



An
Bord
Pleanála

Inspector's Report

ABP-305800-19

Development	24 dwellings; all associated site development works, car parking, open spaces and landscaping including modification to an extant permission under Ref. SD14A/0180; permission is also sought for the demolition of a detached dwelling on site.
Location	South of Oldcourt Road, Oldcourt, Firhouse, Dublin 24.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19A/0104
Applicant(s)	Capami Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	William & Dorothy Scally.
Observer(s)	None.
Date of Site Inspection	13 th March 2020.
Inspector	Karen Kenny

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1.0 Site Location and Description

- 1.1. The site is located in Oldcourt, Firhouse, Dublin 24, south of Oldcourt Road (R113). It is in the area of the Ballycullen-Oldcourt Local Area Plan 2014. The LAP covers an area of c. 90 hectares at the southern fringe of the built-up area of Dublin and in the foothills of the Dublin Mountains. The topography of the area slopes upwards towards the steeper slopes of the Dublin Mountains.
- 1.2. The site (0.76 ha) consists of a residential property that fronts directly onto the Oldcourt Road. The site contains a detached dwelling and a garage. It is bounded to the north by a residential property that contains a single dwelling on large grounds, and to the south west by Dodderbrook a recent housing development that remains under construction (Phase 1 PA. Ref. SD14A/0180 and Phase 2 SD17A/0121). The proposed development would form the third phase of Dodderbrook. There are undeveloped lands to the south. On the opposite side of the Oldcourt Road, there are more established residential estates (Beechdale and Daletree). Development in the area is suburban in character.

2.0 Proposed Development

- 2.1. Permission was sought for demolition of an existing dwelling and for construction of 24 no. residential units (20 no. houses and 4 no. apartments).
- 2.2. The proposed development was amended on foot of a request for further information. The revised proposal comprises 21 no. residential units as follows:
 - 6 no. 4 bed semi-detached houses;
 - 4 no. 3 bed semi-detached houses;
 - 1 no. 3 bed detached house;
 - 6 no 3 bed terraced houses; and
 - 4 no. 2 bed apartments.

All units are 2-storey. Vehicular access is proposed via Dodderbrook Phase 1 (PA Ref. SD14A/0180) and it is proposed to create a pedestrian and cycle connection from Dodderbrook Phase 1 to the Oldcourt Road.

3.0 Planning Authority Decision

3.1. Decision

Grant permission. The following conditions are of note:

Condition no. 4: Boundary wall for units no. 10 and no. 12 to be no higher than 1.2m forward of the rear building line.

Condition no. 7: Fenestration to be added to habitable rooms of House Type C3 side gables at ground and first floor; location and details of bin stores to be agreed; 3 no. street trees to the north east of the site to be removed.

Conditions no. 11, 12, 13: Landscape masterplan, play provision and provision for soccer goals to be agreed.

Conditions no. 15 and 16: Tree bond and post completion tree survey.

Conditions no. 17 and 18: Bat survey and retention of ecologist on site.

Condition no. 31: Reimbursement of SDCC for loss of street trees.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Following an initial assessment further information was sought in relation to water services and drainage, density and layout, ecology, public open space, landscaping, tree survey, LAP phasing, site plan / drawings and anomalies in the submitted documentation. The revised details received by the PA included a revised layout. The assessment following receipt of further information concludes that subject to agreement in respect of outstanding items, the development is considered to be in accordance with the land use zoning objective and other relevant policies and objectives of the South Dublin County Development Plan.

3.2.2. Other Technical Reports

Water Services and Drainage: No objection following receipt of further information.

Roads Section: No objection.

Housing: No objection.

Parks and Landscaping: No objection subject to conditions.

HSE: No objection.

3.3. Prescribed Bodies

Irish Water: No response to F.I.

3.4. Third Party Observations

A total of 5 no. submissions were received from local residents. The issues raised can be summarised as follows:

- Removal of Trees.
- Loss of Biodiversity / Green Space.
- Visual and landscape Impacts.
- Road / Pedestrian Safety.
- Traffic congestion.
- Support use of existing entrance from Oldcourt Road (R113)
- Loss of privacy.
- Flood Risk.
- Lack of Children's Play.

4.0 Planning History

4.1. The following planning history relates to the application site:

SD17A/0471: Permission sought for demolition of the existing dwelling and for construction of 33 no. dwellings on the application site comprising 2 no. 3-bed semi-detached houses, 18 no. 3-bed duplex units and 9 no. 2-bed apartments and 4 no. 1-bed apartments. The PA sought further information. Item no. 1 noted the proposed gross density of 44 units per ha stating that the site is designated for low to medium density development (32-38 dwellings per hectare) and that the LAP requires main

and local link roads, green buffers and large areas of open space to be excluded for the purpose of density. The other items related to building frontages and layout, open space provision, cycle parking. The application was deemed to be withdrawn prior to a decision.

4.2. The following planning history relates to sites in the vicinity:

SD17A/0041: Permission sought for construction of a main link street (as detailed in the Ballycullen Oldcourt LAP) between Oldcourt Road at Gunny Hill and the Bohernabreena Road to the west. Permission granted.

SD17A/0121 / PL06S.249294: Permission sought for 133 no. dwellings and a creche on a site of 4.64 ha located south of Oldcourt Cottages and north of the ESB wires in the townland of Bohernabreena, Oldcourt, Ballycullen (Dodderbrook Phase 2). Permission granted by the PA and by ABP on appeal.

SD16A/0403: Permission sought for preliminary soil stabilisation works on lands zoned for residential use. Permission refused.

SD14A/0180: Permission sought for 138 no. dwellings on a site of 5.06 ha with a new vehicular access from the Oldcourt Road (R113) (Dodderbrook Phase 1). Permission granted.

5.0 Policy Context

5.1. National Planning Framework

Chapter 4 of the Framework addresses the topic of 'making stronger urban places' and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

5.2. Section 28 Ministerial Guidelines

I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).
- Design Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities.
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- The Planning System and Flood Risk Management (including associated Technical Appendices).

5.3. Development Plan

The South County Dublin Development Plan 2016-2022 and the Ballycullen-Oldcourt Local Area Plan 2014 are the relevant statutory plans.

South County Dublin Development Plan 2016-2022

- The site is zoned Res N with the objective “to provide for new residential communities in accordance with approved area plans”.
- The county development outlines policies and standards in relation to development including new residential development and also has a requirement for the submission of a design statement as indicated in section 11.2.1.
- The plan also generally sets out the requirement of adherence to national standards in relation to density, the layout of development and for at least the provision of minimum standards to be provided in relation to public open spaces and also standards in relation to individual residential units.

Ballycullen-Oldcourt Local Area Plan 2014

- The LAP covers an area at the southern fringe of the existing built up of South Dublin County and covers an area of approximately 90 hectares at the foothills of the Dublin Mountains. The LAP provides a framework for the development of lands within the LAP which are largely undeveloped or under development and zoned for new residential development. The LAP provides

for the provision of 1,600 new residential units in a phased manner as set out in chapter 6 of the LAP.

- The site is located within an area defined as a “partially constrained lands” and is part within an area referred to as “lower slope – medium density” and partly within “mid slope low density”.
- Open space is required at a rate of 20% of the site area in Lower and Mid Slope lands (Table 5.2 refers). This exceeds the CDP minimum requirement of 14% for Res N lands.
- In terms of the scale and density medium and lower density development is considered permissible. Densities of between 32 and 38 dwelling per hectare are ‘required’ on lower slope lands, while densities of 22-28 dwelling per hectare are ‘required’ on mid-slope lands (Table 5.4).
- The hedgerow along the south east boundary is identified in the LAP as forming part of the Green Infrastructure network.
- The overriding strategy is to ensure that development, at a wider level, is carried out in an integrated, coherent and universal design led manner that responds to the local context (inc. elevated and sloping context under 120 m OD contour of Dublin Mountains) and also accords with relevant national guidelines including the *Design Manual for Urban Roads and Streets*. The strategy also provides for a phasing of development and the provision of the necessary infrastructure to serve the area. In this context there is reference to the need to address the challenges presented by the area of the LAP, which the LAP considers has a unique amenity value in terms of natural heritage;
- In relation to building design and heights it is indicated that new development on the plan lands should sensitively reflect its semi-rural and mountain setting.
- The appendix to the LAP outlines plan objectives under various headings including design, flood risk management, topography and contours, open space hierarchy and functions, dwelling mix and density, building design and heights and development management standards on a range of matters.

5.4. **Natural Heritage Designations**

None.

5.5. **Environment Impact Assessment**

- 5.5.1. Having regard to the nature and scale of the proposed development of housing on zoned and serviced land and nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third-party appeal has been received from the owner of the adjoining residential property to the north west of the site called 'Littlemore'. The grounds of appeal can be summarised as follows:

- The proposed development would impact unduly on the amenities of the property due to the proximity of buildings and orientation of buildings along the shared boundary and the proposal to remove a tree line along the boundary.
- The layout at application stage had 6 no. units backing onto Littlemore. The units had short rear gardens with bedroom windows at 1st floor directly overlooking the appellants private amenity space and living rooms. The layout submitted at further information stage, as permitted, has a 5 m buffer along the eastern boundary to protect hedgerows while development is squeezed onto the western boundary with the appellants property. The short garden depths of units 3 & 4 will give rise to overlooking of the appellants private amenity space. The overlooking will be exacerbated by the proposal to remove trees from the application site and due to potential damage to trees on the appellants property. The proximity of development to the boundary will also impact on the future development potential of the appellants property.

- Question accuracy of tree survey and proposal to remove north west tree line. Tree survey did not survey trees in appellants property and affords them little protection. No protective measures proposed or conditioned to ensure the survival of trees.
- Impacts will arise from building compound / construction traffic. Request a specific condition that construction compounds / construction traffic routes be located away from the shared boundary with Littlemore. This matter should not be left for agreement between PA and developer.

6.2. Applicant Response

The applicant's response can be summarised as follows:

- The design was amended to address issues raised by the PA.
- The design and separation distances are adequate to ensure overlooking is minimised and that no overbearing impacts arise.
- The development would not hinder future development of Littlemore site. Gardens of proposed dwellings all comply with CDP standards.
- Layout 1 submitted with the application: Houses 3 & 4 which back onto the shared boundary maintains a separation of c. 20m to 22m from the appellants dwelling. House Type A (no. 7) sides onto the appellants lands and has only bathroom windows in the first-floor gable. ABP may consider conditioning frosted glass or removal of these windows if deemed necessary.
- Layout 2 submitted at further information stage and approved by PA: Houses 1 & 2 back onto the boundary and maintain a c. 15m – 18 m separation from the existing dwelling. Units no. 3, 4 & 17 side onto the boundary and have only bathroom windows in the first-floor gable. If deemed necessary frosted glass can be provided or windows omitted in fill. The rear windows of units no. 1 & 2 are at a distance from the existing property and the windows do not directly face the dwelling. In relation to the setback from the boundary it is noted that there is no standard length for a rear garden in the CDP standards and the quantum of open space exceeds the development plan standard.

- No loss of trees on the appellants lands. Arborist Report (submitted at FI stage) caters for tree protection and management. Report identifies trees of ecological value and historic significance along the eastern boundary. Green Infrastructure strategy of the LAP requires retention of these trees. The layout was changed to accommodate the tree line. Conditions require a tree bond and arboricultural agreement to ensure protection of trees on and immediately adjacent to the site. A 3-year post completion tree survey is required prior to the release of tree bond. Tree Line 2 along the western boundary with the appellants lands consists of Category C trees. The Arborist Report states that these trees are of low quality and value and should not be seen as a constraint on development. The applicants are within their rights to remove trees within the site where professional recommendations state that they have no ecological or historic value. The trees are non-native trees and consist of Leyland Monterey and Lawson Cypresses. Unmanaged and would present danger in terms of falling branches and roots impacting on services and foundations within the new development.
- In relation to concerns raised in respect of the site compound / construction traffic ABP may wish to decide the location / route of same.
- Development provides for ample separation distance between gables of existing and proposed dwellings. Internal design measures ensure overlooking from 1st floor windows is recued.

6.3. **Planning Authority Response**

The PA have made no further comments.

6.4. **Observations**

None.

7.0 **Assessment**

I have read the appeal file, all associated reports and plans and visited the appeal site and the surrounding area. The issues raised in the appeal primarily relate to the

impact on the amenity of the appellants property, impact on trees and hedgerows and impact on the future development potential of appellants property. In addition to these issues, I consider the issues of density and flood risk to be relevant as part of a de novo assessment of the appeal. I am satisfied that no other substantive issues arise.

7.1. Residential Amenity

- 7.1.1. The appellants raise concerns in relation to the impact of the proposed development on the amenity of their property due to overlooking of private amenity spaces and habitable rooms and overbearing impacts arising from the proximity of the proposed dwellings to the boundary. The revised layout received by the PA at further information stage sought, inter alia, to address concerns raised by the PA in relation to the impact of the proposed development on a significant hedgerow that is identified in the LAP and to afford this hedgerow a sufficient buffer area. The revised layout moves development away from the south east boundary where the hedgerow is located. The revised layout also reduced the number of dwellings backing onto the appellants property. The revised layout represents an improved layout for the development overall in my view, providing for reduced incidence of exposed boundary walls and a more open pedestrian and cycle connection to Oldcourt Road.
- 7.1.2. Dwellings no. 1 and 2 back onto the appellants boundary with a setback of 6.5 metres from the boundary and of over 25 metres from the rear elevation of the appellants dwelling. Dwellings no. 3, 4 and 17 side onto the boundary and maintain a setback of c. 1 metre from the boundary. There are bathroom / ensuite windows in the gable elevations at 1st floor. All dwellings along the boundary are 2-storey and of modest scale. I am satisfied that the positioning and orientation of the dwellings along the north west boundary is such that undue overlooking would not arise. I am also satisfied that the scale of development along the boundary would not be overbearing. Any potential impact is further mitigated by the substantial mature planting within the appellants site that runs along the shared boundary.

7.2. **Trees and Hedgerows**

The appellants raise concerns in relation to the detail contained in the tree survey, the removal of planting along the north west boundary and the potential impact on tree planting within the appellants property. The trees along the eastern site boundary are of ecological value and historic significance as detailed in the LAP and Arborist Report. The layout was changed at the request of the PA to protect this tree line and provide a suitable buffer. The tree line along the western boundary is not of the same significance and the Arborist Report concludes that these trees should not represent a constraint on development. The applicant proposes to remove trees within the application site and the PA have indicated no objection to this. Conditions of the permission require protection of trees on and immediately adjacent to the site that are to be retained and a tree bond to be put in place. I am of the view that the removal of trees that are of limited ecological and historic value within the application site is reasonable and that sufficient safeguards can be put in place to protect trees that are to be retained both within the site and in its immediate vicinity. I recommend that the applicant is required to agree details for protection of existing trees to be retained and to put a tree bond in place.

7.3. **Impact on development potential of adjoining lands**

- 7.3.1. I am satisfied that reasonable separation distances are met in this instance and that the proposed development would not prejudice the future development of the appellants site or that it is necessary to move the proposed houses further away from the boundary.

7.4. **Density**

- 7.4.1. The issue of density was not raised in the appeal submission. This is a new issue. The proposed development of 24 no. units had a gross density of 32 no. units per hectare. The development, as approved, has a gross density of 28 units per hectare. This is low within an outer suburban context. The LAP sets out a density requirement of 32-38 units per hectare for lower slope lands and 22-28 units per hectare for mid-slope lands. The site falls between both categories. The LAP states that the density strategy responds to the peripheral location of the lands, the need to create a soft

transition between the suburbs and countryside and the need to protect the setting of the Dublin Mountains. Chapter 5 of the Sustainable Urban Housing Guidelines recommends densities of 35-50 dwellings per hectare on outer suburban / greenfield sites and cautions against densities below 30 dwellings per hectare. While the net density is not outlined in the appeal documents, I calculate a net density of 30 dwellings per hectare when the protected treeline and associated 5m buffer is excluded. Having regard to the infill nature of this site and its peripheral location in the context of Dublin I am of the view that refusal is not warranted on the basis of insufficient density in this instance. Should the Board take a different view, consideration could be given to adding an additional floor and 2 no. units to the proposed apartment block. This would result in a net density of c. 33 units per hectare which exceeds the LAP minimum. I am satisfied such a change would not give rise to any third-party impacts as the block is located centrally within the site.

7.5. Flood Risk

- 7.5.1. The issue of Flood Risk was not raised in the appeal submission. This is a new issue. The SFRA for the South Dublin CDP and the Ballycullen Oldcourt LAP indicate that the site is in Flood Zone A (1% AER) for Fluvial Flooding. The flood risk is associated with the main eastern and minor middle arm of the Ballycullen Stream. The OPW's CFRAMS mapping does not extend to the area.
- 7.5.2. The Planning System and Flood Risk Management – Guidelines for Planning Authorities, DEHLG and OPW (2009) require a systematic approach to flood risk management at each stage in the planning process. Table 3.1 of the guidelines indicate that residential development is a highly vulnerable development class and Table 3.2 indicates that such development can only be considered in Flood Zone A (high probability) or B (moderate probability), where it meets the criteria of the Development Management Justification Test detailed in Chapter 5 of the guidelines.
- 7.5.3. The SFRA submitted with the application states that the flood risk was assessed by Kilgallen & Partners in 2014 under the Phase 1 application SD14A/0180. A Stage 3 Flood Risk Assessment was carried out for the area using hydrological modelling to identify the extent of Flood Zones A and B. The Stage 3 assessment identified that the flood risk from the main arm of the Ballycullen Stream could be addressed

through the upgrade of a culvert on the Oldcourt Road and providing flood plain compensation storage within the site. These works have been undertaken as part of the Phase 1 development. It is noted that risks associated with the eastern arm of the Ballycullen Stream and potential overland flow routes do not enter the lands but instead pass along the Oldcourt Road. The SFRA concludes that the flood risk associated with the Ballycullen Stream has been addressed by the adjacent residential development (SD14A/0180) and that the site is in Flood Zone C.

7.5.4. The Development Management Justification Test in the Flood Risk Guidelines states that when considering proposals for development, which may be vulnerable to flooding, and that would generally be inappropriate the following criteria must be satisfied:

1. *Lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.* Yes. The lands are zoned new residential and were considered taking account of the guidelines.
2. *The proposal has been subject to an appropriate flood risk assessment that demonstrates:*
 - *The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;*
 - *The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;*
 - *The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood*
 - *Protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access;*
 - *The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.*

- *The acceptability or otherwise of levels of residual risk should be made with consideration of the type and foreseen use of the development and the local development context.* Yes. The SFRA for Phase 1 of Dodderbrook (SD14A/0180) sets out risk based on hydraulic model and mitigation measures. The SFRA identified that potential risk could be mitigated by increasing the size of a culvert, providing flood storage and raising the FFL of the dwellings. These works were completed as part of the Phase 1 development. There is no impact on design and the residual risk is acceptable in my view.

7.5.5. I consider that the proposed development has passed the Development Plan and Development Management Justification Test in accordance with the requirements of the Flood Risk Management Guidelines and is acceptable.

8.0 Appropriate Assessment

8.1.1. Overview

The site is accompanied by an AA Screening Report. An Ecological Report was received by the PA at further information stage. I am satisfied that there is sufficient information on file to support AA Screening. The proposed development relates to the demolition of an existing dwelling and construction of 21 no. residential units. The development will connection to public water and drainage networks. The site is not located within or immediately adjacent to a Natura 2000 site and there are no sites within a 2 km radius of the site. The Glenasmole Valley SAC (001209) is c. 2.1 km to the south west of the site; and the Wicklow Mountains SAC (002122) and SPA (004040) are c. 4.5 km south of the site. No source pathway receptor links are identified between the appeal site and the sites in the Dublin and Wicklow Mountains. In terms of the Dublin Bay SAC, which is c. 13.5 km to the east of the site, foul discharge from the proposed development would drain to the Ringsend WWTP for treatment before discharge to Dublin Bay. Surface water would also ultimately run into the Dublin Bay catchment. The foul discharges from the site would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP and its effects would be marginal. Surface water discharge would equate to a very small percentage of overall surface water discharge draining to

Dublin Bay and its effects would be marginal. Water supply would be from the Poulaphouca Reservoir SPA and again the water demand of the scheme is not significant in the context of the overall region and would have a marginal impact. The submitted screening report refers to mitigation measures to protect bats during development, however, bats are not qualifying interests for European Sites in the area. These mitigation measures are not a relevant consideration in my view for the purposes of AA Screening.

8.1.2. Conclusion:

It is reasonable to conclude that on the basis of the information on the file, which I consider to be adequate in order to issue a screening determination that that proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 001209 Glenasmole Valley SAC, No. 002122 (Wicklow Mountains SAC), No. 004040 (Wicklow Mountains SPA); No. 4063 (Poulaphouca Reservoir SPA); and No. 0210 (South Dublin Bay SAC), or any other European Site and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

I recommend that permission is granted subject to the conditions set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the South County Dublin Development Plan 2016-2022 and the Ballycullen-Oldcourt Local Area Plan 2014, the location of the site and the pattern of existing development in the area; the zoning of the site; the nature, scale and design of the proposed development and the availability in the area of infrastructure, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 CONDITIONS

1	<p>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 on the 5th September 2019, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Bathroom and ensuite windows in the western elevation of dwellings no. 3, 4 and 17 shall be of obscure glazing.</p> <p>Reason: In the interest of amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
4.	<p>The internal road and circulation network serving the proposed development including parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<p>A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p>

	<p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
6.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following: -</p> <ul style="list-style-type: none"> (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development; (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; (c) details of children's play facilities to be provided within the open spaces. (d) details of proposed boundary treatments at the perimeter of the site, and internally within the site including heights, materials and finishes. (d) details relating to the protection of existing trees as required by the planning authority. (e) details relating to the removal of 3 no. existing street trees to the north east of the site as detailed on DBFL Drawing No. 190058-2001. (f) details in relation to the design and location of bin stores and cycle parking in accordance with the requirements of the South Dublin County Development Plan. <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and shall include a timescale for implementation.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.</p> <p>Reason: In the interest of wildlife protection.</p>
8.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p>

	<p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
9.	<p>The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
10.	<p>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.</p> <p>Reason: In the interest of public health.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 13.00 on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
12.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and</p>

	<p>disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
13.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
14.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and 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.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
15.	<p>The public and communal open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.</p> <p>Reason: In order to ensure the development of the public open space areas, and their continued use for this purpose.</p>
16.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of storage, separation and collection of the waste shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: To provide for the appropriateness management of waste and in</p>

	particular recyclable materials in the interests of protecting the environment.
17.	<p>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 location of site compounds and material storage areas, haul routes and car parking areas and noise and dust management measures.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
18.	<p>All necessary measures shall be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of works.</p> <p>Reason: To protect the amenities of the area.</p>
19.	<p>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.</p> <p>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.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and</p>

	<p>maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in lieu of the replacement of street trees that will be removed to facilitate the development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with</p>

	<p>changes in the ***Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
23.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. 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. 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.</p> <p>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.</p>

Karen Kenny,
Senior Planning Inspector

16th March 2020.