

CHAPTER 8: DEVELOPMENT CONTROL

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8.1 Introduction

Development control is a statutory process, and there is an obligation on the Councils to ensure that permissions granted under the Planning Acts are consistent with the policies and objectives in the Development Plan. This part of the Plan deals with the planning standards and design criteria, which will be applied by the Councils to development proposals within the Plan Area (see Zoning Map).

This section sets out the main guidelines in respect of the control of development, a more detailed set of guidelines is contained in Chapter 8 of the County Development Plan 2004. There is provision for a degree of flexibility, which will apply where proposed development is otherwise consistent with proper planning and development and the preservation and improvement of amenities in the town.

In respect of development proposals in the Conservation Area, the Councils will apply the design standard set out in the Conservation Area Design Statement (Appendix 2) in addition to the following development control standards.

8.2 Enforcement

The Planning Acts give power to the Councils to take enforcement action when development is started without planning permission, if conditions attached to permission are not complied with, or when other breaches of control have been committed.

Contraventions of planning law undermine the successful implementation of the Councils' policies and are unfair on those who have abided by planning controls.

The Councils will take enforcement action whenever it is expedient to do so, having regard to the policies in this Plan and other material considerations.

8.3 Development Contributions

Considerable sums of money have been and will continue to be expended by the Councils in the provision of public services. The Councils will require financial contributions towards the capital expenditure necessary for the provision of infrastructure works required which facilitate development. Such works include drainage, water supply, roads, footpaths and traffic management, open space and car parking.

The Councils have prepared Development Contribution Schemes under Section 48 of the Planning and Development Act, 2000. These set out the contributions required in Templemore and environs in respect of the provision of public infrastructure and facilities.

8.4 Land-Use Zoning Objectives

The purpose of land-use zoning is to indicate the planning control objectives of the Councils for all lands within the development plan boundary.

Table 8.1: Key to Development Plan Zoning Objectives	
Zone	Objective

TC	To provide for town centre facilities.
C	To provide and improve commercial and employment activities.
R	To preserve and enhance existing residential amenity.
R1	To provide for new residential development.
R2	To provide for new residential (low density) development.
S	To protect and provide for social, public and institutional facilities.
Ag	To provide for agricultural needs and to protect and enhance rural amenity.

Appendix 1 lists the matrix of land-use activities referred to under each zoning objective. It indicates the acceptability or otherwise (in principle) of the specified land-uses in each zone.

8.5 Access for the Disabled

In the design of buildings to which the public could be expected to have frequent access, special consideration will be given to the accommodation of people with disabilities in accordance with the requirements of the Part M of the Building Regulations, 2000 and the advice set out in Buildings for Everyone (1998) as issued by the National Rehabilitation Board.

8.6 Residential Density/Plot Ratios In New Development

The Councils do not wish to set minimum or maximum residential densities, but to seek efficient and sustainable development on all residential zoned land. However, the Councils will apply the guidelines contained in the Residential Density – Guidelines for Planning Authorities (DoEHLG, 1999). Plot ratios will be influenced by general planning standards and Section 5.2 of Residential Density – Guidelines for Planning Authorities (DoEHLG, 1999).

8.7 Extensions To Dwellings

The Councils will seek to implement the following guidelines in respect of residential extensions:

- (i) The extension should generally be subordinate to the main building.
- (ii) The form and design should integrate with the main building, following window proportions, detailing and finishes, including texture, materials and colour.
- (iii) A pitched roof will be required except on some small single storey extensions.
- (iv) Designs should have regard for the amenities of the neighbouring residents, in terms of light and privacy.

(v) Dormer windows should be subordinate in design, set back from the eaves line and built to match the existing roof.

8.8 Childcare Facilities

The Planning Authorities will take into account of the provisions of the *Childcare Facilities: Guidelines for Planning Authorities (Draft 2000)*.

Requirement : One childcare facility with places for 20 children for each 75 dwellings.

Locations : Commercial parks, adjacent to schools, on land zoned for Town Centre and Residential purposes.

Facilities : Should be accessible to all groups, should include safe and convenient parking for staff and customers and a safe drop off area for parents. Facilities should have an outdoor area for outdoor playtime.

In assessing applications for childcare facilities in existing residential business areas, the Local Authority will look favourably on proposals that protect the character and amenities of the area and provide for high quality childcare facilities.

8.9 Public Open Space Requirements

The Councils will consider each planning application on its merits, considering density, house type and occupancy, location and the general quality of development. However, the below table sets out the minimum requirements per 1,000 population.

Table 8.2: Minimum Open Space Requirements	
Type of Open Space	Ha per 1,000 people
Children's Play Space	0.7
Sports Grounds	1.7
General Use	0.4
Total	2.8

However, as a guide the Councils will seek a minimum of 15% of gross site area as open space. In calculating the area of open space required, the Planning Authorities will be guided by the standards contained in Sections 5.7 and 5.8 of Residential Density – Guidelines for Planning Authorities (DoEHLG, 1999).

The Councils will consider accepting financial contributions in lieu of actual provision, where it is not possible to provide such as part of the development, in order to improve the quality of existing open space or development of new public space.

8.10 Parking and Loading

Table 8.3 sets out the Councils' car parking requirements. In addition to the general car parking standards required, service bays may also be required. The number of service parking bays will depend on the nature of the proposed business, and will be determined by the Councils in each case, in accordance with the standards contained

in and Sections 5.9 of Residential Density – Guidelines for Planning Authorities (DoEHLG, 1999).

Where the developer is unable to meet the requirements relating to car parking, a contribution, commensurate with the shortfall in spaces, shall be paid to the Councils to facilitate the provision of car parking facilities elsewhere.

Car parking should be located where possible behind established building lines in the interest of good townscape. Where parking is proposed to the front of a building, it is important that planting and boundary walls/railings are used to maintain the visual appearance of the area. In town centre mixed-use development proposals, consideration will be given to dual parking where peak times do not coincide.

Where parking is associated with late night uses such as places of entertainment, car parking should be sited so as to reduce noise disturbance to adjoining residents to a reasonable level.

Note: Points 1-4 below apply.

- (i) Each car space shall be 4.8m x 2.5m with 6.1m wide circulation aisles.
- (ii) Disabled spaces shall be 3m wide, with one space per 20 provision.
- (iii) Loading bays should be generally 9m x 5m (but at least 6m x 3m).
- (iv) In case of a use not specified in Table 8.3, the Councils will determine the parking requirements.

Table 8.3: Car Parking Standards	
Land-use	Standards
Cinema	1 space per 3 seats
Bars/Restaurant/Hotel	1 space per 15 sq. m. of public area
Clinics/Surgeries	2 spaces per consulting room
Caravan Park	1space per unit of accommodation
Dance halls/Discos	1 space per 10 sq.m.
Dwelling (Houses/Flats)	1 space per dwelling unit (2 spaces for 4 beds or greater)
Hotel/Motel/Guest House	1 space for every 2 bed spaces
Commercial (industry)	1 space per 100 sq.m.
Leisure Centre	1 space per 50 sq.m.
Nursing Homes	1 space per bedroom
Schools	2 spaces per classroom
Offices	1 space per 30 sq.m.
Retail Shops/Supermarkets	1 space per 20 sq.m.
Retail Warehousing	1space per 35 sq.m.
Science, technology	1 space per 30m ²

Business Park	
Warehousing	1space per 100 sq.m.
Other	Individual assessment

8.11 Bicycles

Cycling is a viable alternative to the car for access within the town of Templemore. In order to promote its use and in support of the Councils' aim for sustainable development, the Councils will require that secure cycle parking facilities are provided for new development where possible.

8.12 Petrol & Service Stations

Templemore is reasonably well served as regards retail petrol outlets. When assessing any future planning applications, the Councils will consider the need for such provision, but will resist proposals where current provision is considered adequate.

Where permitted, filling stations will be required to comply with adequate standards for the protection of visual amenity, environmental quality and road safety. The design and siting of filling stations shall meet the standards set out in "Geometric Design Guidelines" RT181 as issued by An Foras Forbartha and the Dangerous Substance Regulations, 1979 as amended.

Any associated retail unit should cater for motor related goods, and ancillary convenience type shops limited to a floor area not exceeding 100 square metres. A workshop may be permitted where the zoning permits and there is no adverse effect on the amenities of the area.

The layout of all new or re-developed petrol stations shall permit safe access for delivery tankers up to 15.25m in length, and an adequate off-road area shall be provided for parking these vehicles safely without obstructing the access to filling pumps.

8.13 Commercial/Retail Development

The location of new retail development is crucial to the long-term vitality of Templemore. Proposals for new retail development that is located outside the central area will be assessed against the following criteria and should demonstrate whether or not the proposal would:

- ◆ Undermine or have an adverse impact on the quality of the town centre
- ◆ Diminish the range of shops in the town centre;
- ◆ Ensure good access by car, walking, cycling and where possible by public transport;
- ◆ Link effectively with the existing town centre

8.14 Development in the Conservation Area

The Councils consider that this area shall be subject to special control, and detailed guidance is therefore provided in Appendix 2 (Conservation Area Design Statement) of this Plan. All new development proposals will be assessed against the design guidance contained in the Conservation Area Design Statement.

8.15 Protected Structures

The provisions of the Planning and Development Act, 2000 will guide the assessment of development proposals affecting the character or appearance of a protected structure or the curtilage of such a structure, in addition to the same guidelines contained in Appendix 2 (Conservation Area Design Statement). However, unauthorised removal or demolition of part or all of a listed structure is liable to result in the Councils initiating enforcement action.

Planning authorities have a clear obligation to create a record of protected structures (RPS) which includes all structures or parts of structures in their functional areas which, in their opinion, are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. This record forms part of a Planning Authority's Development Plan under the provisions of Sections 51-55 of the Planning and Development Act 2000.

Development plans must include objectives for the protection of such structures and the preservation of the character of such areas to ensure proper and sustainable planning and development;

New responsibilities are given to the owners and occupiers of protected structures to maintain them and planning authorities have additional powers to ensure that buildings are not endangered either directly or through neglect. Financial assistance, in the form of conservation grants, is available from planning authorities to assist in this process;

Where a structure is protected, the protection includes the structure, its interior and the land within its curtilage and other structures within that curtilage (including their interiors) and all fixtures and features which form part of the interior or exterior of all these structures. All works which would materially affect the character of a protected structure, or a proposed protected structure, will require planning permission.

8.15.1 Status of Protected Structures

A 'protected structure' is defined as any structure or specified part of a structure, which is included in the RPS. A structure is defined by the 2000 Act as 'any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure'. In relation to a protected structure or proposed protected structure, the meaning of the term 'structure' is expanded to include:

- ◆ The interior of the structure;
- ◆ The land lying within the curtilage of the structure;
- ◆ Any other structures lying within that curtilage and their interiors, AND
- ◆ All fixtures and features which form part of the interior or exterior of the above structures.

8.15.2 Purpose of a declaration

Where a building is a protected structure or a proposed protected structure, works that would normally be exempt from the requirement for planning permission are NOT exempted development where they would materially affect the character of the protected structure or any element of it which contributes to its special interest.

Under Section 57 of the Planning and Development Act 2000, an owner or occupier of a protected structure may make a written request to the planning authority for a declaration as to the type of works the authority considers would or would not materially affect the character of the protected structure. It should be noted that Section 57 does not apply to proposed protected structures or to buildings within ACAs that are not individually recorded on the RPS.

Declarations may be used as a formal advice mechanism for the owner and occupier of a protected structure as issues arise which require clarification. Declarations can be issued to permit specific minor works, including enabling works that, in the opinion of the planning authority, would not materially affect the character of the protected structure. However, it is always preferable to inspect, assess and give formal recommendations for the complete structure where this is feasible, to ensure that its full character is taken into account in the declaration.

It is not necessary for the applicant to have any specific works in mind when applying for a declaration. Indeed, if the owner or occupier is contemplating major works to a protected structure, pre-planning discussions with the planning authority may be advisable and, depending on the outcome, the submission of a planning application.

A declaration must not exempt works that would have a material effect on the character of a protected structure. A declaration cannot exempt development that would not otherwise be exempt from a requirement for planning permission.

Declarations relating to places of public worship are subject to special considerations.

8.16 Development in Areas of Archaeological Interest

When considering proposals within or in close proximity to areas of archaeological potential, the Councils will have regard to the provisions of the National Monuments Acts 1930 to 1994, the observations and recommendations of the Heritage Service of the Department of Environment, Heritage and Local Government.