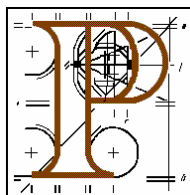


An Bord Pleanála



Inspector's Report

PL29S.242631

Development

Description: Construction of a house
Address: Rear of 31 Rathmines Road Lower, Dublin 6

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3104/13
Applicant: Maurice Cronin
Type of Application: Permission
Planning Authority Decision: Grant

Planning Appeal

Appellant: (1) Simon D'Arcy
(2) Frank and Anne-Marie O'Reilly
Type of Appeal: Third Party
Observers: None
Date of Site Inspection: 11/2/14

Inspector: Louise Kiernan

Appendices: Appendix 1: Site Context Map
Appendix 2: Zoning Map
Appendix 3: Key Map and Associated Photos
Appendix 4: Dublin City Council Development Plan extracts

1.0 SITE LOCATION AND DESCRIPTION

The site with a stated area of 556 sq.m. is located at the rear of no. 31 Rathmines Road Lower, Dublin 6 (appendix 1: site context map). The site is currently in use as a surface car park and has palisade fencing along the perimeter. Access to the site is via a narrow access lane, which in turn accesses onto Blackberry Lane, and then onto Rathmines Road Lower. Blackberry Lane contains a number of residential and commercial properties, is capable of accommodating two-way traffic and has pay and display parking on both sides. The access laneway to the site off same is approximately 23 metres long and has a number of vehicular entrances serving the rear of properties fronting onto Blackberry Lane. This access lane has double yellow lines and is capable of only accommodating single lane vehicular traffic. The site is bounded by the properties on Blackberry Lane, Rathmines Road and Grove Park. The properties of 107 and 107A Grove Park and 31-39 Rathmines Road Lower are Protected Structures. The site is located in a Residential Conservation Area (appendix 2). The site and surrounding area are further documented in appendix 3: key map and associated photos.

2.0 PROPOSED DEVELOPMENT

The proposed development consists of the construction of a two-storey three bedroom dwelling and associated site works including the provision of two parking spaces, landscaping and drainage terraces are proposed at first floor level, screened from adjoining properties by privacy screens. The proposed dwelling is of contemporary flat roof design.

3.0 PLANNING HISTORY

PL 29S. 104658 (2203/97) – An Bord Pleanála refused permission for the temporary change of use of furniture factory/car sales yard to supervised long term car park at the rear of 31 Lower Rathmines Road. The reasons for refusal were as follows:-

- 1. 'The use of the site as a long term surface car park would materially contravene the policy of the planning authority as expressed in policy TPS of the current Dublin City Development Plan and of the Dublin Transportation Initiative, as expressed in paragraph 10.8.2 of the DTI Final Report, in relation to parking. The proposed development would, therefore, be contrary to the proper planning and development of the area.*
- 2. The site is zoned A2 in the current development plan for the area "to protect and/or improve residential conservation areas". Car parks are neither normally permissible nor open for consideration in this zone. To permit a surface car park at this location would contravene materially the zoning objective and seriously injure the amenities of property in the vicinity.*

3. *The access/egress laneway serving the site is substandard in relation to facilitating the traffic movements generated by the proposed development'.*

PL 29S. 209251 (3961/04) – An Bord Pleanála granted permission for 3 no. two-storey dwellings. The development included the widening of the existing public laneway off Blackberry Lane, demolition of a section of boundary wall to the rear of Numbers 31, 33, 35 and 37 Rathmines Road Lower (all Protected Structures), and demolition and relocation of the existing E.S.B. substation to the rear of 39 Rathmines Road Lower.

4.0 DEVELOPMENT PLAN AND NATIONAL POLICY

Dublin City Council Development Plan 2011-2017

The site is zoned objective Z2 – Residential Conservation Area *'To protect and/or improve the amenities of residential conservation areas'*. The site is located to the rear of a number of Protected Structures. The properties of no's 107 and 107A Grove Park and no.'s 31-39 Rathmines Road Lower are Protected Structures (appendix 2). The following sections are of relevance (appendix 4): -

15.10.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2

17.9.5 Backland Development

17.10.8.1 Development in Conservation Areas

Architectural Heritage Protection Guidelines for Planning Authorities (DoEHLG, 2004)

Section 13.8

5.0 REPORTS RECEIVED

Engineering Department (Drainage Division) - no objection subject to conditions.

Roads & Traffic Planning Division – no objection subject to conditions. It is stated in said report that *'...Prior to submitting this application the applicant contacted this division to ascertain our requirements regarding access to the site. It is proposed to access the site from Blackberry Lane via a private laneway. The laneway is approx 23min length and varies in width from 2.8m to 3m. There are approx 3 no. additional properties adjoining the laneway. Having regard to the limited number of properties serviced from the laneway there is no objection'*.

Water Services – recommends conditions.

6.0 PLANNING AUTHORITY'S DECISION

Dublin City Council issued a decision to grant permission for the proposed development subject to 12 no. conditions. Of particular note is the following condition:-

Condition no. 2:

'A 1.8 metre opaque glass privacy screen shall be erected to the southwestern terrace and revised drawings illustrating this amendment shall be submitted for the written approval of the Planning Authority prior to commencement of development.

Reason: In the interest of residential amenity'.

7.0 GROUNDS OF APPEAL

This is a Third Party appeal by (1) Simon D'Arcy; and (2) Frank and Anne-Marie O'Reilly against the decision of Dublin City Council to grant permission for the proposed development. The grounds of appeal are outlined below:-

Simon D'Arcy, Kensington Lodge, 107 Grove Park (Kensington Lodge):

- Inadequate Site Notices.
- Proximity of the proposed development to the appellant's house.
- Overshadowing of appellant's garden.
- Terraces facing the appellant's house.
- Infill development not in keeping with the surrounding period houses.
- Access for fire engines.
- Flooding/Drainage concerns.

Frank and Anne-Marie O'Reilly (2 Blackberry Lane):

- The small lane off Blackberry Lane is too narrow to allow adequate vehicular access. The area is at saturation point and should not have any more developments. The width of this lane is too narrow to allow access to emergency vehicles and fire engines.
- There is a current and historical problem with flooding to the basements on Rathmines Road and the site flooded in recent years. This will create more uncertainty regarding water discharge from Blackberry Lane and potentially put our home at risk of flooding in the future.
- The private laneway is not in charge of the Council. The appellant has a side entrance to this lane and it would be dangerous for entering and exiting this entrance. Widening of the lane and creation of a footpath is essential. Impinges on their right of way in this lane.
- Cannot understand how a modern building can be granted in a conservation area.
- Privacy impinged as would look directly into windows and create a darker home. The screens are insufficient.
- Blackberry Lane cannot cope with any more traffic and has reached saturation point. Parking is impossible as this is one of the few areas

homeowners on Rathmines Road park their vehicles. The lane is very busy during office hours and it will be impossible to access their home and side entrance if planning was granted as plant, machinery and trucks would cause havoc.

- This area is surrounded by Protected Structures. Overdevelopment would be detrimental to the heritage of Rathmines and its environs.

8.0 RESPONSES

First Party Response to appeal made by Simon D'Arcy, (Kensington Lodge, 107 Grove Road):

- Inadequate Site Notices – A site notice was erected on Blackberry Lane and at the entrance gate. The site does not have any entrance onto Grove Park or Rathmines Road Lower and there is therefore no obligation to erect additional notices. The Council would not have validated the application if the Regulations had not been complied with.
- Proximity to Kensington Lodge – already permission granted on appeal for 3 houses on the site. Due to the recession and costs associated with widening the lane, this permission has not been proceeded with. The house is located centrally in the site. The ground level is substantially lower than the ground floor level of Kensington Lodge. The absence of a large roof structure would reduce the height and bulk of the building thereby reducing its impact on adjoining property. No clear glazing in the northern elevation facing the appellant's house. The proposed terraces are screened to prevent overlooking.
- Overshadowing – The appellant's property does not have a rear garden and the open space is the side garden to the west. As the proposed house is to the south the afternoon sunshine would be unhindered. The northern elevation has been shortened at first floor level at its western end to reduce its impact. The suggestion that the house should be single storey or that the top floor should be set back is unreasonable.
- Terraces – The eastern terrace faces the blank gable of the rear return of the appellant's property. The terrace has a glass privacy screen. The western terrace is fully enclosed.
- Infill Development – Is not infill but backland development and different planning control principles apply. Protected Structures in the vicinity do not preclude modern architecture on this backland site. There is an assortment of buildings in the vicinity.
- Fire Engine Access – So long as there is a fire hydrant point within 46m the requirements of the Fire Department will be met. The applicant intends to comply with same. Permission was granted for a number of mews houses on a Lane off Leinster Road though the access was only 2.72 m wide. Therefore there is a precedent for permission for houses which do not have access of sufficient size to accommodate a Fire Truck.
- Flooding - The site never flooded and is above the basement levels of adjoining properties. No waterbody in the vicinity has flooded. Allows natural percolation and is no interference with groundwater as a

basement or retaining walls are not proposed. The proposed development has a modern drainage system connected to the public sewer and a far higher level of surface water permeability than at present. The Drainage Division of the local authority had no objection.

First Party Response to appeal made by Frank and Anne-Marie O'Reilly's (2 Blackberry Lane):

- The lane does not have any vehicular access onto it except that belonging to the applicant.
- The site is zoned for development.
- Not necessary for a fire truck to travel down the lane. The only requirement under Building Regulations is that a fire hydrant be within 46m of the proposed house. The applicant will comply with same.
- Louis Lane off Leinster Road has a width of 2.72m with 9 houses. Accordingly there is a precedent in the area for a narrow lane serving a greater development.
- The applicants have the right to use the private laneway and are the only persons with a vehicular right of way over the lane.
- Adequate space in the site for storing plant, machinery and materials.
- The site does not include any Protected Structure and is not in an Architectural Conservation Area.
- The architect carefully chose the design as a modern architectural solution to an individual backland site.
- No opposing windows in the rear wall of the first floor southwest bedroom in the proposed house.
- The proposed house will not darken the appellant's property.
- The proposed development would generate a few pcu's at most on the outer end of Blackberry lane. During normal working hours there was little or hardly any traffic on Blackberry Lane.
- The widening of the access lane is not achievable.
- This appeal is made by those opposed to more development in the area. This is not a valid planning or sustainable approach in a city location in which it is planning policy to achieve better use of underutilised land.
- Widening of the lane cannot be imposed in a planning condition.
- The site never flooded and is above the basement levels of adjoining properties. There is no basement proposed and no waterbody in the vicinity has flooded. Allows for natural percolation of rainwater and there is no interference with groundwater movement as a basement or retaining walls are not proposed. Would have a modern drainage system connected to the public sewer and a far higher level of surface water permeability than at present. The Drainage Division of the planning authority had no objection.

9.0 ASSESSMENT

I am satisfied that the key planning issues in this appeal are as follows: -

1. Site Notice Issues
2. Planning History and Principle of the Proposed Development
3. Access Issues
4. Landownership and Property Infringement Issues
5. Visual Impact on the Character of the Area
6. Residential Amenity Impact
7. Flooding Issues

I will deal with each of these issues in turn: -

1. Site Notice Issues

9.1.1 Concerns have been raised in relation to the lack of an adequate number of site notices. However I also note that the subject proposal was considered to be a valid planning application by the Planning Authority, and as such I do not consider that this constitutes a matter for invalidating the application at this appeal stage.

2. Planning History and Principle of the Proposed Development

9.2.1 As per section '17.9.4 Backland Development' of the Dublin City Development Plan 2011-2017, it is stated that *'the development of individual backland sites can conflict with the established pattern and character of development in an area...Applications for backland development will be considered on their own merits'*. In this regard I note the planning history pertaining to the site and that as per PL 29S. 209251 (3961/04), An Bord Pleanála previously granted permission for residential development consisting of 3 no. dwellings on the site. As such I consider that the Board has already favourably considered the principle of residential development on the site. It is also noted that the subject development is for a much lower density development of only 1 no. dwelling as opposed to the previously permitted 3 no. dwellings on the site by the Board. In relation to the specifics of this proposal it is my opinion that the development must be considered in relation to its interaction with the adjoining sites.

3. Access Issues

9.3.1 Access to the site is via a narrow access lane, which in turn accesses onto Blackberry Lane, and then onto Rathmines Road Lower. Blackberry Lane contains a number of residential and commercial properties, is capable of accommodating two-way traffic and has pay and display parking on both sides. The access laneway to the site off same is approximately 23 metres long and has a number of vehicular entrances serving the rear of properties fronting onto Blackberry Lane. This access lane has double yellow lines and is capable of only accommodating single lane vehicular traffic.

9.3.2 As previously noted I have had regard to the planning history pertaining to the site and that as per PL 29S. 209251(3961/04) An Bord Pleanála granted permission for residential development consisting of 3 no. dwellings on the site. Said permitted development (which was not carried out) included the widening of the existing public laneway off Blackberry lane. However this is not proposed in the subject case and it is indicated in the First Party Response that this is not achievable. However it is also noted that the subject development is for a much lower density development of only 1 no. dwelling as opposed to the previously permitted 3 no. dwellings on the site by the Board. While the subject development will not widen the laneway, I consider that as only 1 no. dwelling is proposed, that such widening is not necessary for the lower traffic volumes associated with same. It is also noted that the Roads & Traffic Planning Division of the Local Authority had no objection to the proposed development subject to conditions. In said report it is stated that *'it is proposed to access the site from Blackberry Lane via a private laneway. The laneway is approx. 23m in length and varies in width from 2.8m to 3m. There are approx. 3 no. additional properties adjoining the laneway. Having regard to the limited number of properties serviced from the laneway there is no objection'*.

9.3.3 In relation to concerns in relation to access by emergency vehicles, I note that the access laneway is only approximately 23 metres long before it meets Blackberry Lane, and also that the site backs onto Grove Park to the north, and as such I consider that it is sufficiently accessible in the case of emergency. I also note that the Board in their previous consideration of development on the site as per PL29S.209251 (3961/04), in granting permission granted for 3 no. dwellings on the site did not consider access by emergency vehicles to be a concern.

4. Landownership and Property Infringement Issues

9.4.1 I consider that issues relation to landownership and rights of ways are legal and civil issues, not planning issues. In this regard I draw the Board's attention to the provisions of Article 34 (13) of the Planning and Development Act 2000, whereby a person shall not be entitled solely by reason of a permission to carry out any development and that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required. As such I am of the opinion that issues in relation to property infringement are legal issues to be determined and agreed amongst the parties concerned. They are not planning issues as such and therefore outside the remit of this appeal.

5. Visual Impact on the Character of the Area

9.5.1 As per the Dublin City Council Development Plan 2011-2017 the site is zoned objective Z2 – Residential Conservation Area *'To protect and/or improve the amenities of residential conservation areas'*. I also note the

site is located to the rear of a number of Protected Structures; 107 and 107A Grove Park and no.'s 31-39 Rathmines Road Lower. As such I consider that the site may be deemed particularly sensitive in nature. As per section '15.10.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2' of the Development Plan, it is stated that '*Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.*' Furthermore as per Section '17.10.8.1 Development in Conservation Areas' of the Development Plan it is stated that '*all new buildings should complement and enhance the character and setting of conservation areas. In considering proposals for development in conservation areas, it is policy to have particular regard to: the effect of the proposed development on buildings and the surrounding environment, both natural and man-made; the impact of development on the immediate streetscape in terms of compatibility of design, scale, height, plot width, roof treatment, materials, landscaping, mix and intensity of use proposed. Development within conservation areas should be so designed so as not to constitute a visually obtrusive or dominant form of development.*'

9.5.2 I have also considered Section 13.8 of the Architectural Heritage Protection Guidelines, 2005 which state that '*new development both adjacent to, and a distance from, a protected structure can effect its character and special interest and impact on it in a variety of ways. The proposed development may directly abut the protected structure as with buildings in a terrace. Alternatively, it may take the form of a new structure within the attendance grounds of the protected structure. A new development could also have an impact even when it is detached from the protected structure and outside the curtilage and attendant grounds but is visible in an important view of or from the protected structure.*'

9.5.3 In relation to impact on Protected Structures in the area, I note that the proposed development addresses the rear gardens and associated rear façades of the Protected Structures of 107 and 107A Grove Park and 31-39 Rathmines Road Lower. However taking account of the backland location of the site, I consider that only perspective where it will be visible from the streetscape will be from Grove Park to the north. However taking account of the much lower ground level and the setback from the road, I consider that the amount that will be visible will be minimal. I note the design of the proposed dwelling is contemporary in nature. However despite this I consider that the design is not such as to detract from the aforementioned Protected Structures and the Residential Conservation Area in general. I also note that the 3 no. dwellings previously permitted by the Board on the site as per PL 29S.

209251 (3961/04), were also of contemporary design. Accordingly I consider that the proposed development is visually acceptable.

6. Residential Amenity Impact

9.6.1 As per the Dublin City Council Development Plan 2011-2017 the site is zoned objective Z2 – Residential Conservation Area *‘To protect and/or improve the amenities of residential conservation areas’*. As per section ‘15.10.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2’ of the Development Plan it is stated that *‘the general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area’*. Accordingly I have assessed the impact of the proposed development on the residential amenity of surrounding properties in relation to the following:-

Overlooking:

9.6.2 As per the Development Plan it is indicated that *‘at the rear of dwellings, there should be adequate separation (traditionally about 22m between 2-storey dwellings) between opposing first floor windows. However, this standard may be relaxed if it can be clearly demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers’*. In this regard I note that there is a separation distance of approximately 8.6 metres to the property of 105 Grove Park to the west. This separation distance is mostly provided within the subject site (6.804m). On the western side elevation of the proposed dwelling is a bathroom window, which is considered acceptable. There is also glazing proposed on the bedroom in the northwestern corner. Same is located approximately 9.8 metres from the western site boundary. However as it is the gable elevation of 105 Grove Park which addresses the site, it is considered most likely that said windows on upper floors are unlikely to be serving habitable rooms.

9.6.3 In relation to the property of 107 and 107A Grove Park to the north, said property is built right up to the site boundaries. However it is also noted that said property is stepped back setback at the upper level. Upon examination of the site layout map it is indicated that the separation distance of the proposed development to the northern site boundary is 3.554 metres. While a first floor window is proposed at this level to serve a study room, it is indicated on the plans that this will be fitted with opaque glass. As such I consider that same is acceptable.

9.6.4 On the eastern elevation the only window at first floor level is that serving an ensuite W.C., which by its nature is considered acceptable. On the southern elevation are a number of first floor windows serving bedrooms areas. It is indicated on the site layout plan submitted that there is a 4.447 metre separation distance to the southern site boundary. While it is noted that on the drawings submitted that in a number of locations a 2.4m brickwork/timber slats boundary is to be

provided in a number of the site boundary locations, none have been indicated along the southern site boundary. As such I consider that should the Board be mindful to grant permission for the proposed development that such boundary treatment should also be conditioned along the southern boundary, in order to alleviate any overlooking of the rear amenity areas of adjoining properties to the south.

- 9.6.5 However I have major concerns in relation to the proposed 3 no. first floor terrace areas. In this regard I note that a 12 sq.m. terrace is proposed on the northwestern corner of the first floor. Access to same is via an external cantilevered concrete staircase along the western elevation of the building. I am of the opinion that this external staircase could in itself result in substantial overlooking of the rear gardens of residential properties to the west. The terrace itself is of considerable size (12 sq.m.) and addresses both the western and northern elevations. I also note that another terrace is proposed in the northeastern corner and a further large terrace of 12.7 sq.m. on the southern elevation. I consider that same first floor terraces are unwarranted and excessive and offer the potential for overlooking of adjoining private amenity areas of surrounding residential properties. In an effort to alleviate concerns in relation to overlooking, the local authority included condition no. 2 which in the interest of residential amenity stated that '*A 1.8 metre opaque glass privacy screen shall be erected to the southwestern terrace and revised drawings illustrating this amendment shall be submitted for the written approval of the Planning Authority prior to commencement of development*'. However I consider that should the Board be mindful to grant permission for the proposed development that said terraces should be omitted in totality as I consider that same are unnecessary taking account of the adequate provision of private amenity space available at ground level on the site.

Overbearance:

- 9.6.6 The dwellings previously permitted by the Board on the site as per PL29S. 209251 had an overall height of 6.1 metres, while the subject development has an overall height of 6.6 metres. However I consider the potential for overbearance by the subject development will be lesser, being of a lesser density, and also being centrally located within the site.

Overshadowing:

- 9.6.7 I note that no shadow analysis drawings have been submitted. It is noted that the dwellings previously permitted by the Board on the site as per PL 29S. 209251 had an overall height of 6.1 metres, while the subject development has an overall height of 6.6 metres. However I consider that the potential for overshadowing by the subject development will be lesser, being of a lesser density, and also being centrally located within the site.

Location of Bin and Bicycle Store:

- 9.6.7 A bin and bicycle store is proposed immediately adjoining the boundary with the appellant to the north. As same is immediately adjoining this

boundary, I consider that there could be potential detrimental residential impact for the neighbouring property. I therefore consider that should the Board be mindful to grant permission for the proposed development, that same bin storage area should be relocated to the western gable wall of the proposed dwelling.

7. Flooding Issues

- 9.7.1 Concerns have been raised in relation to flooding of the site and the increased potential for flooding of surrounding properties as a result of the proposed development. However upon my examination of the OPW website www.floodmaps.ie I noted that there did not appear to be a record of flooding in relation to the subject site or surrounding lands in the immediate vicinity. I also note that the Board in their previous consideration of development on the site as per PL 29S. 209251 (3961/04), whereby they granted permission granted for 3 two-storey dwellings on the site, did not consider flooding a concern.

10.0 CONCLUSION

Having regard to the planning history pertaining to the site and the provisions of the Dublin City Development Plan 2011-2017, it is considered that, subject to compliance with conditions, the development would not seriously injure the amenities of the area or of property in the vicinity, would not be detrimental to the nature of the streetscape and would be acceptable in terms of traffic safety and convenience.

11.0 RECOMMENDATION

I recommend that permission be granted for the following reasons and considerations and subject to the following conditions: -

REASONS AND CONSIDERATIONS

Having regard to the planning history pertaining to the site and the provisions of the Dublin City Development Plan 2011-2017, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of property in the vicinity, would not be detrimental to the nature of the streetscape and would be acceptable in terms of traffic safety and convenience. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed development shall be amended as follows:-

- (a) The external stairway on the western elevation shall be omitted.
- (b) The bin and bicycle store shall be relocated along the western gable elevation of the proposed dwelling.
- (c) All first floor terraces shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and residential amenity.

3. (a) Screen walls shall be provided along the entire site perimeter. Such walls shall be 2 metres in height above ground level.
- (b) The screen walls shall be constructed in brick to match the brick used in the dwelling.

Reason: In the interests of residential and visual amenity.

4. Samples of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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. All planting shall be adequately protected from damage until established. Any plants which dies, 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.

6. Road and access arrangements, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of traffic and pedestrian safety and to ensure a proper standard of development.

7. 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 and to ensure a proper standard of development.

8. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: in the interest of public health.

9. All measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

10. No heavy construction equipment/machinery shall be operated on or adjacent to the construction site before 8am on weekdays and 9am on Saturdays nor after 6pm on weekdays and 1pm on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: To protect the amenities of adjoining residential occupiers.

11. 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.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. This 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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.

Louise Kiernan
Inspector
20th February, 2014