



An
Bord
Pleanála

Inspector's Report PL06D.247810

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| Development | Demolition of existing structure and construction of 4 no. houses and associated works. |
| Location | Fortwilliam Cottage, Stillorgan Road, Blackrock, Co. Dublin. |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D16A/0284 |
| Applicant | Fortwilliam Mount Merrion Developments Ltd |
| Type of Application | Permission |
| Decision | Grant permission |
| Appellant | Fortwilliam Board of Management |
| Type of Appeal | Third Party |
| Observers | Julia Tomkin |
| Date of Site Inspection | 6 th April 2017 |
| Inspector | Mairead Kenny |

1.0 Background

- 1.1. The application cover letter describes this application as a repeat application which addresses the sole reason for refusal set out by the planning authority in the most recent application considered. The issue related to rights involved in the provision of foul drainage, which the applicant considers is now resolved.
- 1.2. The Board had previously considered a different proposal for 4 no. houses. Permission was refused for reasons related to scale / overdevelopment.
- 1.3. In the current case issues of overdevelopment and adverse impacts on the apartments to the north (Fortwilliam) is the main concern presented in the third party appeal. There is another apartment development to the south (Dualla Court) and 2no. two-storey houses in the immediate vicinity of the site.

2.0 Site Location and Description

- 2.1. The site comprises an infill plot of land close to the junction of two major roads, the Stillorgan Dual carriageway and Mount Merrion Avenue. The entrance to the site is by way of a narrow set of gates at the Stillorgan Road, about 50m south of the junction with Mount Merrion Avenue. There is a cycle path and footpath at the site frontage and a bus stop to the south.
- 2.2. The applicant site comprises the building and associated lands of Fortwilliam Cottage. The existing cottage is of stated area of 120 m². It is generally positioned in the centre of the site and close to the northern site boundary. The stated site area is 0.124 hectares.
- 2.3. Development in this area is primarily residential and includes two-storey houses and apartment schemes. The site is bounded to the north by Fortwilliam apartments, which are in 2no. separate four-storey blocks and which contain open balconies facing onto the site of the proposed development. This scheme would appear to be in place for some decades and contains 32no. apartments, which at the closest point to the site are 8m from the boundary. The ground level at Fortwilliam is below the level of the site. Levels vary but in general the levels at Fortwilliam are about 2m below the site of the proposed development. The existing house on site (Fortwilliam

Cottage) is positioned approximately 10m from one of the apartment blocks and a block wall of over 2.5m high separates the cottage from Fortwilliam.

- 2.4. The eastern end of the site contains a number of large trees. The eastern site boundary adjoins the rear garden of a two-storey house at 140 Mount Merrion Avenue. I was unable to gain access to the rear of that house at the time of my inspection.
- 2.5. The southern boundary of the site is shared with a small apartment scheme known as Dualla Court, which is three-storey. The orientation of that block is such that windows and balconies are predominantly positioned facing due west or east. The northern façade, which faces onto the site of the proposed development contains large areas which are devoid of windows. The two-storey house which shares the access to Dualla Court is separated from the site by a block wall and contains 2no. first floor windows facing onto the site, which appear to be bathroom and bedroom windows.
- 2.6. Photographs which were taken by me at the time of inspection are attached.

3.0 Proposed Development

- 3.1. Permission is sought for the following development:
 - Demolition of Fortwilliam Cottage
 - Provision of 4 no. semi-detached houses
 - Houses range in height between two-storeys and three-storeys and include deck / first floor spaces / balconies
 - Parking (8 no. spaces)
 - Increase in width of existing vehicular entrance and associated site development, landscaping and external works.
- 3.2. The proposed development is outlined in plans and particulars which were received by the planning authority on 27th April 2016. The stated area of the proposed works as indicated on the application form is 940m².

3.3. A request for additional information was issued by the planning concerning Road Safety Audit, Noise Impact Assessment, surface water and tree protection. A response was received on 15th November 2016.

4.0 **Planning Authority Decision**

4.1. **Decision**

The planning authority decided to grant permission subject to conditions relating to:

- Details of property management company
- Surface water management
- Works in the public realm involving relocation of poles, dishing of paths etc
- Implement measures in Noise Impact Assessment to ensure suitable internal noise environment
- Construction phase measures including appointment of Arboricultural Consultant and appointment of Landscape Architect
- Special contribution towards improvement of Deerpark open space at Mount Merrion
- Bond or similar.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

The reports include the following comments / conclusions

- Refers to the advice at pre-application consultation that the density of the proposed development of 3 dwellinghouses was too low in view of the policies for this area under the current development plan
- Technical reports and third party objections as well as the development plan policies are summarised - commitment to take these into account
- Demolition of the cottage is acceptable and has been justified

- Regarding the refusal related to foul sewerage the connection is now altered
- Regarding the Board's refusal for reason of overdevelopment the proposal is now significantly altered in terms of scale and layout
- Would not have a significant negative impact on the Fortwilliam apartments in terms of overlooking or overshadowing
- The houses are well designed to minimise their visual impact and to be visually appealing
- Separation distances are deemed adequate – some references to details of the scheme in this regard – advisable to restrict exempted development regulations
- No communal open space but each unit has significant private amenity areas and design and layout overall are acceptable
- Proposal is well designed and generally in accordance with the development plan – however a number of outstanding issues need to be addressed
- Subsequent comments on the further information indicates that the response is acceptable subject to conditions and permission is recommended.

4.2.2. **Other Technical Reports**

Transportation Planning (final report) – no objection subject to conditions including the implementation of measures in Road Safety Audit and works in public road.

Parks and Landscape Services (final report) Tree report is only partly satisfactory as drawings submitted do not comply with the standard requirements of the Department. The earlier recommendation to request a landscape plan was not issued and this matter shall now be dealt with by condition. A range of detailed conditions are set out in relation to:

- Engagement of an Arboricultural Consultant
- Tree Bond and Arboricultural Agreement
- Implementation of the Tree Report and fencing
- Open space levy

- Landscape design and place making
- Appointment of Landscape Architect.

Drainage Planning Services (final report) Surface water drainage to be in accordance with submitted details and subject to further clarification. Details of green roofs including maintenance to be agreed.

Irish Water No objection to proposed foul water infrastructure. Other standard comments.

4.3. **Third Party Observations**

A submission received by the planning authority on behalf of Fortwilliam Board of Management outlines objections which are largely re-iterated in the appeal.

5.0 **Planning History**

- 5.1. Under PAC/431/15 pre-application consultations were undertaken in relation to a proposed development of 3 no. houses. The issues raised included the need to increase the density, maintain a high standard of design, provision of open space and to address the reasons for refusal under D10A/022 in relation to drainage.
- 5.2. Under Reg. Ref. D10A/0022 permission was refused by the planning authority for a development of 4 no. semi-detached houses at this site. The sole reason for refusal related to failure to demonstrate rights to access land for provision of drainage works. The scheme proposed was virtually identical to that presented under the current appeal.
- 5.3. Under PL06D.230958 the Board overturned the decision of the planning authority under Reg. Ref. 08A/0355 to grant permission for a development 4 no. terraced houses at this site. The reason for refusal, which was contrary to the Inspector's recommendation referred to the restricted size and configuration of the site, the pattern of development in the vicinity, the scale of the proposed development and its proximity to site boundaries and the proposed parking arrangement. The development would constitute overdevelopment of the site and seriously injure the amenities of the area and of adjoining property.

The application submissions include a declaration in relation to exemption under Part V and a copy of the application to the planning authority.

6.0 Policy Context

6.1. Development Plan

- 6.1.1. The site is governed by the provisions of the Dun Laoghaire –Rathdown County Development Plan 2016-2022. The site is zoned objective A “to protect and/or improve residential amenity”. A range of policies refer to design and protection of buildings and locations of architectural character. There are no specific heritage objectives related to this site or to the immediate area in the current county development plan.
- 6.1.2. Policy RES 3 is to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas. Where a site is within 1km of certain public transport routes including Priority 1 QBC a minimum of 50 units per hectare will be encouraged.
- 6.1.3. Section 8.2.3.4(xiv) refers to demolition and replacement dwellings, which will be assessed on the basis of a range of factors. In some cases the Council will state a preference to retain existing houses. Better alternatives to demolition of a distinctive detached dwelling and its landscaped gardens may be to construct structures around the established dwelling. Policies AR5 and AR8 shall also be considered.
- 6.1.4. AR5 is to retain where appropriate and encourage the rehabilitation of existing older buildings which make a positive contribution to the character and appearance of a streetscape.
- 6.1.5. AR8 refers to the character of exemplar nineteenth and twentieth century buildings.
- 6.1.6. Section 8.2.3.4(vii) refers to infill development which shall respect the height and massing of existing residential units.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The main points of the third party appeal are:

- Great unease due to close proximity and height and scale of the proposed houses especially nos. 1 and 2 which would form a barrier to the south of the Fitzwilliam apartments and result in overshadowing, overlooking and overbearing from very close quarters and result in loss of property value
- Inconsistent with the zoning, constituting a material contravention of the plan and not meeting standards in terms of screening, open space, separation between opposing windows
- Light levels at ground floor apartments would be reduced resulting in a need to substitute electrical lighting and placing an excessive burden on residents
- The inadequate provision of open space (29%) is not properly addressed by condition 14 – Deerpark is too distant
- Would result in loss of trees including an 8m high elder of 7m crown spread
- Condition 13 relating to tree preservation does not address the issues
- Issues in relation to standard of residential amenity for future occupants
- The layout is substandard and there are a number of indicators of overdevelopment
- The Fortwilliam apartment site suffers from surface water seeping from the application site and this could be due to the difference in site levels which needs to be addressed
- The surface water attenuation tank proposed needs to be assessed in the context of the necessary lowering of any building – a scheme that relies on pumping would be unacceptable
- The principle of housing development is accepted but any new development must have due regard to the planning history and the pattern of development in the area.

7.2. Applicant Response

The main points of the response are

- The proposal addresses the previous reasons for refusal under D10A/0022 and the Board's reasons for refusal under PL06D.230958
- The development is appropriate in terms of density (32.3 dwelling per hectare)
- Details of the manner in which the design avoids overlooking and overshadowing are set out
- The form, architecture and the materials ensure that the development successfully integrates with the area and is not overbearing
- The development complies with the planning policies and responds to the planning history – references to the Board's decision are largely irrelevant
- A communal open space if it were provided would be very small and the scheme is well provided for in terms of private open space
- The specialist report presented indicated that the site is filled with young seedlings and contains very few large or high quality trees - it is on neighbouring properties and not on the site that most of the good quality trees are located – the response of the Parks Department is outlined in the requested conditions
- The planning authority are satisfied that the surface design will contain all surface water within the site
- The impact on no. 140 Mount Merrion Avenue is acceptable.

7.3. Planning Authority Response

No issues raised which would justify a change of attitude to the proposal.

7.4. Observations

The submission on behalf of Julie Tomkin of 140 Mount Merrion states:

- Houses 3 and 4 in particular would be excessively intrusive, result in substantial interference and loss of residential amenity

- The proposal retains too many of the defects identified in the Board's refusal including the manner in which the houses are all bound together, lack conventional open space which would be required for houses of this size and would form a barrier blocking off sunlight and daylight
- Support the comments in the appeal in relation to excessive overshadowing, overlooking and overbearing from very close quarters
- The current proposal fails to comply with the requirements in section 8.2.3.1 and 8.2.8.4 and contravenes policies relating to retention of existing trees
- Excessive development on a restricted site – impact on no. 140 due to the height and width and position of houses 3 and 4
- East elevation shows the actual scale and bulk of the development squeezed into a narrow space – this recalls the earlier finding of the Board in relation to the restricted site size and configuration
- Shortcomings with the scheme as identified in the Parks Services report include lack of tree report and landscape plans, open spaces at houses 3 and 4 too small to be included in calculations and courtyard space at 36m² also too small – the planner on page 11 drew other conclusions including that there was adequate private amenity areas each in excess of 60 m²
- The derelict state of the site needs to be resolved through reinstatement or replacement of the existing house with a scheme which will take due regard of the size and shape of the plot
- Any alternative proposal must have regard to the established pattern of development which would require relocation of the proposed houses 3 and 4
- Permission should be refused for reason including the restricted size and configuration of the site, the pattern of development in the vicinity, the scale of the proposed development, its proximity to site boundaries, car parking arrangements and overdevelopment of the site.

8.0 Assessment

8.1. I consider that the main issues in this case may be considered under the following headings:

- Residential amenity – existing residents
- Residential amenity –future occupants
- Development plan policy
- Other issues.

8.2. Residential amenity – impacts on existing residents

8.2.1. I refer at the outset to the two previous applications which are referenced.

8.2.2. I agree with the first party that the application previously refused permission by the Board is of limited relevant to this case. The proposal presented under PL06D. 230958 / D08A/0355 constituted a materially different form of development. It presented a 55m long façade of ridge height of about 56m (above ground level at Fortwilliam of 47m) at the northern side of the site facing onto the apartments. The current scheme differs materially in terms of the architectural treatment including by reason of introduction of variation of form and materials and by reason of the limited first floor space.

8.2.3. In relation to the more recent refusal of permission by the planning authority under D10A/0022 for a virtually identical development, the reason related only to the routing of the drainage and the matter of legal consent.

8.2.4. To summarise the planning history the most relevant factor in my opinion is that the planning authority has previously determined that a refusal of permission for a virtually identical scheme as that now before the Board would not be warranted for reason of residential amenity issues.

8.2.5. The appellant considers that the development due to its significant height and substantial floor area and containing intrusive details would result in a substantial loss of amenity to the residents at Fortwilliam apartments. Concerns relate to overbearing, overlooking and overshadowing and to tree removal. The site context

including the different ground levels and the positions of the buildings at Fortwilliam are referenced.

- 8.2.6. Houses 1 and 2 are of most concern to the appellant. I note there is a separation of about 9m between the proposed northern elevation of the development and the apartments at Fortwilliam. The lower ground level at the appellant's side together with the presence of balconies are considerations.
- 8.2.7. Houses 1 and 2 both contain two-storey elements which have facades of relatively short length close to the Fortwilliam apartments (7m and 4m respectively), the remainder of the development at that position being single storey (about 2.9m in height) and containing high-level windows. A significant portion of House 1 is quite separate from the Fortwilliam apartment. There is a separation of over 11m between the two-storey elements at Houses 1 and 2. There is provision at the Fortwilliam boundary for 900mm separation which is indicated as a planting zone for a line of trees. House 1 is positioned at a finished floor level of 48.23. The ground level at Fortwilliam is similar at this point in the apartment scheme. House 2 is marginally lower – the ground level at Fortwilliam close to House 2 is at 45.3m compared with the floor level of the proposed house which is 47.5m.
- 8.2.8. In terms of the impact of the proposed development on the Fortwilliam apartments I do not consider that the development would be considered to be of overbearing nature. There are only short elements of two-storey form close to the apartments and the materials and roof detailing ensure variety and are of high quality. The development would not be visually obtrusive.
- 8.2.9. In terms of overlooking this is avoided by the fenestration which includes high level windows and other suitable arrangements. For instance in the case of bedroom 2 house 1 there is a void. Further the sedum roof onto which Bedroom 1 of House 2 overlooks is not accessible. There would be oblique views from first floor windows but I conclude that there is no significant overlooking.
- 8.2.10. In the event of clarity and to future-proof the development it is appropriate in my opinion to de-exempt the exemptions under the planning regulations and in particular to prohibit any future use of the roof at House 1.
- 8.2.11. In terms of overshadowing of the appellant's site and residential units I consider that this is adequately addressed by the form of the development and its height which

responds appropriately to the context. The development is due south of the apartments, which are already likely to experience overshadowing in some conditions as a result of the existing boundary features, the cottage and trees on the site. I do not accept that there is reason to conclude that any additional overshadowing which would result would warrant a revision to the design or a refusal of permission. I do not agree with the appellant's statement that Houses 1 and 2 would form a barrier running east-west and cutting off the sunlight and daylight at the Fortwilliam apartments. That comment may have been of relevance to the scheme previously considered by the Board – in my opinion it does not apply to the current proposal. I conclude that the development would not give rise to significant additional overshadowing of Fortwilliam.

8.2.12. In relation to properties other than Fortwilliam apartments I note the observation by the owner/occupier of no. 140 Mount Merrion Avenue. The development would overlook the rear garden of that house and Houses 3 and 4 are of three storey height. The upper level facing the observer's garden is designed with high level windows however. In addition the development proposed is setback from that boundary by over 10m. The proposed development would not impact in any material way on the dwellinghouse or on the most private garden areas close to the house. The 10m separation is adequate to ensure that any views from Houses 3 and 4 are at sufficient distance to be acceptable. Tree planting along this side of the site is also proposed. When all of these matters are considered it is reasonable to conclude that the impact of the proposed development on no. 140 Mount Merrion Avenue is acceptable.

8.2.13. In terms of the house and apartments at Dualla Court the position of these residential units is such that overshadowing is not an issue. The development proposed is set back from the boundary with Dualla Court. The windows of the proposed houses generally overlook the scheme itself, rather than impacting unduly on Dualla Court. I do not consider that the residential units to the south would be materially impacted by the proposed development.

8.2.14. Finally I note the comments made by parties in relation to tree protection and tree planting. I concur with the submissions presented by the application in relation to the nature of the trees on site none of which are of particular value in their own right. The collective value of the trees and shrubs in ecological terms, which is noted in the

application submissions, would not warrant their retention. The application documents provide for protection of a number of the more significant trees on site and also indicate a sketch of the trees to be removed. In the longer term there is opportunity for more appropriate and successful planting and I consider that subject to the measures outlined in the application the development provides adequately for the protection of the trees on site.

8.2.15. In relation to the appeal comments relating to the 1m planting strip I agree that this is limited but it is adequate to establish some planting, which can be agreed. My recommendation to grant permission is not in any case reliant on the proposed screen planting, which I consider to be an additional but not necessary measure in this case.

8.2.16. The Parks Department had a number of concerns in relation to meeting the development management standards including in relation to tree protection, place making and open space and courtyard areas. These are largely addressed by the conditions which were ultimately recommended. The conditions are very detailed and while I have no objection in particular to the requirements I recommend that a simple condition be attached requiring agreement with the planning authority on a landscape masterplan and tree protection. A tree bond is not recommended in view of the relatively low value of the trees on site, which do not contribute significantly to the public realm.

8.2.17. I conclude that the proposed development is acceptable in terms of the impact on the existing residential amenities of the area.

8.3. Residential amenity for future occupants

8.3.1. I concur with the applicant's comments in relation to the provision of communal open space at this scheme. The development plan allows for flexibility in the application of standards, which I consider is appropriate in this instance. This is not a conventional housing scheme and it is a small residential development. In this context the amount of communal open space which would be required would be so small as to be of limited value. I consider that the decision of the planning authority to address this matter by condition is appropriate and notwithstanding the distance to Deerpark open space I recommend that the condition be upheld.

- 8.3.2. In terms of private amenity open space I consider that this is sufficient in view of the high design quality of the scheme.
- 8.3.3. Despite the proximity to heavily trafficked roads the conditions on site during inspection were not seriously impacted by traffic noise. The Noise Impact Assessment submitted to the planning authority by of additional information refers to specific parts of the site (the western end) and to the bus stop as a source of noise. Appropriate mitigation measures are presented – the report contains a caveat that these will need to be considered again at detailed design stage. Subject to a condition to implement the recommendations of the report, I consider that the development is acceptable in this regard.
- 8.3.4. Parking is provided for in the amount of two spaces per unit and the site is particularly well served by public transport.
- 8.3.5. I consider that the development provides for the residential amenity of future occupants and will provide a sustainable residential environment.

8.4. Development plan policy

- 8.4.1. In relation to the principle of the development I note that the policy context set out includes reference to buildings set in landscaped grounds and to residential developments of exceptional standard. Neither applies in this case. I consider that the demolition of the existing house which is located at the edge of the site and which lacks any particular architectural merit is acceptable.
- 8.4.2. In my opinion the development constitutes a high quality medium density scheme. At a density of less than 35 units per hectare it is less than the normal requirement for sites such as this where 50 units per hectare would be deemed appropriate. However, the development plan requirement also refers to the need to integrate the development and protect residential amenity. I consider that the proposed development secures the optimum balance in this regard.
- 8.4.3. I have referred above to the matter of open space and to residential amenity. Based on my conclusions above it follows that I also conclude that the development does not contravene the zoning objective.
- 8.4.4. I consider that the development is compliant with the development plan.

8.5. Other issues.

- 8.5.1. The application submissions include a Stage 2 Road Safety Audit. The recommendations address matters related to the adjacent footpath, cycleway and bus stop. The Board is referred to the requirements of the planning authority, which are considered sufficient to address traffic and related issues.
- 8.5.2. In relation to the provision of foul drainage the matter of concern which previously lead to a refusal of permission is now resolved. In considering the application under reg. ref. D10A/0022 the planning authority was presented with a proposal involving lands at 140 Mount Merrion Avenue in relation to which consent was not forthcoming. The current proposal now involves provision of a connection to the main drainage network without any requirement for third party lands, was discussed with the relevant section of the planning authority prior to the making of the application and a favourable report has issued from the relevant officials.
- 8.5.3. I consider that the appellant has not made a substantive case in relation to surface water drainage. The proposal to attenuate on site and dispose to the nearby system is acceptable to the planning authority and appears to me to constitute a suitable approach for the site. I consider that there is no basis to recommend that the design be modified or further investigated based on the appellants comments in relation to surface water flow to Fortwilliam.
- 8.5.4. A Part V exemption certificate has been received.
- 8.5.5. Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

9.0 Recommendation

- 9.1. I recommend that the Board uphold the decision of the planning authority to grant permission for the reasons and considerations and subject to the conditions below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 , to the planning history of the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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.

11.0 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 16th day of November, 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.

In particular the recommendations of the Road Safety Audit, Noise Impact Assessment and Infrastructural Design reports shall be incorporated.

Reason: In the interest of clarity.

2. The requirements of the Parks and Landscape Services shall be complied with in relation to the protection of trees.

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

3. 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.

Reason: In the interest of visual amenity.

4. Prior to commencement of construction of the houses, details of the materials, colours and textures of all the external finishes to the proposed houses/apartments shall be submitted to the planning authority for written agreement.

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

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall be the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

6. Apart from requirements for maintenance there shall be no access to the sedum roofs of House 1 and no use of that space.

Reason: In the interest of residential amenity.

7. Each proposed house or apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

8. Parking spaces shall be clearly marked to each unit within the scheme and the spaces shall not be sold or let independently of the residential units. Parking spaces for visitors and disabled parking shall also be clearly marked as such. All parking spaces shall be constructed to be capable of accommodating future charging points for electrically operated vehicles.

Reason: In the interest of traffic safety and convenience.

9. 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.

Reason: In the interest of amenities, public health and safety.

10. 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.

11. 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 interest of amenity and of traffic and pedestrian safety.

12. 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 interest of visual and residential amenity.

13. Proposals for an estate/street name, house/apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

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

14. 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.

15. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of Deerpark. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning

authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Mairead Kenny
Senior Planning Inspector

27th April 2017