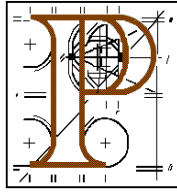


An Bord Pleanála



Inspector's Report

PL06F.245697

Development: Planning permission is sought for the erection of 1 no. detached dwelling house and 4 no. semi-detached 2 storey residential units (Plots No.s 1, 4 and 5 will include single storey home office structures in their garden area). In addition, planning permission is sought for new combined vehicular/pedestrian access from Fairways, Donabate, and connection to foul as well as surface water sewer network in the Fairways, Donabate, together with associated landscaping, boundary treatments, lighting, ancillary drainage, engineering and all ancillary site development works to facilitate the proposed development at the lands to the rear of 'Skomer', Portrane, Donabate, County Dublin.

Planning Application

Planning Authority: Fingal County Council
Planning Authority Reg. Ref.: F15A/0194
Applicant: Mr. & Mrs Thomas Kiernan
Planning Authority Decision: Grant with conditions

Planning Appeal

Appellants: Sean Morris, Ellen Morris & others
Type of Appeal: 3rd Party - V - Grant
Observers: None
Date of Site Inspection: 11th day of February, 2016.
Inspector: Patricia M. Young

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site comprises of a parcel of land located to the east of an existing single storey dwelling house called 'Skomer' in the accompanying documentation on file, in the heart of the settlement of Donabate, in north County Dublin.
- 1.2 'Skomer' is sited on a large garden plot and it benefits from a single access point onto the local road network. This access is located on the eastern side of the R126 (Main Street/Portrane Road) at a point where this regional road starts to curve in a northerly direction. It is also situated circa 90-meters to the north of the entrance to the Donabate Village residential development scheme.
- 1.3 The roughly rectangular shaped appeal site, has a stated 0.187-hectares (0.462-acres) area. In its current state while mainly comprised of grassed lawn area it is unkempt and overgrown. Though its ground levels are relatively flat the appeal site slopes circa 0.5-meters from its eastern to its western boundaries.
- 1.4 The southern boundary of the site adjoins a cul-de-sac road within the Fairways portion of the Donabate Village residential development scheme at the northern most point of this road which is where it terminates with a hammerhead. The Donabate Village residential development scheme would appear to date to circa early 2000s and it is comprised of two-storey mock Tudor in style terraces and semi-detached residential properties. The southern boundary of the site at this point contains a mixture of metal railings as well as overgrown hedging. To the south of the aforementioned hammerhead there are five staggered pairs of semi-detached properties and also one detached property that align either side of the cul-de-sac road and with the detached property at the entrance of the cul-de-sac road. These properties front onto the cul-de-sac road which for the majority of its length has an average width of 6.4-meters.
- 1.5 The southern boundary of the site is situated circa 85-meters from where this cul-de-sac joins with the main distributor road serving the Donabate Village residential development scheme with this junction situated circa 60-meters to the east of the R126.
- 1.6 Bounding the eastern boundary of the site are three detached two storey properties. These properties form part of a later modest in size infill development ('Baltra Hall'). This development is also accessed

from another cul-de-sac road within the Donabate Village residential development scheme.

- 1.7 Bounding the northern boundary of the site there is a semi-detached pair of residential properties. These are sited on deep rectangular shaped garden plots and their combined rear boundary runs along most of the northern boundary of the site. Adjoining the easternmost stretch of the northern boundary is a detached property which is also sited on a substantial garden plot. These properties access the local road network via separate access points onto the R126.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the erection of 1 no. detached dwelling house and 4 no. semi-detached 2 storey residential units (Plots No.s 1, 4 and 5 will include single storey home office structures in their garden area). In addition, planning permission is sought for new combined vehicular/pedestrian access from Fairways, Donabate, and connection to foul as well as surface water sewer network in the Fairways, Donabate, together with associated landscaping, boundary treatments, lighting, ancillary drainage, engineering and all ancillary site development works to facilitate the proposed development.
- 2.2 I note to the Board that the original submission includes a report titled: *'Urban Design Manual Planning Statement Proposed Development, Lands Located To The Rear "Skomer", Portrane Road, Donabate, County Dublin'*, prepared by James A. Keaney Associates.
- 2.3 On the 10th day of September, 2015, the applicant submitted their further information response which included a letter dated the 27th day of July, 2002, purporting to confirm a right-of-way between 'Skomer' and the 'Fairways'. It also included revised drawings which provide a revised layout for the proposed development and in relation to these revised drawings I note to the Board that they omit the previously proposed shared surfaces; the turning head; the visitor parking; and, the refuse collection area within its proposed public realm. They also include kerbed pedestrian footpaths and they show that the revised pedestrian footpaths as well as the vehicle carriageway within this scheme would tie-in with that existing at the Fairways. Moreover, an Autotrack turning movement demonstrating that a refuse vehicle can

manoeuvre in the revised layout is also submitted. In relation to the Planning Authority's concerns for construction access two options are proposed. Option 1 is via Donabate Village/Fairways whereas Option 2 is through the residential driveway and garden area of 'Skomer' which accesses onto Portrane Road.

3.0 RECENT & RELEVANT PLANNING HISTORY

3.1 Appeal Site & in the Vicinity: There are no recent and relevant planning history pertaining to the appeal site; however, I note to the Board that it is the view of the Planning Authority that the precedent for such a development has been established by way of the grant of permission for 'Baltra Hall'¹, which is located to the east of the site.

4.0 PLANNING AUTHORITY DECISION

4.1.0 Planning:

4.1.1 The **initial Planning Officers report** concluded with a further information recommendation which is attached to file.

4.1.2 The **final Planning Officer's report** considered that the information submitted by the applicant in response to the further information request was generally satisfactory. In particular it was considered that the applicant had demonstrated that a right-of-way existed between the end of the cul-de-sac to the Skomer lands to the north; however, it was also noted that the Fairways is in the charge of the Council.

In addition, the Planning Officer considered that the revised layout which included the omission of the shared area, provided better integration with the existing footpath and carriage width of the adjoining cul-de-sac which it proposed to access onto was acceptable. It was also noted that the auto track analysis provided showed that a refuse truck could manoeuvre in the revised layout.

¹ Note: P.A. Reg. Ref. No. F02A/1557 and F00A/0744.

The Planning Officer also considered that the routes for construction access could be agreed as part of the Construction Management Plan; however, they noted the two proposed options in this regard.

This report concludes with a recommendation to grant permission subject to conditions.

4.2.0 Interdepartmental Reports:

4.2.1 The final **Planning & Strategic Infrastructure Department Transportation Report** indicates that the revised layout submitted by the applicant generally satisfactorily address the issues raised by them in their initial report. However, it indicates that there are two points of detail that should be resolved with the first issue being that of the footway cross-overs which are not in their opinion clearly shown on all the revised drawings provided; and, the second issue is that the kerb at the northern end of the cul-de-sac should in their view be rounded off and not squared off as shown. No other substantive concerns are raised and in the event of planning permission being granted it recommends that these two issues be dealt with by way of condition.

4.2.2 **Planning & Strategic Infrastructure Department Water Services Planning Report** raise no objection to the proposed development subject to the inclusion of standard conditions in the event of a grant of planning permission.

4.3.0 Submissions

4.3.1 The Planning Authority during the course of its determination received several 3rd Party submissions objecting to the proposed development. These have been summarised in the Planning Officers report which is attached to file. I consider that the main concerns that they raise correlate with those raised by the appellant in their grounds of appeal submission which I have summarised below (See: Section 5).

4.3.2 A submission received from **Irish Water** raised no objection to the proposed development subject to a number of recommended standard in nature and scope conditions in the event of a grant of permission.

4.4.0 Planning Authority Decision: The Planning Authority decided to grant planning permission subject to twenty two mainly standard in nature conditions. I note to the Board the requirements of the following conditions:

Condition No. 4: This requires the engineering requirements recommended by the Councils Transportation Planning Section to be complied with in full. This includes the prior agreement of footway cross overs and the kerbing at the northern end of the cul-de-sac in the interest of traffic safety and to ensure adequate infrastructure.

Condition No. 8: This requires the 'home offices' to be used solely for use incidental to the enjoyment of the dwelling house and restricts their sale, rental or lease independently of the dwelling house they are associated with. It also restricts their use for the carrying on of any trade or business that the public may visit. The stated reason is in the interest of residential amenity.

Condition No. 9: This requires that the boundary between the existing houses on the Fairways and that proposed to be a height of 1.8-meters and that they are finished in rendered/plastered block work as well as suitably capped. In addition, it requires that the existing front boundary be maintained.

Condition No. 18: This requires the submission and agreement of a landscaping plan.

5.0 GROUNDS OF APPEAL

5.1 The grounds of appeal may be summarised as follows:-

- The decision of the Planning Authority is inherently flawed and should be overturned due to its lack of consideration of the inappropriate design and form of the development in relation to the well-established character of the area; the negative impact of traffic during construction and post construction; and, the overbearing visual impact of the proposed development.
- The proposed development will result in dangerous traffic movements.
- The proposed development fails to reflect and integrate with the character of surrounding streets.

- The boundary adjoining No. 34 and 33 Fairways contains a 1.8-meter fence supported by concrete posts and it is contended that this boundary is subject to a degree of subsidence. Any development within the subject site is likely to exacerbate this issue.
- The Fairways access road is circa 6.4-meters in width and forms part of the Donabate Village development and the function of this road is impaired by on-street car parking.
- The proposed construction and vehicular access arrangement would result in a traffic hazard and unordered development. This in turn would negatively impact on existing residential amenities.
- It is inappropriate that vehicular access during construction is subject to agreement with the Planning Authority under Condition No. 19.
- The alternative construction access in the view of the appellants appears to be dismissed by the Council in its determination and this alternative access is in the sole control of the applicant with access onto the Portrane Road. It is argued that contrary to the applicant's claims this access benefits from far better sightlines due in part to its setback entrance and its remoteness from a school crossing. This access can also be achieved without loss of mature trees. It would also result in less the disruption to residents in the Fairways as well as a safer environment for children within this estate.
- The proposed development would add to the volume of traffic on the cul-de-sac which it is contended currently suffers from on-street car parking and congestion.
- This development is at odds with existing development in terms of its design, form and height. In addition its design and layout does not respect its surroundings with concern also raised to the lack of maintenance of established building lines.
- Concern is raised that the design of the detached dwelling includes only a 3-meter long back garden area with the primary amenity space provided to its side adjacent to its boundary with No. 33 Fairways.
- The proposed development, if permitted, would also be visually overbearing and obtrusive when appreciated from the adjoining property.
- This proposal fails to protect, provide and improve residential amenities of the adjacent residential lands and is therefore contrary to the zoning objectives for these lands.
- The Board is requested to overturn the Planning Authority's decision.

6.0 RESPONSES

6.1 The 1st Party's response may be summarised as follows:-

- The Council have granted permission for the proposed development after careful consideration of all submission and responses received.
- The Councils Transportation Department reviewed this application prior to the grant of permission.
- The proposed site is situated in the heart of the village and will generate a significant proportion of sustainable trips given its close proximity to the amenities, facilities as well as bus and rail services.
- The proposed development represents an appropriate form of development for the area.
- The applicant proposed a possible alternative route for construction traffic to the site and this is included in the additional information provided to the Council. In addition, no construction will be allowed until a Construction Management Plan is submitted and agreed with the Planning Authority. It is noted that this is a requirement of the Planning Authority's grant permission.
- Loss of privacy or light is not foreseen by the Planners due to the proposed layout of the development and its location in relation to existing development. It is further considered that No. 34 Fairways will enjoy more natural light into their rear gardens as a result of the removal of the overgrown planting adjoining it within this site.
- The proposed houses and extensive planting will enhance the visual amenities to the end of the cul-de-sac and the applicant has provided adequate information to comply with Objectives UD01, RD10 and RD11 of the Development Plan.
- The Board is asked to uphold the Planning Authority's decision.

6.2 The Planning Authority's response may be summarised as follows:-

- The proposed development represents a small infill development on residentially zoned lands in the centre of Donabate with access from an existing roadway serving the Fairways, a residential scheme to the south of the site.
- This development is somewhat similar to an earlier infill development located to the east at Baltra Hall.
- The design of the scheme is contemporary, providing for box window projections to the front elevations, full pitched roofs and including materials such as brick and metal cladding. While it does not mirror that of the adjoining residential development, it does provide this small

infill scheme with a distinct character and presence which does not detract from the general pattern of development in the immediate area.

- It is not anticipated that it would give rise to any loss of residential amenity through overlooking or overshadowing as a result of the setbacks maintained from the existing development.
- The issue of construction traffic is dealt with under Condition No. 19 of the grant of permission. Condition No. 19(f) requires identification of a construction traffic route, parking and loading/unloading areas to be agreed prior to the commencement of construction; however, the Board may consider it appropriate to provide a further condition specifically identifying the route to the site. No objection is raised to such an additional specification.
- In the event that the decision is upheld it is requested that Conditions No.s 21 and 22 be included in the Boards determination.

7.0 POLICY CONTEXT

7.1.0 Local Planning Policy Context:

7.1.1 The appeal site is governed by the policies and provisions contained in the Fingal County Development Plan, 2011-2017. The site is located within an area zoned 'RS' to: "*provide for residential development and protect and improve residential amenity*". The vision for this zoning is to ensure that any new development in existing residential areas has a minimal impact on existing amenity. Relevant sections of the Development Plan and Local Area Plan are attached to file.

7.2.0 National Planning Policy Context

- **Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2008:** These Guidelines are accompanied by an Urban Design Manual. The general aim of these guidelines and its associated manual is to set out the key planning principles which should be reflected in development plans and local area plans to guide the assessment of planning applications for residential development in urban areas. Section 5.9 of the Guidelines indicate in relation to residential areas whose character is established by their density or architectural form that a balance needs 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.

8.0 ASSESSMENT

8.1.0 Overview:

8.1.1 I consider that the key issues that arise in this appeal case are as follows: -

- 1) *Principle of the Proposed Development;*
- 2) *Visual Impact;*
- 3) *Access and Road Safety Issues; &*
- 4) *Other Matters Arising.*

8.1.2 The above headings cover the main points made in the appeal submissions and responses received by the Board during the course of its determination. They also encapsulate my *de novo* consideration of the application. I have had regard to the nature and extent of development both as originally proposed and as revised by way of the applicant's further information response. Having regard to the substantive concerns raised by the Planning Authority, I recommend that the Board consider the application in reference to the plans and particulars as amended by the applicant's further information response which was submitted to the Planning Authority on the 10th day of September, 2015. I further consider that the revisions put forward by way of this response resulted in a number of qualitative improvements to the overall design resolution of the development proposed, particularly in terms of its public realm and access arrangements.

8.2.0 Principle of the Proposed Development

8.2.1 The Fingal County Development Plan, 2011-2017, identifies the appeal site as forming part of a larger parcel of land zoned 'RS'. The stated land use zoning objective for such lands is to: "*provide for residential development and protect and improve residential amenity*". In addition the vision for this zoning is to ensure that any new development has a minimal impact on existing amenity. Under this land use zoning

objective residential development, like that proposed under this application, is permitted in principal subject to safeguards including but not limited to consideration must be given to ensuring the protection of existing residential amenities whilst balancing the potential of this land to accommodate new residential development.

- 8.2.2 I note to the Board that this land use zone is consistent with the land use zoning of this site under the Donabate Local Area Plan, June, 2006-2012, which is 'Existing Residential'. The stated land use objective for such lands under the said plan is: "*ensuring the protection of the residential amenities of existing housing which adjoin the subject lands by minimising visual intrusion, overlooking and overshadowing*". This LAP is significantly out of date and the draft local area plan which also sets out a similar land use objective has yet to be adopted.
- 8.2.3 The current Development Plan however generally encourages the development of underutilised infill and backland sites in existing residential area as well as the efficient use of serviced lands alongside the consolidation of settlements like Donabate.
- 8.2.4 In relation to infill and backland developments it states that: "*a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be considered for infill and backland development*". In this spirit Objective RD10 of the Development Plan states that the Council will seek to: "*encourage and promote the development of underutilised infill and backland sites in existing residential areas subject to the character of the area being protected*"; and, Objective RD11 states that the Council will seek to: "*promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area*". The general design approach put forward for this infill/backland site is contemporary with nods to the existing and more coherent architectural design resolution of the adjoining and neighbouring residential properties in 'Donabate Village' and 'Baltra Hall' while maintaining the essence of being a legible built insertion more characteristic of its time. I also concur with the Planning Authority in that the design resolution chosen has minimized potential for adverse impact on the established residential amenities of properties in its vicinity. In particular, in terms of overlooking, overshadowing and privacy where the resulting impact would be negligible and not out of character with established levels of

amenities in such an urbanscape setting. Moreover the host dwelling would still maintain a substantial private amenity space area that subject to an appropriate boundary treatment would not be unduly overlooked and the proposed dwellings would benefit from a qualitative standard of residential amenity, with this amenity being generally consistent with applicable Development Plan standards.

8.2.5 Moreover, this appeal site is located in Area 7 of Donabate Urban Centre Strategy, 2010. The vision for such lands is to: *“to allow for the mixed use redevelopment of these lands with positive new frontage development onto the Portrane Road, while protecting adjoining residential amenities and a density of up to 70 units to the hectare can be accommodated here.”*

8.2.6 Based on the above I consider that the general principle of the proposed development and the principle of achieving a greater density of residential development on residentially zoned serviced land within the heart of Donabate, a settlement well served by public transport and amenities, services as well as facilities synergistic to such a development, is acceptable.

8.3.0 Visual Impact

8.3.1 As previously noted the design resolution chosen does not seek to replicate or rigorously match the highly coherent in design, built form, appearance, building to space relationship through to palette of materials of neighbouring semi-detached and the detached entry residential building that characterise the streetscape scene of the cul-de-sac from which it proposes to solely connect to the immediate and wider public road network. Such an approach is not inconsistent with the objectives set out in the Development Plan for this type of development. In particular, Objective RD10 and RD11 which I have previously referred to above.

8.3.2 However, the appellants do not support such an approach and they question how the proposed development would be capable of being legible as a successful new built insertion and building layer with its own identity in a streetscape scene and urbanscape setting whose buildings and building space relationships are highly uniform and coherent due to the limited number of dwellings it proposes.

- 8.3.3 While I accept that the applicants do not wish to replicate or overly harmonise in terms of the built form of their now proposed detached dwelling and the two separate semi-detached pairs I consider that there is potential for some harmonization between these proposed dwelling units and existing dwelling units within their streetscape scene by way of using complimentary in colour, tone and texture external materials and treatments, particularly in the principal façade and in their southern elevations.
- 8.3.4 I also consider that despite the additional height of these proposed dwellings and the inclusion of large feature projecting box windows at first floor level that the two pairs of semi-detached would in essence be staggered back from the building line of existing properties on the eastern side of the cul-de-sac road. In addition substantial planting is indicated in the south easternmost corner of the detached dwellings plot. These measures together with the use of a complimentary palette of external features would in my view result in the proposed dwellings successfully integrating within their immediate streetscape scene and setting whilst at the same time being evident as a new building insertion and building layer more characteristic of their time. In addition, the measures indicated would also limit the visual intrusion of these dwellings in their streetscape scene despite their additional height. Further the design resolution chosen by the applicants is consistent with guidance and standards for such residential developments as set out in the applicable Development Plan.
- 8.3.5 Based on the above considerations I therefore do not accept that the proposed development would, if permitted, result in any adverse or material impact on the visual amenities of their streetscape scene and urbanscape setting that would warrant or merit a refusal of planning permission.

8.4.0 Access and Road Safety

- 8.4.1 In terms of access I accept that Baltra Hall, a similarly modest in dwelling unit number residential development to the east of the site, could be considered as a precedent in terms of extending a cul-de-sac within Donabate Village residential development scheme in order to facilitate access onto the local road network. I also consider that the revised layout put forward by the applicant is not only consistent with relevant standards, in particular the Design Manual for Urban Roads

and Streets (DMURS), 2013, it also results in a public realm layout that integrates visually and functionally with the existing and the proposed development more successfully. However, further improvements are required for a more successful outcome and Condition No.4 of the Planning Authority's notification to grant planning permission deals with the outstanding design deficiencies of the footway crossovers and the kerbing at the northern end of the cu-de-sac. I consider that these particular design concerns could be dealt with by way of condition and should the Board be minded to grant permission I recommend that they attached a similar condition as Condition No. 4.

- 8.4.3 I consider that the only significant outstanding issue is site access during construction phase and this I note is a significant issue raised by the appellants in their grounds of appeal submission.
- 8.4.4 Having inspected the site and its setting I consider that whilst the cul-de-sac road onto which access is proposed to serve the five number dwelling units is capable of safely absorbing the resulting traffic generated at occupation phase I do not however consider that it is capable of safely absorbing the traffic generated during the construction phase. During this phase the traffic generated which would be more intense and the vehicles associated with this stage of development would be more variable including many larger vehicles. In addition, parking would also be required for those working on site and it is likely that dedicated space would be required for loading and unloading goods and materials. Further, heavy machinery will be required on site during site preparation works and during other stages of the build. It is also likely that the workers facilities as well as various storage facilities would also be required during this phase.
- 8.4.5 Considering the limited size of the site, its dimensions and the limited width of the aforementioned cul-de-sac road at circa 6.4-meters, a road whose function I observed is impaired by on-street parking along its entire length I question the appropriateness of using this road as the primary route for accessing the site from the local road network during the construction phase. Should it be used for such purpose I consider that the traffic inconvenience and additional road safety issues and hazards that it would give rise to for existing road users including those using its public footpaths would not be acceptable from a road safety perspective.

8.4.6 Should the Board be minded to grant permission for the proposed development I recommend that Condition No.19 of the Planning Authority's notification be attached and amended so that it specifies a route through the lands associated with Skomer, the host dwelling, which accesses onto Portrane Road. This is identified as Option 2 in the applicant's further information submission.

8.5.0 Other Matters Arising

8.5.1 Services: On balance I raise no serious issues on this particular matter; however, should the Board be minded to grant permission I recommend that the recommendations of the Planning Authority and Irish Water be conditioned.

8.5.2 Existing Boundary Wall: The appellant raises concern that the appeal site boundary adjoining No.s 33 and 34 Fairways is subject to a degree of subsidence and as such they raise a concern that any development in the confines of the site could exacerbate this situation. This concern is largely civil in nature and outside of the Boards remit in the determination of this appeal. The Board may however consider it prudent to include an advisory note reiterating Section 34(13) of the PDA as well as to include Condition No. 9 of the Planning Authority's notification to grant planning permission.

8.5.3 Landscaping: Based on the comments made in relation to landscaping in the main body of this assessment I recommend the Board should it be minded to grant planning permission to include a landscaping condition.

8.5.4 Condition No. 8 of the Planning Authority's Notification: Should the Board be minded to grant planning permission I recommend that a similar condition to Condition No. 8 of the Planning Authority's notification to be attached to ensure that the use of the home offices are incidental and ancillary to the residential use of the dwelling houses they form part of.

8.5.5 Appropriate Assessment: Having regard to the modest nature and scale of the development sought under this application, the serviced nature of the sites urbanscape setting together with its separation from any designated European site I do not consider an 'NIS' or 'Stage 2 -

Appropriate Assessment' is necessary in this case and I am satisfied that all substantive planning issues have been addressed in the above assessment.

9.0 RECOMMENDATION & CONCLUSION

- 9.1 I recommend that planning permission is granted for the reasons and considerations set out below:

Reasons & Considerations

Having regard to the zoning of the site, the scale and nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. Moreover, the vehicular traffic generated by the proposed development would be capable of being accommodated on the local road network, without giving rise to any material and adverse additional traffic hazard and/or inconvenience. The proposed development 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, and as amended by the further information response received by the Planning Authority on the 10th day of September, 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. This permission relates solely to that detailed in the statutory public notices.

Reason: In the interest of clarity.

3. (i) Prior to the commencement of construction, details of the materials, colours and textures of all the external finishes shall be submitted to the Planning Authority for agreement. Where appropriate sample panels shall be erected at the site for inspection by the Planning Authority.

(ii) Prior to the commencement of construction, details of all new boundary treatments shall be submitted to, and agreed in writing, with the Planning Authority. In this regard, the boundary treatments shall include a rendered/plastered block wall suitably capped to a height of 1.8-meters between existing houses on the Fairways and the proposed houses from the front building line to the rear boundary of the site.

(iii) Prior to the commencement of construction, details of all public lighting shall be submitted to, and agreed in writing, with the Planning Authority.

(iv) Prior to the commencement of construction, details of all landscaping and surfacing treatments shall be submitted to, and agreed in writing, with the Planning Authority.

(v) Prior to the commencement of construction, an acceptable street naming and house numbering scheme shall be submitted to, and agreed in writing, with the Planning Authority.

Reason: In the interest of orderly development and the visual amenities of the area.

4. Water supply and drainage arrangements, including the attenuation, disposal of surface water and the provision of sustainable drainage measures, shall comply with the requirements of the Planning Authority and Irish Water for such works and services.

Reason: In the interest of public health.

5. Prior to the commencement of construction details of the footway cross-overs and the kerbing at the northern end of the cul-de-sac shall be submitted to, and agreed in writing, with the Planning Authority.

Reason: In the interest of traffic safety and to ensure adequate infrastructure provision.

6. (i) Each proposed house shall be used as a single dwelling unit.
- (ii) The 'home offices' shall be used solely for use incidental to the enjoyment of the dwelling house and shall not be sold, rented or leased independently of the house and shall not be used for the carrying on of any trade or business that the public may visit.
- (iii) No dwelling shall be occupied until all services have been connected to and are operational.

Reason: In the interest of proper planning and sustainable development of the area and in the interest of amenity.

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

Reason: In the interests of residential amenity.

8. 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.

9. 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.

10. 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 the commencement of development. This plan shall provide details of intended construction practice for the development including:
- (i) Location of the site and materials compound(s) including area(s) identified for the storage of construction waste;
 - (ii) Location of areas for construction site office(s) and staff facilities;
 - (iii) Details of site security fencing and hoardings;
 - (iv) Details of on-site car parking for site workers during the course of construction or arrangements made for car parking for site workers during construction in the vicinity;
 - (v) Details of the timing and routing of construction traffic on the adjoining public road network;
 - (vi) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (vii) Measures to prevent spillage or deposits of clay, rubble or other debris on the public road network;
 - (viii) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (ix) Details of appropriate mitigation measures for noise, dust and vibrations. In addition, details for monitoring of their levels;
 - (x) Details of the manner of containment of all construction-related fuel and oil during the course of construction works and the measures to prevent fuel spillages. Ideally, the developer shall store these hazardous items in specially constructed bunds with roofs over on site during the course of construction works;
 - (xi) Details of off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated ground material;

- (xii) Details of measures to ensure that surface water run-off is controlled such that no silt or other pollutants enter the local surface water sewers or drains;
- (xiii) Details of noise management measures during the course of demolition and construction phases of the development.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

It is advised that this plan shall include details on how the construction traffic management shall be managed via 'Skomer' during the main course of the construction phase and shall include details on how nearing completion the proposed development will be integrated into the adjoining Fairways cul-de-sac road.

Reason: In the interests of public safety and residential amenity

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 residential amenities of property in the vicinity.

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each residential unit shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall adequate provision for bin storage to the rear of individual dwelling houses. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

13. 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.

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 8 weeks from the date of this order, the matter (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 the Board 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 of the area.

Advisory Note: Section 34(13) of the PDA.

Patricia M. Young
Planning Inspector - 15th day of February, 2016.