



An
Bord
Pleanála

Inspector's Report

PL06F.247035

Development	6 No. two-storey houses on a 0.19 Ha site with access from adjacent residential estate at Boroimhe Aspen, together with associated car parking and site development works at Forest Little, Forest Road, Swords, County Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16A/0060
Applicant(s)	Tony and Christine Daly
Type of Application	Permission
Planning Authority Decision	Grant
Appellant(s)	Boroimhe Management No. 3 Limited
Observer(s)	DAA
Date of Site Inspection	24 October 2016
Inspector	Patricia Calleary

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1.0 **Site Location and Description**

1.1. The appeal site, with a stated area of c.0.19 Ha lies on the eastern side of Forest Road in Forest Little, Swords, County Dublin. It comprises part of the rear garden/private amenity space associated with a single-storey semi-detached cottage. It is positioned west of a cul-de-sac at Boroimhe Aspen housing development. The site connects with Boroimhe distributor road (L2300) via internal roads serving established housing and a commercial/neighbourhood centre which includes Supervalu. The site is generally level and appears to have been cleared of trees and vegetation. It is bounded by walls and fences along 3 sides (North east, south west and east and there is also a line of mature trees on the boundary which abuts the cul de sac at Boroimhe Aspen. The boundary to the north west is less formal with low fence and hedge boundaries along part and no existing boundary behind the host house. The immediate area surrounding the site is characterised by residential development.

2.0 **Proposed Development**

2.1. The proposed development would comprise the construction of 6 no. two storey houses (one 5 bedroom detached, four 4 bedroom semi-detached/terraced houses and one 3 bed terraced house). It would also include car parking and site development works. Access would be provided from the adjacent residential estate at Boroimhe Aspen. The development would connect to public infrastructure. Surface water disposal includes attenuation within a small area of greenspace within the proposed scheme.

2.2. The Planning Application was accompanied by a cover letter outlining some planning details of the proposal, an engineering services report and a landscape design drawing. The applicant stated that they have applied for a certificate of exemption from Part V requirements. The further information response included a construction

management plan, surface water drainage details, details of legal interest, a shadow analysis and a noise impact assessment.

- 2.3. It would appear that a single storey small ancillary structure to the rear of the host house would be removed to facilitate the development and a new 2m high boundary wall would be placed at this location.

3.0 **Planning Authority Assessment**

3.1. **Decision**

The Planning Authority issued a decision to grant permission subject to 22 conditions, the following of note:

- Condition 2: Revised site layout to be submitted including the omission of house no.1 which shall be used as open space;
- Condition 3: Five houses permitted;
- Condition 8: Development to be constructed in accordance with noise control specifications contained within the Noise Assessment report;
- Condition 9: Submission of a Traffic Management Plan;
- Condition 18: Section 48 Development Contribution;
- Condition 19: Security for the successful completion of services;

3.2. **Planning Authority Report**

On receipt of further information, the Planning Officer's assessment can be summarised as follows:

- **Site Zoning – RS** (Provide for residential development and protect and improve residential amenity), **Vision**: to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity;

- Most of the site is located within the inner noise zone. Regard was had to **Objective EE51** and development can be accommodated having regard to the recommendations of the noise assessment and mitigation proposed;
- Compliance with **Objective UD01** is demonstrated;
- Open space of 170 sq.m proposed which is less than the required 400 sq.m set out under **Table OS1** of the CDP; financial contribution in lieu could be applied;
- Considers that house No.1 should be omitted and replaced by public open space as overshadowing on existing adjoining house cannot be ruled out;
- No unacceptable impact on visual amenity;
- Internal reports and reports from prescribed bodies noted;
- Sufficient legal interest demonstrated;
- Traffic Management Plan should be required by way of planning condition;
- The issues raised by third parties were noted and stated to have been considered in the assessment of the application;
- Shadow analysis is noted but in the absence of an evening analysis, concerns remain that overshadowing may occur in evening time. Subject to the removal of house no.1, the scheme (of 5 houses) is considered acceptable.

A recommendation to **grant permission** issued.

3.3. Internal Technical Referrals

- Transportation – No objections subject to conditions;
- Water Services (Surface water) - Following receipt of further information, requests clarification on SUDS and conditions;
- Housing Department – No report received;
- Parks and Green Infrastructure Division – No objections subject to conditions.

3.4. Prescribed body referrals

- Irish Water – No objection subject to conditions;
- DAA – Development should comply with Objective EE51;
- Irish Aviation Authority – No response.

3.5. Third Party Observations

A significant number of letters of objection to the proposed development were received by the Planning Authority. The principal issues raised include matters of increased traffic and road safety hazard because of the extension of the cul-de-sac, reduced residential amenity, contrary to Objective EE51, loss of area landscaped by residents, overlooking and insufficient open space provided. It is stated that the residents pay an annual fee to the Boromhe Aspen and the new development should not be considered part of Boromhe Aspen.

4.0 Planning History

There are a number of planning history files referenced in the planner's report. Those considered to be most relevant are listed under as follows:

- **F08A/0810** – Permission **refused** for 37 houses on the site of 3 cottages on the Forest Road in the townland of Forest Little. Reasons for refusal included lack of capacity in the existing sewer and the proposed development did not meet statutory design guidelines.
- **F08A/1433** - Permission **granted** for 37 houses on the site of 3 cottages on the Forest Road in the townland of Forest Little.

Both above applications were made on a larger site which includes the appeal site.

5.0 Policy Context

5.1. Fingal Development Plan 2011-2017

- **Zoning** - The site is zoned **Residential 'RS'** – *'To provide for residential development and protect and improve residential amenity'*. The vision of this

zoning objective is to *'Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity'*.

- **7.4 Residential Development** – Section 7.4 has a host of relevant objectives on housing mix, densities, daylight, sunlight and overshadowing and specific development management standards.
- **Objective UD01** (detailed design appraisal); **Table OS1** (Open Space)
- **Inner Airport Noise Zone (Objective EE51 and EE54 as set out under)**
- **Objective EE51** – Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone.
- **Objective EE54** - Restrict development which would give rise to conflicts with aircraft movements on environmental or safety grounds on lands in the vicinity of the Airport and on the main flight paths serving the Airport, and in particular restrict residential development in areas likely to be affected by levels of noise inappropriate to residential use.

5.2. **Draft Fingal Development Plan 2017-2023 (Stage 2)**

- **Objective DA07** - Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone.....;
- **Objective DA10** - Restrict development which would give rise to conflicts with aircraft movements on environmental or safety grounds on lands in the vicinity of the Airport and on the main flight paths serving the Airport, and in particular restrict residential development in areas likely to be affected by levels of noise inappropriate to residential use.

- **Map based Objective 46** – restrictions on dwellings within the inner noise zone (no dwelling shall be permitted within the predicted 69 dB LAeq 16 hours noise contour); Comprehensive noise insulation required for any house permitted; Noise assessment required.
- **Zoning** - The site is shown zoned **Residential 'RS'** – *'To provide for residential development and protect and improve residential amenity'*.

5.3. National Guidance

In my assessment of this case, I had due regard to the following documents:

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

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Boraimhe Management Company No.3. The principal grounds of appeal can be summarised as follows:

- Proposal would inappropriately benefit from services paid by homeowners within Boraimhe Management No.3 and the houses are in a privately managed estate which is complete;
- Opposes to the opening of the cul de sac;
- Traffic is congested, especially in the peak hours and the new houses would exasperate this situation;
- Access proposed would require traffic to pass by 92 houses. This would not be the case if the existing site access were to be used instead. Requests that should permission be granted that a condition should attach to access the development from Forest Road;

- Development would be contrary to Objective EE51;
- Would be unfair on existing home owners to have additional houses imposed on them;
- Applicant is not entitled to link the development to Boroimhe Aspen.

The appeal was accompanied by copies of the 43 observations which were received by Fingal County Council on the initial application together with comments received from 13 parties on the further information submitted by the applicant.

6.2. **First Party Response**

The Board received a response from McCrossan O Rourke Manning architects on behalf of the first party. It included a letter from Fingal County Council Transportation Department with a map attached showing that the roads which would serve the proposed development have been taken in their charge. Both a revised house type and site layout showing a reduced house footprint were submitted to the Board for consideration if it was considered necessary. An updated shadow analysis to reflect the revised house design was also submitted.

The main points included are summarised under:

- Applicant has demonstrated legal entitlement to provide vehicular access to the subject site and matters regarding management fees are not relevant in planning terms;
- Site complies with zoning objective and the provisions of the county development plan are met including design of houses and private amenity space and no negative impact on residential amenity of Boroimhe estate would result;
- Requests that house no. 1 would be permitted, i.e. a total of six houses. Provides an alternative house design with reduced scale as an option to be considered if required;
- Issue of permeability and connectivity of housing estates is an important feature for the proper planning and good design;

- Traffic impact would be minimal. It would be a safer solution to provide access into Boroimhe estate rather than onto the busy Forest Road;
- Having regard to the specific wording of Objective EE51, to the Noise Impact Assessment report and to the zoning of the site, it is considered the proposal is not contrary to Objective EE51;
- Proposed development is significantly smaller than that previously permitted.

6.3. **Planning Authority Response**

The Planning Authority submitted a response to the appeal which is summarised under:

- Proposed development on residentially zoned lands is considered to be an appropriate form of infill development;
- The roads and public infrastructure serving Boroimhe Aspen are within the charge of Fingal County Council and as such is a public road. The Transportation Planning Section did not raise any issue with the proposal;
- A Noise assessment was undertaken and noise controls specifications were conditioned;
- Applicants have demonstrated their legal entitlement to provide vehicular access to the site from Boroimhe Aspen. Provisions of Section 34(13) of the PDA 2000 (as amended) are noted;
- Requests the Board to uphold the planning decision and to attach Conditions No.s 18 and 19.

6.4. **Observation**

An observation was received by the Board from the DAA which is summarised under.

- The development of the parallel runway system at Dublin Airport has been possible by a plan-led approach going back to the 1960s. The first of these parallel runways was delivered in 1989 and the second will commence this year;

- Refers to conflicting objectives in the current Fingal Development Plan, i.e. RS v EE51 and EE54 and equally conflicting objectives in the draft Fingal Development Plan 2017, i.e. RS v DA07, DA10 and map based Objective 46;
- DAA does not endorse any encroachment of residential development within the Inner Noise Zone in the interests of the sustainable development of the airport and sustainable residential development;
- DAA actively resists new noise sensitive development within the Inner Noise Zone. Permitting such development would set a negative precedent and undermine the decades of land use planning that has supported the sustainable growth and development of Dublin Airport.

6.5. Further Responses

6.5.1. Planning Authority's response to applicant's response

- Applicants response is noted including the revisions indicated on Drawings No. 15045 BP02 & 05. It is considered that in the interest of residential amenity that this house (Unit No.1) should be omitted.

6.5.2. Planning Authority's response to DAA's Observation

- Having regard to the zoning of the site and adjoining lands and the character of the area, proposed development of housing on an infill site is considered acceptable subject to compliance with recommended noise mitigation measures.

6.5.3. DAA's response to applicant's response

- The DAA oppose all new noise sensitive development within the Inner Noise Zone. Allowing encroachment of residential development on the Inner Noise Zone sets a negative precedent and undermines decades of land use planning that has supported the sustainable growth and development of Dublin Airport;

- Objective EE51 resists residential development in the inner noise zone and does not provide exception for infill development;
- Noise insulation is only considered appropriate mitigation for proposals within the outer noise zone;
- Noting the RS zoning, requests the Board to specifically consider its powers to adjudicate on matters where there are conflicting objectives in a development plan.

6.5.4. **Third Party's response to applicant's response**

- The roads and footpaths have not been taken in charge by Fingal County Council;
- The development fails to protect and/or improve amenities of existing dwellinghouses;
- Restates position that access should be from Forest road and not through Boroimhe Aspen.

6.5.5. **Applicant's response to DAA's Observation**

- Objective re: development in the 69 dB $L_{Aeq, 16 \text{ hours}}$ noise contour proposed in the Draft Development Plan for Fingal, however this is not finalised and as such should not be taken into account.
- Noise Assessment found the development would lie outside of the 69 dB $L_{Aeq, 16 \text{ hours}}$ noise contour;
- Development is not considered to be 'new provision of residential development' but rather provision of development in an infill area which is zoned residential development and hence no conflicting objectives exist.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. I consider the key issues arising in this case can be assessed under the following headings:

- **Principle of the Development**
- **Residential Amenity**
- **Visual Amenity**
- **Vehicular Access**
- **Inner and Outer Airport Noise Zone**
- **Appropriate Assessment**

I outline my considerations on each of those issues directly below.

7.2. **Principle of the Development**

7.2.1. The appeal site is located within Swords development boundary which itself serves as the administrative capital of the county and is identified as a second tier (Metropolitan Consolidation towns) of the GDA settlement hierarchy. It is considered a key town for population growth as well as economic and retail activity within Fingal's settlement strategy. The appeal site is located in an area zoned RS (Provide for residential development and protect and improve residential amenity) within the current Fingal Development Plan 2011-2017. The plan places emphasis on consolidating the existing zoned lands and to maximise the efficient use of the existing and proposed infrastructure (p.18).

7.2.2. The houses comply with the requirements of the development plan with regard to room sizes and storage provision. Each are provided with adequate private amenity space. 170 sq.m of public open space is provided which is less than the required 400 sq.m under Table OS1 of the Fingal Development Plan 2011-2017. The Parks and Green Infrastructure Division are stated to have said that this could be addressed by

way of a financial contribution in lieu of the shortfall of open space provision which is reasonable given the scale of the development.

- 7.2.3. Having regard to the policies and objectives of the plan in relation to the delivery of residential development for Swords, I consider the principle of the development is acceptable.

7.3. **Residential Amenity**

- 7.3.1. The layout proposes 6 two storey houses. A minimum of 11m separation distances are provided between house number 2 and 6 and the existing private gardens of the houses to the north west along the Forest Road. This separation distance together with the layout and positioning of windows and use of obscure glass would prevent any overlooking issues.

- 7.3.2. However, I consider that House No.1 has potential to adversely impact on the residential amenities of the existing neighbouring dwellings by reason of overshadowing of the rear garden areas of these dwellings. I note the shadow analysis drawing submitted during the application (16 June 2016) as updated at appeal stage (02 September 2016) for a revised house type. Both shadow analyses dealt with 10am, 12pm and 3pm times. I consider overshadowing of the existing house to the east (No.37 Boroimhe Aspen) including its private rear garden, cannot be ruled out in evening times. The Planning Authority were of the same view and in deciding to grant permission, included a condition to omit house no. 1 and to permit a total of 5 houses. The Planning Authority also considered that the space which would have been occupied by House No.1 would provide additional green space and may be able to provide for additional surface water measures.

- 7.3.3. While sharing the views of the Planning Authority on the issue of overshadowing, I recommend that House No.1 should be omitted from the scheme and that this area of the site be dedicated to public open space to serve the development **or** alternatively that the area occupied by this house be the subject of a separate planning application for a single-storey scale house where the issue of overshadowing as a result of the revision can be fully assessed.

7.4. Visual Amenity

7.4.1. The houses are modest 2 storey houses and would integrate with the existing houses in the area and would be finished with similar materials. I therefore consider the scheme would be acceptable from a visual amenity aspect.

7.5. Vehicular Access

7.5.1. Strong objections have been raised on the proposal to provide vehicular access from the adjoining Boroimhe Aspen where it is submitted that the new houses would benefit from services paid in a privately managed housing estate and that the applicant would not be legally entitled to use the access. It is further submitted that the proposal would lead to reduced traffic safety for existing residents as additional traffic would be required to pass by 92 houses. The appellant requests that in the event of a grant of planning permission, the existing site access should be used instead of opening up access through the cul de sac at Boroimhe Aspen.

7.5.2. The applicant responds with strong counter arguments in favour of using the proposed access. In the first instance, it is stated that the applicant has legal entitlement and in any case this is not a matter which is relevant in considering the planning merits of the scheme. It is stated that the development is modest and would generate minimal traffic impact and would further provide improved permeability which is advocated as good design. It is also submitted that it would be a safer solution to provide access into Boroimhe estate rather than onto busy Forest Road.

7.5.3. Having viewed the site at first hand, I would consider the proposal to use the existing access from Boroimhe Aspen is one which would be safer and more sustainable than the creation of a new access on to a very busy road (Forest road). The provision on access would involve the removal of a house. The use of the road network through Boroimhe Aspen for 5-6 houses would not constitute an unacceptable traffic hazard. It would also serve to promote and deliver the principles of good permeability and connectivity which are advocated in the Quality Housing for Sustainable Communities – Best practice guidelines, Sustainable Residential

Development in Urban areas and Quality Housing for Sustainable Communities. I note that the transportation planning section raised no objection to the proposed access or other transportation issues. Having regard to the provisions of Section 34(13) of the PDA 2000 (as amended) whereby a person shall not be entitled solely by reason of a permission to carry out any development, I do not consider the matters raised on legal interest are relevant to the assessment of the planning merits of this case. I note however that Fingal County Council have provided a letter with accompanying maps which indicate that the roads and services are taken in charge. Overall, I consider the access would be acceptable.

7.6. Inner and Outer Airport Noise Zone

7.6.1. Most of the appeal site (including all houses) is located within the inner airport noise zone with a small portion of the site lying within the outer airport noise zone. Objective EE51 of the current Fingal Development Plan seeks to '**actively resist new provision for residential development**' (and other noise sensitive uses) within the inner zone. Less restrictive policies apply in the outer airport noise zone.

7.6.2. The DAA submitted an observation on the appeal in which they state their resistance to new noise sensitive development within the Inner Noise Zone which they consider would set an undesirable negative precedent and would undermine the decades of land use planning that has supported the sustainable growth and development of Dublin airport. They also referred to what they consider to be conflicting objectives in the current Fingal Development Plan, i.e. RS v EE51 and EE54 and equally conflicting objectives in the draft Fingal Development Plan 2017, i.e. RS v DA07, DA10 and map based Objective 46.

7.6.3. An Inward Noise Assessment was undertaken and submitted to the Planning Authority with the response to a request for further information. It drew on the Dublin Airport Environmental Impact statement prepared to support the Northern Parallel Runway (December 2004). The study found that (as per the use of the permitted Option 7b of the Northern Parallel Runway EIS) the noise emissions across the site during the daytime hours (07:00 – 23:00) are predicted to remain outside of both the

57 dB (outer) and 63dB (inner) noise contours. Night time noise levels are not expected to increase as the conditions of the operation of the northern parallel runway outline that the use of the runway would be limited to daytime use.

7.6.4. The conclusion of the noise assessment is that residential development could be accommodated once appropriate mitigation measures are put in place. These measures relate to improved acoustic performance of glazing and doors and the use of passive ventilation. Specifically, with the mitigation in place, internal intrusive noise levels are not expected to exceed the desired internal ambient noise levels of 35 db $L_{Aeq, 16 \text{ hours}}$ (living and dining rooms during daytime) and 30 dB $L_{Aeq, 16 \text{ hours}}$ (bedrooms during night time).

7.6.5. I accept (as stated by the DAA) that there appears to be conflicting objectives for the appeal site. On one hand, the site is zoned for RS (residential) but it is also located where Objective EE51 applies, which clearly provides for '**restricting new residential development provision**' in the inner airport zone. On balance, however, I consider that having regard to the planning history of a larger site which included the appeal site (where 37 apartments were permitted by Fingal County Council under F08A/1433 in 2008) and to the in-fill nature of the site where it is surrounded by existing residential development, that it can accommodate residential development while respecting the development proposals of Dublin Airport, particularly the planned development of the northern parallel runway. In arriving at this view, I had full regard to the submissions made by the DAA including the submission received by Fingal County Council on the 7th of March 2016 wherein it recommended that the noise impacts should be assessed and if permission were to be granted, that appropriate noise mitigation measures be required by way of a planning condition. I recommend that should the Board decide to grant permission that appropriate planning conditions relating to noise mitigation measures should attach.

7.6.6. Overall, while accepting the concerns raised by the DAA in relation to the development within the Inner Airport Noise zone, I consider that residential development can be accommodated in this instance for the reasons outlined above.

7.7. Appropriate Assessment

7.7.1. The scheme relates to an infill plot of land which has the benefit of residential land use zoning. The development is proposed to connect to public wastewater and surface water infrastructure. No details of Appropriate Assessment screening have been submitted with the application.

7.7.2. The site is not located within or directly adjacent to any Natura 2000 site. There are 17 European sites (8 no. SPAs and 9 no. SACs) within 15km of the site which is the likely zone of impact of the proposed development. The nearest site is Broadmeadow/Malahide Estuary SAC (site code 000205) and SPA (site code 004025) c. 3km to the north east. The qualifying interests include tidal mudflats and sandflat, Atlantic salt meadows, Salicornia mud, Marram dunes and fixed dunes in addition to an internationally important population of Brent Goose and nationally important populations of twelve other bird species. The conservation objectives for the referenced sites seek to maintain or restore the favourable conservation status of habitats and species of interest. I consider that the key issue in this AA screening stage is the threat to the features of interest during the construction stage, arising from sediment run-off or pollutants, noise effects, loss of supporting habitats, invasive species from disturbance /compaction of soils. Indirect effects on water quality could also result from discharges to the estuary or to the Ward River in whose catchment the appeal site is located. The possible effects of the proposal on the conservation status of the designated sites include loss/reduction of habitat, disturbance of key species, habitat or species fragmentation, reduction in species density and decrease in water quality and quantity.

7.7.3. I am mindful that the site is an infill site in which would be serviced by a foul sewer network. Surface water including attenuation is proposed prior to connecting to the public services. The site is well separated from the adjacent Natura 2000 sites. Standard precautionary pollution control measures are proposed which would serve to block pathways and avoid potential adverse effects on habitats. Interference with water quality in the estuary can be avoided by specifying through a planning condition, that development/or occupation of the dwellings will only occur after the Swords waste water treatment plant is upgraded which per Irish Water's website is

planned to be complete in Winter 2016. I consider, should the Board be minded to grant permission, that such a condition should attach.

- 7.7.4. I consider, that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Broadmeadow / Malahide Estuary SAC (site code 000205) and SPA (site code 004025) c. 3km to the north, or any other European site, in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 **Conclusion and Recommendation**

Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made about the appeal and my site inspection, I recommend that permission be **granted** for the reasons and considerations outlined below.

Reasons and Considerations/ Reasons

Having regard to the zoning of the site, as set out in the current Development Plan for the area, to the nature and scale of the proposed development on an in-fill site, to the pattern of development in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health 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 June 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. The detached two-storey dwelling located at the south of the site (House No. 1) shall be omitted and this area of the site shall be dedicated to public open space to serve the development **or** shall be the subject of a separate planning application for a single-storey scale dwelling at this location.

Reason: It is considered that the proposed two-storey scale dwelling at this location would result in adverse impacts on the residential amenities of the existing neighbouring dwellings by reason of overshadowing of the rear garden areas of these neighbouring dwellings.

3. No dwelling shall be occupied until the Swords Waste Water Treatment Plant upgrade is completed and operational to the satisfaction of the planning authority.

Reason: In the interest of public health, having regard to the operation of the existing wastewater treatment plant over capacity.

4. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

5. 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.

Reason: In the interest of visual amenity.

6. (a) The area of public open space shown on the lodged plans and taking account of condition no.2 of this schedule of conditions, shall be reserved for such use. These areas 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.

(b) 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 five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species.

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

7. The recommendations of the Inward Noise Impact Assessment received by the planning authority on the 16th day of June 2016 shall be implemented in full. A further noise assessment shall be carried out within 6 months following completion of the proposed houses and shall be submitted to the planning authority for written agreement.

Reason: In the interest of residential amenity.

8. 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.

9. Public lighting shall be provided in accordance with the requirements of the Planning Authority. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television cables) 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.

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. 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.

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

12. 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, 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.

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 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 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.

Patricia Calleary

Senior Planning Inspector

27/10/2016

Appendix: Maps, Photographs and links to policy documents