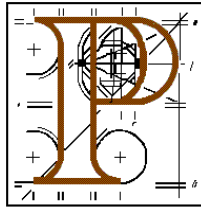


An Bord Pleanála



Inspector's Report

PL06F.245659

DEVELOPMENT:

Description: Four dwellings
Address: Lily Cottage, Hollystown, Dublin 15

PLANNING APPLICATION

Planning Authority: Fingal County Council
Planning Authority Reg. No: FW15A/0013
Applicant: John Winston
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: (i) Mary O'Neill (ii) Hollystown Demesne Management Ltd.
Types of Appeal: Third Party –v- Grant
Observers: None
Date of Site Inspection: 18/1/16

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL06F.245659 relates to two third party appeals against the decision of Fingal County Council to issue notification to grant planning permission for four detached houses within the small settlement of Hollystown to the north of Blanchardstown in west Dublin. The grounds of appeal raise issues in relation to traffic, overlooking, prematurity pending the taking in charge of infrastructure and legal ownership in respect of a portion of the land on which the application site is located.

2.0 SITE LOCATION AND DESCRIPTION

The small settlement of Hollystown is located between the N2 and the N3 to the north-west of the M50 in south-west county Fingal. Hollystown is a small rural settlement which is characterised by large scale suburban development along the Chapelton Road. The Chapelton Road runs southwards linking up with the R121 approximately 1 kilometre to the south. The R121 runs south westwards from its junction with the Chapelton Road and serves the suburban residential areas of Tyrrelstown and further south of Mulhuddart and Corduff.

The subject site is located on the eastern side of the Chapelton Road approximately 1 kilometre north of the Chapelton Road/R121 junction. It comprises of an elongated L shaped site with a road frontage of just less than 30 metres. The site accommodates an existing cottage fronting onto the Chapelton Road along its southern boundary. This dwelling known as 'Lily Cottage' forms part of a pair of semi-detached single-storey dwellings. The adjacent semi-detached dwelling is located outside the site boundary. The site has an overall depth of between 61 and 71 metres and is currently undeveloped, forming the back garden of Lily Cottage. Mature hedgerows and trees are located along the eastern boundary of the site, although some of the trees have been felled along this boundary.

Lands to the immediate north-west of the site accommodate a small residential enclave comprising of nine dwellings set out around a central area of open space. Three of these dwellings back directly onto the western boundary of the site. Lands along the south-eastern boundary are undeveloped. Beyond this undeveloped land the Alderwood suburban residential estate is located. This is a larger residential estate

comprising of detached and semi-detached dwellings. Lands directly opposite the site on the western side of the Chapelton Road also accommodate suburban type development in the form of detached dwellinghouses. The Hollywood golf course is located beyond these dwellinghouses further west of the site. Lands to the north of the site comprise of agricultural fields. The site has a stated area of 2.19 hectares.

3.0 PROPOSED DEVELOPMENT

Planning permission is sought for the construction of four detached dwellings on the subject site.

Unit type A which is located to the front of the development adjacent to Chapelton Road comprises of an L-shaped three bedroomed single-storey cottage type structure. It rises to a ridge height of 5 metres and incorporates a white painted render with granite quoining around the windows and corners.

To the immediate rear of unit type A, it is proposed to construct a dwelling facing south-eastwards. This unit comprises of a two-storey two-bedroomed dwelling with an asymmetrical roof pitch rising to a ridge height of 6.7 metres. The 130 square metre dwellinghouse incorporates similar elevational finishes to unit type A. The front elevation incorporates a two-storey A-shaped gable centrally within the elevation and this projecting gable incorporates a granite finish.

It is proposed to provide two additional detached dwellings to the rear of the site, facing towards the Chapelton Road. Unit type B2 and B3 are almost identical to unit type B1 in terms of internal layout.

Each dwelling is to accommodate two car parking spaces and is to be served by an internal access road which runs along the south-eastern boundary of the site from Chapelton Road. Unit type A and unit type B1 face eastwards onto the access road while the two units to the rear face southwards onto a turning head within the access road. A small area of public open space is to be provided along the north-western boundary of the site between the two dwellings to the front of the site and two dwellings to the rear.

In terms of water supply and drainage arrangements it is proposed to connect the proposed development to private foul water and surface

water mains which run along the public footpath adjacent to Chapelton Road.

4.0 PLANNING AUTHORITY'S DECISION

The planning application was received by Fingal Co Council on the 12th February 2015. The planning application form indicates that the applicant is the owner of the lands in question. A certificate of exemption under Part V of the Planning and Development Act issued by Fingal County Council was submitted as part of the application.

A covering letter submitted with the application notes that pre application consultations were held at Fingal County Council and the applicant was advised to provide a minimum width of 4.1 metres for vehicular access to the site. The proposed layout and access road will provide for further development of adjacent sites if required in the future. Details of compliance with standards set out in the Development Plan are also set out in the covering letter. With regard to services it is stated that after an inquiry to Fingal County Council, the applicant was informed that drainage pipes within the road are not owned by the local authority. The developer has sought authorisation from the owner to connect to the drainage system and was granted same subject to a financial contribution.

4.1 Initial Assessment

A report from the Water Services Section states that there is no objection to the proposed development subject to four conditions.

A report from the Transportation Planning Section states that there is no objection to the proposed development however, additional information is required with regard to the turning area and further details in relation to parking provision for the existing bungalow on site (Lily Cottage) are also required.

Two letters of objection were also submitted the contents of which have been read and noted.

A report from the DAA notes that the proposed development is located within the outer airport noise zone. The DAA requests in the interest of the proper planning and sustainable development of the area that the existing and predicted noise environment on the site is fully assessed. Appropriate noise mitigation measures as required in objectives set out

in the Development Plan should be conditioned in the event that planning permission is granted.

A submission from Irish Water stated that there is no objection subject to conditions.

4.2 Additional Information Request

The initial planning report recommends that additional information be submitted in respect of the following.

- Revised elevational treatment incorporating a more vertical emphasis in the fenestration.
- Further details in relation to a boundary treatment plan.
- Further details in relation to a construction methodology to ensure that internal noise levels within the dwellings comply with standards having regard to the site's location within the outer airport noise zone.
- Further details in relation to a revised turning area within the site to facilitate the manoeuvring of a refuge truck and further details in relation to the car parking associated with the existing bungalow on site.
- Finally the applicant is requested to liaise with the planning and strategic infrastructure department, water services section of Fingal County Council regarding the proposed foul sewer connection.

4.3 Additional Information Submission

Additional information was submitted on behalf of the applicant on 28th August 2015. Revised drawings were submitted incorporating a more pronounced and vertical emphasis on the windows of the proposed dwellings.

Further details of the boundary treatment for the site are also submitted (See drawing: LCTD008A) is stated that all communal spaces and access roads are open to the public. The low timber gates providing access to the gardens of the individual dwellings are not intended as a physical barrier to the development. However if the Planning Authority decides that the gated entry to the proposed dwellings are inappropriate it is requested that this be addressed by way of condition.

With regard to the site's location within the outer airport noise zone, it is stated that the dwelling shall be designed to achieve an internal noise

level of less than 40 dB(A). Details of the construction methodology and materials to be used are set out. With regard to revised road access and parking, A sweep-path analysis has been submitted. A revised site plan has also been submitted which proposes to demolish the existing domestic garage to the rear of Lily Cottage which will provide more easily accessible on-site parking spaces for the cottage.

With regard to the foul sewer connection further details are provided. The Fingal County Council engineer required that the pump used on the system shall be tested and telemetry fitted for confirmation that the system capacity reflects the information provided. Details of the sewage system serving the golf course are attached.

Revised site notice are also submitted on 3rd September 2015.

4.4 Further Assessment by Fingal County Council

A report from the Transportation Planning Department states that there is no objections subject to conditions.

A further report from the Water Services Section stated that there was no objection subject to conditions.

A further letter of objection was submitted by one of the current appellants.

A report from Irish Water stated that there was no objection subject to conditions.

The planner's report notes that the proposed development is fully consistent with the zoning provisions and will not impact on the residential amenity of the area and also accords with the development standards set out in the Development Plan. It is therefore recommended that planning permission be granted for the proposed development. In its decision dated 29th September 2015 Fingal County Council issued notification to grant planning permission for the proposed development subject to 29 conditions.

5.0 PLANNING HISTORY

No appeal files are attached.

Details of one application is contained on file. Under FW12A-0064 planning permission was granted for the relocation of a vehicular access and the erection of a 2 metre high boundary wall to the side and front of

O'Neill's cottage (known as Lily's Cottage in the current application before the Board).

6.0 GROUNDS OF APPEAL

Two appeals on behalf of third parties have been submitted to the Board, the contents of both are summarised below.

6.1 Appeal by Ms. Mary O'Neill

This appeal was submitted by JFOC Design and Planning and it states that the appellant is an elderly lady who lives in the adjoining cottage to the applicant (Lily Cottage).

It is stated that the site plans outlined in red in respect of the application clearly overlap the appellant's property by 2.5 to 3 metres. Maps are submitted illustrating the extent of the overlap. It is stated that House Type 3B partially lies within the appellant's property and this is deemed to be wholly unacceptable. As such the proposed development contravenes Permission Regulations section 22(1)(d) and €.

Concern is also expressed with regard to the location and orientation of house type B1 which is located approximately 5.5 metres from the party boundary wall (as defined by the property registration map). The house if approved would generate significant overlooking of the appellant's property and would cause a substantial loss of residential amenity. The proposed development could also prejudice any future development of the appellant's property resulting in a significant loss of value.

6.2 Appeal by Hollystown Demesne Management Limited

Concern is expressed that the drainage from the proposed development feeds into two existing privately owned foul pumping stations which are the subject of a protracted taking in charge process between the current owners and Fingal County Council. No significant progress has been made with regard to this taking in charge process. The primary pumping station was constructed in 1998 to service 123 houses in the Hollystown Demesne. Concern is expressed that the primary pumping station does not have the capacity to service the demand from existing users in its current configuration. Thus further connections should be refused until such time as the primary pumping station is taken in charge by Fingal County Council.

Further developments connecting into the foul pumping station is of benefit to the owners of the pumping station and provides no incentive to the owners of the pumping station and provides no incentive for the owners to have the pumping station taken in charge. The consequence of this is that Fingal County Council will not commence the taking in charge process for other estates namely Hollystown Demesne and Park.

Considerable development has taken place in Hollystown on either side of the Ratoath Road over the past 15 years. None of these permissions have included provisions for traffic calming measures along the Ratoath Road through Hollystown. With the exception of speed signs and digital speed indicators, there are no other traffic calming systems in place in Hollystown. The straight alignment of the road encourages high speed and inappropriate overtaking. There have already been two fatalities on this stretch of road and no effort has been made to provide adequate traffic calming. It is absolutely unacceptable that further development should be allowed to take place in the absence of such traffic calming measures.

Finally it is stated that no adequate bus service is provided to the hundreds of residents of Hollystown. According to Dublin Bus, this is on the grounds that there is an inadequate facility for a bus to turn in Hollystown and make a return journey. The appellant's object to the granting of planning permission without an adequate facility being conditioned to facilitate a bus turning circle.

7.0 APPEAL RESPONSES

7.1 Applicant's Response to the Grounds of Appeal

A submission from CK Architecture was received on behalf of the applicant. With regard to land ownership issues, it is stated that the land survey map submitted by the appellant is inaccurate and includes a disclaimer for a non-conclusive boundary system. A separate Solicitors letter is also attached addressing this issue. The appellant did not dispute the development boundary during the first phase of the planning application, only when additional information was submitted. The applicant refutes the claim made by the appellant and is prepared to go to the Courts if necessary. An Bord Pleanála should attach a condition to the planning permission for the development to be strictly built within the boundaries of the applicant's property. This condition would protect

the appellant's interests without infringing the applicant's right to develop his land.

With regard to the issue of overlooking, it is stated that the front façade of property B1 is located a minimum 8 metres away from the south-eastern boundary of the site. The proposed property in question may overlook the rear garden of the appellant's property but the loss of amenity is minimal and the proposed development would not undermine the development potential of the site in question. The orientation of the dwelling was agreed by way of pre planning with Fingal County Council. The separation distance is sufficient to permit either a single-storey bungalow or a gable wall of a building on the appellant's land. The orientation of the dwellinghouse was given due consideration during the design phase.

With regard to the issue of the foul pumping station, it is stated that this issue was raised during the Planning Authority's assessment of the application. The Drainage Department of Fingal County Council was provided with engineer's calculations and specifications to demonstrate the capacity of the drainage system in the area. Inspectors from the Drainage Department were granted access to the pumping station to stall telemetry and to carry out tests. The Drainage Department subsequently approved the proposal to connect to the system. Details of the report on the pumping station submitted to the Planning Authority is attached.

The applicant supports the demand for traffic calming on the Ratoath Road and would like the local authority to provide bus facilities in Hollystown but these facilities should be provided without restricting developments in the Hollystown area.

7.2 Fingal County Council's Response to the Grounds of Appeal

With regard to the foul pumping station it is stated that there was no objection to the proposed development subject to conditions in the Water Services Department of Fingal County Council and Irish Water regarding drainage.

With regard to the issue of traffic calming, the Transportation Section of Fingal County Council did not raise the issue of traffic calming and therefore no traffic calming measures are proposed.

With regard to the issue of adequate bus services and turning areas for buses, these are matters for Dublin Bus to assess.

With regard to land ownership, reference is made to section 34(13) of the Planning and Development Act which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development. This note was attached to the Planning Authority's notification to grant permission.

With regard to the issue of overlooking it is stated that given the orientation of the dwelling it is considered that there is no undue overlooking to the adjacent property.

An Bord Pleanála are therefore requested to uphold the decision of the Planning Authority and grant planning permission for the proposal.

8.0 DEVELOPMENT PLAN PROVISION

The site is governed by the policies and provisions contained in the Fingal County Development Plan 2011-2017. The subject site is located within lands that are zoned RV (Rural Village). The objective of this is to protect and promote the character of the rural village and promote a vibrant community in accordance with the approved local area plan and the availability of physical and community infrastructure.

The vision under this zoning is to protect and promote the establishment of villages within the rural landscape where people can settle and have access to community services. The villages are areas within the rural landscape where housing needs can be satisfied with minimum harm to the countryside and surrounding environment. The villages will serve the rural catchment, provide local services and smaller scale rural enterprises. Levels of growth will be managed with local area plans to ensure that a critical mass for local services is encouraged.

The planner's report notes that the Hollystown Local Area Plan was adopted in April 2003 however this document has since expired.

Under the RV zoning objective, residential development is permitted in principle.

In terms of specific objectives, it is not proposed to outline the various development management standards set out in the Development Plan

principally because most of the issues raised in the grounds of appeal do not relate to residential density standards etc.

Objective RD07 requires that all new residential units comply with or exceed the minimum standards as set out in Tables RD01, RD02 and RD03.

In relation to the issue of overlooking, Objective OS35 seeks to ensure that all areas of private open space have adequate levels of privacy for residents through the minimisation of overlooking and the provision of screening arrangements. In this regard a minimum standard of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

Objective RD10 seeks to encourage and promote development of underutilised infill and backland sites in existing residential areas subject to the character of the area being protected.

Objective EE51 seeks to strictly control inappropriate development and require noise installation where appropriate within the outer noise zone of (Dublin Airport) and actively resist new provision for residential development and other noise sensitive users within the inner noise zone as shown on the Development Plan maps while recognising the housing needs of established families farming in this zone. The subject site is located in the outer noise zone as designated in the Development Plan.

9.0 PLANNING ASSESSMENT

I have read the entire contents of the file, visited the site and have had particular regard to the issues raised in both grounds of appeal. I consider the pertinent issues in determining the application and appeal before the Board are as follows:

- Sufficient legal interest to carry out the development.
- Sewerage infrastructure provisions.
- Overlooking and impact on amenity.
- Traffic calming and public transport considerations.

9.1 Sufficient Legal Interest

The appellant and owner of adjoining lands argues that the applicant does not have the sufficient legal interest to carry out the development on the grounds that the south-eastern boundary of the site is incorrectly indicated in the drawings submitted and that the subject site incorporates a 2.5 to 3 metre strip of land owned by the appellant. The applicant strongly refutes this and states that all lands within the red boundary of the site are within the applicant's ownership. A solicitor's letter from McGuire and McErlean Solicitors notes that the applicant's site is comprised in folio and filed plan DN8767. It further states that the file plan operates a non conclusive boundary system as it identifies properties as opposed to boundaries. It further states that the filed plan does not identify the boundary as one on the ground and any potential boundary dispute would be a matter between the parties involved.

It is clear therefore that the subject boundary is in dispute between the parties concerned and that no definitive conclusion on the matter can be arrived at for the purposes of determining the application. Boundary disputes and legal ownership of lands are a legal matter and not a matter for An Bord Pleanála. The Planning and Development Act 2000 as amended under section 34(13) states that "*a person shall not be entitled solely by reason of a permission under this section to carry out any development*". If the Board therefore consider it appropriate to grant planning permission for the proposed development it can in my opinion rely on the provisions of the above section to ensure that any grant of planning permission is subject to the provisions of section 34(13). Thus any legal dispute arising as to the ownership of the subject lands shall be determined in a Court of law. Thus any legal dispute arising in respect of land ownership is not in itself an obstacle to grant planning permission in this instance.

9.2 Sewage Infrastructure Provision

The appeal submitted on behalf of Hollystown Demesne Management Company expresses concerns in relation to the foul pumping station and the fact that drainage from the proposed development feeds into two existing privately owned foul pumping stations. These pumping stations have not been taken in charge by Fingal County Council and protracted negotiations are ongoing in relation to same. It is argued that it is inappropriate for Fingal County Council to grant planning permission for additional developments which are making use of the foul pumping station until such time as the pumping station has been taken in charge

by the Council. I don't consider the issue of the taking in charge of the infrastructure in question to be a key critical consideration in determining the application before the Board. It is not unusual for developments to be granted planning permission which are reliant on infrastructure (be it roads, drainage etc.) which have yet to be taken in charge by a local authority. The taking in charge process is a matter for the parties concerned. The key consideration in my view is whether or not the pumping station and the drainage infrastructure has sufficient capacity to cater for the development in question. It appears from the information submitted to the Planning Authority by way of additional information, and the report attached to the applicant's response to the grounds of appeal, that the overall capacity of the private pumping stations can cater for 1130 units. Currently the system services six residential estates amounting to 361+ units together with Hollystown Golf Club House. Based on the information contained in the report in relation to sewage capacity, less than half of the capacity has been utilised. Therefore it appears there is ample capacity to cater for the four residential units proposed under this application. I therefore consider that sufficient foul sewage infrastructure is in place to cater for the proposed development regardless of whether or not it has been taken in charge by the Planning Authority.

9.3 Overlooking

Concern is expressed in the grounds of appeal submitted by the adjoining landowner that the proposed development and in particular dwelling B1 will give rise to overlooking of the adjoining lands to the south-east. In the first instance it should be noted that unit B1 will not directly overlook any dwellinghouse on the adjacent lands as these lands are undeveloped. The nearest dwellings to the south-east are the rear of a pair of semi-detached dwellings in the Alderwood estate which are circa 40 metres from the front elevation of Unit B1.

The grounds of appeal express particular concern that the orientation of Unit type B1 could impact on the development potential of the adjoining lands. The nature of both landholdings in question comprise of linear strips of land with limited road frontage and this to some extent restricts layout and design considerations in respect of both landholdings. The applicant in this instance has incorporated in design which enables access to be provided to the adjoining lands to the south-east. Having regard to the fact that both landholdings are governed by the same zoning objective (RV) and residential development is acceptable in principle under this zoning, it would seem reasonable to conclude that

residential development on the adjoining lands maybe acceptable in principle subject to overall design and qualitative considerations. I do not consider it reasonable to refuse planning permission in this instance on the grounds that Unit type B1 may potentially adversely affect the development potential of adjoining lands to the south-east. The applicant points out in the response to the grounds of appeal that the appellant's site could adequately accommodate the gable end of a house or perhaps a single-storey dwelling on the adjoining site without giving rise to issues of overlooking. The impact of the proposed development on the development potential of the adjoining site, depends on detailed design and layout considerations and it would be premature to refuse permission on such grounds. In my view this issue does not constitute reasonable grounds for refusal.

9.4 Traffic Calming and Public Transport Considerations

The grounds of appeal submitted by Hollystown Demesne Management Company argue that the proposed development should not proceed in the absence of appropriate traffic calming measures along the Ratoath Road and the provision of an adequate bus service for the residents of Hollystown area as a whole. The provision of inadequate bus services is a matter for Dublin Bus and not An Bord Pleanála. It appears from the grounds of appeal that Dublin Bus have been unable to provide an adequate service due to inadequate bus turning facilities in the area. The applicant could not provide such facilities on the site in question. The issue of adequate public transport facilities is a broader issue which is not directly pertinent to the current application for four dwellings before the Board.

Likewise with regard to traffic calming measures along the public road, this is a matter for the Planning Authority and not the applicant. Traffic calming measures required are located outside the application boundary. The Board will note that condition no. 29 of the Planning Authority's decision requires the applicant to pay the sum of €37,765 to the Planning Authority as a contribution towards expenditure that was or that is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefiting the area. This public infrastructure may include traffic calming measures along Ratoath/Chapelton Road should the Planning Authority deem it appropriate.

10.0 Appropriate Assessment

There are no designated Natura 2000 sites within 10 kilometres of the subject site and having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European site.

11.0 CONCLUSIONS AND RECOMMENDATIONS

Arising from my assessment above, I consider the decision of Fingal County Council in this instance should be upheld and An Bord Pleanála should grant planning permission for the proposed development in accordance with the plans and particulars lodged, based on the reasons and considerations set out below.

12.0 DECISION

Grant planning permission in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the RV zoning objective relating to the site and the fact that residential development is permitted in principle under this zoning objective, it is considered that the proposed development, subject to conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally 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 28th day of August, 2015, 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. 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.

3. Details of the materials, colours and textures of all external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. The internal road 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 works.

Reason: In the interest of amenity and traffic and pedestrian safety.

5. The proposed 2 metre high timber fence and concrete post along the western boundary of the site of the open space shall be omitted and shall be replaced with a 2 metre high render capped block wall. Details of such shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual and residential amenity.

6. (a) The applicant shall not incorporate the erection of a gate, gateway, railing fence or wall within the front curtilage/front garden of the proposed four dwellings notwithstanding the provisions of class 5, part 1, schedule 2 of the Planning and Development Regulations 2001-2015.

(b) Entrance gates shall not be erected on the access road leading to the proposed development.

Reason: To ensure the open plan layout is retained in the interest of visual amenity.

7. All WC's, bathrooms and ensuite windows shall be fitted and permanently maintained with obscure glazing.

Reason: In the interest of residential amenity.

8. Any attic floorspace which does not comply with relevant Building Regulations in respect of habitable standards and floor to ceiling heights shall not be used for human habitation and shall only be used for storage purposes.

Reason: In the interest of orderly development.

9. Noise mitigation measures as set out in the additional information received by the Planning Authority on 28th August 2015 shall be implemented in full.

Reason: In the interest of residential amenity.

10. Public lighting shall be provided in accordance with the scheme, details of which shall be submitted to and agreed in writing with the Planning Authority prior to the 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.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. All necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of construction works. All loaded lorries and skips leaving/entering the site shall be covered with sheeting/tarpaulin and this covering shall be tied down.

Reason: To protect the amenities of the area.

13. Any damage to the surrounding public road shall be made good to the satisfaction of the Planning Authority.

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

14. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded and landscaped in accordance with the landscaping scheme submitted to the Planning Authority. This work shall be completed before any of the dwellings are made available for occupation and these areas shall be maintained as public open space by the developer until taken in charge by the Planning Authority.

Reason: In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

15. Footpaths shall be dished at road junctions in accordance with the requirements of the Planning Authority. Details of the locations of materials to be used in such dishing shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.

Reason: In the interest of pedestrian safety.

16. The developer shall pay to the planning authority a financial contribution of €7,981 (seven thousand, nine hundred and eighty one euro) in respect of public open space provision 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. The application of any indexation required by this condition 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.

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.

17. The developer shall pay to the planning authority a financial contribution of €37,765 (thirty seven thousand, seven hundred and sixty five euro) 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. The application of any indexation required by this condition 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.

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.

18. Prior to the commencement of development the developer shall lodge with the Planning Authority a cash deposit or a bond of an insurance company or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the Planning Authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled within an agreement empowering the Planning 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 security shall be agreed between the Planning Authority and the developer or in default of agreement shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

**Paul Caprani,
Senior Planning Inspector.**

19th January, 2016

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