



An
Bord
Pleanála

Inspector's Report ABP-318775-23

Development	Demolition of structures, construction of 5 dwellings with all associated site works
Location	Upper Main Street, Banagher, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	22595
Applicants	Thor Hammer Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Donal Shortt and Kathleen Shortt.
Date of Site Inspection	3 rd June 2024.
Inspector	Dolores McCague

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1.0 Site Location and Description

- 1.1.1. The site is located at Upper Main Street, Banagher, Co. Offaly, in the middle of the town. It comprises a vacant commercial unit, which fronts onto Main Street. The site is an end of terrace single storey building. It adjoins a terrace of two storey pitched roof buildings which are of a similar age and style, and contrast with the subject building. The nearest such building is in the applicant's ownership.
- 1.1.2. The single storey, flat roofed building, on site, abuts the back of the footpath and extends to the rear, to where the site includes a parking area and access roadway. Along the side (north) of the building, a side garden extends from a sheet metal gate at the front, for the full depth of the site. A block wall which runs along the north of the site is bounded by a footpath, grass verge and roadway. A development of eight semi-detached, two storey, dwellings (Cul Gabhán), is located to the south-west fronting this roadway.
- 1.1.3. On the opposite side of the access roadway a double A roofed, two storey dwelling, fronts Main St, and presents a gable elevation with one small window at first floor level, to the access roadway. This building is set behind a c2m high wall. A driveway to the side of the dwelling is also accessible from the access roadway.
- 1.1.4. Saint Rynagh's National school is to the northwest on Main Street and Banagher College is on the opposite side of Main Street.
- 1.1.5. The site given as 0.066ha.

2.0 Proposed Development

- 2.1.1. The proposed development as described in the public notices comprises (a) demolition of existing single storey vacant commercial premises; (b) construction of 5 no. dwellings, consisting of 3 no. 2 bed houses and 2 no. 3 bed houses; and (c) all associated services connections and site works.
- 2.1.2. Two of the proposed dwellings face the Main Street and abut the rear of the footpath. Three of the proposed dwellings face the road to the side, where they are located close to the edge of the footpath.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority (PA) decided to grant permission subject to 21 conditions, including:

7) Finished floor levels of the residential units shall be as specified on drawing no 220202-3-102 Rev F11 (proposed site layout), received by the planning authority on the 13th October 2023 and shall not be modified in any way without the prior written agreement of the planning authority.

Reason: In the interests of proper planning control.

8) Notwithstanding any drawings submitted, the following schedule of materials/ finishes only shall be used in the proposed development:

- a) The roofs shall be finished in slate/flat tile and shall be black, dark grey or blue/black in colour. The colour of the ridge shall match the colour of the roof.
- b) Windows shall be timber or shall be of timber effect or shall be of a colour, design and material which shall be agreed in writing with the planning authority prior to commencement of the development. No neo-Georgian style plastic glazing bars or other decorations are permitted.
- c) No changes (other than those referred to in (b) above) are permitted to the agreed window colour, design and material.
- d) The external windows shall be in accordance with documentation and drawings received by the Planning Authority on the 13th October 2023.
- e) No floodlighting of the proposed development is permitted.
- f) All bathroom and en-suite windows shall be of frosted / opaque glazing.

Reason: In the interests of visual amenity and in order to ensure a standard of materials and finishes appropriate to this area.

9) a) boundary treatments, both external and internal, shall be as specified on drawing no 220209-3-102 Rev F11 (proposed site layout), received by the planning authority on the 13th October 2023.

b) where proposed, garden walls shall be capped and the finish of the walls shall be consistent with the external finishes of the dwelling house.

c) All publicly viewable screen or boundary walls shall be plastered and capped and planted with suitable creeper type vegetation.

d) All boundary treatments area shall be constructed by the developer prior to the occupation of any units.

Reason: In the interests of residential amenity and privacy.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two planning reports on the file, the first recommending a request for further information, which issued, includes:

In compliance with the Development Plan – DMS-01 and DMS-02.

3.3. Other Technical Reports

3.3.1. Housing Dept, 14/12/2022 re part V.

3.3.2. CFO, 1/12/2022, no objection.

3.3.3. Water Services, 19/12/2022, conditions.

3.3.4. Area Engineer, 16/1/2023, conditions.

3.4. Further Information

3.5. Further Information Request

3.5.1. A further information request issued 19/1/2023 on 15 items:

1 proof of ownership

2 Water and Wastewater, IW pre connection / confirmation of feasibility.

3 Car parking not included within the red line boundary, revise.

4 Clarify ownership of the car parking area and who currently has a right to use these parking facilities, including relevant folio details.

5 A maximum of 2 parking spaces per unit is required and no visitor parking. Per DMS 102 - spaces required are: 2 spaces for dwellings 4 & 5 and 1 for dwellings 1-3. Submit a revised layout.

6 1 EV charging point shall be provided, and ducting for electrical connection points to allow for the future fit out of charging points.

7 Concern regarding the lack of overlooking of the car parking area to the rear of the site. Amend the design of dwelling no. 5 to create passive surveillance of the car park.

8 Contiguous elevations

9 Re. Chapter 13 bullet points, the PA has concern re the height of the proposed dwelling and the character of the front elevations of houses 1 & 2.

10 Separation distance between dwellings

11 Where will future residents leave their bins on collection day.

12 Boundaries and landscaping insufficient information provided.

13 Discuss Part V

14 For dwellings 1 and 2, provide a revised Section C-C, which clarifies floor to ceiling height of attic space. Clarify whether it is intended to use the attic space as a habitable space. Clarify the need for the skylight.

15 Third party submissions.

3.6. Further Information Response

- 3.6.1. A response to the further information request was received 13/10/2023, including Revised drawings

Letter from solicitor stating that the applicant is the registered owner.

There are eight semi-detached houses which enjoy rights of access and way leave of services over that part of the lands shown yellow on map attached.

Neither the right of way nor way leaves extend into the area covered orange which are separate and bounded by a wall between the property and the eight semi-detached houses, (no such wall is in place).

Consultant engineer's proposal to discharge to the combined sewer at greenfield runoff rates.

3.7. Further Reports

- 3.7.1. Water Services, 24/11/2023, conditions.
- 3.7.2. Area Engineer, 5/12/2023, clarification of further information.
- 3.7.3. The second Planning report - 10/12/23, recommending permission, which issued, includes:
 - Satisfied with responses.

3.8. Third Party Observations

- 3.8.1. Third party observations on the file have been read and noted.

4.0 Planning History

01/1070 grant of permission in 2002 for retention of existing shops and stores

Adjoining to the south:

22595 grant of permission in 2023 for conversion of existing dwelling (adjoining to south-east) to 3 no. apartments including all associated internal alterations, service connections and site works; to the current applicant. A copy of the file has been provided and is attached to the subject file.

5.0 Policy Context

5.1. Development Plan

- 5.2. The Offaly County Development Plan 2021-2027 is the operative plan. Relevant provisions include:

Zoned partly existing residential and partly unzoned (the parking area). Existing Residential - It is an objective of the Council to: LUZO-03 Protect and enhance the amenity and character of developed residential communities

DMS-06 Life Long Adaptability - Applications for all housing developments of 5 houses or more shall be accompanied by an Access Statement carried out in accordance with Appendix 6 of Buildings for Everyone: A Universal Design Approach (National Disability Authority, 2012).

DMS-10 Urban Infill and Brownfield Development - New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area. To maximise activity in town and village centres, the street edge should be lined with development that promotes a high level of activity and animation such as retail, commercial or other appropriate uses. To maximise the effectiveness of these uses, setbacks should be minimised (for example 0-3m) and a high frequency of entrances provided (for example every 5-10 metres). Higher levels of privacy are desirable where residential dwellings interface with streets. This may be provided via a small setback (for example 1-3 metres) which incorporates planted strip that defines public and private space. Greater flexibility in regard to setbacks may be needed in existing areas where they are defined by an existing pattern of building lines.

MS-11 Corner Site Development New corner site development shall have regard to:

- Size, design, layout, relationship with adjacent properties;
- Impact on the amenities of neighbouring residents;
- The existing building line and roof profile of adjoining dwellings;
- The character of adjacent buildings to create a sense of harmony;
- The provision of active street frontages and dual frontage development in order to avoid blank facades and maximise surveillance of the public domain;
- Side/gable and rear access/maintenance space; and
- Level of visual harmony, including external finishes and colours

DMS-12 Daylight, Sunlight and Overshadowing Where new dwellings are proposed very close to adjoining buildings and may impact upon the residential amenities of an adjacent property daylight and shadow projections will be required in accordance with the recommendations of Site Layout Planning for daylight and Sunlight: A Guide to Good Practice (BR 209, 2011) and BS 8206 Lighting for Buildings, Part 2, 2008: Code of Practice for daylighting or other updated relevant documents.

DMS-13 Separation Distances/Overlooking - A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall be observed but may be relaxed in village and town centre locations where high quality design is achieved and where alternative provision has been designed to ensure privacy.

DMS-14 Space around Buildings A minimum distance of 2.5m for single storey, and 3m for two-storey buildings will be required to be maintained between the side walls of adjacent dwellings or dwelling blocks with each building having a minimum of 1 metre to the boundary. This standard may be relaxed where the dwelling incorporates a single storey structure to the side.

DMS-102 Car Parking Requirements

House (outside town centre) 2 spaces per unit

House (town and village centre location) 1 space per unit in town and village centres unless the Planning Authority is satisfied that DMS-103 applies.

DMS-103 Car Free Developments - The Council will consider the development of car-free developments on suitable small-scale sites within or adjacent to town centres which have high levels of public transport accessibility, have convenient and safe access to local shops and community facilities

DMS-104 Electric Vehicle Charging Points A minimum of 10% of the proposed car parking spaces required for the category of development listed in car parking standards contained in DMO102 shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electrical connection points to allow for the future fit out of charging points

5.3. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

- 5.3.1. The guidelines issued 12th January 2024 set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. The guidelines promote an alternative 'mid-rise medium density housing' with more

compact 'own-door' housing offering a broader range of housing options' and 'addressing viability constraints'.

SPPR 1 – refers to separation distances between opposing windows, generally reducing the required distances.

SPPR 2 - refers to minimum private open space standards for houses: 1 bed house 20 sq.m, 2 bed house 30 sq.m, 3 bed house 40 sq.m and 4 bed + house 50 sq.m.

SPPR 3 - refers to minimising car parking. In intermediate and peripheral locations, the maximum rate of car parking provision, shall be 2 no. spaces per dwelling.

SPPR 4 - Cycle Parking and Storage It is a specific planning policy requirement of these Guidelines that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors.

Daylight - The potential for poor daylight performance in a proposed development or for a material impact on neighbouring properties will generally arise in cases where the buildings are close together, where higher buildings are involved, or where there are other obstructions to daylight. Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard.

Separation distances should be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development.

A separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. 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.

Bicycle Parking and Storage Cycling provides a flexible, efficient and attractive transport option for urban living and these Guidelines require that this transport mode is fully integrated into the design of all new residential schemes. In particular, in areas of high and medium accessibility, planning authorities must ensure that new residential developments have high quality cycle parking and cycle storage facilities for both residents and visitors. Access to secure storage of bicycles is a key concern for residents in more compact housing developments.

5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura sites are Middle Shannon Callows SPA (site code 004096) and River Shannon Callows SAC (site code 000216) located less than a kilometre straight line distance to the west and north of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Donal Shortt and Kathleen Shortt have submitted this third party appeal. The grounds include:
- The height scale and orientation and position of dwellings 3, 4 and 5 is of concern. Their concern regarding the velux windows has been addressed. They continue to have concern regarding the north facing windows on the first floor windows of house nos 4 & 5 which will continue to have a diagonal view into their kitchen / living area at ground and bedrooms at first floor; a gross invasion of their privacy.
 - They continue to have concern regarding the height of dwellings 3, 4 and 5 which are too tall, not in keeping with the general housing stock in the neighbourhood. They are concerned that these structures will overshadow the rear of their property including patio space and rear windows. These concerns have not been adequately addressed.
 - Their concern regarding parking, given the proximity of St Rynagh's National School and the absence of dedicated car parking have not been adequately

addressed. The development's car parking provision will contribute further to chaotic parking in the cul-de-sac at peak school times.

- They are concerned regarding the overall scale of the development and the effort to maximise the potential of the site which will negatively impact on the neighbourhood and their property.

6.1.2. Their letter to the PA is included which refers to:

- Overlooking - The height scale and orientation and position of the dwellings is of concern: 3 storey: 2 storey with converted attics. Front elevation less than 11m from their southern boundary. As indicated in Section A-A and the front elevation drawing no 220209-3-301: the proposed first floor bedroom windows and second floor bedroom velux windows with low cill level and large surface area, provide a panoramic birds eye view into the side and rear of their property; a gross invasion of their privacy and contrary to sustainable residential design.
- These windows (first and second floor windows of house nos 4 & 5) will have diagonal views into their kitchen / living area at ground and bedrooms at first floor; a gross invasion of their privacy.
- House no 3, nearest their property indicates no habitable rooms in the attic space but does include a velux window and could be easily modified.
- The buildings are too tall, not in keeping with the neighbourhood and should not be permitted.
- Overshadowing / right to light – they are concerned with overshadowing the rear of their property, including patio space and rear windows.
- Inadequate parking – re. the National School less than 50m to the north, with no dedicated parking or drop off.
- Banagher is not yet serviced by a public transport system. The proposed 1 car parking space per house is inadequate; and will increase illegal parking on the cul-de-sac. No wheelchair accessible parking space is shown. There is no footpath between the northern boundary of no. 5 and the car parking bays.

- Car parking – existing parking spaces are indicated in the Banagher town plan; an extract of the map is provided. This appears to be correct as these parking spaces have been used by the public for 20 years or more. Appellant questions ownership.
- Concerned re. proposal to construct 2 new houses on the footprint of the existing commercial premises. The design is not appropriate to Banagher's Main St. No contiguous elevations provided.
- Eaves do not align with adjoining. Although this is essentially a terrace. The ridge height is 1.29m taller than its neighbour, and steeper. It will be jarring at this important corner.
- No measures to improve the amenity value of the area through public realm improvement
- Velux – for future conversion.
- Eaves and ridge should be reduced to match adjoining and no velux on the front.

6.2. Applicant Response

- 6.2.1. The applicant has not responded to the grounds of appeal.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority has responded referring the Board to the technical reports on the file and requesting the Board to support its decision.

7.0 Assessment

- 7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, the principle of the development, residential amenities, parking provision, scale and design and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment / AA Screening

- 7.2.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.
- 7.2.2. Appendix 2 to this report details my assessment under this heading.
- 7.2.3. There is no likelihood of impact on any Natura site.

7.3. Residential Amenities

- 7.3.1. The grounds of appeal refers to concerns regarding overlooking from upper floor windows.

7.4. Privacy Distance

- 7.4.1. The issues raised in the grounds of appeal do not refer directly to separation between rear facing windows, because of the orientation of the proposed dwellings, which face across a roadway towards the side of the appellant's property. Separation distances, to guide the protection of privacy, are set out in the county development plan and the Compact Settlements Guidelines. The Offaly County Development Plan 2021-2027 (DMS13) refers to a separation distance of a minimum of 22 metres between directly opposing rear first floor windows, which may be relaxed in village and town centre locations where high quality design is achieved and where alternative provision has been designed to ensure privacy. The Sustainable Residential Development and Compact Settlements Guidelines state that a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, shall be maintained and development plans shall not include minimum separation distances that exceed 16 metres.
- 7.4.2. The nearest proposed dwelling, to the appellant's dwelling, is house number 3. It is in excess of 5.5m from the side boundary wall of the appellant's site. The proposed first floor windows are in excess of 9 metres from the rear windows of the appellant's house, which they face at an oblique angle. It is also a consideration that the side of

the appellant's property adjoins a roadway which impacts the level of privacy currently enjoyed at the rear of the property.

- 7.4.3. The Board may consider that the first floor windows of house no. 3 should be designed to further avoid overlooking of the appellant's windows. In my opinion the separation distance and oblique angle between the windows adequately provides for the preservation of the privacy currently enjoyed.

7.5. Overshadowing

- 7.5.1. The grounds of appeal refers to concerns regarding overshadowing of the rear of their property including patio space and rear windows.
- 7.5.2. Offaly County Development Plan 2021-2027 (DMS12) refers to overshadowing where new dwellings are proposed very close to adjoining buildings. The proposed development is not very close to the appellant's house.
- 7.5.3. The Sustainable Residential Development and Compact Settlements Guidelines state that the potential for poor daylight performance in a proposed development or for a material impact on neighbouring properties will generally arise in cases where the buildings are close together, where higher buildings are involved, or where there are other obstructions to daylight. Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard.
- 7.5.4. A rule of thumb measurement for daylight impact is that if any part of the new building, measured in a vertical section perpendicular to a main window from the centre point of the lowest window, subtends an angle of more than 25° to the horizontal, then diffuse daylighting of the existing building may be adversely affected. The proposed development is not perpendicular to any existing window of the appellant's dwelling.
- 7.5.5. The appellant's dwelling faces within 90° of due south, such that loss of sunlight is a consideration. Due to the scale of the proposed development, the intervening

distance and the existing wall bounding the appellant's property, no significant impact on sunlight is likely to arise as a result of the proposed development.

7.6. Private open space

- 7.6.1. Dimensions of the private open space available to future residents are provided. The spaces are given as 58m² for unit 5 a 3 bed unit; 65m² for unit 4 a 3 bed unit; 55m² for unit 3 a 2 bed unit; 55m² for unit 2 a 2 bed unit; and 58m² for unit 1 a 2 bed unit. All units except unit 5 meet the minimum standards. Unit 5 is marginally below the 60m² required, but not to a significant extent. I am satisfied that the private open space available to future residents is adequate.
- 7.6.2. In my opinion residential amenity to existing residential property will not be unduly impacted by the proposed development and the residential amenities available to future residents will be acceptable. Residential amenity should not be a reason to refuse or modify the proposed development.

7.7. Parking Provision

- 7.7.1. Car Parking
- 7.7.2. The grounds of appeal refers to concerns regarding parking: that the proposed development's car parking provision will contribute further to chaotic parking in the cul-de-sac at peak school times. It is stated that the existing parking, to be used by the proposed development, is public car parking.
- 7.7.3. The National School is close to the site and a cul-de-sac road of this nature is likely to be used for drop off / collection area for the school, in a similar way as any available parking is used in the vicinity of a school.
- 7.7.4. The applicant has submitted evidence of ownership of this area and is entitled to propose its use for resident's parking. It's use by residents will not generate any significant amounts of traffic on this cul-de-sac road and residents parking is likely to generate less traffic than that generated by the former use of the commercial premises on this site.
- #### 7.8. Bicycle Parking
- 7.8.1. All of the units have access to private outdoor areas and can make provision for bicycle parking. No provision has been made for visitor bicycle parking. There is

scope to provide bicycle parking within the site. Proposals for such parking should be submitted to the planning authority prior to commencement of development.

7.9. Scale and Design

- 7.9.1. The grounds of appeal refers to concerns regarding the scale of the development and the effort to maximise the potential of the site. The design is referred to as a concern in the accompanying letter copied from their submission to the planning authority.
- 7.9.2. The Sustainable Residential Development and Compact Settlements Guidelines referencing The National Planning Framework refers to the priority for compact growth, including emphasising renewal of existing settlements, rather than continued sprawl, and that this priority recognises the impacts that our dispersed settlement pattern is having on people, the economy and the environment. In particular, it recognises that dispersed settlement patterns create a demand for travel and embed a reliance on carbon intensive private car travel and long commutes that affect quality of life for many citizens; and dispersed growth also accelerates environmental degradation and creates a higher demand for new infrastructure and services in new communities that places a heavy financial burden on the State and results in a constant cycle of infrastructure catch-up.
- 7.9.3. It is considered therefore that maximising the potential of the site is beneficial.
- 7.9.4. As demonstrated in the contiguous elevation, the proposed development harmonises with the existing building heights on Main Street. The elevation to the access road is of a similar scale. In my opinion both the height and built form as proposed is suitable for the site and accords with the County Development Plan provisions including, minimising setback from the street and harmonising with the existing building line and roof profile of adjoining dwellings.
- 7.9.5. The scale and design should not be a reason to refuse or modify the proposed development.

8.0 Recommendation

- 8.1. In accordance with the foregoing I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

The proposed development of housing on serviced, zoned, brownfield land in the centre of the town of Banagher accords with the provisions of the Offaly County Development Plan 2021-2027, would not detract from the amenities of existing residential properties or of the area, would provide future occupants with adequate residential amenities and would, accordingly, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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

Reason: In the interest of clarity.

2 Prior to commencement of development revised drawings shall be submitted for the written agreement of the planning authority, showing proposals for the provision of visitor bicycle parking.

Reason: In the interest of providing for an adequate standard of development.

3 Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Eireann.

Reason: In the interest of public health.

4 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5 The finished floor level of the residential units shall be as specified on drawing no 220209-3-102 Rev F11 (proposed site layout), received by the planning authority on the 13th October 2023 and shall not be modified in any way without the prior written agreement of the planning authority.

Reason: In the interests of proper planning control.

6 Proposals for a street name, house numbering and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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.

Reason: In the interest of urban legibility.

7 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V)

of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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.

8 The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works for Housing Areas” issued by the Department of the Environment and Local Government in November 1998]. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

9 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10 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 with the proposed development.

Reason: In the interests of public safety and residential amenity.

11 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

12 The developer shall pay to the planning authority a financial contribution of €20,050 (twenty thousand and fifty euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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..

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.

Planning Inspector

21st August 2024

Appendix 1 EIA screening

Appendix 2 AA screening

Appendix 3 Photographs

Appendix 4 Offaly Development Plan 2021 – 2027 extracts.

Appendix 5 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, extracts.

Appendix 1
Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	318775			
Proposed Development Summary	Demolition of existing single storey vacant commercial premises; construction of 5 no. dwellings, consisting of 3 no. 2 bed houses and 2 no. 3 bed houses; and all associated services connections and site works.			
Development Address	Upper Main Street, Banagher, Co. Offaly			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	/	
		No	No further action required	
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?				
Yes		Class.....	EIA Mandatory EIAR required	
No	/		Proceed to Q.3	
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]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	/	10 (b)(i) Construction of more than 500 dwelling units.		Proceed to Q.4
4. Has Schedule 7A information been submitted?				

No	/	Preliminary Examination required
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

Bord Pleanála Case	318775		
Development Summary	Demolition of existing single storey vacant commercial premises; construction of 5 no. dwellings, consisting of 3 no. 2 bed houses and 2 no. 3 bed houses; and all associated services connections and site works.		
Examination			
			Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?			No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?			No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?			No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?			No
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment?			
There is no real likelihood of significant effects on the environment	EIAR not required	Yes	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A info submitted?		No
There is a real likelihood of significant effects on the environment	EIAR is required	No	

Inspector: _____

Date: _____

Appendix 2

Template 2: Screening the need for Appropriate Assessment Screening Determination

I have considered the project: Demolition of existing single storey vacant commercial premises; construction of 5 no. dwellings, consisting of 3 no. 2 bed houses and 2 no. 3 bed houses; and all associated services connections and site works, in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Upper Main Street, Banagher, Co. Offaly .

The proposed development comprises demolition of an existing single storey vacant commercial premises; the construction of 5 no. dwellings, consisting of 3 no. 2 bed houses and 2 no. 3 bed houses; and all associated services connections and site works on zoned serviced land in the centre of the settlement.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Nature of works: small scale and nature of the development
- The serviced nature of the brownfield site.
- Taking into account screening report and determination by PA.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.