



An
Bord
Pleanála

Board Direction
BD-004251-19
ABP-304482-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/10/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the Zoning Objective "Z1" for the area and the pattern of residential development in the area, it is considered that, subject to compliance with Conditions set out below, the proposed development would be in accordance with the relevant provisions of the Dublin City Development Plan 2016-2022, would not seriously injure the amenities of the local Ashtown neighbourhood, or of the property in the vicinity, would not be prejudicial to public health 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 on the 27th March 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.

Reason : In the interest of clarity.

2. The permission authorities 2 no. residential units only.

Reason : In the interest of clarity.

3. Each new dwellinghouse shall be used as a single domestic residential unit only.

Reason : In the interest of clarity and to ensure orderly development.

4. All bathroom and en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason : To prevent overlooking of adjoining residential property, in the interest of residential amenity.

5. 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. Such materials, colours and finishes shall ensure visual compatibility with and integration with existing surrounding residential development.

Reason: In the interest of visual amenity.

6. All public service lines and cables servicing the proposed development, including electrical and telecommunications cables, shall be located underground except where otherwise agreed with the Planning Authority. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development

Reason: In the interest of orderly development and visual amenity

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply in full with the requirements of the Planning Authority for such works and services.

Reason : In the interest of public health.

8. Physical infrastructure and servicing arrangements to enable the proposed development, specifically in relation to access (incl. the new vehicular entrance, front boundary treatment, internal road, costs), shall comply with the requirements of the Planning Authority for such works and services.

Reason : In the interest of traffic safety and orderly development, and in order to comply with requirements in relation to access.

9. The developer shall comply with the following requirements of the 'Transportation Planning Division' of Dublin City Council :

- Driveway entrance shall not have outward opening gates.
- Footpath and kerb to be dished and entrance provided to the requirements of the Area Engineer, Roads Maintenance Department.
- Prior to commencement of development, the applicant shall contact the 'Traffic Advisory Group (TAG)' to ascertain their requirements regarding the provision of double yellow lines on Ardpatrick Road. Any works shall be at the applicant's expense.
- All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason : In order to ensure a satisfactory standard of development.

10. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise & Air Pollution Section, all of the Dublin City Council.

Reason : To ensure a satisfactory standard of development.

11. The developer shall comply with the following requirements of Irish Water : - Prior to the commencement of development, the applicant or developer shall enter into a water and / or wastewater agreement(s) with Irish Water.

Reason : In the interest of public health and of orderly development .

12. The following boundary treatments shall be provided prior to the occupation of the dwellings hereby permitted :

- 1.8m high boundary walls / fences along rear garden boundaries to the rear and between the existing and approved dwellings.

Reason : In the interests of visual and residential amenity.

13. All trees shown to be retained on the site, and on land adjoining the site, shall be adequately protected during the period of construction as per **BS 5837**, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason : In the interests of amenity, ecology and sustainable development

14. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This scheme shall include reference to the 'Arboricultural Assessment' and relevant recommendations therein (CMK Hort & Arb Ltd.), completed for the site.

Any trees and / or plants which die, are removed or become seriously damaged or diseased, within a period of five 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 order to screen the development and assimilate it into the surrounding suburban environment, in the interest of visual amenity.

15. Each of the proposed dwellinghouses, shall not be occupied until such time as all services have been connected thereto, and are operational, to the satisfaction of the Planning Authority.

Reason : In the interest of orderly development.

16. (a) The site and building works required to implement the development shall only be carried out between the hours of :

Mondays to Fridays – 7.00am to 6.00pm.

Saturday – 8.00 a.m. to 2.00pm.

Sundays and Public Holidays – No activity on site.

(b) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason : In order to safeguard the amenities of adjoining residential occupiers.

17. 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 amongst others :

- details of site security fencing and hoardings;
- details of car parking facilities for site workers during the course of construction;

- details of the timing and routing of construction traffic to and from the construction site and associated directional signage, and with particular reference to the use of the narrow accessway between Ardpatrick Road and the application site. This to include proposals and /or methods to facilitate the delivery of abnormal loads to the site;
- measures to obviate queuing of construction traffic on the adjoining road network;
- measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- hours of working;
- noise management measures;
- measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network; and
- off-site disposal of construction / demolition waste.

The developer shall be obliged to comply with the requirements set out in the Code of Practice.

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

18. That all necessary measures be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining accessway and local public road network during the course of the works.

Reason : To protect the amenities of the area.

19. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining accessway and local public road network are kept clear of debris, soil and other material, and if the need arises for cleaning works to be carried out on the adjoining accessway and public roads. The said cleaning works shall be carried out at the developer's expense.

Reason : To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of public safety and orderly development.

20. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.

Reason : In order to ensure a satisfactory standard of development, in the interests of residential amenity.

21. In relation to individual houses, the naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwellings.

Reason : In the interest of neighbourhood legibility, and of orderly development.

22. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank .

(a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains. or

(b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces, street lighting, sewers and drains to the standard required by Dublin City Council.

The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof. In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason : To achieve a satisfactory completion of the development.

23. 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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason :It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Board Member

Date: 11/10/2019

Paul Hyde