



An
Bord
Pleanála

Inspector's Report

An Bord Pleanála Ref. PL61.246535

Proposed Development	Construction of 9 no. houses and all ancillary site works.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	15/320
Applicant(s)	Tony and Mary Shaughnessy.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Appellant(s)	Dun na Mara Residents
Observer(s)	none.
Date of Site Inspection	8 th August, 2016.
Inspector	Stephen Kay.

1.0 Site Location and Description

The appeal site is located at the northern end of a residential cul de sac in the Renmore area of Galway City to the east of Lough Atalia. The site comprises lands that are zoned residential and located at the northern end of a residential street called Dun Na Mara which comprises two storey semi detached dwellings.

The bulk of the appeal site comprises lands which are not currently accessible to the public and are not part of a formal area of open space serving the existing residential development in the area. The site also comprises an area located fronting onto Dun na Mara which comprises an area of parking and also a grassed and landscaped verge fronting the estate road.

The site is bounded to the south west by existing semi detached dwellings in Dun na Mara, to the south east by the estate road, to the east and north east by lands that are in recreational / open space use and undeveloped lands that are in the ownership of the first party and to the north west by the rear gardens of detached bungalows that front onto the Renmore Road.

The site is currently bounded by a number of mature trees and access to the site from the Dun na Mara estate is difficult due to the presence of dense vegetation along the boundary and within the site.

The stated area of the appeal site is 0.2922 ha.

2.0 Description of Proposed Development

The development comprises the construction of 8 no. semi detached two storey plus dormer level dwellings and one detached two storey plus dormer level dwelling on the site. The dwelling type is described as two and a half storey in the public notices. The dwellings are proposed to be sited in a north east to south west orientation and set back from the existing building line formed by dwellings on the western side of Dun na Mara. The total floor area of the nine dwelling is 1,166 sq. metres or approximately 130 sq. metres per unit.

A single vehicular access point to the development from Dun na Mara is proposed in approximately the middle of the site frontage and towards the south west corner of the site a new turning head is proposed. The vehicular access to the development is proposed to access a shared 'homezone' space which runs parallel with the site frontage as well as accessing the detached dwelling located at the north east corner of the site.

Car parking for the development is proposed to be provided between the 'homezone' area and the front of the dwellings with two parking spaces per unit proposed. A pedestrian connection to the existing footpath network in Dun na Mara is proposed at the south west corner of the site. To the rear private amenity spaces of between 73 and 129 sq. metres are proposed.

The existing parking area located on the western side of Dun na Mara and which currently can accommodate 5-6 cars would be lost as a result of the proposed development and replaced with the proposed turning head.

3.0 Planning History

Galway City Council Ref. 2026/64 – The only planning history referenced by the Planning Authority is for the granting of permission for the development of 78 no. houses on a suite on the east side of the Renmore Road.

Copy of pre application consultation correspondence on file which sets out a layout similar to that which was submitted in the application and which the Planning Authority advised did not raise any significant concerns.

4.0 Planning Authority Assessment and Decision

4.1 Internal Reports

Planning Officer – The report of the Planning Officer notes the design proposed and submissions received. The design and layout is considered to be consistent with the established pattern of development in the area and with the zoning objective. A number of issues including traffic were recommended to be the subject of a request for further information and the response to this request was considered to be acceptable. A grant of permission consistent with the Notification of Decision which issued is recommended.

Drainage Division – No objection.

Environment section – No objection.

Irish Water – No objection.

Roads / Traffic – Initial report recommends that further information would be requested regarding sight lines and radii of the access junction. A subsequent report states that there is no objection subject to conditions.

Recreation and Amenity Department – report post the submission of further information states that the proposal would have significant adverse impacts on public open space which has been taken in charge by the council and object to the development on this basis. Noted that the further information requested the submission of a landscape plan and state that this should be augmented to require a survey and impact assessment of the trees on the site.

4.2 Request for Further Information

Prior to the issuing of a Notification of Decision further information on the following issues was requested by the Planning Authority:

1. Clarification of the extent of lands owned by the applicant.
2. Submission of a traffic impact assessment showing impact on the existing road network.
3. Sight lines at the proposed new access to be indicated.
4. Details of the radii of the junction.
5. Submission of a landscape plan.
6. Demonstration of compliance with section 2.3 of the Galway City development Plan regarding homezones and amenity.

7. Clarification of the correct scale of the Site Layout Plan.
8. That House No.9 includes a first floor window that would overlook undeveloped residentially zoned lands. Revisions to the design are required.

In response the applicant submitted the following:

- A map showing their land ownership including the appeal site and lands immediately to the north east.
- A traffic and transportation report prepared by Atkins which concludes that the development is sustainable in the context of the local road network.
- A Site Plan drawing that demonstrates the required sight lines to Dun na Mara. A landscaping plan prepared by Cunnane Stratton Reynolds has also been submitted.
- A revised Site layout drawing indicating the scale at 1:250 and demonstrating compliance with the minimum rear garden depths.
- Revised plan of house No9 showing opaque glazing at first floor level.

Revised public notices in accordance with Article 35 of the regulations were required on foot of the further information received.

4.3 Notification of Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 22 no. conditions, the most significant of which in the context of the current appeal are considered to be the following:

- Condition No.4 requires that the applicant shall submit a revised landscaping scheme which shall provide for additional mature trees to offset the loss of any significant trees on the site. Plan to be submitted and agreed prior to the commencement of development.
- Condition No.6 – requires the submission of a cert regarding the completion of all landscaping as per the submitted landscaping plan.
- Condition No.12 - requires that all works shall comply with the requirements of 'Site Development Works for Housing Areas' published by the Department of the Environment.
- Condition No.18 requires the submission of a construction management plan.
- Condition No.19 requires that the communal open spaces, parking areas and services shall be retained in private ownership and maintained by a management company.
- Condition No.22 states that the open spaces within the development shall be vested to the local authority when the development is being taken in charge.

5.0 Appeal Submission

5.1 Third Party Appeals

The following is a summary of the main issues raised in the third party appeals against the Notification of Decision to Grant Permission issued by the Planning Authority.

- That the application proposes to use third party lands for both access and development (the turning head).
- That potential alternative access layouts to the development should be considered and assessed. The site has access to Renmore Road and there is precedence for the provision of an access to Renmore Road (the Gurteen estate).
- That the statement in the Planners report that the provision of access via Renmore Road would prejudice the best layout for the site is disputed.
- That the applicant should be required to prepare a masterplan for the development of the overall landholding.
- That the area referred to in the planners report as residual (to the south of the wall) has been maintained by residents for 50 years and is an important local amenity.
- That the use of communal open space in Dun na Mara Drive and part of the existing Dun na Mara estate in the calculation of open space is not accepted. It should be clarified what developments the existing open space area is

serving. The original permission from 1964 should be examined by the Board to see the communal open space allocation.

- That the Parks, Recreation and Amenity department report referred to in the planning report is not available on the council website.
- Note that a memo from parks to the Corporate Services Department requests clarification as to whether the application site has frontage to Renmore Road and states that there would have to be a compelling need to support the loss of residential amenity that would arise for local residents.
- That the proposed layout will not provide a suitable play environment for young children and would be contrary to the Guidelines for Planning Authorities on Sustainable Urban development.
- That the proposed development would exacerbate existing traffic hazards in the estate. There are issues relating to the restricted road width, existing on street parking pressure and the impact of reversing from existing driveways onto the road. None of the measures proposed in the application address the hazards identified on the existing road.
- That the loss of the existing parking will compound the traffic problems on the road.
- That the proposed development would not integrate with existing development on Dun na Mara with regard to house numbering, name of development and signage.

- That the dormer window feature should be removed from the proposed dwellings.
- In the event of a grant of permission that conditions be attached specifying no construction related traffic would access via Dun na Mara, that drainage connections would be via Renmore Road, that the current boundary wall between the site and Dun na Mara would be replaced with a stone wall.

6.0 Response Submissions

6.1 Response of the Planning Authority to Appeal

No response on file.

6.2 First Party Response to Third Party Appeal

The following is a summary of the main points raised in this submission:

- That the principle for residential development is established for the site given its zoned, serviced and accessible nature.
- That the development will not result in the creation of a series of new access points onto the Dun na Mara estate road which currently serves 29 dwellings.
- That the provision of access via Renmore Road would be highly inappropriate and would not respect the established built form. The proposed means of access is considered optimal as it makes the most efficient use of existing road infrastructure and allows the proposed development to integrate successfully with the existing built form.

- Regarding the traffic analysis undertaken and the contents of the Atkins Traffic and Transportation assessment, this report states that the level of two way trips likely to be generated (5-6 in the peak hour) is such that full junction analysis is not warranted. The approach has been supported by the Roads and Transportation section of the council and no issue regarding the width of the existing estate road has been raised by the council.
- That a 50 km/hr speed limit applies to the area already as it is a built up urban area.
- That the proposed development provides an excess on the number of parking spaces specified in the development plan. A dedicated turning head / area is also proposed.
- That the site is zoned for residential purposes and is not designated as public open space. The existing landscaped area to the front of the site which is maintained currently by residents will be replaced by a landscaped area as indicated in the submitted landscaping plan. Additional mature trees are required as per condition No.4 of the decision of the planning authority. It is not therefore correct to state that this green area will be lost on foot of the proposed development.
- Regarding public open space, the assessment in the report of the planning officer notes that a reduction in the public open space level of 15 percent is appropriate in certain circumstances. The report also specifically notes the availability of a significant area of open space at Dun na Mara Drive and also the adjoining RA zoned lands to the north east of the site.

- 4.15 to 4.21 of the Sustainable residential Development in Urban Areas Guidelines are noted and particularly reference to a general requirement for 10 percent of open space and also the use of a flexible approach with an emphasis on quality.
- Regarding the report from parks section, this report was received after the further information request was issued. It is also noted that it is referenced in the report of the Planning Officer and that conditions 4, 5 and 6 relate to landscaping of the site and the provision of additional tree planting to the site frontage to Dun na Mara.
- That the applicant has obtained consent from the local authority to making the application and it is noted that the Sustainable Housing Guidelines indicate that such a letter is sufficient.
- Regarding the impact on character of the area, signage for the homezone area is considered necessary. The future numbering and naming of the development is not considered something that would impact on the character of the area. While of a different design and distinct from the existing development, it is submitted that the proposed development does respect the established character of the area.
- That the design is a modern response to the existing pattern of development in the area and it is submitted that the design incorporating dormer windows is appropriate.
- Regarding access from Renmore Road and the reference by the appellants to the Gurteen Estate, it should be noted that the only access to this development was via the Renmore Road and that no alternative access was

available. The use of Renmore Road in the current development provides a local distributor road function.

- That the conditions attached to the Notification of Decision issued by the Planning Authority are adequate to address the concerns of the appellants regarding amenity and the impact of construction.

6.3 Further Response Submissions

6.3.1 Planning Authority Submission on First Party Response to Appeal

The Planning Authority responded to state that it is in agreement with the assessment and conclusions contained in the Response to the Grounds of Appeal submitted by the first party.

6.3.2 Third Party Submission on First Party Response to Appeal

The following is a summary of the main points raised in this submission:

- That there are still concerns at the loss of parking spaces on Dun na Mara.
- That the attaching of 'standard conditions' is not appropriate.
- That the objection of residents is not to the development of privately owned lands but to the use of publically owned lands for access with a loss of amenity to residents.

- That there are significant additional lands available which could be accessed via Dun na Mara and it is repeated that there should be a masterplan prepared for the overall site.
- The statements in the first party submission as to why access via Renmore Road would not work are not accepted. Contended that there are four separate access routes available from the Renmore Road that could be used.
- That the NRA's traffic management guidelines state that an assessment should occur where the volume of additional traffic will be 10 percent or more of the volume of traffic on the road. This is the case on Dun na Mara.
- Contrary to the statement of the applicant, there is an issue regarding the restricted width of Dun na Mara and there are frequent blockages / obstructions of the road caused by deliveries etc.
- That the parking provision on the street and the proposed development is inadequate.
- Restate concerns regarding open space provision and the submission of the Parks department of the council.
- Statement that the applicant has sufficient legal interest to enable the development to be undertaken is disputed.
- That the use of dormer windows to the front elevation is not necessary to provide residential accommodation at attic level and rear roof lights should be used that would not have the same visual impact.

- That the conditions attached by the council do not address concerns regarding construction access, drainage and boundary treatments.

7.0 Planning Policy

The site is located in an area that is zoned Objective R under the provisions of the Galway City Development Plan, 2011-2017, *'to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable neighbourhoods'*.

There are a number of sections of the development plan relating to residential standards.

Policy 2.4 of the Plan relates to established suburbs and requires that a balance be struck between the reasonable protection of residential amenities and established character and the need to provide for sustainable residential development.

Chapter 11 sets out development standards for residential development. Plot ratio is specified to be a maximum of 0.46:1. Communal open space to be provided at a minimum of 15 percent of the site area and 'homezones', where proposed shall not comprise more than one third of the communal open space requirement. Private open space standard specified is a minimum of 50 percent of the floor area of the dwelling. In the case of established suburbs, in the interests of sustainability and urban design higher densities may be appropriate subject to regard being had to the prevailing pattern, form and density of the area.

8.0 Assessment

The following are considered to be the main issues of relevance in the assessment of this appeal:

- Principle of Development,
- Design and Visual Impact
- Impact on Residential Amenity
- Access, Parking and Traffic Safety
- Other Issues

8.1 Principle of Development

8.1.1 The site is located in an area that is zoned Objective R under the Galway City development Plan 2011-2017 and which is located in what could be considered to be an established residential area of the city. The principal of infill residential dwellings is acceptable subject to the development having regard to the prevailing pattern of development, plots, blocks and the scale and proportion of existing buildings. The design and layout of the proposed development is the subject of more detailed assessment in the sections below.

8.1.2 The appellants raise the issue of the context of the appeal site and the fact that it forms part of a larger landholding in this location which has access onto Renmore Road. It is contended that a masterplan for the overall development of the entirety of the lands in this location should be prepared and that it should be demonstrated why access is not proposed from Renmore Road. Issues of access, parking and traffic are considered in more detail in section 8.4 below. I note the fact that 11.3.1(a) of the Plan states that applications for residential developments of greater than 1 ha. shall include a design statement that demonstrates the relationship between the

proposed development to the site context, adjoining developments, the achievement of safe and convenient movement within the site and how existing features are to be integrated into the existing development. In the case of the appeal site, the site area at 0.2922 ha is well below the threshold for a design statement and even the overall landholding of the applicant in this location is below the threshold of 1 ha.

8.1.3 With regard to the comments of the appellants that the proposal should be accompanied by a masterplan for the overall development of the site I do not consider that the scale of the overall landholding or the likely number of dwellings which could be accommodated are such that the preparation of a masterplan is justified. I accept that the applicant has not indicated any proposals regarding the development of the balance of the lands in their ownership. The issue as to the access to the site via Dun na Mara rather than via the Renmore Road is addressed in more detail in the following sections however I would be in general agreement with the statement of the Planning Authority that they have addressed the proposal as presented to them, namely a development accessed via Dun na Mara. The traffic and transportation implications of this access are discussed in 8.4 below and as concluded in that section I am of the opinion that the proposed access route is acceptable in terms of safety and junction capacity. I accept that the appellants may be concerned that future development of the adjoining lands may be proposed to also be accessed via Dun na Mara, however in the event that this is the case any future application would have to demonstrate that such an access arrangement was satisfactory.

8.1.4 I note the fact that the appellants have raised concerns regarding the use of publically owned lands to access the site. The written consent of the local authority to the making of the application has been submitted with the application. Issues related to the use of this publically owned land in terms of the principle of access via

Dun na Mara and the replacement of existing parking is addressed in the following sections.

8.2 Design and Visual Impact

8.2.1 The appellants contend that the form of development proposed is not acceptable and that given that access is available via Renmore Road, that this should have been the main access into the site. Such an access, it is contended, would minimise the negative impacts on the existing residents and residential amenity of Dun na Mara.

8.2.2 In response I would note that the layout of the appeal site and the adjoining lands to the north east in the same ownership are such that the provision of an access via Renmore Road would not result in the most efficient use of this infill site. The appellants have identified four potential access points from the Renmore Road and the northern three of these (Nos. 2, 3 and 4 in Figure 1.2 of the submission received by the Board on 20th June, 2016 would in my opinion seriously compromise the development of the balance of the site. Even location No.1 immediately to the north east of the current appeal site would result in the loss of a significant part of the overall residentially zoned infill site at this location.

8.2.3 With regard to the basic layout incorporating a line of dwellings that are parallel to and set back from the existing houses on the northern side of Dun na Mara, I am of the opinion that what is proposed is consistent with the general pattern of existing development while providing for a clear distinction between existing and new development. The building line is proposed to be to the rear of the existing by approximately 9 metres however the relative orientation and design of the proposed dwellings is such that there would not be a significant adverse impact on the amenity of existing dwellings. An alternative layout with the building line further forward would mean that the proposed use of a 'homezone' shared amenity space would not

be feasible and it would be more difficult to incorporate a well designed shared open space area.

8.2.4 The principle of the shared open space in the form of a 'homezone' area is in my opinion acceptable subject to the proposed landscaping and signage for the area. The appellants have questioned the amount of shared amenity space proposed to be provided on site and whether the reliance on existing amenity spaces within the Dun na Mara development is appropriate. I note the fact that the shared amenity space indicated on the plans equates to c.450 sq. metres excluding the parking areas and the landscaped strip to the front of the site. This meets the minimum development plan standard for 15 per cent of the overall site area to be shared open space. I note the fact that the development plan specifies that in the event of the use of 'homezone' areas that such areas would comprise a maximum of one third of the shared open space requirement within the development. I also note the fact that section 11.3.2(b) of the development plan relating to amenity standards in Established Suburbs states that in certain circumstances normal standards may be reduced in the interests of sustainability and urban design. In the case of the appeal site, the existing Dun na Mara development has a large area of open space which is located to the south of the appeal site on Dun na Mara Drive. This area of open space has been taken into account by the Planning Authority along with the large area of public open space which is located immediately to the north east of the appeal site.

8.2.5 The appellants take issue with the allowance made by the Planning Authority for existing off site public open space areas and specifically question the reference made by the Planning Authority to the existing public open space located within the Dun na Mara residential development. It is specifically requested that the Board would examine the original permission for Dun na Mara (2026/64) to ascertain what development is already permitted on foot of this area of open space. No details of

Ref. 2026/64 are available on the appeal file that would enable an accurate assessment of the extent of development permitted on foot of this public open space. Ref. 2026/64 was for the development of 78 houses and on inspection of a layout of the area it would appear that this open space area adjoining Dun na Mara Drive is in excess of 15 percent of the area of the Dun na Mara development. It is not however apparent whether this area was also accounted for in the assessment of the open space provision for other residential development located to the east in the Arbutus Avenue / Beechpark area.

8.2.6 Regarding public open space what can be said is that the proposed layout provides for in excess of 15 percent of shared amenity space. Some of this is provided by the homezone area indicated on the plan and there is additional open space in the strip proposed to front Dun na Mara. While some of this landscaped strip is currently in public ownership and accessible to Dun na Mara residents and there is a significant reliance on homezone space, the open space on site net of the area currently accessible to Dun na Mara exceeds 15 percent of the overall site area. It is also evident that the site is located immediately adjacent to a larger area of public open space to the north east and that there are other areas of public space located within the established residential areas to the south and east of the site. The appellants have questioned the suitability of the open space provision for young children and the degree of supervision and safety of the space provided on site, however the nature of the 'homezone' area proposed is such that such areas would be safer for young children than the existing public road on Dun na Mara. In view of the above, I am therefore of the opinion that the provision of shared amenity space within the development is acceptable.

8.2.7 With regard to the design of the proposed dwellings, they are described in the public notices as two and a half storey dwellings and comprise two storey structures with attic level accommodation to the front served by dormer windows. The overall height

proposed is less than one metre higher to roof apex level than the existing dwellings on Dun na Mara and given the difference in height and the varied setback I do not consider that the scale would be visually incompatible with the existing dwellings. Similarly, I do not consider that the proposed dormer windows would be visually incompatible given the varied set back and the clear differentiation between existing and new development proposed. I note that the appellants have questioned the necessity for the use of dormer windows and contend that the attic space could be utilised with roof lights rather than dormers however it would appear that the layout would not meet building control standards if the dormers were omitted.

8.2.8 The dwellings are acceptable in terms of interior layout and private open space provision is in accordance with the standards set out in the development plan. Parking is proposed at the rate of two spaces per residential unit and this is in accordance with the provisions of the development plan (11.3.2(c)) which requires a minimum provision of 1 space per dwelling and one visitor space per three dwellings.

8.2.9 Overall it is my opinion that the site design and layout and the design and layout of the proposed dwellings is in accordance with the provisions of the development plan and that the proposed development is such that it would not have an adverse effect on the character of this established residential area.

8.3 Impact on Residential Amenity

8.3.1 To the rear (north west) the site adjoins single storey detached bungalows which front onto the Renmore Road. The separation distance between the rear of the proposed new dwellings and the site boundary is a minimum of 10 metres and separation distance to the bungalows meets the minimum 22 metre standard. There are no significant issues of overlooking likely to arise from the proposed development that would likely give rise to a significant loss of residential amenity.

8.4 Access, Parking and Traffic Safety

8.4.1 The principal grounds of appeal raised relates to the impact of the additional traffic generated by the proposed development on the residential amenity of the existing residents of Dun na Mara and the ability of the existing road network to cater for this increased traffic. Significant concerns are also raised regarding the loss of existing parking capacity in the existing turning area.

8.4.2 The application is accompanied by a Traffic and Transportation Assessment prepared by Atkins Consultants. This study examines the impact of the proposed development on the Renmore Road / Dun na Mara priority junction and concludes that there is adequate capacity available to accommodate the proposed development. On the basis of the information presented in the Traffic and Transportation assessment I am satisfied that the proposed development would not have a significant adverse impact on the capacity of the road network in the vicinity of the site. I note the comments of the appellant with regard to the projected increase in two way trips that would be generated and that this would increase the level of traffic on Dun na Mara by more than the 10 percent threshold for Transport Assessments specified in the NRA Traffic and Transport Assessment Guidelines (Table 2.1). I do not consider that this threshold and level of assessment is applicable in the circumstances of the appeal site and proposed infill development of houses on an existing residential cul de sac. The width of Dun na Mara is approximately 6 metres and access for larger vehicles is therefore tight when account is taken of on street parking. I do not however consider that an additional nine dwellings representing a one third increase in dwelling numbers and traffic will have a significant impact on the operation of Dun na Mara and that the function of the street as a local access route will remain as existing.

8.5 Other Issues

- 8.5.1 Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.
- 8.5.2 The Notification of Decision to Grant Permission issued by the Planning Authority includes a condition requiring the payment of a financial contribution in respect of the proposed development and in the event of a grant of permission a condition requiring the payment of €88,743 as a financial contribution. It is also recommended that a condition requiring the payment of a bond would be attached.
- 8.5.3 Related to the payment of a bond it is noted that the Notification of decision issued by the Planning Authority requires at Condition No.19 that communal open spaces, watermains, sewers, communal services and access road shall be retained in private ownership and shall be maintained by a management company. Condition No. 22 goes on to state that open spaces shall be developed for public use and that 'when the development is being taken in charge, the public areas including open spaces that have been designated for taking in charge shall be vested to Galway City Council...'. Given the nature and layout of the development comprising standard dwellings I do not consider it appropriate that the shared open space areas and services would be retained under the control of a management company and consider that they should be taken in charge by the local authority on satisfactory completion of the development. In the case of the proposed development I do not see any document on file that outlines the areas proposed to be taken in charge.

I note the provisions of Circular letter PD 1/08 relating to taking in charge and to the associated annex setting out a framework for the development of a taking in charge policy. This document at 5.3 sets out instances where it may be appropriate for the local authority / An Bord Pleanála to condition management arrangements and includes a situation where areas that are '*...not necessarily inaccessible to the public are not required to be taken in charge, e.g. facilities for highly landscaped open spaces, allocated car parking spaces...*' The car parking areas within the proposed development and the footpath areas immediately fronting the dwellings would in my opinion come within the scope of such areas. It is therefore proposed to include a condition that requires that details of the areas to be taken in charge and those to be the responsibility of a management company shall be submitted to and agreed with the Planning Authority.

8.5.4 I note the fact that the proposed development is below the threshold where Part V of the Planning and development Act would apply and it is stated in the report of the Planning Officer that a social housing exemption certificate has been applied for. It would appear that the decision to limit the size of the application site to 9 no. dwellings may be influenced by avoiding an obligation under Part V at this stage however the applicant has clearly indicated that they are the owners of the immediately adjoining lands to the north also zoned residential and the future development of these lands would therefore likely trigger part V of the Act.

9.0 Recommendation

In view of the above it is recommended that permission be Granted based on the following reasons and considerations and subject to the attached conditions:

Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would 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 16th day of March 2016 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. 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, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

3. 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.

4. The following shall be complied with in the development:
 - a) All foul sewage and soiled water shall be discharged to the public foul sewer.
 - b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

5. 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. Details of the proposed raised table area at the entrance to the development from Dun na Mara shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

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

6. Public lighting shall be provided in accordance with a scheme, 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 interests of amenity and public safety.

7. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

8. All rear gardens and the boundary between the gables of dwellings 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. Proposals for an estate/street 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(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 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 [residential] amenities of property in the vicinity.

11. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works for Housing Areas” issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To ensure the satisfactory completion and maintenance of this development.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development including means of access, frequency / schedule of deliveries, arrangements for the storage of plant and materials, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

15. The landscaping scheme shown on drg no. 16313-3-100, as submitted to the planning authority on the 16th day of March, 2016 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, proposals shall be submitted for the agreement of the planning authority prior to the commencement of development for the provision of additional trees to offset the existing trees to be lost on site.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

16. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, open spaces 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 security to be lodged shall be as follows -

(a) an approved insurance company bond in the sum of €36,000 (thirty six thousand euro), or

(b) a cash sum of €22,500 (twenty two thousand five hundred euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or

(c) such other security as may be accepted in writing by the planning authority.

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

17. The developer shall pay to the planning authority a financial contribution of €88,743 (eighty eight thousand seven hundred and forty three 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.

Stephen Kay

Planning Inspector

5th September, 2016