



An  
Bord  
Pleanála

## Inspector's Report

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### Development

Demolition of existing commercial building on the site (858 sq. metres) and the construction of 4 no. three bedroom, three storey dwellings of 184-185 sq. metres, off street car parking and all associated site works.

### Location

Shaw's Lane off Bath Avenue, Dublin 4.

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

2388/16

### Applicant(s)

Uniball Bars Limited

### Type of Application

Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant(s)

Sean and Dymphna McDermott  
Laura Sherry and Others

### Date of Site Inspection

7<sup>th</sup> December, 2016

### Inspector

Stephen Kay

## **1.0 Site Location and Description**

- 1.1. The appeal site is located to the rear of houses on the southern side of Bath Avenue and is access via Shaw's lane. Shaw's Lane is located to the east of the railway bridge and c. 100 metres to the east of the junction between Bath Avenue and Shelbourne Road.
- 1.2. The site has a stated area of 845 sq. metres and is bounded to the south by an access laneway from Shaw's Lane. To the north the site is also bounded by a laneway and beyond that by the rear gardens of Nos. 25-31 Bath Avenue. Access to this laneway that runs to the rear of these dwellings is currently via a right of way that runs north south through the appeal site. To the east the site is bounded by the rear garden of No.33 Bath Avenue and to the west the site is adjoined by a two storey commercial development that is also in the same ownership as the appeal site.
- 1.3. The site is currently occupied by a part single and part two storey commercial building and associated car parking. The building on site has a roof with a central apex which slopes down to the north and south. The building is currently occupied by a gym. The general vicinity of the site is characterised by a mixture of two and three storey buildings with two storey residential properties fronting onto Bath Avenue to the north of the site and a variety of building styles further to the south. These include a three storey residential development located to the south west of the site in the vicinity of the railway line and two storey commercial development along the western side of Shaw's Lane.
- 1.4. The site is located between the Lansdowne Road and Grand Canal Dock DART stations and would be within an approximate 10 minute walk of the Lansdowne Road station.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the demolition of the existing commercial structures on the site and the construction of 4 no. terraced three storey three

bedroom dwellings on the site. The layout proposed is such that the dwellings would be orientated east west across the site with the front of the units west facing and the rear east facing.

- 2.2. To the rear the units are proposed to have an area of open space facing east that is 5 metres in depth and the area of the private open space serving each unit is between 33 and 37 sq. metres. Parking is proposed at ground floor level within the footprint of the units and accommodation at ground floor level would also accommodate a store and an entrance foyer. Kitchen, living and dining room accommodation is proposed at first floor level with a terrace of c. 8 sq. metres proposed to face east off the living accommodation. Three bedrooms are proposed at second floor level and the stated floor area of the units is 184-185 sq. metres.
- 2.3. Finishes are proposed to be mainly brick with render and timber screening to the balconies at first floor level. The overall height of the proposed units is c. 8.65 metres above ground level.
- 2.4. Provision is made within the layout for the retention of a vehicular right of way along the western side of the site that connects the area to the south with the laneway to the north that runs to the rear of the dwellings on Bath Avenue. An additional 4 no. car parking spaces plus a disabled parking space are proposed along the western side of the site.
- 2.5. The application is accompanied by a town planning report, an Engineering Services Report, a Site Specific Flood Risk Assessment and an Urban Design Statement.

## **3.0 Planning Authority Decision**

### **3.1. Further Information**

Prior to the issuing of a Notification of Decision the planning authority requested further information on the following:

- The submission of a revised / augmented shadow assessment that indicates the existing / pre development scenario.
- Review of the proposed blank gable to the north along the right of way in terms of urban design and passive surveillance.

In response, the applicant submitted a revised shadow projection assessment and also a revised design of the northern elevation to the development that includes a large window at ground level and additional windows at first and second floor level.

### **3.2. Decision**

The Planning Authority issued a Notification of Decision to Grant Permission subject to 11 no. conditions. The most significant of these in the context of the appeal are considered to be as follows:

Condition No.2 requires that the screening to the terraces at first floor level shall be opaque glazing.

Condition No.6 specifies a number of requirements of Iarnrod Eireann in the development.

Condition No.7 requires that construction noise would comply with BS5228.

Condition No.11 requires that prior to the commencement of development the applicant shall delineate on a map those areas that are to be taken in charge by a management company.

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

The report of the Planning Officer notes the scale design and layout of the proposed units and considers that the design and open space provision is acceptable. Some concerns regarding the shadowing impact arising are expressed in an initial report and further information is recommended. Following submission of further information it is considered that overall the impact would not be significantly adverse and that on balance while the proposed development will result in some minor overshadowing that the removal of the existing warehouse building and the replacement with new residential development would improve the visual amenities of the area.

#### **3.3.2. Other Technical Reports**

Roads and Traffic Planning Division – No objection subject to conditions.

### 3.4. Third Party Observations

A total of six objections were made to the Planning Authority and the issues raised can be summarised as follows:

- Inadequate site notice,
- Bulk scale and height of development excessive,
- Overshadowing and loss of light,
- Negative impact on residential amenity,
- Overlooking from terraces and windows in the rear of the proposed development,
- No construction / demolition management plan.
- Intensification of traffic on Shaw's lane,
- Impact on landscaping.

### 4.0 Planning History

The following planning history is of relevance to the assessment of this appeal:

Dublin City Council Ref. 0168/00 – Permission granted by the planning authority for 12 no. apartments at Shaw's lane to be located on the southern side of the site. The height of this permitted block is stated to be three storey plus attic floor level.

Dublin City Council Ref. 1944/99 – Permission refused by the planning authority for 2 no. three storey terraced blocks containing 9 no. one bedroom units and 9 no. two bedroom units.

### 5.0 Policy Context

#### 5.1. Development Plan

It is noted that the application the subject of this appeal was assessed by the Planning Authority under the provisions of the Dublin City Development Plan, 2011-

2017. Since the decision of the Planning Authority the new Dublin City development Plan, 2016-2021 has come into effect.

The appeal site is located on lands that are zoned Objective Z1 under the provisions of the Dublin City Development Plan, 2016-2021. Under this land use zoning objective residential development is normally permissible.

The surrounding lands to the immediate north, east and west are also zoned Objective Z1 under the 2016-2021 plan. It is noted that houses fronting onto Vavasour Square and located to the south and east of the appeal site are zoned Objective Z2 (residential conservation area) under the development plan.

The policy of the development plan regarding infill development is set out at 16.2.2.2 and includes a requirement that infill development respects and complements the prevailing scale and architectural quality of the surrounding area.

The qualitative standards for houses are set out at 16.10.2 of the plan and include a requirement that 10 sq. metres of private amenity space per bedspace would be provided.

The policy in relation to backland development / sites is set out at 16.10.8. Car parking policy and standards is set out at 16.38 of the plan.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The following is a summary of the main issues raised in the third party grounds of appeal:

- That what is proposed on the site is a gross over development of the site and is of excessive scale. The site is analogous to a mews site and is of a very significantly greater scale than what would be permitted on a mews site.
- That the layout of the proposed development and units has been done to maximise the extent of development on the site and amenity of occupants but this is at the expense of the amenity of the adjoining properties on bath Avenue.

- That the laneway at the north of the site is in daily use by the residents of the houses on Bath Avenue.
- That the access to the area from Bath Avenue (Shaw's Lane) is sub-standard and not suitable to accommodate additional traffic. Application ref. 1944/99 was refused permission on this basis.
- That the appellant's welcome proposals to improve the access to the rear of their properties but not at the expense of their residential amenity.
- It is suggested that the proposed disabled space would be relocated to the south west corner of the site.
- That the proposed provision of 2 no. parking spaces per unit indicates that the units are proposed for rental.
- That the scale of the north facing gable located just 3.05 metres from the rear gardens of houses that front bath Avenue will have an adverse impact on amenity due to sunlight, daylight, solar gain, heating and property values.
- The level of sunlight and daylight available to the rear of the dwellings will be very significantly impacted by the proposed 9.65 metre high north facing gable.
- That the proposed first floor terraces would result in overlooking of the residential properties to the north.
- That the submitted shadow analysis does not recognise the negative impact on the properties on bath Avenue that is clearly shown in the analysis. It is not accepted that the shadowing from the existing warehouse is comparable to that that would be created by the proposed development.
- That the proposed development would be contrary to the Objective Z1 zoning objective and that a two storey form of development would be more appropriate.
- It is noted that the OCSC Engineering Services Report refers to 4 no. two storey houses.
- That the ridge height of the proposed development is higher than the maximum overall height of the existing warehouse and very significantly

higher than the northern end of the warehouse in the vicinity of the houses. A number of sketches of the proposed development are submitted.

- That there is a lack of clarity with regard to proposals for construction, demolition and the removal of waste from the site.
- That the location and visibility of the site notice was not in accordance with the regulations.
- Requested that permission be refused and that a revised proposal for a scaled down (two rather than three storey) and less dense form of development be submitted.

## **6.2. Applicant Response**

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That the concerns regarding the previous refusal of permission on the basis of inadequate access (Ref. 1944/99) was for a larger development of 18 no. units. An application for 12 no. units was subsequently granted permission.
- That the current use as a gym generates traffic, more than the proposed use.
- That the proposed layout is considered to improve the existing right of way as it will regularise the area and provide a proper parking layout. Clear access to the rear of the residential properties will be available.
- That the position of the disabled space has been moved by condition of the planning authority.
- That the provision of additional parking spaces is to ensure that the development does not cause congestion.
- That the images presented in the third party appeal may not be accurate.
- That the bulk of development will be reduced as the proposed dwellings would be set back from the southern and eastern boundaries unlike the existing commercial development.



- That only part of the dwellings are proposed to be 9 metres in height with more than a third of the unit measuring less than 4.8 metres.
- When viewed from the north there will be no development immediately opposite the rear gardens of nos 31 and 33 Bath Avenue as this will be private amenity space.
- That there are many buildings and structures in the general area that are taller than the 2 storey considered appropriate by the appellants.
- Regarding overshadowing the first party agrees with the assessment of the Council that while there would be minor overshadowing of adjoining properties at certain times that on balance the visual amenities of the area would be improved. The submitted shadow analysis was assessed by the Planning Authority in reaching its decision.
- That conditions require that the screening to the terraces would be opaque glass to a level of 1.8 metres and no overlooking would arise.
- That the site notice was erected in accordance with the regulations and the fact that submissions were made to the planning authority shows that the notice was seen.

### **6.3. Planning Authority Response**

A response has been received from the Planning Authority stating that the Planning Authority have no further comment to make and that the report of the planning officer addresses the issues raised in the appeals.

## **7.0 Assessment**

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

- Land use Zoning and Principle of development
- Design scale and layout

- Impact on residential amenity
- Access and car parking
- Other issues

## **7.2. Land Use Zoning and Principle of Development**

- 7.2.1. The appeal site is located on lands that are zoned Objective Z1 under the provisions of the Dublin City Development Plan, 2016-2021. Under this land use zoning objective residential development is normally permissible subject to compliance with other relevant development plan policies regarding design, layout and impact on residential amenity.
- 7.2.2. I note that the proposed development will result in the removal of an existing commercial building and use (currently gym) and its replacement with residential development that would, in principle, be more consistent with the residential land use zoning objective of the site and surrounding lands.
- 7.2.3. The location of the site to the rear of the main building line fronting Bath Avenue and to the north of the dwellings on Vavasour Square is such that the site is most appropriately considered to be a backland site. Paragraph 16.10.8 of the Plan states that the City Council will in principle accommodate the provision of comprehensive proposals for redevelopment of backland areas. The potential for such developments to result in a significant loss of residential amenity is also acknowledged in the plan and the potential impact on amenity is addressed in the sections below. .

## **7.3. Design, Scale and Layout**

- 7.3.1. The form of development proposed comprises a terrace of 4 no. three storey three bedroom dwellings facing east west across the site. The dwellings are indicated on the submitted drawings as having an overall height of 9.65 metres and incorporate an area of private amenity space of c. 5 metres depth to the rear (east) of the units with an addition c. 8 sq. metres of amenity space proposed in the form of a first floor terrace area. Parking is proposed to be provided at ground floor level within the building footprint and an addition 5 no. shared parking spaces are proposed to be

located on the western side of the site along with an access for vehicular traffic to the existing laneway that runs to the rear of the properties on Bath Avenue.

- 7.3.2. With regard to private amenity space, the report of the Planning Officer notes that the applicable development plan standard is 8 sq. metres per bedspace in an inner city location and that on this basis the open space provision proposed is acceptable. I would question whether the appeal site can reasonably be considered to be an inner city location given that it is located outside of the canal ring and there does not appear to be any definition in the plan of what constitutes inner city locations for the purposes of the calculation of private open space. It is therefore my opinion that a standard of 10 sq. metres per bedspace is appropriate though a case can be made for a reduction to 8 sq. metres on account of the backland location and the general desirability that the site would be redeveloped for residential use consistent with the zoning objective. I also note the fact that while the units are described as being three bedroom there is an additional room located at ground floor level that is identified as a store but which could be used as a bedroom. On the basis of three double bedrooms there would be a development plan requirement for 48 sq. metres of private amenity space. With the rear gardens and the first floor terraces the proposed units come close to this standard at between 41 and 45 sq. metres.
- 7.3.3. The proposed design is contemporary with flat roofs and the use of mainly brick to the elevations to match with surrounding development. I consider that the basic design approach proposed is acceptable and that the materials are appropriate. I note the comments of the Planning Officer with regard to the use of timber screening to the first floor terrace areas and while the alternative frosted glazing would be more robust I consider that the timber would give a better appearance from the property to the east.
- 7.3.4. The general room layout and sizes are considered to be appropriate and in accordance with development plan policy. The issue of the impact of scale on residential amenity will be addressed in more detail in the following sections and I note that the third party appellants contend that the dwellings should be two storey to better match with the prevailing pattern and scale of development in the area. On this issue I also note the fact that the ground floor of the proposed units would appear to potentially not result in the optimum use of space with a very large entrance foyer, store and a single parking space. Given that there is space on site

for additional parking it would appear feasible that some of the units could potentially omit the ground floor level accommodation.

- 7.3.5. It is noted that the proposed development is located in close proximity to Vavasour Square to the south east which is zoned Objective Z2 (residential conservation area) under the provisions of the development plan. An inspection of Vavasour Square shows that there are a number of developments which are clearly visible beyond the existing single storey buildings on the square and which therefore have an impact on the setting and character of the area. In my opinion the proposed development would also be visible from locations within the square and would therefore have a potential impact on the setting of the conservation area. The provisions of Policy CHC4 of the development plan are therefore considered applicable in this instance where it is policy of the council not to permit development that would harm the setting of a conservation area or constitute a visually obtrusive or dominant form. Given the scale of the proposed development and its location relative to the Z2 zoned area around Vavasour Square, to the low scale of existing development on the Z2 lands and to the existing visual prominence of existing surrounding development I do not consider that the likely visual impacts arising from the proposed development would be such as to have a significant impact on visual character or setting of the residential conservation area such as would be contrary to Policy CHC4 of the development plan.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. The main basis on which the appellants consider that the proposed development is unacceptable relates to the height and density of development proposed and the impact of the development on residential amenity by virtue of overlooking, overshadowing and visual intrusion.
- 7.4.2. Firstly, with regard to visual intrusion, the design proposes a three storey gable at the northern end of the site that would be located within 3 metres of the rear boundary wall of the properties on Bath Avenue and within c. 12 metres of the original rear building line of the dwellings on Bath Avenue. It is contended by the appellants that the proximity of the northern gable of the proposed development and its height at 9.65 metres would be such as to have a significant negative overbearing

visual impact and negative impact on residential amenity. Notwithstanding the points made by the first party regarding the limited extent of the three storey gable and the revisions made to the fenestration on foot of the further information response, I note that the extent of the three storey high gable would extend almost 10 metres in length. I also note that while the overall height proposed is only c.650mm higher than the maximum height of the existing warehouse, that this maximum height is located at the roof apex c.20 metres from the boundary with the appellant's properties and that the height of the warehouse at the northern end is currently only c.2.9 metres. I would therefore agree with the appellants that this aspect of the proposal has the potential to be a significantly visually incongruous and intrusive element that would have an adverse impact on amenity.

7.4.3. The proposed height at the northern end of the site also has potential implications in terms of overshadowing of residential properties to the east and north. The shadow assessment submitted with the application and augmented by the further shadow assessment submitted as part of the response to further information, indicates that the proposed development will have an appreciable negative impact on the extent of sunlight in the rear gardens of Nos. 21-33 Bath Avenue in the March and September periods with a lesser impact in mid summer. The shadowing impact is particularly significant for No.33 given the extent of the boundary that it shares with the appeal site. The first party response on this issue notes the comments in the report of the Planning Officer which states that the development '*will result in some minor overshadowing of adjoining properties at certain times*', but concludes that on balance the proposed development would improve the visual amenities of the area and result in a form of development more consistent with the residential zoning objective. I would agree that in principle the proposed residential land use is desirable given the site zoning, the zoning of surrounding lands and established surrounding land uses. I do not however agree with the assessment that the negative impact on amenity from the overshadowing would be minor. For this reason and having regard to the visual impact of the scale of the north facing gable it is my opinion that some modification of the northern end of the proposed development to reduce its scale is desirable.

7.4.4. It is proposed that the unit at the northern end of the site would be reduced in height to two storey by way of condition requiring that the proposed dwelling No.4 would be

reduced from a three storey unit to a two storey, three bedroom unit through the omission of the ground floor level parking and storage. Dedicated parking for this unit can be provided opposite the front of the dwelling at the north west corner of the site.

- 7.4.5. With regard to overlooking, the appellants contend that the proposed layout would result in the overlooking of their properties and of that to the east of the site at No.33 Bath Avenue. In my opinion the design of the proposed dwellings are such that no significant overlooking issues arise. The proposed screening of the first floor balconies to a height of 1.8 metres as conditioned by the Planning Authority would mitigate against overlooking. The reduction in the height of the unit at the northern end of the site would mean that the terrace area would not be at ground rather than first floor level and incorporated into the rear garden thereby further reducing the potential overlooking of the rear gardens of the dwellings to the north at 31-35 Bath Avenue.

#### **7.5. Access and Car Parking**

- 7.5.1. The development plan standard for car parking is one space per residential unit in parking zones 1 and 2. The appeal site is located in Zone 2 and the proposed one space per unit plus 5 no. visitor spaces would be in accordance with the plan standard and is in my opinion acceptable. The proposed reduction in the scale of Unit No.4 from three storey to two storey would mean that the on site parking space for that unit would have to be omitted and one of the parking spaces at the western side of the site would have to be dedicated to unit No.4. Such an arrangement is considered feasible and acceptable.
- 7.5.2. I note the recommendation of the Roads and Traffic Planning Division of the council that the proposed disabled parking space would be relocated to the southern end of the shared parking proposed to be located along the western side of the site. This revision is agreed with and would also facilitate a dedicated parking space for Unit No. 4 being provided directly opposite this unit.
- 7.5.3. The appellants note the fact that the access to the appeal site from Bath Avenue via Shaw's lane is restricted in width and note the fact that permission was previously refused for residential development on the appeal site and contend that the access arrangements to the site are inadequate. Shaw's Lane is only capable of

accommodating vehicles in one direction however given the level of development accessed via the lane, its width and the visibility at the entrance I do not consider that the access layout proposed is sub-standard or such that it would constitute a traffic hazard. Permission was previously refused for the development of the appeal site on the basis of a traffic hazard however that application was for a more intensive residential development of 18 no. apartment units.

## **7.6. Other Issues**

- 7.6.1. A site specific flood risk assessment has been submitted with the application and this assessment states that the site is located within Flood Zone B for fluvial flooding and that having regard to the vulnerability classification of the proposed residential land use that a justification test is required. The results of this justification test indicate that the site passes the test and on the basis of the information available I do not consider that there is a basis to contradict the findings of the submitted risk assessment.
- 7.6.2. It would appear from the information on file that no social housing exemption certificate has been issued in respect of the proposed development. The Planning Authority have attached a condition requiring the submission of proposals for compliance with Part V or alternatively that a SHEC is granted for the development. The proposed development is for less than 5 no. units and there is no indication from the information on file that the first party has other proposals for residential development on contiguous lands that would exceed the threshold for Part V. It is therefore not proposed that a condition regarding Part V would be attached to any grant of permission.
- 7.6.3. It is noted that the Notification of decision to Grant Permission issued by the Planning Authority did not include any condition requiring a financial contribution in respect of the s.48 contribution scheme. In the absence of a clear basis for not including a financial contribution requirement it is recommended that a condition be attached in the event that a decision is made to grant permission.
- 7.6.4. It is noted that Iarnród Éireann made comments to the planning authority regarding measures to ensure that the development would not have an adverse impact on rail safety.

- 7.6.5. With regard to Appropriate Assessment, given the conclusions regarding the flood risk assessment and the absence of any Natura 2000 site in close proximity to the appeal site, it is my opinion that the only feasible pathway between the site and a Natura 2000 site would be via the foul and surface water drainage network. 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.

## **8.0 Recommendation**

- 8.1. Having regard to the above it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

## **9.0 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.

## **10.0 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 7th day of July 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 proposed development shall be amended as follows:

(a) House No.4 located at the northern end of the site shall be revised to a two storey dwelling by the omission of the ground floor parking and storage area. This revised unit shall have a maximum of 5 no. bedspaces and 40 sq. metres of private amenity space.

(b) One of the 4 no. shared parking spaces located on the western side of the site shall be dedicated for the use of the occupants of Unit No.4. This parking space shall not be subsequently separated from Unit No.4 by sale or lease.

(c) The parking area at the western side of the site shall be revised by the relocation of the proposed disabled parking space to the southern end of the surface parking spaces. The hard surfaced area to the south of the proposed parking spaces shall be landscaped which shall include measures to ensure that this area shall not be used as an informal parking area

(d) The screens to the terraces at first floor level shall be a minimum height of 1.8 metres above the level of the terrace.

. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. 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.

4. 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.

5. The internal road network serving the proposed development 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.

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

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

7. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

8. All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.

**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. 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 interests of urban legibility.

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

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

11. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 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.

12. 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.

13. Prior to the commencement of development on site the developer shall ascertain and comply with all requirements of Iarnród Éireann regarding the construction and operation of the development.

**Reason:** In the interests of ensuring the safe operation of the adjacent railway line.

14. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

15. 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.

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. Stephen Kay  
Planning Inspector

12th December, 2016