



An
Bord
Pleanála

Inspector's Report PL06D.248396

Development	28 no. dwellinghouses, new vehicular entrance, site development and other works at site adjacent to Hazelbrook Square, Whitehall Road, Churchtown, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D16A/0863
Applicant	St. James Development Ltd
Type of Application	Permission
Planning Authority Decision	Grant permission
Appellants	<ol style="list-style-type: none">1. Margaret Walsh and others2. Paul and Finola Dolan
Observers	<ol style="list-style-type: none">1. Margaret O'Keeffe
Date of Site Inspection	20 th July 2017
Inspector	Mairead Kenny

1.0 Site Location and Description

- 1.1.** The site is located in Churchtown, Dublin 14 close to Nutgrove Shopping Centre. The immediate land use context includes commercial development to the south (Nutgrove Retail Park), which includes an Aldi store, a Costa Coffee and retail warehousing. To the east and north are established two-storey residential developments (Whitebarn Road and Nugent Road) and to the west a major residential scheme known as Hazelbrook Square is being developed. West of the overall Hazelbrook Square development is Whitehall Road from which the main entry to the holding is taken.
- 1.2.** Hazelbrook Square is an entirely residential development which is nearly completed and which comprises a mix of apartments and dwellinghouses. The development is partly occupied and it includes a centrally located open space where a playground is located. The site is identified as being in the same ownership as Hazelbrook Square.
- 1.3.** The site is a brownfield site. It has been levelled and all buildings removed and it is partly in use as a site compound for the ongoing overall development. There are high boundary walls at the northern and southern boundaries in particular – walls between the newly constructed houses at Hazelbrook Square and the houses at Whitebarn Road are lower but in general would be around 1.8m in height. Along the eastern site boundary at Whitebarn Road there are mature trees which are mainly Leyland Cypress and which are planted entirely within the development site. Access to the site is currently through the Hazelbrook Square development. There is an alternative access option to the holding which is onto Whitebarn Road where a disused road is positioned. There is a vehicular access gate serving the rear of 71 Whitebarn Road and connecting it with the disused cul de sac road.
- 1.4.** Photographs which were taken by me at the time of my inspection are attached.

2.0 **Proposed Development**

- 2.1. The application was subject to revisions in response to the request for further information. The revised scheme comprises 28 no. houses the majority of which are set out in three blocks of terraced houses. The houses include 1 no. detached house (no. 28) which is positioned at Whitebarn Road and a pair of semi-detached houses, which are also in the north-eastern corner of the site (nos. 26 and 27). Adjacent these three houses is a proposed pedestrian and cycle route which connects the scheme to Whitebarn Road. House 28 is served by a new entrance onto Whitebarn Road. The vehicular access route for the other (27 no.) houses is to be through the existing entrance arrangement at Whitehall Road. In all 54 car parking spaces are proposed.
- 2.2. The development is described in the documents received on 18th November 2016 as revised by submissions of 8th March 2017, which include:
- The Planning Report and Design Statement includes an Energy Statement and a Waste Management Plan.
 - The Drainage Design report provides details of calculations for surface water attenuation and foul sewer network design as well as details of the surface water network design and specifications.
 - The Landscape Design Statement sets out specifications for planting and maintenance. It also refers to the presence of a number of invasive species on the site (Japanese Knotweed, Winter Heliotrope, Giant Hogweed and Himalayan Balsam) and sets out specific recommendations for Giant Hogweed.
- 2.3. The submissions presented in response to the request for additional information include a Stage 1 Appropriate Assessment report.

3.0 Planning History

- 3.1.** There is a long planning history related to this former industrial site. The overall lands are being developed into a 166 unit residential scheme known as Hazelbrook Square in relation to which a number of applications and appeals were made. The most relevant are listed below in summary – full details of the planning history are outlined in the application cover letter presented by the applicant.
- 3.2.** Under PL06DF.220353 permission was granted for the development of Hazelbrook Square. The north-eastern corner of the site was reserved for provision of social housing.
- 3.3.** Under PL06D.227778 an application for revisions to the above permission was granted. This related to an amendment to Block 8 to increase the number of units from the permitted 31 units to 42 no. units, a total of 240 residential units.
- 3.4.** Under a subsequent revision under PL06D.232200 permission was granted for an amendment to the scheme which related to the provision of 12 no. terraced houses in lieu of 31 apartments.
- 3.5.** Under reg. refs. D05A/0915 and D04A/0406 applications for permission were granted for houses to the rear of 78 and 80 at the opposite side of Whitebarn Road.

4.0 Planning Authority Decision

4.1. Planning and Technical Reports

- 4.1.1. Planner's report dated 19th January 2017. Policy context includes location of site within 1km of a District Centre (Nutmogrove). The application is essentially an extension to Hazelbrook Square and should be assessed in that context. The existing / permitted development comprises 166 units some of which are occupied. The layout is designed as an extension to Hazelbrook Square and there is limited scope for any alternatives. The density at the subject site is 44 units per hectare but

the overall density will be 55.7 units per hectare, which is acceptable and appropriate.

- 4.1.2. Referring to no. 28 and section K-K it is not considered to be visually incongruous. The heights including of the 3 no. two and a half storey houses are acceptable in principle and in line with existing and partly constructed development. Garden length of 9m is however inadequate. House no. 27 may be considered to result in an overbearing impact however having regard to the density of the scheme and the position of the house relative to no. 71 Whitebarn Road, removal of the house is not warranted. Housing mix is appropriate.
- 4.1.3. Regarding public open space it is considered that due to the nature of the site adequate and appropriate public open space cannot be provided – in this regard the width of the site and the relationship to houses is noted – any suitable open space if it were provided on the site would require a significant reduction in density, would not be of benefit to residents and would result in a poorer residential environment. Therefore the recommended special contribution should be levied.
- 4.1.4. There are 9 no. childcare facilities in the area and no additional requirement related to this development. No requirement for EIA. A CMP will be required under further information. The development is not to be taken in charge.
- 4.1.5. Where lands are not zoned the contiguous zoning applies and the development of the lane is considered appropriate. The building line along Whitebarn Road is breached but this is not deemed to be significant or to impact on the streetscape or residential amenity.
- 4.1.6. Further information is required including as outlined above, in the reports of other Council departments and to address discrepancies in plans and to consider the matter of Appropriate Assessment.

- 4.1.7. The subsequent Planning Report refers to the design of no. 28 which it is considered remains unacceptable resulting in overlooking - for this reason a recommendation to omit the house is made. In relation to the revised plans and the subsequent third party comments the removal of trees was subject of widespread objection but is considered acceptable. The presence of a vehicular access to no. 71 Whitebarn Road does not warrant omitting the proposed house at no. 28. The reports of the other sections are noted and generally matters are considered to be resolved. Permission is recommended.
- 4.1.8. Drainage Planning – initial report recommended further information regarding surface water drainage. Final report – conditions recommended.
- 4.1.9. Transport Planning – initial report recommended further information. Final report – conditions recommended.
- 4.1.10. Parks and Landscape Services – non-compliance with section 8.2.8.2 of CDP – refusal recommended – conditions also outlined in event of grant including payment of special financial contribution towards Loreto Park, which is within walking distance.
- 4.1.11. Housing Report – notes that the proposal is to transfer houses 26 and 27 – confirms that this proposal is capable of complying with the requirements of Part V – recommends that a condition be attached requiring the developer to enter into agreement with the planning authority.
- 4.1.12. Irish Water – initial report recommended further information regarding watermain layout. Final report – conditions recommended.

4.2. Decision

- 4.2.1. The planning authority decided to grant permission subject to conditions including:

- Omit house 28 – any future application for a house at this location to address overlooking
- Detailed requirements relating to roads layout including revisions to width of access to bicycle shed and an access road (conditions 9 and 15) and details relating to surface water drainage
- Part V agreement
- Financial contributions including a special contribution in relation to public open space
- Hours of construction.

5.0 **Grounds of Appeal / Observations**

5.1. Grounds of Appeal

5.1.1. Margaret Walsh and others

The appeal is on behalf of a number of residents of Whitebarn Road and includes the following points:

- Inadequate private and public open space and contribution to Loreto Park does not suitably address
- The 6 no. north facing houses will be overshadowed by a high wall, a 5 storey apartment block and by the three storey houses at either end
- Lack of clarity about the mature deciduous trees which should be retained
- As indicated in enclosed separate submission removal of trees would contravene ‘DLR Trees – A tree strategy for Dun Laoghaire-Rathdown 2011-2015’
- The Leylandii and deciduous trees address air quality and amenity concerns.

5.1.2. Paul and Finola Dolan

The appellants reside at 43 Nugent Road and state :

- The defined site incorrectly includes an access road where it is proposed to construct 3 no. houses – this part of the site is not zoned
- If rezoning is not considered necessary then the part of the development on this road should be considered as infill rather than new development
- While permission has been refused for house no. 28 it would be better if that land was considered simultaneously with the remainder (to prevent overlooking)
- Houses 26 and 27 are overbearing and should be combined into one smaller unit with a dormer or flat roof – these are overbearing in height and not consistent with similar infill houses on the same road
- Inaccurate dimensions – actual width of site is 15010 – consequences for residential impact and drainage wayleave
- Height and density of houses 26 and 27 will set precedent for plots to the west of Whitebarn Road
- The Council has provided the site in return for a completed apartment block and has prioritised the provision of the same number of units (28 no.) ahead of the protection of amenity – the development should not be as high as proposed and should be in line with previous permissions in the area.

5.2. Observations

5.2.1. The observation submitted by the owner / occupant of 71 Whitebarn Road states as follows :

- The breach of the building line by 3m in front of my own house presents an unsightly gable and interferes with natural sightlines and causes a security concern

- The development blocks off the vehicular entrance to my north boundary which I have enjoyed for in excess of 50 years – I would be agreeable to a new vehicular access road from the new access road at Hazelbrook Square.

6.0 Responses

6.1. Planning Authority response

6.1.1. No further detailed comments.

6.2. First Party response

6.2.1. The main points of this response are:

- All rear gardens are over 60 square metres in area and have good aspect
- Public open space when taken in conjunction with the overall Hazelbrook Square scheme is 13.5% and at the current site is 420 square metres
- The planning authority has erred in the required special contribution
- The existing mature trees are not appropriate and there is considerable replacement planting proposed which will provide a pleasing solution
- The former road is not and never was a public road – it is part of the site and is zoned for development
- The layouts for houses 26, 27 and 28 is resolved and the submission to the planning authority refers to the revision to fenestration to avoid overlooking

- The houses 26 and 27 are an appropriate response to the site and maintain privacy and amenity and while they contain an attic they are the same height as many existing houses at Whitebarn Road and of other proposed houses
- The image presented from 43 Nugent Road is misleading
- Site measurements are correct
- Any future developments to rear gardens will be subject to separate applications and will have to demonstrate compliance with the plan and sufficient legal interest in the private road.

7.0 Policy Context

7.1. Dun Laoghaire Rathdown Development Plan 2016-2022

Under this plan the site is zoned Objective A, which relates to residential development and the protection of residential amenities.

Policy RES3 refers to the promotion of higher residential densities subject to ensuring that there is a balance between the reasonable protection of existing residential amenities and the established character of the area and the need to provide for sustainable residential development.

The plan sets out a range of detailed development management objectives including in relation to the provision of public open space in the amount of 15 square metres per person and a minimum rear garden area of 60 square metres.

8.0 Assessment

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

- Principle – including consideration of the provisions of the development plan.
- Density, housing mix and open space.
- Design and Layout
- Future management proposals and impact on development potential.
- Other issues.
- Appropriate Assessment.

8.2. Principle

I consider it reasonable to assess the nature and detail of the residential scheme in the context of the overall development at Hazelbrook Square. In this regard I note and concur with the comments of the planning authority that the subject development effectively forms an extension of the larger scheme, which is nearing completion and that options for alternative layouts are limited. This is relevant to the assessment of density and open space as is considered in the foregoing. The site is within an area which is zoned for residential development, close to a district shopping centre and to public transport services and community and other facilities. In principle the completion of the redevelopment of these former industrial lands for residential use is acceptable and suitable and in accordance with the proper planning and sustainable development of the area.

The site zoning ‘Objective A: to protect and / or improve residential amenity’ applies. Part of the site however is coloured white – at this location development includes a proposed detached and 2 no. semi-detached houses. This is at the location of the former access road to the former industrial site from Whitebarn Road. Residents state that this area requires re-zoning to allow for residential development. I note that the planning authority refers to the need to take into account the contiguous zoning. I consider that this is a reasonable inference although it does not appear to be specifically addressed in the current development plan. The Board is not in any

case bound by the provisions of the development plan. I conclude that the site zoning facilitates the development proposed.

The development of this brownfield site taking into account the overall density of the scheme arising (as discussed below) is in accordance with the general policy to increase density in appropriate areas as set out in policy RES3 of the development plan.

I conclude that the scheme generally with the high level policy provisions of the development plan and is acceptable in principle.

8.3. Density, housing mix and open space

The **density** proposed taking into account the overall development, which is nearing completion is in the order of 56 units per hectare. The density thus complies with the requirements in the vicinity of district centres to propose schemes of over 50 units per hectare. The planner's report refers to the level of density if the scheme was considered as an isolated development and notes that it is too low. I agree with the overall conclusion set out in the report that it is reasonable in this instance to have regard to the overall scheme of 166 units. The development results in a total of 194 units on a site of 0.707 hectares and is acceptable in terms of its density.

In relation to the **mix of residential units** proposed the overall scheme will comprise approximately 50% apartments and 50% own-door dwelling houses. In this context I consider that the proposed 28 no. units which comprises 25 no. two-storey terraced three-bedroom residential units and 2 no. three-storey semi-detached three-bedroom residential units and 1 no. detached four-bedroom dwelling house is an appropriate mix.

The level of **open space** provided in the development can be considered in the context of the Hazelbrook Square scheme. There is dispute between the planning

authority and the applicant in relation to the level of open space proposed under the overall scheme. The site layout plan indicates two areas of open space one of which is marked as being 1,600 square metres the other as 648 square metres. A formal play zone fitted with suitable equipment provides for the needs of younger children and this is in situ in the larger open space area 'A'. There is a further open space area 'D' of stated area of 718 square metres, which is to the rear of the apartment block and is severed by a pathway, but is accessible to all residents. Additional landscaped strips are located at the entrance to Hazelbrook Square but these would not have an amenity value as such.

I have examined all submissions on file and particularly note the reply by the first party to the appeals and the report of the Parks and Landscape Services Section and the figures presented in these submissions. I find that there is no basis for the applicant's contention that the public open space proposed at Hazelbrook Square is in excess of the requirements by 13.9%. I concur with the conclusions of the planning authority that the provision of public open space is in the report of 2,966 square metres. I am completely unclear about the location of the 420 square metres open space which is stated to be provided as part of this phase of Hazelbrook Square. I can only infer that the applicant references the incidental landscape strips, which I consider cannot reasonably be categorised as public open space.

In general I support the recommendation to attach a special contribution towards works to Loreto Park, which is a substantial space within easy walking distance of the site. The alternative which the Board may wish to consider it to omit 3 no. houses (26-28) or to omit 6 no. houses (1-6) and to reserve one or both of these areas as open space. I consider this would give rise to a poor layout and that having regard to the private garden spaces proposed, the majority of which are west or south facing and to the centrally positioned open space as well as the overall nature and character of the development including the roads layout, it is not appropriate to omit houses to secure the provision of additional public open space.

I consider that the proposal overall accords with the provisions of the development plan in terms of density and open space provision.

8.4. Design and Layout

I refer herein to aspects of the scheme which are of particular concern to local residents who have made submissions. I refer also to the layout and how it might impact on the development potential of adjacent land.

In terms of the concerns of local residents these can be summarised as relating to a particular part of the site (beside nos. 26, 27 and 28 at the northern boundary) and to the proposal to remove trees situated along the eastern site boundary to the rear of 71-91 Whitebarn Road. In the third party submission to the planning authority concerns were also raised in relation to house no. 25.

House no. 28 is considered to be objectionable on the basis that it breaches the established building line, impedes the use of a vehicular access and would give rise to overlooking. The decision of the planning authority to omit this proposed house was related solely to the issue of overlooking. At the time of my site inspection I noticed that the vehicular entrance to the side of number 71 appears to have been recently used. There is no indication from the planner's report that the entrance constitutes an unauthorised development or that the use has been abandoned. It is stated to have been in situ for over 50 years and there is no evidence to dispute this.

The proposal set out in the observation, which was not circulated to the applicant is that the side entrance be replaced with a rear vehicular entrance. It would appear that the planning authority may not have been aware of the vehicular entrance prior to requesting additional information, or at least it is not referenced in the original planner's report. Notwithstanding the generally favourable approach of the planning authority to the future development of a house at this location, I consider it appropriate that the matter of the vehicle entrance be further explored prior to any such application being favourably considered. I therefore recommend that house no. 28 be omitted for reasons related to the presence of the vehicular entrance.

Regarding the 17m separation distance between houses 26 and 27 and no. 28, I consider that this is acceptable in the context of the revised fenestration.

Regarding the impact of the proposed **houses nos. 26 and 27** I consider that these might affect established residential amenities at Nugent Road. I refer the Board to the image presented which portrays the view of the side gable of a proposed house from the appellant's residence at no. 43 Nugent Road. I agree with the first party submission which generally queries the accuracy of this portray and which notes the 6m separation from the site boundary. I consider that the development and in particular house no. 26 would not adversely impact on the appellant's property in the context of a 30m separation between the rear façade and the proposed house.

I note that **house no. 25** would be closer to houses at Nugent Road. There would however be a 16m separation between the rear façade at Nugent Road and the side wall of the proposed house. I consider that the houses at the northern end of the site would not adversely affect the residential amenities at Nugent Road.

Regarding the impacts of these dwellinghouses on the amenities of no. 71 Whitebarn Road I note the observer's reference to the building line, to security and to the unsightly nature of the gable. Having regard to the limited breach of the building line and to the design and finishes I do not consider that the observer's concerns in relation to streetscape impact or to the views from her house are sustainable. In view of the orientation of the existing house relative to the proposed semi-detached houses nos. 26 and 27 I consider that the development is acceptable.

Regarding the height and design of the proposed houses 26 and 27, I note the first party comments that the height is the same as the proposed two-storey houses. I do not consider that these houses adversely impact on the amenities of the houses at Whitebarn Road.

Regarding the proposed **removal of existing boundary trees** and their replacement with a landscaped strip across from houses 7-16, the removal of trees is stated to be to facilitate the development and due to their inappropriate species. I agree with the applicant that the removal of the existing trees which are primarily Leyland Cypress is appropriate in the long-term. There is replacement planting of trees (14 no. along a 50m length) and I agree that these trees will provide a more positive impact in time. In terms of the outlook from the houses at Whitebarn Road I note the length of the rear gardens and consider that in this context there is no requirement for screening, which would warrant consideration of retaining the existing trees. I have

also considered whether there is any reason to require protection of these trees for their visual, ecological or other amenity value and I find no basis to reverse the decision of the planning authority in this respect.

I conclude that the development would not impact significantly on the amenities of the existing residents at Whitebarn Road or Nugent Road.

8.5. Development potential and future management proposals

Finally I refer to **potential for future development** of the rear gardens of Whitebarn Road and the manner in which this might be affected by the current scheme. The 35m length of the rear gardens at Whitebarn Road raises the question of whether or not in the future a limited level of residential development might be facilitated to the rear of these houses. Were that to happen the most appropriate means of access would be from the estate road, which is to be constructed to facilitate the current proposal. I would stress that the potential for development in these rear gardens would require careful assessment and might be limited to a single house of shallow plan in each plot, possibly arranged in a mews type layout.

In this context the issue of the private management of the cul de sac road is noted. The entire Hazelbrook Square development appears to have been planned from the outset as a private estate. The scheme is being constructed to standards appropriate to taking in charge by the local authority. The private management of residential developments would be contrary to national policy as set out in circular PD1/2008. The planning authority reports give no indication that there is any objection to the private management model. Indeed the Parks and Landscape Services Section indicate that due to the lack of open space it would not be appropriate to take the current scheme in charge.

The control of the estate road by the developer would be likely to preclude future development of the rear gardens for limited residential development. The comments made in the first party response to the appeal are noted in this regard. These comments refer to the fact that houses numbered 25 and 26 would not set a precedent for future further development. In my opinion that house typology and density could not in any case be replicated across the remainder of the rear gardens as there would be inadequate separation. In the event that the Board considers that

there is long-term potential for development at the rear of nos. 71 to 89 Whitebarn Road consideration might be given as to the appropriateness of the front building line and design of units 26 and 27, bearing in mind also that they are indicated as being suitable for complying with Part V.

I have referred earlier to the suggested relocation of the vehicular entrance at no. 71 to a position abutting the estate road. In the event that the Board considers that the future development of the lands to the rear of Whitebarn Road is in principle in accordance with the proper planning and sustainable development of the area then this matter could be raised by way of a request for additional information. It would be appropriate in that context to request the applicant to consider an alternative to the front garden parking and a revised building line.

I have reservations about the nature of the proposed development and its impact on the development potential of the area. A grant of permission for the scheme as laid out would militate against the future realisation of any development potential of the rear of 71-89 Whitebarn Road. On balance I am satisfied that the development is acceptable. In the context of the larger Hazelbrook Square development and the generally low level of provision of public open space together with the marginal nature of the rear garden lengths which might be developed, I recommend that the proposed development be permitted. The only substantive amendment required relates to the vehicular access at no. 71 Whitebarn Road, which I address by the recommended condition to omit house no. 28.

8.6. Other issues.

- 8.6.1. The level of social housing has been raised in third party submissions. No issues relevant to this decision emerge in my opinion and the resolution of matters under Part V can be resolved by agreement with the planning authority. A condition is recommended.
- 8.6.2. There is no requirement in this instance for EIA. The development is considerably below the threshold and there is no likely significant effects to warrant a sub-threshold assessment.
- 8.6.3. The landscape report refers to a number of invasive species on the site. In view of the brownfield nature of the site and the significant construction which has taken

place in the vicinity, any matters relating to the control of invasive species on the site are likely to have been resolved. The planning authority did not raise this matter as a concern. There are separate codes which cover the control of spread of certain species. In this context and in view of the nature and location of the site I do not recommend that the Board further consider this issue.

8.6.4. I note that the application submissions refer to the number of childcare facilities in this area and that the planning authority previously accepted that there was no requirement for on-site provision. I agree with that position.

8.6.5. The application submissions details relating to the roads layout, parking and bicycle parking and the concerns of the Transportation Section were reasonably addressed during the consideration of the application by the planning authority.

8.6.6. The provision for surface water attenuation and for foul drainage and water supply are adequately resolved subject to further agreement with the appropriate authorities.

8.7. Appropriate Assessment

8.7.1. The application submissions include a Stage 1 AA Screening report. This considers primarily the effect of the development in terms of foul and surface water which will ultimately enter Dublin Bay. It concludes that there will be no likelihood for significant effects on any European site and no adverse impacts to European site integrity arising from surface and foul water discharges in the construction and / or operation phase in combination with other plans or projects. This conclusion is based on the nature of the development including the design mitigation measures presented, the unpolluted status of the waters of the bay, the planned upgrade of Ringsend WWTP and lack of proven connection between the WWTP and nutrient enrichment in the bay as well as the rapid mixing which takes place in the bay.

8.7.2. 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 8th day of March, 2017, 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. House no. 28 shall be omitted. Any future application for permission for a house at this location shall incorporate a replacement vehicular access to no. 71 Whitebarn Road or shall demonstrate the consent of the owner of that property to the making of the planning application.

Reason: In the interest of orderly development.

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 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. Each proposed house 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.

6. Parking spaces shall not be sold or let independently of the residential units. Parking spaces for visitors and disabled parking shall 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.

7. 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.

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. 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.

10. 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.

11. 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.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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.

14. 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 Loreto Park. 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

25th July 2017