percolation can take place if the site is under water / saturated. Query ability of the area to absorb water when made up of rock / bedrock. Testing appears to have been carried out in dry conditions. Pooling of water observed on the site. Water currently passes from the subject site into the adjacent property site area.
- Ground no.4: Too many items are left unaddressed or to be addressed by way of condition. No adequate demolition management plan; no detail of how east side will be stabilised to prevent subsidence; no agreement in place regarding party boundary with Cool Na Vee; no adequate landscaping condition regarding exiting hedgerows; no CMP to comment on; no condition to control vehicle parking in the area; no condition to address surface water pours from the site into adjacent property bounds; no full engineering plans of proposed roads, footpath and public lighting; no adequate archaeological heritage impact assessment; no adequate AA Screening Report.
- A housing scheme (instead of an apartment scheme) would address the above concerns.
- No lifts.
- Site should be accessible to bin lorry.
- Recommend that ABP refuse planning permission (8 reasons suggested relating to above appeal grounds) or condition substantial revisions.

## **8.2. Planning Authority Response**

8.2.1. None received.

## **8.3. Applicant Response**

8.3.1. The applicant submitted a response to the grounds of appeal and the main points of relevance are summarised below:

- The grounds of appeal include a number of references to the suitability of the site for the development of houses against apartments – a housing scheme

has already be unsuccessfully explored for the site. The proposal responds to the approach to density and mix set out in national and local planning policy.

- It should be noted that with regard to the design of the modified scheme, there is no objection to the removal of the metal seam cladding double height dormer window required by condition no.15. In this regards it appears the reference to the north east elevation in the condition as applied by the council is incorrect and in the event of ABP deciding to retain the condition, it should be replaced by a reference to the north-west elevation.
- With respect to the grounds of appeal relating to building lines. There is no rigid building lines established by the pattern of development in this area. To rigidly apply the building lines of the existing houses to the east and south of the site as defining the development envelope on the subject site, would sterilise it.
- With respect to overlooking, while there will be some limited overlooking of the front garden to Cool Na Vee, this will be of no material significance. It is also proposed to fit the eastern side of the balcony with a 1.8m high opaque screen. In the case of the northeast elevation, there are two first floor windows to landings, that will be obscure glazed. Also proposed to erect an opaque screen on the northeastern side of the nearside balcony on the southeastern elevation to prevent overlooking in a lateral direction. Overlooking at ground floor is prevented by the proposed 2m high timber screen boundary fence.
- There are existing windows to the existing property on the subject site looking towards to the appellants property.
- With respect to overbearing, reference made to the scale, height and position of the existing property on the subject site relative the appellants boundary and currently overbearing the neighbouring garden.
- The proposed development will have a stepped elevation facing the appellant's property which will assist in mitigating its visual impact.
- The entrances to the site represent the optimal locations to facilitate pedestrian / cycle access to the site and will generate limited activity.

- With respect to concerns raised regarding a 2m footpath surrounding the site, the proposed new roadside boundary is set back 2m from the edge of the carriageway to allow for the widening of the adjacent footpath to 2m. It is to be demarcated by a new 540mm rendered wall with a 560mm railing mounted upon it. A new planting zone will be provided within the site alongside the re-sited boundary wall/railing to facilitate the planting of a defensive screen comprising a hedgerow/shrubs to protect the privacy of the ground floor rooms along the south-western boundary of the site and the playground to be provided along the north-western boundary.
- The council have accepted that the scheme is car free.
- The arrangements for storage of bins and their collection are outlined in the FI. This type of arrangement is not uncommon with apartment development schemes.
- Bicycle parking is consistent with the requirements of the Development Plan.
- Request that ABP grant permission for the scheme as modified by the FI lodged with Wicklow Council and subject to conditions.
- Appendix 1: Response to Daylight and Sunlight Appeal Grounds, prepared by NET3D. With reference to the 'side garden' this was not assessed to be an amenity, given the size and extensive overshadowing from existing boundaries, and therefore was not assessed. This area is negligible in relation to the total amenity space available and would not change the overall result of BRE testing. However, the testing has been rerun to demonstrate this and graphics are provided illustrating that the results remain unchanged. Improvements to APSH result due to the demolition of the existing property on the site. With respect to baseline VSC figures, the maximum would be 40% and therefore the figures shown are close to the maximum. With respect to baseline APSH, south facing windows will receive the most light while those in winter will be much less, figures presented are consistent and are not too low.
- Appendix 2: Response to Surface Water/Plural Risk Grounds of Appeal prepared by Donnelly Troy & Associates Consulting Structural and Civil Engineers. Confirm that the soil infiltration test carried out at the site was done

so in accordance with the standard procedures set out in BRE Digest 365, which is the foremost guidance in the industry for infiltration tests. Confirm that the design of the soakaways for the proposed development was carried out using the results from the aforementioned infiltration test at the site.

#### **8.4. Observations**

8.4.1. None received.

### **9.0 Assessment**

9.1. I propose to assess the appeal under the following headings:

- Density;
- Design;
- Amenity Impact upon the Neighbouring Property – Cool Na Vee;
- Transport;
- Refuse Storage / Collection;
- Surface Water/Pluvial Flood Risk; and
- Other Matters.

9.2. With respect to the first ground of appeal and the adoption of the original objections made about the planning application to the Planning Authority, these were made with reference to the application as originally submitted. The revised FI details altered a number of features of the proposal, and therefore some of the commentary under the original objections are no longer applicable. In those areas where objections are still relevant and relate to planning assessment matters, these matters are considered as part of the assessment outlined below.

#### **9.3. Density**

9.3.1. The appeal grounds refer to overdevelopment of the site and inappropriate density for the site. The appellant states that own door two storey housing would be a more appropriate development for the site and that the Planning Authority unduly relies upon density arguments to justify adverse impact.

- 9.3.2. Table 3.5 'Areas and Density Ranges Key Towns and Large Towns (5,000+ population)' within the Sustainable Residential and Compact Settlements Development Guidelines states that it is a policy and objective of the guidelines that residential densities range between 40-100uph in centres and urban neighbourhoods. The Apartment Guidelines also address density and include with the definition of 'Central and/or Accessible Urban Locations' at section 2.4, sites within reasonable walking distance (10 mins or 800-1000m) to high capacity urban public transport such as DART, which are suitable for higher density development that may wholly comprise apartments.
- 9.3.3. The Wicklow County Development Plan categorises Greystones as a Core Region Self-Sustaining Growth Town. The population of Greystones was 18,021 in 2016 (Table 3.4 of the Development Plan). Objective CPO 4.2 of the Development Plan encourages increased density in existing settlements through a range of measures, including infill development. Objective CPO 5.42 supports increased building height and density in locations with good public transport accessibility, particularly town/city centre cores. Greystones is defined as a Large Town under table 6.1 'Density Standards' of the Development Plan, where minimum densities of 50uph within 500m walking distance of bus stop or 1km of rail stations will be sought.
- 9.3.4. The site is c.400m / 6 minutes (walking route) to Greystones DART Railway Station and approximately 170m west of Greystones Main Street. Therefore, the Apartment Guidelines are clear that the site is appropriate for apartment development and higher density development. The proposed development has a density of 85.8uph, and therefore in accordance with the minimum density set out in the Development Plan and the density range set out in the Sustainable Residential and Compact Settlements Guidelines. I am satisfied that in principle the density is acceptable for the site given its accessibility characteristics, however consideration is still required of wider matters to determine the acceptability of the scheme as set out below.

#### 9.4. **Design**

##### 9.4.1. Height and Character

- 9.4.2. The appeal grounds note a preference for two storey housing development on the site, rather than the apartment block proposed. The appeal grounds refer to a monolithic development, with adverse impact due to its scale and unbroken length,

and disguising apartments as a terrace of houses. The raised ground floor level and lack of photomontages is also queried.

9.4.3. Objective CPO 5.42 of the Development Plan supports increased building height (and density) in appropriate locations where public transport accessibility is demonstrated, such as for the subject site (as set out above). The proposed development is for a two storey building, in an area characterised by two storey housing in general. Levels across the site and area vary, and as such there is a slight variation in height and ground level across the proposed development, but the maximum ridge height of c.9m is reflective of a standard two storey building height and the floor levels are responding to the site and not raised. The pitched roof appearance of the proposed development reflects that of buildings in the surrounding area and does not seek to disguise the apartments in my view, with the bay arrangement reflecting the layout of the apartments, i.e. each pitched form accommodating a ground and first floor apartment. The incorporation of the pitched roof assists in breaking down the mass and scale of the block, as does the variation in plan form along the extent of the proposed building. While I note the change in levels across the area and that the neighbouring property is at a slightly lower level than that of the subject site, the change between the two sites is not significant in the context of the existing and proposed 2 storey character of development and would not exacerbate any impact from the proposed development. As a result, the proposed development is not monolithic and I am satisfied that the proposed height, design, scale and mass is appropriate.

9.4.4. A Verified View Photomontages document was submitted as part of the response to FI to the Planning Authority. I am satisfied that this adequately illustrates the relationship of the proposed development to the area and demonstrates that the proposed building would harmonise with the streetscape.

9.4.5. Building lines

9.4.6. The appeal grounds refer to inappropriate setbacks to the adjacent neighbouring property to the east and the extension of the building line to the proposed building beyond established building lines in the area.



- 9.4.7. The applicant's response states that there is no clear building line to the street and that reflecting the lines of the adjacent properties would sterilise development potential of the subject site.
- 9.4.8. I concur with the applicant that there is no clear building line to Hillside Road where the subject site is situated, with properties varying in the degree of setback from the road. The site is also on a corner plot and therefore has a relationship to two road frontages. Therefore, there is no clear building line for the proposed development to follow. It is evident that on the road there are a number of existing large houses situated on large plots, and such an arrangement allows for significant front garden setback to the road. The subject site is a large plot and would be considered inefficient if providing accommodation for a single dwelling as is currently the case, and with reference to the density guidelines set out above. To achieve an appropriate and efficient development on the site, setback to the road will need to be reduced. However, the proposed setback is still significant at over 11m to Hillside Road to the north, and appropriate, at generally over 2m to Hillside Road to the west. The building line to the proposed development is acceptable and does not adversely impact the character of the area which currently is not distinguished in terms of building line.
- 9.4.9. Materials and Finish / Detailed Design
- 9.4.10. I note the appellant comments with respect to the proposed slate finish not being in keeping with the character of the area. The final material selection is a detail usually reserved by condition and I am satisfied that the Planning Authority can approve such details in this regard. With respect to comments regarding the Planning Authority's desire for a pastiche of the area's housing and hiding an apartment scheme in a design that looks like housing, I am satisfied that the design intent is to integrate with the predominately two storey pitched roof character of the area. The design is appropriately detailed and proportioned to address the site and the character of the surrounding area.
- 9.4.11. I also note that the appellant raises concern at the lack of lifts in the development. There is no planning policy requirement for the incorporation of lifts in the development and the inclusion of ground floor apartments ensures accessibility.

**9.5. Amenity Impact upon the Neighbouring Property – Cool Na Vee**

9.5.1. Overlooking / Adverse Privacy Impact

9.5.2. The Sustainable Residential Development and Compact Settlement Guidelines state in SPPR 1 that separation distances of 16m are required between opposing windows serving habitable rooms at the rear and side of houses. There is no specified minimum separation distance at ground level or in front of houses. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. The Development Plans Volume 3 Appendix 1 Development and Design Standards, states in section 3.1.3 with respect to privacy that a separation will normally be required above ground level between opposing windows serving private living areas, however this is to be applied flexibly, and windows serving halls/landings do not require the same degree of privacy.

9.5.3. At its closest, the proposed development is situated between 4m and 5m to the boundary to the east with the neighbouring property. However, there are no windows serving habitable rooms looking out from this elevation in the proposed development. The applicant's response also confirms that a privacy screen will be incorporated to the balconies facing towards the neighbouring plot. The appellant refers to the perception of overlooking at oblique angles and the overlooking of the garden area. There are no windows within the proposed development that would unduly overlook the neighbouring property or its garden areas. The front garden area is not considered a private area and would ordinarily be overlooked by the street. In any case, the proposed development is designed to prevent overlooking and adverse privacy impact, and balcony screens can be secured by condition. To the south of the site, the proposed building is over 10m to the boundary and over 16m to the neighbouring property, there is no direct overlooking between windows or balconies.

9.5.4. Daylight, Sunlight and Overshadowing

9.5.5. The appeal grounds refer to adverse overshadowing effect from the proposed development upon the neighbouring property to the east. Reference is made to [www.suncal.org](http://www.suncal.org) to demonstrate this adverse effect.

- 9.5.6. The applicant's response included a report from their daylight and sunlight consultants which explained the results in further detail and is summarised in section 8.3 above.
- 9.5.7. The Development Plan Vol.3 Development and Design Standards at section 3.2.7 requires layouts of development to ensure adequate sunlight and daylight in accordance with "Site layout planning for daylight and sunlight: a guide to best practice", (BRE 1991). The Sustainable Residential Development and Compact Development Guidelines also refer to applicable standards, including A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022). While the Development Plan refers to the 2<sup>nd</sup> edition BRE guidance, I note that a more recent edition ref. BR 209 2022 was published last year, however this has not altered the methodology for the assessment of neighbouring occupiers' daylight, sunlight and overshadowing, and my assessment will refer to the most recent guidelines published in 2022 (3<sup>rd</sup> edition). These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.
- 9.5.8. The BRE guidelines state that in relation to daylight to existing buildings:
- "Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small..."* (para. 2.2.4)
- 9.5.9. The guidelines also states that if a proposed development is taller or closer than this, a 25° line can be drawn from 1.6m above ground from adjacent properties, and if the proposed development is below this line, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.
- 9.5.10. In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) of less than 27%, or where this is the case, not less than 0.8 times its former value. The guidelines state that if with a new development in place, the VSC to an existing neighbouring property *'is both less*

*than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.* Therefore, the preservation of a minimum VSC of 27% and/or reductions no more than 20% the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter (25%) APSH, including at least 5% of APSH in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March, then the room should still receive enough sunlight. In relation to overshadowing, BRE guidelines recommend that at least 50% of existing properties rear gardens or other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21<sup>st</sup> March, or not be reduced by more than 20% of the former value.

- 9.5.11. The application includes a Sunlight, Daylight and Shadow Assessment. This has been produced in accordance with the methodology set out in the BRE Guidelines and states that with the proposed development in place, all BRE target values with respect to VSC, APSH, WPSH and overshadowing will be achieved for windows and spaces analysed within neighbouring properties. Any improvement in values has been explained in the applicant's response to arise from the demolition of the existing building on the subject site which is currently situated closer to the eastern boundary than the proposed development will be.
- 9.5.12. With respect specifically to the property to the east (labelled as B1 in the submitted report), with the exception of 2 windows, all windows at this neighbouring property continue to have VSC levels of over 27% in the proposed condition, with many over 30% VSC. With respect to the remaining 2, for first, the existing VSC of c.23% will reduce to c.21%, and therefore not less than 0.8 times the former value and therefore in accordance with BRE target levels. The last window has an existing VSC of 36.4% which will reduce to 25.3%, and therefore 0.69 times the former value. However, the room that this window serves is also served by other windows, and when the results for those windows are presented (2.2.6 of the guidelines allows a mean of VSCs where multiple windows of equal size), an overall average ratio of

0.93 results, and therefore not less than 0.8 times the former value and within BRE target values.

- 9.5.13. In relation to Annual and Winter Sunlight (APSH and WPSH), all windows to living spaces within the neighbouring property to the east will achieve BRE APSH target values. In relation to winter sunlight, there is a single window which marginally falls below target levels, however this window is already heavily overshadowed by the property's own extension with an existing WPSH of 2.6%, reducing to 1.5% with the proposed development in place. However, this window has a APSH of 37.9% in the proposed condition, and therefore well above the 25% BRE target. Overall, I am satisfied that the minor reduction to WPSH to this single window is acceptable, in light of the existing conditions, the general preservation of acceptable daylight and sunlight to windows overall for the neighbouring property and the confined scale of the proposed development at 2 storey.
- 9.5.14. With respect to the side garden area to the neighbouring property, this is now included in results presented in the applicant's response to the appeal and does not alter the result which is in compliance with BRE target values.
- 9.5.15. While I note the appellants inclusion of diagrams from [www.suncal.org](http://www.suncal.org) to demonstrate adverse effect, these diagrams refer to sun path rather than a detailed calculation of sunlight/daylight to windows. It is not in reflection of the guideline material as referred to in adopted planning policy and does not demonstrate a failure to achieve the required BRE target values.
- 9.5.16. I am satisfied that the proposed developments potential impact upon surrounding occupiers daylight, sunlight and overshadowing will be within acceptable parameters.
- 9.5.17. Dwelling Mix
- 9.5.18. The appellant refers to a lack of family sized units in the proposed development.
- 9.5.19. The Development Plan asks for a mix of dwelling types (with no more than 50% of a scheme being formed of studio units). SPPR 1 of the Apartment Guidelines states that developments may include up to 50% one-bedroom or studio units (with no more than 20-25% studios).
- 9.5.20. The proposed development is formed of 9x 2 bedroom units and 5x 1 bedroom units, equating to c.64% 2 bedroom units in accordance with planning policy requirements.

9.5.21. Pedestrian Entrance to the Proposed Development

9.5.22. The appeal grounds raise concern regarding the location of the pedestrian/cycle entrance to the proposed development which is proximate to the boundary with the neighbouring property to the east. It is requested that the existing pedestrian gate to the west of the adjacent property's (Cool Na Vee) entrance be retained in the interests of architectural conservation, hedgerow conservation, nature conservation, and to protect Cool Na Vee and the streetscape.

9.5.23. The Development Plan refers to hedgerows largely in relation to greenfield sites (page 6) and the preservation of hedgerows as a natural feature (page 31) in contrast to the managed residential boundary which characterises the hedge on the subject site. A hedge can be distinguished from a hedgerow, the latter being characterised by other features such as banks, trees or walls and usual defining boundaries in rural areas or previously undeveloped sites. A hedge by contrast can be planted to mark an urban boundary. There is no requirement to retain the existing hedge on the site under planning policy, which seeks preservation of hedgerows where possible. I consider any ecological impact resulting from the loss of the hedge separately in section 9.9 below.

9.5.24. The subject site is not located in a conservation area or architectural conservation area, therefore there is no impact upon architectural conservation as a result of the loss of the hedge.

9.5.25. The new pedestrian/cycle entrance gate to the site is situated approximately 3m away from the shared boundary with the neighbouring property to the east (Cool Na Vee). This is also a significant distance away for the neighbouring property itself which is set into the site and away from the road / boundaries. As a pedestrian / cycle entrance, movements will generate noise levels reflective of a populated urban area. I am satisfied that the situation of an entrance to the site at this location does not generate negative amenity or visual impact.

9.6. **Transport**

9.6.1. The appeal grounds raise a number of concerns with respect to transportation design matters which are addressed below.

9.6.2. With respect to the appellants comments concerning a lack of technical information, it would not generally be required of a scheme of the scale proposed to include full engineering plans, transport report or mobility management plan. There are no new roads proposed and the site does not accommodate vehicles. Impact upon the surrounding road network as a result of this will be minimal and a condition can secure details of any repairs to roads/public lighting adjacent to the site as part of construction works. Landscaping within the site will include proposed paths and lighting which is typically a detail required by condition.

9.6.3. Footpaths

9.6.4. The Planning Authority have requested that footpaths surrounding the site be 2m in width and the applicant has confirmed that they have no objection to this requirement. The applicant explains that a new boundary treatment will be provided to facilitate this requirement. The appellant is concerned regarding the loss of hedgerow as a result, that a new 2m wide footpath will not be in keeping with the character of the area and would lead to vehicles mounting the footpath.

9.6.5. With respect to compatibility with vehicles, the proposal is to accommodate the additional space to facilitate a 2m footpath within the site bounds, therefore there is no impact upon the width of the roadway and therefore no change to how vehicles would consequentially interact with the pavement. With respect to the loss of the hedge, I have set out below in section 9.9 that I am satisfied that no significant adverse impact arises with respect to the loss of this residential garden hedge and biodiversity on this urban site. With respect to the character of the area, I note that there are slight variations in the footpath width along the extent of Hillside Road, and that opposite the site, there is a lack of designated footpath, with a grassed verge appearing instead. There is no strict uniformity to the width or appearance of the street edges here and the site and road is not architecturally significant. I am satisfied that no harm would result to the character of the area as a result of increased footpath width as the site bounds the road, and that this will benefit pedestrians utilising the footpath, particularly providing increased sightlines on the corner of Hillside Road.

9.6.6. Car Parking

- 9.6.7. The appeal grounds refer to a lack of car parking causing overflowing and fly parking in surrounding areas. It is also suggested that as there is no disabled parking this discriminates against disabled persons.
- 9.6.8. The Sustainable Residential and Compact Development Guidelines state at (i)(d) that the quantum of car parking in new development should be minimised. SPPR 3 'Car Parking' states at (ii) that for locations such as the subject site, car parking should be substantially reduced, and where such provision is justified to the satisfaction of the planning authority, it shall be a maximum of 1.5 spaces per dwelling. The Development Plan Vol 3. Development and Design Standards set out expectations with respect to car parking for new development in section 2.1.7 and table 2.3, which would apply as a maximum standard to the subject site. This states a maximum standard of 1-2 spaces per a 1 or 2 bedroom unit with 5% of spaces to be disabled bays.
- 9.6.9. The subject site is situated in a highly accessible location, walking distance to the town centre main street and DART rail station. The Planning Authority conclude in their assessment that given the accessibility characteristics of the site, the car free nature is acceptable, and no car parking provision is required as part of the development. As such there is no requirement for disabled parking provision. However, I note that the Planning Authority states in their report that there is an on-street disabled parking bay proximate to the site to the south west. In accordance with the policy set out above and in light of the accessibility of the site and the satisfaction of the Planning Authority with the car free design, there is no requirement for car parking as part of the proposed development.
- 9.6.10. With respect to a condition to control overflow parking, the control of on street parking in the area is undertaken separately by the Councils traffic division. The Planning Authority's assessment reflects council departmental consultation responses, and the Planning Authority is satisfied with the development as proposed.
- 9.6.11. The appellant refers to the vehicle set down area and that this would cause a traffic hazard. Visitors including deliveries to the proposed development may utilise the on-street parking area to the south west of the site. There is no proposal to alter the



existing arrangements on the road in relation to these spaces, and therefore the proposed development would not generate a hazard in this respect.

9.6.12. With respect to access for emergency vehicles, the proposed building is proximate to the road and the site is confined in nature, as such emergency services can adequately serve the site from the street.

9.6.13. Cycle Storage

9.6.14. The appeal grounds refer to a lack of bikes or a shared bike scheme being provided to residents as part of the development.

9.6.15. The appellant refers to the Apartment Guidelines with respect to cycle storage, however there is no SPPR set out under those s28 guidelines with respect to cycle parking. General provisions are set out in section 4.17 and in terms of quantity, refer to provision of 1 space per bedroom.

9.6.16. The Development Plan describes bicycle parking requirements in section 2.1.8 of Vol. 3 Development and Design Standards equating to 26no. bicycles spaces for the proposed development (9x 2 bed = 18 spaces, 5x 1 bed = 5 spaces and 14 units = 3 visitor). The proposed development includes an enclosed and secure bicycle store on site in the southeast corner to accommodate 14 bicycles. Additional parking for 14 bicycles will be installed in the northeast corner and 12 bicycles to the front of the building. The total of 40 no. spaces proposed exceeds the required 26 no. spaces.

9.6.17. The provision of bicycle storage as part of the proposed development is acceptable.

9.7. **Refuse Storage / Collection**

9.7.1. The appeal grounds refer to inadequate bin and collection arrangements, and state that the footpath is not wide enough for the communal bins proposed.

9.7.2. The applicant's response outlines the management arrangements that are proposed to facilitate refuse collections for the site. I concur with the applicant that such arrangements are common for multi-unit development schemes. I also note that the proposals will result in the widening of the footpath.

9.7.3. The arrangements for refuse storage and collection are acceptable to the Planning Authority and I am satisfied with the management regime described by the applicant which can also be secured by condition.

## **9.8. Surface Water/Pluvial Flood Risk**

- 9.8.1. The appeal grounds raise concern regarding surface water drainage and pluvial flood risk.
- 9.8.2. The applicant's response included confirmation from their consultant engineers that the soil infiltration test carried out at the site was done in accordance with the standard procedures and the design of the soakaways for the proposed development was carried out appropriately.
- 9.8.3. I have reviewed the OPW Flood Maps and am satisfied that there is no record of previous flood events associated with the site. The site is not predicted to be at risk of flooding. The proposed development incorporates two soakaway areas to the north and south of the site, with proposed storm sewer connected to these soakaway areas and draining water throughout the edges of the site to these soakaway areas. The submitted Drainage Report and 'Proposed Drainage Plan and Details' illustrates the location and arrangements for drainage of the site, including a section drawing of the soakaway areas.
- 9.8.4. I note the appellants observations and photographs with respect to pooling of rainwater on the subject site and this infiltrating their own garden. The proposed development has been designed to improve the drainage of the site and in response to the proposed development details. I am satisfied with the results presented by the applicant's technical consultants in this regard and that the proposal incorporates adequate SUDs. There is no evidence to suggest that the proposed soakaways would not function as described and ensure appropriate drainage of the site without adverse impact upon neighbouring areas. As such, no condition is required with respect to this matter.

## **9.9. Other Matters**

- 9.9.1. Loss of Hedgerows, Wildlife Impact and Landscape Plan
- 9.9.2. I note that the appellant raises concern regarding the loss of hedgerow vegetation to boundaries and the consequential impact upon wildlife, particularly nesting birds. The site is located in an urban area and is characterised by a standard residential plot, with a landscaped/maintained garden area. The hedge marking the boundary is curated for the purpose of marking a residential boundary and is not a biodiversity

feature as such. The site is not of high ecological value, and I am satisfied that impact upon biodiversity from vegetation removal from the site would be within acceptable parameters. A condition can also be attached to any grant of consent requiring vegetation removal outside of the main bird breeding season, and I have included this below as part of my recommendation should the Board agree with this approach.

9.9.3. With respect to the landscape plan for the site and boundary treatment, this is detailed in drawing ref. HIL-MAL-XX-XX-DR-L-0100. Boundaries are proposed to be lined with hedges and trees and will ensure suitable site enclosure and screening. A play space is proposed to the north of the site, with planting and paths leading around the edges of the site and proposed building. The details provided are satisfactory and can be further informed by condition in relation to arrangements for lighting.

9.9.4. Construction Management and Risk of Subsidence

9.9.5. I note that the appellant raises concern at the lack of an adequate demolition management plan or construction management plan upon which to comment. Given the scale of the development, being relatively minor in scale in comparison to what would be considered a large-scale housing development, construction impact will be confined. A condition can require submission of a construction management plan and adherence to standard good practice construction management measures which I am satisfied will appropriately mitigate potential impact upon adjacent occupiers in terms of construction traffic, dust, noise etc. These impacts will also be short-term in nature and are an inevitable consequence of any construction development proposal.

9.9.6. With respect to the risk of subsidence, there is no evidence to suggest that this is likely, and while I note a change in level between the subject site and the adjacent plot at Cool Na Vee, this is relatively confined, being c.1-1.5m and would not represent a substantial risk in terms of subsidence to the east side of the site during construction.

9.9.7. Party Boundary Agreement

9.9.8. Party wall agreements and boundary disputes are a private matter and are not informed by planning policy or the planning application process.

9.9.9. Lack of Archaeological Heritage Assessment

9.9.10. The site is not located in a Conservation Area, Architectural Conservation Area and does not contain any Registered Protected Structures / or proximate to any such structures. The site is a predeveloped brownfield residential plot in an urban area. There are no specific characteristics surrounding the proposed development or site that would warrant the requirement for an archaeological heritage assessment. A standard condition with respect to the discovery of previously unknown archaeological features can be included to ensure the appropriate management of any archaeological features should they be discovered on the site.

9.9.11. Lack of Appropriate Assessment Screening Report

9.9.12. As set out in section 7.3 above, the subject site is located a significant distance away from designated sites, the closest being c.1.5m to the north at Bray Head SAC (000714), Bray Head pNHA; and c.1.5m to the south at The Murrough SPA (004186), The Murrough pNHA. Having regard to the nature and scale of the proposed development, and the distance from the nearest European Site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have any significant effects either alone, or in combination with any other plans or projects, on any European Sites.

9.9.13. Property Values

9.9.14. I am not aware of any evidence to support the assertion that the proposed development would negatively impact property values in the area, and nothing has been submitted to demonstrate that this would be the case.

## 10.0 **Conclusion**

10.1. The proposed development comprises the efficient delivery of much needed apartment housing on an urban, infill, brownfield site, which is situated a short walking distance to public transport, specifically DART rail services, as well as the main street for the town. The proposed residential accommodation is acceptable, and the proposed design is in keeping with the 2 storey pitched roof character of the area. The proposed development will not generate adverse amenity impact in the form of overlooking or overshadowing, or any other significant adverse effects. The

proposal conforms with national and local planning policies and represents an appropriate redevelopment of the site.

## 11.0 Recommendation

11.1. Having regard to the above, I recommend that retention permission be GRANTED for the development, subject to conditions, for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

12.1.1. Having regard to the planning history associated with the site and the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would not be injurious to visual amenities of the area or injure residential amenity of property in the vicinity and would be acceptable in terms of traffic safety and carparking. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12<sup>th</sup> October 2023, 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, or as otherwise stipulated by conditions hereunder, and the proposed 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.</p> <p><b>Reason:</b> In the interest of clarity</p>
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2.	<p>Prior to the commencement of development, revised plans shall be submitted to the planning authority for agreement in writing illustrating the following:</p> <p>(a) omission of the metal seam cladding double height dormer windows to the north-west elevation and replacement with a simple gable slate roof design.</p> <p>(b) privacy screens to balconies with any elevation facing east.</p> <p>(c) windows at first floor serving stair areas to be obscure glazed.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. Landscaping of open spaces shall reflect the design and planting requirements of the Planning Authority for such works. Open space areas shall be dedicated to the use of the residents.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
5.	<p>The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p>

	<p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
6.	<p>Drainage arrangements including the storm water, attenuation and disposal of surface water, 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 and surface water management.</p>
7.	<p>Proposals for an estate name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
8.	<p>The developer is required to sign a connection agreement with Uisce Éireann (formerly Irish Water) prior to any works commencing and connecting to its network. All development is to be carried out in compliance with Irish Water Standards codes and practices.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>Public lighting and any works to public roads / footpaths adjoining the site, shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting/works to public roads and paths. Such lighting/works shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
10.	<p>Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste</p>

	<p>Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
11.	<p>Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 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>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
13.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <ul style="list-style-type: none"> <li>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</li> <li>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</li> <li>(c) provide arrangements, acceptable to the planning authority, for the</li> </ul>



	<p>recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
14.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> 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>
15.	<p>The first occupation of any dwelling/residential unit shall be by individual purchasers or by those eligible for the occupation of social and/or affordable housing, including cost rental housing, and shall not be by a corporate entity. The restriction under this condition shall be embodied by a legal undertaking pursuant to Section 47 of the Planning and Development Act 2000, as amended, and shall be applicable for the period of the duration of the permission. No occupation of any dwelling shall occur until confirmation from a solicitor with professional indemnity insurance has been submitted to and agreed in writing by the Planning Authority confirming that the dwellings have been sold in accordance with this condition.</p>

	<p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing in the common good.</p>
16.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions for Monaghan County Council of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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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Rachel Gleave O'Connor  
Senior Planning Inspector

06 February 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	318662-23		
<b>Proposed Development Summary</b>	3 storey apartment building incorporating 14 no. apartments and all associated site development works including the removal of the existing dwelling.		
<b>Development Address</b>	Cashel, Hillside Road, Greystones, Co. Wicklow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	<input checked="" type="checkbox"/>	
	<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			

Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001. <ul style="list-style-type: none"> <li>Urban Development which would involve an area greater than 2 hectares in the case of a business district*, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</li> </ul> *a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.	Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
No	✓	Preliminary Examination required
Yes		Screening Determination required

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_