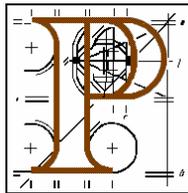


# An Bord Pleanála



## Inspector's Report

**FILE REFERENCE:** PL06F.239468

Location: Rear of Greengates, Sea Road, Malahide, Co. Dublin.

Proposed Development: 2 no. detached two storey houses on infill site to the rear of existing dwelling 'Greengates' and a vehicular access from The Cove, Malahide. .

### APPLICATION DETAILS:

Applicant: Anne and Fiona Maguire

Planning Authority: Fingal County Council

P.A. Reference: F10A/0538

P.A. Decision: Grant Permission

### APPEAL DETAILS:

Appeal Type: First Party against decision

Appellant: Ronan Mac Dermott

Observers: Anne Flannery on behalf of residents of Nos. 9, 10, 11 and 23 The Cove, Yellow Walls Road, Malahide

Date of Appeal: 25th August, 2011

**INSPECTOR** Stephen Kay

Date of Site Inspection: 18<sup>th</sup> November, 2011

## **1.0 Site Location and Description**

The appeal site is located to the rear of Greengates, a residential dwelling accessed from the western side of Sea Road, to the north west of the centre of Malahide Village. The site is located in a residential area, and comprises lands that are currently part of the rear garden of the dwelling at Greengates.

The stated area of the appeal site is 0.0941 ha. and it is bounded to the south east and south west by the rear gardens of dwellings that front onto Milford, a residential street that runs to the north, west and south of the appeal site. To the north east, the site adjoins dwellings in the Cove residential estate, a development of semi detached two storey houses. To the south east, the appeal site bounds the site of the dwelling at Greengates from which the appeal site has been taken. Access to the site is currently via Greengates and access is from Sea Road. The access is a narrow access driveway serving the existing dwelling at Greengates and the site currently only has a narrow frontage onto Sea Road.

The appeal site is at a higher level than the adjoining area to the east and north east, in particular the dwellings in The Cove residential area. At the north eastern site boundary where the appeal site adjoins No.8 The Cove, this difference in levels is c. 1.35 metres. Ground levels in the general area of the site also slope up from north east (area of The Cove) to south west (Milford residential estate) and the roof ridge line level of the dwellings to the north west of the appeal site in Milford is c.2.85 metres higher than that at No.8 The Cove, immediately to the north east of the appeal site.

## **2.0 Proposed Development**

The proposed development comprises the construction of 2 no. two storey semi detached dwellings on the appeal site. These dwellings are proposed to be orientated north west to south east and approximately the same orientation as the dwellings in The Cove.

Access to the proposed two new dwellings is via the estate road of the Cove and significant excavation of the site and reduction in ground levels is proposed to facilitate access from the Cove. The overall scale of the dwellings is generally consistent with the existing adjoining dwellings to the north east of the site in The Cove and the ridge height of the proposed dwellings is 16.3 metres as against 15.13 for the existing dwelling at No.8 The Cove.

The dwellings proposed are of identical design and have a footprint of c.8 metres in width and 15.5 metres in depth. The height of the dwellings is indicated on the submitted plans as being c.5.4 metres to eaves level and 8.55 metres overall above the revised (lowered) ground level on site. The dwellings have rear garden areas that vary in depth from c.11.25 metres to c.15 metres and the areas of private amenity space provided to the rear of each of the dwellings is c.130 sq. metres for dwelling A (that closest to the Cove) and c.155 sq. metres for dwelling B.

### **3.0 Planning History**

The report of the Planning Officer states that there is no planning history relating to the appeal site and no history relating to surrounding sites that is of particular relevance to the proposed development.

### **4.0 Planning Authority Decision**

#### **4.1 Submissions / Observations**

Objections to the proposed development were received from 10 no. surrounding residents. The basis of these objections was access, impact on visual and residential amenities of dwellings located in The Cove, traffic hazard, contrary to development plan policy regarding infill development, disruption during construction, building line, drainage issues, retention walls and site stability.

#### **4.2 Internal Reports and Referrals**

Planners Report – The Planners report notes the development is consistent in principle with the land use zoning objective for the site. The report states that it is not considered that the proposed development would have a significant negative impact on the character or building line of the Cove and is effectively a linear extension of the cul de sac. Design and scale of the proposed dwellings is considered to be acceptable. The issue of changes in levels and potential stability issues are raised in the initial report as are the concerns of the transportation department. Following the submission of further information a grant of permission consistent with the Notification of Decision which issued is recommended.

Transportation Department – Initial report notes concerns regarding the layout of parking spaces, width of footpath and provision of a turning area within the development. Further information on these issues requested. Following submission of FI these issues are considered to be acceptable.

Water Services – Initial report stated that there was insufficient information submitted and that further information relating to water supply, foul and surface water drainage was required. Following consultation and submission of further information response the development is considered to be acceptable subject to conditions.

#### **4.3 Further Information**

Prior to the issuing of a Notification of Decision, the Planning Authority requested further information on the following issues:

- Noted that the development will require a significant lowering of the ground levels within the site and that retaining walls are proposed to be provided. Full details and cross sections of these retaining walls and relationship to adjoining structures are required.

- It is noted that there is no turning bay within the development. Such a turning bay adequate to cater for emergency vehicles is required to be provided. It is also noted that there is no buffer between the permeable road surface and the boundary of the site, that the footpath width and length of the parking area is substandard and that it is not clear whether the permeable surface is proposed to be taken in charge by the Council.
- Further details regarding foul drainage connection including longitudinal sections, details of surface water drainage including the fact that the site levels are significantly higher than the floor levels of the dwellings, and details of water supply. It was requested that the applicant consult with the water services department.

In response, the applicant stated that:

- That the retaining walls will be detailed and submitted for agreement prior to commencement of development.
- Revisions to the site layout are proposed comprising a reduction in the plan depth of the two dwellings by c.500mm and the relocation of the footprint of the dwellings by 1.5 metres to the north west, (i.e. further back in the site).
- That revisions have been made to the turning area to increase the width of this area by c.1.0 metre to c.7 metres overall. It is also confirmed that there is not proposed to be a difference in level between the carriageway and footpath on the site. Given the length of the cul de sac at The Cove it is proposed that the existing turning area could accommodate emergency vehicles.
- Revisions to the design and layout of the drainage and water supply have been submitted and are acceptable to the council's Water Services section.

#### 4.4 Notification of Decision

Fingal County Council issued a *Notification of Decision to Grant Permission* subject to 12 no. conditions, most of which are standard in nature and the most significant of which in the context of the current appeal can be summarised as follows:

- Condition No.3 requires that details of the retaining walls, boundary treatments and landscaping are to be submitted to the planning authority prior to the commencement of development.
- Condition No.6 relates to transportation requirements relating to storm water, parking for two cars to be provided for each unit and agreement of visibility at the site entrance with the councils area engineer.
- Condition No.7 relates to drainage and requires inter alia that no soakpit would be located within 3 metres from any site boundary and 5 metres from any structure and that details of the soakways shall be submitted for agreement prior to development.

## 5.0 Grounds of Appeal (Third Party)

A Third Party appeal has been received against the Notification of Decision to Grant Permission issued by Fingal County Council. The grounds of appeal raised can be summarised as follows:

- That the development plan requires that developers would provide a detailed traffic impact assessment (Objective TO47) and that this has not been complied with. The plan also states that intensification of use of an existing access is preferable to a new access and this is not the case in the proposed development. The need for a vehicular access via The Cove has not been established.
- That the proposed development will have a negative impact on the character of the area. The proposed development would therefore be contrary to Objective RD10 of the development plan which relates to infill developments and requires that there would be a balance between development, protection of residential amenities and character and privacy. The new vehicular access proposed via The Cove would have a permanent negative impact on the character of the area.
- The design of dwelling is not in sympathy or symmetry with the established pattern of development.
- Objectives TO51 and TO53 of the development plan require that hedgerows and boundaries would be protected in development. This is not the case in the proposed development and that condition No. 3 of the Notification of Decision does not provide sufficient protection in this regard.
- That Objective SW04 requires the use of SUDS. The proposed development does not adequately address or show compliance with this requirement.
- That the proposed use of soakways for surface water is not acceptable having regard to the the site elevation, the amount of material to be extracted from the site and the nature of the soil on site which is not free draining.
- That the proposed development will impact negatively on the residential amenity and character of the The Cove and that the form of development would be visually overbearing and obtrusive. In particular there is potential for the overlooking of Nos. 8, 9, 10 and 11 The Cove from the proposed development.
- That the use of the access via the Cove will result in a loss of amenity during construction that could be avoided by the use of an alternative access.

## 7.0 Observers to Appeal

An observation has been received from the residents of The Cove which are dwellings located in close proximity to the appeal site to the north east and which is the development via which access to the appeal site is proposed. The following is a summary of the main issues raised in the observation received:

- That the granting of permission subject to the details of the retaining walls and structures to be submitted for agreement indicates that inadequate assessment of the structural impacts of the development have been undertaken contrary to development plan standards.
- That the proposed development is contrary to Objective RD12 of the development plan which seeks to protect areas with unique identified residential character . The cove is a long established residential area with a distinctive architectural style and character and the proposed development would infringe on an existing building line as well as integrating poorly in terms of design with the existing pattern of development.
- That the development is contrary to the development plan policy regarding infill development. It is also contrary to development plan policy regarding the removal of hedgerows and boundary planting.

## **8.0 Response Submissions**

### **8.1 Planning Authority Response**

The response of the Planning Authority can be summarised as follows:

- That the issues raised are considered to have been adequately addressed in the report.
- That access to and from the site the arrangements for the Cove and within the site is considered to be acceptable and would not cause any undue traffic hazard or road safety issues.
- That the proposed development is considered to pay due regard to the RS zoning of the site, its setting and relationship to adjoining properties and that construction and operation of the development can be adequately secured by way of conditions.

### **8.2 First Party Response to Appeal**

The following is a summary of the main points raised in the first party response:

- That the applicants are currently living in the dwelling 'Greengates' with their parents and disabled sister. There are other family members in the immediate vicinity and the family have connections with this location going back four generations.
- That the sites have been donated by their parents and will facilitate the applicants living close to the parents and sister
- That the applicants have complied fully with the requirements of the Fingal County Council Transportation Department.
- That the proposed development is only for two houses and would have a minimal impact in traffic terms. It is submitted that a traffic impact assessment is not necessary.
- That the development will not create a traffic hazard and that condition no.6 requires that the sightlines at the entrance would remain clear.

- The assertion that the proposed development would significantly impact on the character of the area is strongly refuted. The design of the existing dwellings has been taken account of in the development and the proposal is a linear extension of the existing cul de sac.
- That adequate separation distances to adjacent dwellings have been provided and there would be minimal impact on residential amenity.
- That the removal of the hedgerow on the site is required to facilitate the development and the gardens of the proposed dwellings will be landscaped to a high standard.
- That additional information regarding the drainage design and SuDs infrastructure has been provided and is acceptable to the planning authority.

## 9.0 Relevant Development Plan Provisions

### 9.1 County Development Plan

The relevant plan is the *Fingal County Development Plan, 2011-2017*.

The appeal site is located on lands that are zoned Objective RS under the current Fingal County Development Plan. This objective states that to *'provide for residential development and to protect and improve residential amenity'*. Residential is identified as a permitted use on lands zoned Objective RS.

**Objective RD10** of the Plan states that it is an objective to *'encourage and promote the development of underutilised and backland sites in existing residential areas subject to the character of the area being protected.'*

**Objective RD11** of the development plan states that it is an objective to *'promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.'*

**Objective RD12** of the development plan seeks to protect areas with unique identified residential character and states that it will be an objective of the council to *'Protect areas with a unique identified residential character which provides a sense of place to an area through design, character, density and / or height and ensure any new development in such areas respects this distinctive character.'*

**Objective RD19** requires that there would be a minimum of 2.3 metres provided between the side walls of dwellings.

**Objective OS38** requires that there would be a minimum of 60 sq. metres of private amenity space provided for three bedroom dwellings and 75 sq. metres in the case of four bedroom dwellings.

**Objectives TO51** and **TO53** relate to the protection of hedgerows.

**Objective SW04** requires the use of SUDS designs in developments.

**Objective TO47** states that the council will:

*'Require developers to provide a detailed Traffic Impact Assessment and Road Safety Audit where new development will have a significant effect on travel demand and the capacity of surrounding transport links and taking into account cumulative effects.'*

## 10.0 Assessment

In my opinion the following issues are of relevance to the assessment of the current appeal:

- Principle of development
- Impact on Residential Amenity
- Visual Impacts
- Traffic and Access
- Drainage and Engineering Issues

## 10.1 Principle of development

10.1.1 The proposed development is located in an established residential area and is located on lands that are zoned objective RS, the stated objective for which is to *'provide for residential development and to protect and improve residential amenity'*. Residential development is identified in the Plan as being Permitted in Principle on lands zoned Objective RS.

10.1.2 **Objective RD10** of the Plan states that it is an objective to *'encourage and promote the development of underutilised and backland sites in existing residential areas subject to the character of the area being protected.'* The appeal site comprises a larger rear garden area to the existing dwelling at Greengates, Sea Road Malahide and is a significant backland site. Objective RD10 of the Plan supports the redevelopment of such sites for infill housing within existing residential areas and it is considered that the proposed development is consistent with the provisions of this objective. Considerations regarding the impact of the development on the character of the area and residential amenity are addressed in the sections below.

## 10.2 Impact on Residential Amenity

10.2.1 The appellants contend that the proposed development would have a negative impact on the residential amenity of surrounding dwellings, and particularly that the development would result in the overlooking of the dwellings to the north east of the site at Nos. 8-11 The Cove. The form of development proposed is such that the two additional dwellings are to be located in a way that is effectively a continuation of the line of dwellings that are along the north west side of the street in The Cove. The proposed layout would result in a slight change of angle or crank in the alignment of the dwellings along this side of the street however the change is not, in my opinion, such as to lead to any potential overlooking as stated in the appeal submission. There are no windows to habitable rooms in the first floor side elevations that would lead to potential for overlooking issues to arise and bathroom / en suite windows in these areas should be required to be fitted with obscure glazing.

- 10.2.2 The separation between dwelling B proposed and the existing dwellings on Milford to the south west is c14 metres at the closest point and in my opinion is such that there would not be significant overlooking issues from the Milford houses into the appeal site. The absence of any windows to habitable rooms in the first floor side elevation is such that there should not be any issues of overlooking from the proposed dwelling B arising.
- 10.2.3 The proposed dwellings are located to the south west of the existing dwelling at No.8 The Cove and the relative angles of the two proposed dwelling and the existing dwellings are such that there may be some potential for overshadowing of part of the rear garden area of No.8 The Cove in the late afternoon / early evening periods. Given the relative angles and separation between the dwellings it is my opinion that such overshadowing would not be significant and would be confined to the garden area and not the rear of the dwelling.
- 10.2.4 An issue has been raised regarding the potential negative impact of the development on residential amenity during the construction phase. The use of the access via the Cove for the purpose of construction access is questioned. The issue of vehicular access to the site is addressed at 10.4 below however given the proposed use of the access via the Cove estate road following construction it is not considered logical to restrict access during construction. Any permission granted would have to be subject to limitations on the hours of construction given the proximity of surrounding residential properties and such restrictions could be incorporated in a construction management plan. In any event, the main construction impacts in terms of noise are likely to arise from within the site itself and restricting the means of access to the site would not, in my opinion make a significant difference to the potential impacts in terms of residential amenity.
- 10.2.5 The impact of the proposed development on the existing dwelling 'Greengates' would be to significantly reduce the level of private amenity space available, however this dwelling would still have c.200 sq metres of private amenity available. The separation between the rear of 'Greengates' and the front elevation of the proposed dwellings is c.24 metres which is considered to be adequate separation to protect residential amenity.

### **10.3 Visual Impacts**

- 10.3.1 The appellants have contended that the proposed development would be out of character with the existing residential development in The Cove and that the design of the dwellings is not appropriate in this location. The existing dwellings within the Cove are standard two storey semi detached dwellings with A profile roofs. The proposed dwellings are clearly different in design however the dimensions of the site require a narrower and deeper dwelling footprint be provided which dictates the style of dwelling proposed.
- 10.3.2 As stated at 10.2 above, the form of development proposed is essentially a linear extension of the existing run of dwellings located along the north western side of the Cove. The amendments to the original layout have resulted in the front building line being relocated a further 1.5 metres back in the site with a resultant reduction in the visual impact arising from breaking the building line. The building line formed by the existing dwellings in the

Cove will be breached, but the layout of the appeal site is such that the orientation of the new dwellings has to be different. The visual impact arising from this layout is not, in my opinion, significant.

- 10.3.3 The opening up of the existing south western end of the Cove will have an impact on the overall visual appearance and character of the area in that the existing screening vegetation at this end of the road will be removed and clear views through the appeal site to the dwellings on Milford will be available. Given the nature of these views and the separation distances I do not consider that these impacts will be significantly negative.
- 10.3.4 In terms of visual compatibility and impact on the character of the area, it is my opinion that the proposed dwellings will read as being distinct from the existing dwellings in the Cove by virtue of their different access arrangements and design. The scale of the dwellings proposed is c.1.35 metres higher than the adjoining dwelling at No.8 The Cove and c.1.5 metres lower than the ridge height of the adjacent dwellings on Milford. The overall height of the proposed dwellings is generally consistent with the existing surrounding dwellings and the differences in overall heights is primarily the result of variations in ground levels. While visually different, I would not agree with the third party appellants that the proposed dwellings would be such as to have a significant negative impact on visual amenity and character of the area.
- 10.3.5 The observers to the appeal have contended that the proposed development is contrary to Objective RD12 of the development plan which seeks to protect areas with unique identified residential character. It is submitted that the Cove is a long established residential area with a distinctive architectural style and character and the proposed development would infringe on an existing building line as well as integrating poorly in terms of design with the existing pattern of development. The provisions of Objective RD12 are noted however it is my interpretation of this policy that it relates to areas with a particularly distinctive character. As noted above, I do not consider that the proposed development would be visually obtrusive in this location. In addition, from an inspection of the site and environs I do not consider that the Cove, while a good quality residential area, has a design or layout that creates a unique identified residential character.
- 10.3.6 Overall, it is my opinion that the proposed development is consistent with the objectives set out in the development plan regarding infill development. The development makes use of an existing backland site and the design solution proposed, while different to the existing dwellings on The Cove and Milford roads, is contemporary while respecting the character and scale of existing development.

#### **10.4 Traffic and Access**

- 10.4.1 The appellants have questioned the merits of creating a new access to the site via The Cove and have stated that the access should have been via the existing access from Sea Road to the dwelling 'Greengates'. It is also contended that the proposed creation of a new access point would be contrary to development plan policy to encourage the more intensive use of existing access points rather than the creation of new access points. This aim is stated in the text of the plan at page 120. The circumstances of the appeal site are that the existing access to 'Greengates' is of restricted width

along its length from the public road and that the first party do not own the lands on either side that would facilitate or enable this access driveway to be widened. The capacity of this access driveway to cater for three dwellings is not therefore, in my opinion, available. In addition, the access from the existing driveway to 'Greengates' to the Sea Road is at a location where there is a lot of traffic and where the road is of restricted width with no footpath provided on that side of the road. In these circumstances, it is my opinion appropriate that the option of an alternative access route via an existing residential estate would be pursued.

10.4.2 Objective TO51 of the Plan states that it is an objective to ensure that necessary new entrances are located in such a manner as to provide effective visibility for both users of the entrance and users of the public roads, so that opportunities for conflicting traffic movements are avoided. The wording of the objective also states that such visibility should not be achieved by the extensive removal of hedgerows, ditches, embankments, trees or old walls which implies that it is intended to relate more to rural sites. In the case of the appeal site and proposed development, the access point is proposed at a location at the end of the estate road in a location where there is only dwellings on one side of the road and consequently no requirement for pedestrian traffic to be passing the proposed access point. The potential for the proposed access to create a conflict between pedestrian and vehicular traffic is therefore considered to be slight.

10.4.3 The appellants have stated that the development plan requires that developers would provide a detailed traffic impact assessment (Objective TO47) and that this has not been complied with. A reading of the entirety of Objective TO47 and the accompanying text in the development plan indicates that this policy applies '*where new development will have a significant effect on travel demand and the capacity of surrounding transport links and taking into account cumulative effects.*' Having regard to the nature and scale of the proposed development it is my opinion that the development would not have a significant impact on travel demand or the capacity of transportation links in the vicinity and therefore that this objective is not applicable in this case.

## **10.5 Drainage and Engineering Issues**

10.5.1 The appellants have questioned the appropriateness of surface water drainage of the site being discharged to on site soak pits having regard to the elevation of the site, the excavation required to undertake the development and the soil conditions on site. The design of the soakpits was detailed to the Council as part of the FI response submitted and it is noted that revised infiltration tests were undertaken which were to an increased depth and the results of which were submitted to the council by way of Further information. Subject to the separation distances set out in the report of the councils Drainage section and the conditions attached to the soakway design report dated 20<sup>th</sup> May, 2011 being complied with it is considered that the proposed design solution is acceptable.

10.5.2 Reference is made to compliance of the development with SuDS principles. The applicant was requested to submit further information regarding the layout of the proposed permeable paving and site boundaries. The use of permeable paving around dwellings and driveway areas and on-site disposal of surface water to soakways would act to minimise the potential impact on surface water discharge arising.

10.5.3 As part of the FI request, the applicant was requested to submit details of the retaining walls proposed to the sides of the site. Concerns are expressed by the appellants relating to the implications of these walls for the structural stability of adjoining lands and properties. In response to the FI request, the applicant has submitted a letter from a firm of structural engineers stating that they will be undertaking the design work in this regard and that all required structural drawings and cross sections shall be provided prior to construction and that all designs shall be in accordance with the relevant building regulations and BS. The appellants have questioned the fact that the details have not been submitted prior to the issuing of a Notification of Decision to Grant by the Planning Authority however given the relatively minor nature of the works involved and the fact that the fact that details of the retaining walls are required to be submitted for written agreement prior to development, the approach of the Planning Authority is considered to be acceptable.

## **10.6 Other Issues**

10.6.1 The appellants have questioned the removal of hedgerow surrounding the site and it is noted that this is required to facilitate the proposed access arrangements as well as the provision of retaining walls. In the event that permission is being considered it is recommended that the submission of a landscaping scheme should be required by way of condition.

## **11.0 Recommendation:**

In view of the above, it is recommended that permission be Granted based on the following reasons and considerations and subject to the attached conditions.

### **Reasons and Considerations:**

1. Having regard to the residential zoning objective for the area, the design, scale and siting of the proposed dwellings and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

### 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 submitted to the Planning Authority on the 7th day of July 2011 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

**Reason:** In order to ensure that any future extension would not have a negative impact on the amenity of surrounding properties given the variations in ground levels and would not impact on the on site disposal of surface water.

3. Prior to the commencement of development, the developer shall submit details of the retaining walls to the south western, south eastern and north eastern boundaries of the site as indicated on Drg. No. MTC 101-204 ai, including full structural drawings, elevations and typical cross sections taken at 5 metre intervals along each length of wall for the written agreement of the Planning Authority.

**Reason:** To ensure a satisfactory standard of development and ground stability in the vicinity of the proposed development.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, or dark grey in colour only.

**Reason:** In the interest of visual amenity.

5. 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.

6. The following transportation and road layout requirements shall be complied with in the development:
- (i) Parking for two cars shall be provided for within the curtilage of each dwelling site.
  - (ii) The footpath and kerb shall be dishd at the developers expense to the satisfaction of the Council's Area Engineer.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

7. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated as necessary as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

8. The following requirements shall be met in the development:
- (i) Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.
  - (ii) No deliveries of materials, plant or machinery shall take place before 8.00 am in the morning or after 7.00 pm in the evening.

**Reason:** In order to safeguard the amenities of property in the vicinity.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than [1:500] showing –
    - (i) The species, variety, number, size and locations of all proposed trees and shrubs
    - (ii) Details of boundary planting
  - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
  - (c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

10. The windows serving all bathrooms and en suite bathrooms shall be fitted and thereafter permanently maintained with obscure glazing.

**Reason:** In the interests of residential amenity and to prevent overlooking of adjoining properties.

11. The developer shall pay to the planning authority a financial contribution of €44,330 (forty four thousand three hundred and thirty 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. The contribution shall be paid prior to the 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 the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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**Stephen Kay**  
Inspectorate  
28th November, 2011