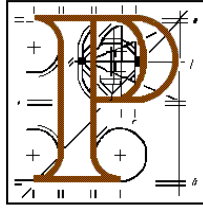


An Bord Pleanála



Inspector's Report

PL06D.245621

DEVELOPMENT:-

Permission sought for 54 no. Houses, new vehicular entrance off existing entrance to the CUS Sports Pavilion Grounds on Bird Avenue and all associated site works at Bird Avenue Clonskeagh, Dublin 14.

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council
Planning Authority Reg. No: D15A/0191
Applicant: Devondale Limited
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: (1) Clonskeagh Residents Association
(2) Darragh Graham & Joanne McBreen

Type of Appeal: 3rd-V-Grant

DATE OF SITE INSPECTION: 19th January 2016

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 1.43 hectares, is located to the west of University College Dublin and to the north of Bird Avenue. The appeal site is an existing playing pitch located to the north and rear of St. Joseph's Catholic Church. To the west of the site is a larger open space area also consisting of playing pitches associated with the CUS Sport Pavilion that is located to the south west of the site off Bird Avenue. To the north is the existing housing development of Churchfields (two-storey semi-detached dwellings), an area of open space with the existing development is located adjacent the site boundary. To the east is the existing housing development of The Maples (two-storey semi-detached) with a number of dwellings backing onto the eastern site boundary (southern half of the site). As noted earlier immediately south is the existing Church. To the east of the site runs a path that links the existing vehicular access to the CUS Sports Pavilion to the existing buildings to the north west that are in institutional use (Schools Inspectorate). Existing boundary treatment consists of palisade fencing along the northern boundary, a block wall along the eastern boundary and hedgerow/trees along the southern boundary of the site.

2. PROPOSED DEVELOPMENT

- 2.1 Permission for 54 no. Residential units including 6 detached houses, 18, no. semi-detached houses, 6 no. terraced houses, 12 no. townhouses and 12 no. own door ground floor apartments.

House Type A: 18 no. Four bedroom semi-detached 2 to 3 storey dwellings.

House Type B: 6 no. Four bedroom terraced 3 storey dwellings.

House Type C: 3 no. Four bedroom detached 3 storey dwellings.

House Type D: Three-storey building containing 8 no. two bedroom apartments.

House Type D1: Three-storey building containing 4 no. two bedroom apartments.

House Type E: 3 no. Four bedroom detached 2-3 storey dwellings.

New vehicular access is provided off the existing entrance to the CUS Sports Pavilion off Bird Avenue. Off-street car parking is provided for dwelling types A,B, C and E and 35 no. Car parking spaces are provided along the internal estate road.

The permitted development was revised in response to further information with the 3 no. House Type C units omitted and replaced by 2 no. House Type A1 (three-storey four bedroom detached) and 1 no. House Type F (two-storey three bedroom detached).

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) Transportation Planning (08/05/15): Further information required including revisions to improve permeability, cycling facilities, revision to parking layout, lighting scheme and construction management details.
- (b) Parks and Landscape (11/05/15): Further information required including a revised landscape master plan.
- (c) Irish Water (12/05/15): Further information required including water and wastewater connections.
- (d) Planning Report (14/02/15): Further information required including revisions to deal with concerns regarding impact on adjoining dwellings in The Maples, separation distances from the site boundaries, section required between site and adjoining church, clarification of levels, provision of bin storage for a number of units lacking in such, in addition to the issues raised by the other sections of the Council.
- (e) Parks and Landscape Services (24/07/15): Recommended conditions in the event of a grant of permission.
- (f) Transportation Planning (24/07/15): No objection subject to conditions.
- (g) Water & Waste Services (27/07/15): Clarification of further information required in regards to surface water.
- (h) Planning Report (28/07/15): Clarification of further information including details of boundary treatment west of Block D, clarification regarding surface water details, clarification of the extent of lands been offered to be taken in charge and clarification regarding concrete kerbs and underground services.
- (i) Transportation Planning (15/09/15): No objection subject to conditions.
- (j) Water & Waste Services (01/09/15): No objections subject to conditions.
- (k) Planning Report (18/09/15): The proposal was considered to be acceptable in regards to Development Plan policy, acceptable in regards to design, scale and impact on adjoining properties. The proposal was considered to be acceptable in regards to traffic safety and convenience. A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 22 conditions. All conditions are standard in nature.

5. PLANNING HISTORY

5.1 No planning history on site.

6. PLANNING POLICY

6.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2010-2016. The site is mainly zoned 'Objective A', with a stated objective 'to protect and or improve residential amenity'. Two smaller portions of the site to the north west and south west are zoned 'Objective F' with a stated objective 'to preserve and provide for open space with ancillary active recreational amenities'.

6.2 Policy RES3: Residential Density

Residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following guidelines:

- Sustainable Residential Development in Urban Areas (DoEHLG 2009)
- Urban Design Manual - A Best Practice Guide (DoEHLG 2009)
- Quality Housing for Sustainable Communities (DoEHLG 2007)

6.3 Policy RES4: Existing Housing Stock and Densification

It is Council policy to improve and conserve housing stock levels of the County, to densify existing built up areas and to maintain and improve residential amenities in existing residential developments.

Policy RES 7: Overall Housing Mix

It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Housing Strategy.

6.4 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

Chapter 5 identifies 'Appropriate locations for increased densities'. These locations include...

(d) Inner suburban / infill

5.9 The provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the revitalising areas by utilising the capacity of existing social

and physical infrastructure. Such development can be provided either by infill or by sub-division:

(i) Infill residential development

Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc. Local authority intervention may be needed to facilitate this type of infill development, in particular with regard to the provision of access to backlands.

7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Diarmuid O'Grada Planning Consultant on behalf of the Clonskeagh Residents Association. The grounds of appeal are as follows...

- It is noted that structures proposed are excessive in height.
- The traffic generated would be excessive in the context of existing traffic levels on Bird Avenue.
- The proposal would pose a flood risk.
- The proposal would exacerbate traffic congestion on Bird Avenue with a subsequent loss of residential amenity.
- The proposal would extend overspill car parking from UCD.
- The constrained access arrangements would result in a traffic hazard.
- There are inadequate tree protection measures with an objective for use on site.
- There is insufficient provision of car parking on site.
- Rear garden lengths are inadequate.
- There is inappropriate design for intended traveller accommodation.
- The construction hours indicated are too long.
- There is inadequate provision of access for emergency services.
- The appellant note that the impact of the proposal in regards to existing open space would be detrimental to residential amenity.
- It is noted that parts of the site are zoned F with the proposal a material contravention of Development Plan policy.

- It is considered that the design should have more regard to the location of existing open space in regards to its design and layout and that open space should be provided to north of the site to coordinate with existing open space on adjoining sites (Chuchrfields and The Maples).
- The appellants raise question about the context of the site in regards to EU Habitats Directive and Appropriate Assessment.

7.2 A third party appeal has been lodged by Joanne McBreen, 34 The Maples, Clonskeagh, Dublin 14 and Darragh Graham 33 The Maples, Clonskeagh, Dublin 14. The grounds of appeal are as follows...

- The level of development proposed along the eastern boundary would dominate and overshadow existing properties in The Maples and the height of development along this boundary should be restricted and separation distances from the boundary increased.
- House no. 25 is still too close in proximity to the eastern boundary and the scale of the dwelling is also not appropriate. House no.s 26 and 27 are also still excessive in height and would overshadow the adjoining properties in The Maples.
- It is noted that a condition should be imposed requiring that run off from the site onto adjoining properties with the appellants noting that there are existing issues regarding run off concerning the rear gardens of properties in the Maples.

8. RESPONSES

8.1 Response by Dun Laoghaire Rathdown County Council.

- It is considered that no new substantial issues have been raised in the appeals that were not covered in the Planners report. The Planning Authority draws attention to an attached arborist report and landscape scheme that addresses issues of tree protection.

8.2 Response by the McCutcheon Halley Walsh on behalf of Devondale Ltd.

- In regards to zoning it is noted that no houses are proposed within the Zone F portion of the site and that uses such as walkways, cycle paths and open space are in keeping with the 'Objective F' land use.
- It is noted that appellants argue that the northern portion of the site should be removed for open space (Objective F). It is noted that the zoning of the site and the northern portion of the site is Objective A, residential use.
- In regards to tree protection it is noted that there are plans to retain and protect trees on site with a detailed landscape scheme for the site as well as conditions attached requiring a financial bond in regards to tree protection.

- It is noted that the site is remote from sensitive environments.
- It is noted that the layout is satisfactory and has adequate regard to existing adjoining residential development in regards to separation distances and the appellant goes into detail regarding the impact of dwellings concentrated along the eastern boundary on the adjoining dwellings within the Maples housing development to the east. It is concludes that the proposal would have no overbearing impact on existing adjoining dwellings, would not impact adversely in regards to overshadowing, loss of privacy and that separation distances and scale of development proposed are of an acceptable standard.
- The proposal would be acceptable in regards to drainage and consistent with the Local Authority's requirements.

8.3 Response by Cllr Barry Saul.

- It is noted that there is insufficient information regarding foul and surface water infrastructure.
- The depth of rear gardens facing the rear of Brid Avenue Church is at variance with Development Plan requirements and would impact adversely on residential amenity.
- House Type C by virtue of its proximity to no. 36 and 37 The Maples would lead to overshadowing and restricted light levels.
- The level of car parking proposed is insufficient.
- The construction hours sought by the applicant are too long given the location in a residential area.

9. ASSESSMENT

9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy

Density

Development control standards

Design, scale, visual/residential amenity

Traffic

Other issues

9.2 **Principle of the proposed development/development plan policy:**

9.2.1 The relevant plan is the Dun Laoghaire Rathdown County Council Development Plan 2010-2016. The site is affected by two zonings. The majority of the site is zoned 'Objective A' with a stated objective 'to protect and or improve residential amenity'. Two small parts of the site to the south west and north west are zoned 'Objective F' with a stated objective 'to

preserve and provide for open space with ancillary active recreational amenities'. In regards to the main part of the site zoned 'Objective A' the proposed residential use is consistent with the zoning objective of the site with residential units identified as being 'permitted in principle'. In regards to the portions of the site zoned 'Objective F' the appellants argue that the proposal is a material contravention of the zoning objective and that the Planning Authority failed to address this issue in granting permission. In the case of the portion of the site to the south west it is proposed to construct an access road that links into the existing access road serving the CUS Sports Pavilion to the south west side that provides access from Bird Avenue. What is provided is a 5m wide carriageway with 2m wide footpaths on either side. In the case of the portion of the site to the north west no significant construction is proposed with the existing public pathway maintained that provides access to the existing buildings to the north west. This portion of the site is being maintained as open space and is compliant with the zoning objective.

9.2.2 The portion to the south west is being used for vehicular and pedestrian access. In terms of uses permitted or principle or open for consideration residential use is not included although the proposal does not seek to build dwellings on the portion of land with just provision for an access road and ancillary open space/landscaping. It is certainly possible that the proposal on this portion of land merited the Council instigating a material contravention procedure. Notwithstanding such I would note that the portion of land zoned 'Objective F' to the south west of the site is part of a larger area of land zoned for open space to the west of the site. I would consider that the impact of the access road, which takes up a small portion along the edge (along western boundary of St. Joseph's Church) of the overall space is not material as it does not alter or diminish the viability of the open space area to the west at the site. The proposal for the access road could be considered a contravention of the Development Plan zoning objective, but it is not a material contravention as it has no significant or material impact on the integrity of the existing open space area zoned 'Objective F'. I would note also that the proposal does not disrupt access to the open space area with the footpath area linking up with the existing pathway running north south through the existing open space area. In addition I would note Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that "Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a)" where it considers three criteria apply. In this case permission was not refused and it was not considered a material contravention of the Development Plan. The Board is not precluded from granting permission in this case and as noted later in this report, the current proposal and configuration is the only realistic method of accessing the site for the purposes of development.

9.3 Density:

9.3.1 The proposal provides for 54 residential units on a site of 1.43 hectares. The proposal has density of 38 units per hectare. I would refer to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and Chapter 5 which identifies 'Appropriate locations for increased densities'. I would consider that the site is an inner suburban/infill site as outlined in the planning policy section above. I would consider that the density sought is of a reasonable standard and has regard to the established pattern of development in what is suburban residential area. I would consider that the site is not especially well serviced by public transport and that the density sought is acceptable. I would also consider that the mix of units sought is acceptable within the context of Development Plan policy and National Planning guidelines.

9.4 Development control standards:

9.4.1 In relation to residential development the issues concerning development control relate to the provision of public/private open space and car parking. In regards to general development control objectives the proposals entails the provision of 54 residential units including 30 no. dwellings and 24 no. apartments (duplex and ground floor apartments). House Type A, A1, B, and F are a mix of detached, semi-detached and terraced dwellings and all are four bed units apart from type F which is three bed unit. All are provided with rear amenity space ranging in size from at least 60square metres upwards. Under Section 16.3.2 of the County Development Plan the minimum requirement for dwellings with 3/4/5 bedrooms is 60square metres and in this case the proposal is fully compliant with this standard. The proposal entails the provision of two blocks (House Type D and D1) with two bed apartments at ground floor and three bed duplex apartments over two floors above. The ground floor apartments have rear garden areas ranging from 13sqm up to 59square metres and the duplex apartments have a first floor terrace area ranging in sizes from 19-22sqm. The requirements under Section 16.3.3 for apartments is 8sqm for two-bed units and 10sqm for apartments with three or more bedrooms. In regards to private open space the proposed development is compliant with the development control standards of the County Development Plan.

9.4.2 In relation to public open space a total of 1,790sm of public open space is provided on site and is split into two areas, a central open space of 1,002square metres and a secondary area of 788sqm labelled as a nature walk/play area and located along the southern boundary of the site where it is proposed to retain existing mature trees. The level of open space provided of is 12.5% of the site area. Development Plan states that "all residential developments will be required to provide Class 2 Public Open space for

Passive Recreation at a rate of 0.2-0.4ha/1000 population. For the purposes of the calculation, public open space requirements shall be based on housing units with presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 2 persons in the case of dwellings with two or fewer bedrooms. Discretion as to how much, by what means - including if a financial contribution in lieu of land will be made - and where such provision is made will be determined in each case by the Planning Authority". The number and type of units yield a population rate of 129 people. I am satisfied that the level of open space provided is well in excess of the required standards and that the design layout of such is also satisfactory. In the addition the area is currently well served by public open space in the form of the existing playing pitches to the west.

9.4.3 In relation to car parking under Table 16.3 the requirement for dwellings with 3+ bedrooms is two spaces and in case of apartment development the requirement 1.5 spaces per two-bed unit. Each of the dwellings (House Type A, A1, B, and F) have two dedicated off-street car parking spaces. In the case of the two apartment blocks (House Type D and D1) there is a total parking requirement of 30 spaces. What are provided are 47 spaces and these spaces are provided in convenient location relative to the apartment units they serve. The provision of car parking on site is in excess of the minimum requirements set down under the County Development Plan.

9.5 Design, scale, visual/residential amenity:

9.5.1 The issue of residential amenity was raised in the appeal submissions and in particular the relationship between the proposed development and the adjoining housing development, The Maples, which is located to east of the site. The pattern of development proposed provides for the majority of three-storey dwellings backing onto the northern, southern and eastern boundaries of the site. To the north of the south is the Churchfields housing development with a number of the proposed dwellings backing onto the northern boundary. The layout and separation distances from the northern boundary taken in conjunction with the location of an open space area serving Churchfields located immediately adjacent the site boundary would mean the proposal has no significant or adverse impact on residential amenity. To the south of the site is an existing church with a number of the proposed dwellings/apartments backing onto the site boundary (House Type E side elevation is located along the boundary). Having regard to the nature of the adjoining land use, the level separation proposed and the modest scale of the proposed dwellings relative to the size of existing church building, I would be satisfied that the proposal would have no significant or adverse impact on the amenities of adjoining the adjoining property to the south. To the west of the site are existing playing pitches and lands zoned 'Objective F'. The proposed development is laid out in a manner where the bulk of development is set back from the western

boundary of the site and an open space area is provided along the western side of the site that ties in well with the existing open space area to the west.

- 9.5.2 The main issue of concerns regarding residential/adjoining amenity concerns The Maples to the east of the site. The Maples housing development is located to the east and a small portion also adjoins part of the northern boundary. The northern half of the site adjoins the open space area within the Maples with House Type A backing onto the eastern boundary. Having regard to such, these dwellings would have no significant or adverse impact on the amenities of adjoining property. The southern half of the eastern boundary is the rear boundary of a number of dwellings within the The Maples that back onto the eastern side boundary. These dwellings are located at an angle to boundary. The development approved adjoining these existing dwellings include a block of 3 no. three storey terraced dwellings (House Type B) and the side elevation of a two-storey dwelling (House Type F). The approved development was subject to revision with the house type being revised from a House Type C (three-storey with a ridge height of 10.41m) to House Type F (two-storey with a ridge height of 8.865m). House Type B are three-storey dwellings with the second floor level contained in the roofspace. These dwellings have a rear garden depth of over 11m in all cases and provide the minimum required standard of 22m separation distances between opposing first floor windows in the case of the existing dwellings in The Maples backing onto the site. I am satisfied that having regard to scale and layout of the dwellings in question and the level of separation, that these dwellings would have no adverse impact on the residential amenities of the existing dwellings within the Maples either through overlooking, overshadowing or any overbearing impact. In the case of House Type F, which presents its side elevation to the eastern boundary and is 1.55m from the boundary, I would consider that pattern of development proposed is not out of keeping with a suburban pattern of development common in residential areas such as this. I would consider there is sufficient separation between the existing dwellings to the east and the dwelling on site so as the proposal would not have an unacceptable or disproportionate impact on the residential amenities of the existing dwellings immediately to the east. I would consider it appropriate to impose a condition omitting the first floor window on the eastern gable of House Type. I consider that such is unnecessary as its serve a hallway. I am satisfied that the pattern and scale of development proposed is consistent with the existing pattern of development within this suburban area. I am satisfied that design and scale of the development is appropriate and has adequate regard to the amenities of adjoining properties. As noted earlier I am satisfied that the proposal provide adequate levels of amenity space (both public and private) and the proposed development is of a reasonable standard in regards to residential amenity.

9.5.3 I would consider that the overall proposal is somewhat generic in style and is lacking any great architectural character or merit in terms of its overall visual impact and urban design. Notwithstanding such I do not consider that such would merit refusal of the proposal and I would consider that the proposal is generally of an acceptable standard in terms of urban design and would not be at odds with the recommendations of the Sustainable Residential Development in Urban Areas (May 2009) or the Urban Design Manual: A Best Practice Guide (May 2009). I would also be satisfied that the overall visual impact of the proposal would be acceptable in wider area.

9.6 **Traffic:**

9.6.1 The appellants raise concerns regarding the impact of additional traffic at this location and in particular raise concerns regarding congestion along Bird Avenue. The appeal site is to be accessed from Bird Avenue to the south. The access is to use an existing access road currently serving the CUS Sports Pavilion to the south west of the site. It is proposed to construct a new access road running north south that links into the existing access road to provide access from Bird Avenue. Given the sites location relative to the public road, this arrangement is the only realistic or viable option to access the site with the only alternatives would be access through one of the existing housing development to the north (Churchfields) or to the east (The Maples). A 5m wide carriageway is provided with 2m wide footpaths on either side, this road links into the existing CUS access road, which provides for a similar standard in terms of width and alignment with use of the existing junction onto Bird Avenue.

9.6.2 The applicants submitted Traffic Impact Assessment (TIA). The TIA includes details of traffic surveys carried out to establish baseline data, estimated trip generation based on opening year (2016) and a design year (2031). Based on modelling and the traffic surveys it is concluded that the junction will operate within capacity for the opening year and design year. It is noted that the existing junction of the CUS Pavilion access and Bird Avenue does require revisions to comply with the visibility standards under the Design Manual for Urban Roads and Streets (DMURS). I am satisfied that the TIA is of satisfactory detail and scope to assess the proposal and that conclusions reached are reasonable. I am satisfied that the design and layout of the vehicular entrance would be acceptable (subject to revisions to comply with DMURS) and that the existing road network and associated junction have the capacity to deal with the level of traffic likely to be generated.

9.6.3 As noted in an earlier section the level of parking proposed for the residential element is in accordance with development plan requirements. The appellants raise concerns regarding overspill parking from University College Dublin. I am not 100% sure regarding the issue being raised; I would however note that

the proposal is satisfactory in regards to the level of traffic generated, the design of the roads/traffic layout and the level of off-street car parking provided. I would consider that the issue being raised is not an issue caused by the proposal and I would therefore consider it a matter that is not a relevant consideration in this proposal.

9.7 Other Issues:

- 9.7.1 The issue of tree protection is raised by one of the appellants with it noted there is a tree preservation objective on site. The appeal site has a number of mature trees along the eastern boundary of the site and some existing hedgerow and trees along the southern boundary. An Arboricultural Assessment was submitted with the proposal and revised as a result of further information. The assessment includes details of a tree survey of the site, which identifies number of trees and condition. The assessment identified trees being removed as a result of the proposal/layout and those to be removed due to their poor condition. The majority of the trees along the eastern boundary (identified as Tree Line no. 2) are to be retained and the hedgerow along the southern boundary is also to be retained and augmented with new planting. The proposal also includes a detailed landscaping scheme including new planting along with the trees and hedgerow to be retained. The arboricultural assessment also includes details of tree protection measures to be implemented during construction. I am satisfied that the correct balance is being struck between tree protection and realising the development potential of the site. I am satisfied that the most mature trees located along the eastern boundary are being retained and the configuration of open space within the development on site has adequate regard to the location of these trees as well as linking in well with the wider area of open space located to the west. I would consider that subject to a condition requiring implementation of tree protection measures during construction and implementation of the landscaping scheme, the proposal would be satisfactory in regards to tree protection and landscaping.
- 9.7.2 The appellants raised concerns regard the issue of drainage and surface water, with concern regarding discharges to outside the site. The Council's Waste & water services section indicated satisfaction with the proposal in regards to drainage after requests for further information. I am satisfied that the issue of surface water can be dealt with by an appropriate condition and that such is a standard approach to development of this type.
- 9.7.3 The site is not located within a designated Natura 2000 sites and is remote from the nearest of such designated areas. The applicant has submitted a screening report. I would consider that having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is considered that the

proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on a European site.

- 9.7.4 The appellants note that the construction hours permitted are too long and should be more restrictive due to its location in a residential area. I would consider a standard condition should apply in the case and that hours should be the standard hours normally applied by the Board

RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the land use zoning objective for the site, as set out in the current Development Plan for the area, to the pattern of development and the prevailing density of housing in the vicinity, and to the constrained nature and characteristics of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area or of property in the vicinity and would represent a reasonable density of residential development. 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 plans and particulars submitted to An Bord Pleanála on the 23rd day of March 2015, and amended by the plans and particular submitted on the 07th day of July 2015, the 30th day of July 2015 and the 24th day of August 2015, and 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 junction at Bird Avenue providing access to the site shall be revised to comply with visibility standards required under Section 4.4.5 of the Design Manual of Urban Roads and Streets.
 - (b) The first floor window on the eastern gable of House Type F 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 visual and residential amenity, and to prevent overlooking of adjoining lands.

3. 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. Roof colour shall be blue-black, black, or dark grey in colour only.

Reason: In the interest of visual amenity.

4. 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.

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

Reason: In the interest of visual and residential amenity.

6. 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 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

7. The trees and hedgerow identified for retention shall be protected during construction with the tree protection measures outlined in the plans particular submitted fully implemented.

Reason: In the interests of orderly development.

8. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interests of residential and visual amenity.

9. 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.
10. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works for taking in charge by the local authority.
Reason: In the interest of amenity and of traffic and pedestrian safety, and to facilitate the eventual taking in charge of the development, following its completion, by the local authority.
11. Public lighting shall be provided in accordance with a scheme, 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.
Reason: In the interest of amenity and public safety.
12. The areas of public open space shown on the lodged plans shall be reserved for such use, and maintained as such until taken in charge by the local authority. These areas shall be landscaped in accordance with the landscaping scheme in the plans and particulars submitted. The landscaping scheme shall be implemented before any of the dwellings are made available for occupation.
Reason: In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.
13. Proposals for an estate 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.
Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

14. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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 for the area.

15. 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.

16. 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.

Colin McBride
28th January 2016