

## An Bord Pleanála



### Inspector's Report

<b>Appeal Ref. No:</b>	PL06D.246624
<b>Proposed Development:</b>	Nursing home, vehicular access, parking
<b>Location:</b>	"Fourwinds", Brighton Road/Claremont Road, Foxrock, Dublin 18
<b>Applicants:</b>	FWNH Limited
<b>Planning Authority Reg. Ref:</b>	D15A/0807
<b>Planning Authority:</b>	Dun Laoghaire Rathdown County Council
<b>P.A. Decision:</b>	Grant with conditions
<b>Appeal Type:</b>	Third Party
<b>Appellants:</b>	James & Joyce Fox, Martin & Catriona Dunne, John & Patricia Territ and Others, JJ & Teresa Culhane & Others, Claremont Pines Residents Assoc., Foxrock Area Community & Enterprise, Robin McGhee & Others, Cabinteely & District Res. Assoc. Brian & Fiona Shalloe & Others, Brian & Paula Harrison, Patricia & Edward Wallace, Donal & Marie Byrne, Paul & Lisa Fitzpatrick, Mary & Tim Ryan & Others, Damien Loscher & Others.
<b>Observers:</b>	An Taisce, Maura Murray, Vera Tanner, Oisín Smyth, Mary Brophy & Others
<b>Date of Site Inspection:</b>	1 <sup>st</sup> September 2016
<b>Inspector:</b>	Hugh Mannion

## **1. SITE AND SURROUNDINGS**

The site has a stated area of 0.55ha and is located on Brighton Road, Foxrock, County Dublin. The house on site, 'Four Winds', is two storey with its long axis oriented west/east, the front façade faces south onto Brighton Road while the rear faces north. The house has a garage off-set to the right but connected to the main house by a porch/corridor. The main site access is onto Brighton Road about 50m from a junction of Brighton Road/Claremont Road and Glenamuck Road North. The boundary along Brighton Road is defined by low wall (about 0.6m) with planting behind. There is a second vehicular access onto Claremont Road in the northeast corner of the site which appears not to have been in use recently. There is a lawn to the front of the house and a tennis court, old green house and outbuildings in poor repair to the rear.

To the rear (north) of the site is a two storey house 'Tall Trees' which accesses Claremont Road close to the junction with Claremont Pines. To the west is Tullow Church of Ireland church with appears to have two associated dwellings and a parochial hall. To the east is a two storey house – The Grange - with a gated access to Brighton Road.

## **2. PROPOSED DEVELOPMENT**

The proposed development comprises;

- the demolition of Four Winds house and associated structures on site,
- erect a three storey over basement nursing home to accommodate 121 bedrooms and ancillary residential and staff facilities,
- relocation of the main entrance on Brighton Road to provide new principal vehicular/pedestrian entrance,
- modification of Claremont Road entrance to provide service/pedestrian access,
- store/substation building,
- car parking and cycle parking, landscaping and boundary treatment

at Four Winds, Brighton Road/Claremont Road, Foxrock, Dublin 18.

### **3. HISTORY**

There is no relevant planning history for the site.

### **4. PLANNING AUTHORITY DECISION**

The planning authority decided to grant permission subject to 24 conditions. Condition 20 required a supplementary development contribution towards Luas Line B.

Initially the planning authority sought further information as follows;

1. Revised plans to increase the separation distance of the proposed building from the northern boundary to 11m.
2. Submit revised drainage levels.
3. Submit details of green roofs.
4. Agree details of the connection of the proposed development to the surface water manhole on Brighton Road.
5. Submit revised proposals to widen footpath along the site frontage but retain the trees on-site.
6. Submit additional material in relation to tree retention/felling.
7. Submit more consistent boundary treatments.
8. Clarify the dates during October/December 2015 when the traffic survey was carried out.
9. Submit a traffic flow diagram as part of the revised TIA.
10. Provide a detailed drawing for the Brighton Road access including tactile paving.
11. Submit details of a new stop sign/road markings at the Brighton Road access.
12. Submit details of the Claremont Road access.
13. Submit details of cycle parking.

14. Submit details of basement car parking to planning authority standards.
15. Make provision for power points for electrically charged vehicles.
16. Submit details of lighting within the site.

**Transport Planning Section** queried details which were included in the request for further information. A second Transport Planning report (27<sup>th</sup> April 2016) reviewed the further information submitted and stated that there was no further objection subject to conditions.

**Drainage Planning Section** requested additional information. The second drainage report stated that there were no further objections.

The **Conservation Officer** recommended refusal because the proposed development would detract from neighbouring protected structures and the Foxrock ACA.

**Parks and Landscape Services** recommended additional information.

Following receipt of the additional information the planning authority granted permission subject to conditions as recommended by the planning reports on file and the manager's order.

## 5. THIRD PARTY APPEAL

The grounds of appeal may be summarised as follows;

- The pattern of development in the area single houses on large sites. The proposed development is 6,500m<sup>2</sup> and comprises over-development of the application site and is out of proportion neighbouring buildings and does not reflect the pattern of development in the area.
- The site is located in the Foxrock Architectural Conservation Area and on the site between Tullow Church and The Grange which are protected structures. The proposed development is modernist design in design and has not had regard to the planning authority's building height strategy. The planning authority's Conservation Office recommended refusal. The proposed development will negatively impact on the ACA and on the protected structures.

- Insufficient open space is proposed to serve the needs of residents.
- The proposed development will exacerbate surface water run-off and may give rise to flooding of adjoining property; especially Cranfield house on Kerrymount Avenue.
- The proposal does not have regard to the Sustainable Urban Housing Guidelines in that it will overlook adjoining property and in particular rear gardens in Claremont Pines. Trees will be felled (in particular to provide access to underground parking) which will increase overlooking of adjoining property.
- The main entrance (Brighton Road) and the service entrance (Claremont Road) are both close to roundabouts. Traffic from the proposed development will exacerbate traffic congestion and endanger public safety by reason of hazard. The pedestrian access onto Claremont Road should be excluded from the proposed development. Congestion will be added to by development on the Castlethorn site.
- The proposal will give rise to light spill outside the site.
- There is insufficient public transport serving the site. The 63 bus already has difficulty manoeuvring on Claremont Road.
- The provision of 30 on-site parking spaces is insufficient for staff and visitors and will encourage on-road parking in the area.

## 6. OBSERVATIONS

There were observations from Mary Brophy and Others, An Taisce, Maura Murray, Vera Tanner, Ossian Smyth. These submissions may be summarised as;

- The application will negatively impact on the Foxrock ACA.
- The application has not demonstrated that it complies with policy of the County Development Plan in relation to energy performance in new buildings.

- The proposed development has not incorporated electric vehicle charging facilities.
- The proposed development is out of scale with developments in the area.
- The proposed development will overlook adjoining property.
- The proposal should be closer to shops/cafes and other local amenities.

## **7. APPLICANT'S RESPONSE**

The applicant responded to the appeals as follows;

- The proposed development will provide specialist nursing care to meet an identified need for this type of care in the area. The proposed development is a community facility and there is no presumption against this type of development in the ACA written statement.
- The application provided further information which satisfied the conservation officer's concerns. The proposal satisfies the criteria for building height set out in the building height strategy in Appendix 9 of the County Development Plan.
- The minimum viable nursing home size must accommodate 60 residents. It is national policy to provide nursing homes which can accommodate local needs for nursing home places. The application complies with the Dun Laoghaire Rathdown County Council Age Friendly Strategy 2016-2020.
- The application included a Traffic and Transport Assessment (TIA) which demonstrates that adequate parking is being proposed. The planning authority properly assessed the application in light of the TIA. The Claremont Road access is a pedestrian entrance.
- 68% of the site remains as open space. There is no proposal to remove trees on site. The new building is centrally located within the site to allow retention of the trees along the boundary. The construction works/basement will not damage trees. The photomontages submitted with one of the appeals are inaccurate.

- All plant and machinery will be located within the buildings shown on the application drawings. The design reflects the advice of the Conservation Officer's report that the ACA requires imaginative high quality design for new buildings.
- 'Four Winds' site is not a protected structure and is not within the curtilage of a protected structure.

## **8. PLANNING AUTHORITY RESPONSE**

The planning authority commented on the appeals as follows:

- The site is an appropriate location for a nursing home and complies with the County Development Plan.
- The Transport Planning section did not object to the proposed development. The proposal is not located on Brennanstown Road where different road/footpath conditions apply.
- Parks and Landscape Services do not object to the proposal; the proposed development will not negatively impact on residential amenity.

## **9. FURTHER SUBMISSIONS**

Foxrock Area Community & Enterprise Ltd (c/o Feargall Kenny Architects) commented on the appeals to support the point that there is insufficient public transport in the area, that the proposed development is contrary to the ACA and that the planning authority did not properly consider the conservation officer's reports.

## **10. PRESCRIBED BODIES**

The **HSE** reported no objection subject to conditions.

## **11. PLANNING POLICY FRAMEWORK**

The proposed development is located on lands zoned 'A' to protect and/or improve residential amenity'.

Policy AR 12 Architectural Conservation Areas CA - It is Council policy to:

- Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
- Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- Seek a high quality, sensitive design for any new development(s) that are complimentary and/ or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

## **12. ASSESSMENT**

**12.01** This assessment will consider the zoning objective for the site, the ACA designation of the site, impacts on residential amenity, surface water, landscaping, parking and traffic, appropriate assessment.

### **12.02 Development Plan Zoning**

**12.03** The proposed development is located in an area zoned 'to protect and/or improve residential amenity on the Dun Laoghaire Rathdown County Development Plan 2016 to 2022. Permitted in principle in this zoned are residential uses, assisted living accommodation and residential institutional uses. I consider that the proposed development constitutes a residential use and assisted living accommodation and therefore, that the proposed development complies with the zoning objective for the site. The planning authority has adopted an Age Friendly Strategy 2016-2020 which encourages the establishment of sustainable residential communities by ensuring that a wide variety of age appropriate housing and apartment types, sizes and tenures is provided within the County. I conclude that the proposed development will contribute to the realisation of this strategy.



## **12.04 Architectural Conservation Areas (ACA)**

**12.05** It is a policy of the planning authority (Policy AR 12 Architectural Conservation Areas - ACA) to protect the character and special interest of areas designated as Architectural Conservation Areas. The boundary of the Foxrock ACA is established on map 9 attached to the County Development Plan (copy attached). The character appraisal for the Foxrock ACA (copy attached) makes the point that housing development in the area was accelerated after the construction of a rail link between Dublin City and Foxrock in 1861 and that development has continued in a variety of forms since. The architectural character of Brighton Road is identified as including significant trees/foliage overhanging the road, a mixture of hard and soft landscaping along the road, detached two storey houses on large plots with a mix of late 19<sup>th</sup> century to later 20<sup>th</sup> century developments. Some houses are in the arts and crafts style. I conducted a site inspection including along Brighton Road, Kerrymount Avenue, Claremont Pines, Claremont Road, Glenamuck Road North and Mountsandel Park and consider that the characterisation of the area set out in the ACA is accurate.

**12.06** The County Development Plan (section 8.2.11.3(i)) sets out criteria for new development within ACAs and makes the point that new development should be 'of its time' and pastiche should normally be discouraged, demolition of structures which contribute to the street scape will not normally be permitted and the quality of the replacement structure will be a key consideration in development management assessment.

**12.07** The existing house is not a protected structure, is well set back from and not generally visible from the road and is not of such quality that its demolition is unjustifiable on architectural value grounds or on grounds of contribution to the streetscape. The proposed development is a radical departure from the existing house and associated outbuildings on site but that in itself does not render the development unacceptable. In the new building the long southern façade facing onto Brighton Road will be 'broken up' by setting back the central block some 14m from the two flanking facades. The height at about 11m generally reflects the heights on the adjoining sites (The Grange to the east and the Tullow rectory to the west) and is lower than that of Tullow Church. The proposed scale differs from the scale of developments on nearby sites but the application site is very large for a suburban context and the development plan recognises that new development within ACAs need not propose pastiche where quality design is replacing older forms of development.

**12.08** The appeals make the point that the site of 'Four Winds' was originally part of the curtilage of Tullow Church and/or The Grange and therefore that the proposed development should be considered as demolition of part of a protected structure. The planning authority has identified Tullow Church and The Grange house as protected structures but not Four Winds. Looking at the OSI maps for about 1900 it is possible that the site was within the same land ownership as Tullow Church but I am satisfied, in particular having regard to my site inspection, maturity of tree cover on site and the nature of the boundary walls that the site has been a standalone property for a significant number of years. I conclude that 'Four Winds' is not within the curtilage of a protected structure.

**12.09** The appeal makes the case that the proposed development has not had regard to the building height strategy set out in the Appendix 9 of the County Development Plan. Appendix 9 at paragraph 4.4 refers to development within ACAs. The Plan makes the case that the purpose of the ACA designation is to protect and enhance the special character of these areas such a designation should not preclude "appropriate forms of new development". The proposed nursing home generally reflects the height of the rectory building to the west and The Grange to the east. I conclude that the proposed development does not offend against the advice in relation to new development in ACA's set out in the Building Height Strategy.

**12.10** Having regard to these considerations I do not consider that the proposed development undermines objective to protect the character and special interest of the Foxrock ACA.

#### **12.11 Impacts on Residential Amenity.**

**12.12** The appeals make the case that the proposed development will injure the residential amenity of nearby property by overlooking, increasing surface water run-off and light spill.

**12.13** An 11m separation distance from first floor rear window to first floor rear window on another site for a total of 22m separation distance is generally regarded as sufficient to protect residential amenity. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEHLG 2009) makes the point that in certain circumstances this guideline may be relaxed. Private open space is that space generally to the rear of houses which is not normally open to views from the public realm. In the present case the proposed first and second floor windows on the east and west facing windows are all a minimum of 11m off the boundary. On the western side the great majority of units will face into the front garden of the rectory of Tullow Church which is normally open to views from the public and

is therefore not regarded as private open space. The majority of the east facing units will face onto the side/rear garden of The Grange. Having regard to the separation distance between the proposed development and the eastern boundary and the proposals to retain the boundary planting I consider that there will be no unreasonable overlooking of The Grange from the proposed development.

**12.14** Turning to the northern boundary it is noteworthy that the separation distance off the boundary with the rear garden of 'Tall Trees' as originally proposed did not meet the 11m standard (it was about 6m at the closest). The planning authority sought amendments by way of a request for further information and the revised elevations submitted on 7<sup>th</sup> April 2026 have set back at first and second floors 11m off the northern boundary. Notwithstanding that the northern elevation at 1<sup>st</sup> and 2<sup>nd</sup> floor did not have windows I agree with the planning authority that the separation distance as originally proposed was insufficient. Having regard to the amendments proposed by way of further information I consider that is objection has been overcome sufficiently to prevent any overlooking of the rear of the house at 'Tall Trees'.

**12.15** The appeal makes the case that the proposal will provide overlooking of the rear gardens of houses on Claremont Pines. Claremont Pines is located to the east of the site and is separated from the site by Claremont Road and a section of public open space. Having regard to the separation distance, intervening screening and public open space I conclude that the proposed development will not overlook houses on Claremont Pines.

**12.16** The appeal makes the case that light spill from the proposed development will injure the amenity of adjoining property. In relation to light spill I consider that this may be subject to a condition requiring that lighting within the development be angled and cowled to prevent light spill.

**12.17** The appeal makes the point that the proposed development will give rise to additional surface water draining to adjoining sites and specifically 'Cranfield'. 'Cranfield' is located to the north of the application site and accesses Claremont Road at the roundabout of Claremont Road/Kerrymount Avenue. Relying on OSI/Urban Place maps it appears that the application site is separated by two sites (Tall Trees and another house) from 'Cranfield'. The drainage division (report dated 14<sup>th</sup> January 2015) had no objection in principle to the proposed development but sought further information including information in relation to the connection with the surface water drain on Brighton Road. The second drainage division report (dated 19<sup>th</sup> April 2016) which reviewed the addition information states that it proposed surface water

drainage was satisfactory and that the surface water would drain to the public system on Brighton Road.

**12.18** Having regard to the provisions for surface water drainage set out in the application, the reports of the Drainage Division, the provisions of 'green roofs' on the proposed development and having regard to the existing areas of hard surface on site including the tennis court I do not consider that the proposed development will give rise to materially different rates of surface water runoff over and above that currently pertaining and I conclude that the proposed development will not give rise to flooding of adjoining property.

### **12.19 Traffic Safety**

**12.20** The appeals make the case that the additional traffic onto the road network including roundabouts will exacerbate traffic congestion and create traffic hazard. The entrance onto Claremont Road should be omitted from the proposed development.

**12.21** The Transport Planning section set out a number of queries in relation to details of the proposed development (see report dated 9<sup>th</sup> February 2015) but had no principled objection to the proposed development on grounds of traffic hazard. Point 9 of the Transport Planning section's report sought details in relation to the access (ESB service and pedestrian route) onto Claremont Road including detailed drawings and measures to ensure that the gate would not obstruct the roadway or footpath when opened. The further information submitted by the applicant included a detailed drawing (see RAU 15-017-31 202) which set back the Claremont Road entrance 8.4m from the edge of the public road and 6.8m from the inner edge of the public footpath. It also makes provision for independent access by the electricity supplier to the substation (i.e. not through the main gate) and a separate pedestrian gate. The Transport Planning section's second report recommended a grant of permission subject to conditions.

**12.22** Having regard to the existing vehicular access from the site to Claremont Road, to the revisions submitted with the further information which will allow vehicles to pull in off the footpath and the public road, the sightlines available at the access and to the restriction of the access to pedestrian and limited service traffic I conclude that the proposed development will not give rise to traffic safety on the adjoining road network or hazard for pedestrians on the footpath.

**12.23** The appeals refer to specific traffic safety concerns in relation to the proximity of the pedestrian/service entrance to the roundabout on Claremont Road with Kerrymount Road. In this context it may be noted that there is a

multiplicity of entrances on Claremont Road close to the pedestrian/service entrance, the speed limit on Claremont Road is 50kph, the revised pedestrian/service entrance provides space for larger vehicles to park off-road if entering the application site and a likewise a stopping area before vehicles exit the application site and enter the public road. I conclude that proximity to the roundabout should not give rise to traffic hazard. It may be noted in this context that the planning authority by way of condition 2 required a further pedestrian access point in the south-eastern corner of the site to facilitate access to the local bus stop (route 63). I agree with this condition and I repeat it in the draft order set out below.

**12.24** The speed limit on both Brighton Road (main access) and Claremont Road (service access) is 50kph. The main access onto Brighton Road is proposed to be moved west from its current location; that is further towards Tullow Church and away from the junction with Glenamuck Road north. The application provided a road safety audit and traffic impact assessment and mobility management plan. The first Transport Planning section's report sought additional information in relation to, *inter alia*, stop signs and tactile paving but did not take issue with the principle of the new access. The applicant responded to these detailed requests and Transport Planning's second report recommended a grant of permission.

**12.25** The nature of the proposed development is such that the residents, as opposed to staff, are unlikely to generate materially different traffic loadings than exist on the adjoining road network at present. Glenamuck Road/R842 is a main link from junction 15 on the M50 to Cornelscourt, the junction at the end of Brighton Road with Glenamuck Road also links to Brennanstown Road which leads to Cabinteely village. I consider that the removal of the site access away from that junction is a positive aspect of the proposed development and that the revised sightlines provided at both the Brighton Road entrance and the Claremont Road entrance will enhance visibility for users of these entrances.

**12.26** It may be noted that both the transport planning section and the appellants refer to the relatively narrow footpaths in the area. This was raised by the planning authority by way of the request for further information. The applicant proposed "option 2" on drawing BD-02-AI and detailed in the Doyle & O'Troithigh Landscape and Architecture written submission received by the planning authority on the 7<sup>th</sup> April 2016 which would result in a widened footpath on Brighton Road of 1.9m. I conclude that this is an improvement on the current footpath along the site on Brighton Road and will improve access to the public transport infrastructure in the area.

## **12.27 Parking**

**12.28** The appeal makes the point that there is insufficient parking provided to serve the development. The County Development Plan (table 8.2.4) sets out a requirement for 1 parking space per 1 bed spaces for nursing homes/elderly care homes. The application provides 124 bed spaces and 30 car parking spaces. The planning authority's Transport Planning section was satisfied with this provision.

**12.29** Having regard to the nature of the proposed use and its foreseeable parking requirements, the parking provision standards set out in the County Development Plan, the availability of public transport infrastructure including Luas (at Carrickmines) and a bus route and the reports of the Transport Planning section I conclude that the proposed parking provision is adequate.

## **12.30 Landscaping**

**12.31** The appeals make the case that the proposed development necessitates the loss of too many trees and that there is insufficient open space to serve the needs of the residents.

**12.32** Two additional drawings submitted by way of further information (see LP-01-A1 and TS-01-A1 received 7th April 2016) are relevant to this matter. Drawing TS-01-A1 Tree Removal and Protection is an accurate assessment of the tree and scrub cover on site and distinguishes the trees to be retained and those that will be lost. Drawing TS-01-A1 provides a landscape masterplan for the site and can be read in conjunction with the Soft Works Report also submitted.

**12.33** The concern regarding loss of trees, especially to works on the access road and parking ramp, is reasonable but I agree with the applicant's submission that a programme of tree protection during construction can minimise this impact and I recommend a condition as set out below to require detailed agreement with the planning authority vis a vis tree protection during construction. In this regard it may be noted that the Parks and Landscape services section of the planning authority has no objection to the proposed development in principle.

**12.34** The applicant makes the case that over 60% of the site is retained as open space. In relation to this issue it may be noted that there is a path around the building and a substantial area of shared open space adjoining the rear (northern) boundary. I consider that the open space provision is adequate.

### **12.35 Appropriate Assessment**

**12.36** Having regard to the foreseeable emissions from the proposed development, the suburban location of the site in an area served by public water supply, foul and surface water sewerage I conclude that 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 or projects on a European site.

### **12.37 Remaining Issues**

**12.38** Details of the sign for 'Four Winds' on the front elevation of the nursing home should agreed with the planning authority.

**12.39** The application should be subject to a condition requiring the payment of a contribution under the Section 49 Supplementary Development Contribution Scheme Luas Line B1.

## **13. RECOMMENDATION**

Having regard to the foregoing I recommend a grant of permission for the reasons and considerations, and subject to the conditions, set out hereunder:

### **Reasons and Considerations**

The proposed development is located on lands zoned 'to protect and/or improve residential amenity' and is within the Foxrock Architectural Conservation Area designated in the Dun Laoghaire County Development Plan 2016 to 2022. The proposed development comprises assisted living accommodation which is acceptable in principle on lands so zoned. Having regard to the unexceptional architectural quality of the existing house on site, to the pattern of development in the area and subject to the conditions set out below it is considered that the proposed development would not detract from the character of the Foxrock Architectural Conservation Area, would not seriously injure the residential amenity of adjoining property or the visual amenity of eth area, would not give rise to traffic hazard and would, otherwise, be in accordance with the provisions of the County Development Plan and 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 to the planning authority on the 7th day of April 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. Provision shall be made for a pedestrian access from the site onto Brighton Road in the south-eastern corner of the site. Plans and particulars for this pedestrian access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

**Reason:** To facilitate pedestrian access to the site.

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

**Reason:** In the interest of visual amenity.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;



- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

5. 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. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

6. Details of signage for proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity and legibility.

7. 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.

8. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

9.

(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of 2 metres from the trunk of the tree or the centre of the shrub, and to a distance of 2 metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

10. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Public lighting within the proposed development shall be directed and cowled such as to reduce as far as possible the light scatter to adjacent property and the public road.

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

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

14. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1– Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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**Hugh Mannion,  
Planning Inspector  
9<sup>th</sup> September 2016**