



An
Bord
Pleanála

Board Direction
BD-014971-24
ABP-315387-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/01/2024.

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 location of the infill site in an established suburban area, close to services and facilities and a main transport corridor and, to the nature of proposed use it is considered that subject to the conditions set out below, the proposed development would be acceptable in terms of public health and pedestrian and traffic safety, would not seriously injure the residential amenities of property in the vicinity or the amenities of the area and, would 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The first-floor balconies on the northern elevation of each of the dwellings shall be omitted. Revised drawings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the protection of residential amenities of properties on Rossmore Avenue and Drumfinn Road.

3. 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:

- The location of the site and materials compound including the area storage of construction refuse.
- Details of site security fencing and hoardings; arrangements for pedestrians and vehicles in the case of the closure of the lane during the course of construction,
- Details of the timing and routing of construction traffic.
- Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- Appropriate measures for noise, dust and vibration, and monitoring of such levels.

Reason: In the interest of public health and safety.

4. The following requirements shall be provided for and adhered during construction:

- Hours of construction works shall be confined to 0700 hrs – 1800 hrs Monday to Friday excluding bank holidays and 0800 hrs – 1400 hrs Saturdays only. Deviation from these hours shall be subject to the prior written agreement of the planning authority.
- Management of noise during the construction stage shall be in compliance with the standards in, BS 5228: Noise Control on Construction and Open Sites – Part 1 'Code of Practice or basic information and procedures for noise control'.

Reason: In the interest of residential amenity and the amenities of the area.

5. The following requirements shall be provided for and adhered to in the development;-

- Entrance gates, if any to the under crofts/integrated garages for each dwelling shall be sliding or inward opening only.
- Refuse storage for each dwelling shall be provided for within the under-croft-integrated garage areas and not on the laneway (except on day of waste collection by service provider)

Reason: In the interest of amenity and safety.

6. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority, a comprehensive engineering services report for the proposed management of foul and surface water to include provision for management of the surface water in accordance with Sustainable Urban Drainage Systems (SuDS)

Reason: In the interest of public health and to ensure a satisfactory standard of development.

7. The developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

8. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

9. Details 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.

10. Proposals for a name and house numbering scheme be submitted and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of urban legibility.

11. 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 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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. 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.

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.

13. The developer shall pay to the planning authority a financial contribution in lieu of public open space 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.

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.

Note

The Board agreed with the Planning Authority that a condition requiring a financial contribution in lieu of the shortfall in the provision of public open space was appropriate.

Board Member



Date: 08/01/2024

Una Crosse