



An
Bord
Pleanála

Board Direction
BD-003893-19
ABP-304550-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/08/2019.

The Board considered the appeal 'de novo' and 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 of the site in the current development plan for the area, and to the pattern of development in the vicinity; it is considered that, subject to compliance with the attached Conditions, the proposed development would not be detrimental to the residential amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of pedestrian convenience and traffic safety, and 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, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A 10m wide biodiversity zone shall be created across the full width of the site – on the bank of the Poddle River. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), and any statutory provision replacing or amending them, no development falling within Part 1 of Schedule 2 of the Regulations shall be carried out within the biodiversity zone, without a prior specific grant of planning permission.

Reason: To comply with the green infrastructure objectives of the Development Plan and to ensure the protection of the Poddle River and its associated riparian corridor, in the interests of biodiversity.

3. Details of external finishes of the proposed houses, shall be submitted for the written agreement of the planning authority, prior to commencement of development.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water within the site, shall comply with the requirements of the planning authority for such works and services. In particular, no surface water shall be discharged to the Poddle River.

Reason: In the interest of public health and to ensure that there is no piped discharge of surface water to the adjacent river.

5. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.

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

6. The access to the site shall remain a private access – serving the two new dwelling-houses. Maintenance/management of this shared area shall be the responsibility of the owners/occupants of the two new houses.

Reason: In the interest of orderly development.

7. The finished floor levels of houses shall be 500mm above the highest known flood level for the site and the surrounding area.

Reason: In the interest of public health and safety.

8. The footpath on Wellington Green shall be dished to the requirements of the planning authority, and at the expense of the applicant, prior to occupation of either of the two new houses on the site.

Reason: In the interest of pedestrian and traffic safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground within the site.

Reason: In the interests of visual and residential amenity.

10. The proposed houses shall be numbered 6A and 6B Wellington Cottages.

Reason: In the interests of urban legibility.

11. Any first floor windows in gable elevations of the houses, shall be in obscured glazing.

Reason: In the interest of the residential amenities of adjoining properties.

12. The timber telegraph pole located at the back of the footpath (at the point where the new vehicular entrance is to be created), shall be relocated at the expense of the applicant, and in consultation with the relevant service provider, prior to first occupation of either of the two new houses on the site.

Reason: In the interest of orderly development and traffic safety.

13. Site development and building works shall be carried out only between the hours 0800-1900 Mondays to Fridays inclusive; between the hours 0800-1600 on Saturdays; and not at all on Sundays or public holidays.

Deviations from these times will only be allowed in exceptional circumstances, where prior written approval has been received from the planning authority.

Reason: To safeguard the amenities of residential property in the vicinity.

14. 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 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.

Reason: In the interest of sustainable waste management.

15. 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: 27/08/2019

Stephen Bohan