



An  
Bord  
Pleanála

## Inspector's Report PL.06F.248440.

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<b>Development</b>	Construction of 8 No. houses.
<b>Location</b>	The former Lighthouse Bar, Church Street & 1 and 2 Howth Terrace, Howth, Co. Dublin.
<b>Planning Authority</b>	Fingal.
<b>Planning Authority Reg. Ref.</b>	F16A/0431.
<b>Applicant(s)</b>	Deanscastle Developments.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Bernie Verdon.
<b>Observer(s)</b>	Cllr David Healy.
<b>Date of Site Inspection</b>	1 <sup>st</sup> August 2017.
<b>Inspector</b>	Karen Kenny.

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## 1.0 Site Location and Description

- 1.1. The site is located in the historic core of Howth Village at the corner of Church Street and Howth Terrace.
- 1.2. The rectangular site has a stated area of 0.75 hectares and is an amalgamation of plots No. 1 and No. 2 Howth Terrace and the Lighthouse Bar site. There are two 19<sup>th</sup> century two storey buildings fronting Howth Terrace and the former Lighthouse Bar site along Church Street, which contains the unfinished shell of the former bar structure and an open yard.
- 1.3. The surrounding area is primarily residential in character and there is also a number of commercial units in the area. Church Street and Howth Terrace slope steeply upwards from the junction of Church Street and Howth Terrace and buildings along both streets are stepped. Structures in the immediate vicinity of the site are predominantly two storey with pitched roof over. Plots are relatively small and narrow (generally two or three bays) creating a visible rhythm along both streets.

## 2.0 Proposed Development

Permission was sought to construct a residential development comprising 8 No. two storey dwellings (7 No. 2 bed and 1 No. 3 bed) along Howth Terrace and Church Street with an internal courtyard to the rear. The development included:

- Demolition of the Lighthouse Bar, save a 5 metre bay adjacent to No. 3 Church Street.
- Demolition of structures to side and rear of No. 1 and No. 2 Howth Terrace and retention of the main structures.
- Significant new build sections between No. 1 and No. 2 Howth Terrace and along Church Street.

The scheme was altered in response to requests for further information and clarification of further information. The approved scheme incorporates 7 No. two storey dwellings (7 No. 2 bed) all with own door access from Church Street and Howth Terrace, 7 No. car parking spaces in an internal courtyard with vehicular

access from Church Street. Open space is provided in the form of private terraces to units No. 1, 2, 3, 4 and 7 and first floor balconies to units No. 5 and 6.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant Permission, subject to 16 No. conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The Planning Officer's initial assessment outlined concerns in relation to the design of the proposed development and its compliance with development standards. Concerns were raised in relation to the proposed elevation to Church Street, design details relating to No. 1 and No. 2 Howth Terrace and compliance with development standards including car parking, private open space and internal space standards. Following the submission of further information and clarification of further information to address the concerns of the Planning Authority, permission was granted for an amended scheme of 7 No. dwellings.

##### **3.2.2. Other Technical Reports**

Transportation Section: No objection.

Water Services: No objection.

Conservation Officer: No objection subject to conditions.

#### **3.3. Prescribed Bodies**

Irish Water: No objection.

DAHG: No response.

### 3.4. **Third Party Observations**

3 No. submission were received. The issues raised are similar to those set out in the grounds of appeal below.

## 4.0 **Planning History**

### **FS97/16/053:**

Certificate of exemption granted for 8 No. two storey townhouses on the appeal site.

### **ABP PL06F.234315 / PA Ref. F09A/0115:**

Permission granted for retention of alterations and for further alterations to development granted under F04A/0548 at The Lighthouse Pub, Church Street Howth. Permission granted on appeal to An Bord Pleanála.

### **ABP PL06F/222882 / PA Ref. F06A/1704:**

Permission granted for retention of alterations and for further alterations to development granted under F04A/0548 at The Lighthouse Pub, Church Street Howth. Permission refused on appeal to An Bord Pleanála.

### **F05A/1757:**

Permission refused for alterations to development granted under F04A/0548.

### **F04A/0548:**

Permission granted for alterations and extension to existing licenced premises to include demolition of existing single storey stores, for provision of additional car parking, for basement extension to provide kitchen, office and storage facility, single storey lounge extension, and reconfiguration of existing toilets, change of use of first floor from private residence to 3 No. 2 bedroom apartments and alterations to elevations at The Lighthouse Bar, Church Street Howth. This permission was extended for 12 months and expired in July 2010.

### **F03A/0383**

Permission sought for alterations and extension to existing licenced premises. No response to a request for further information.

**F96A/0574:**

Permission refused for alterations and extension to the existing Lighthouse Bar.  
Permission granted by An Bord Pleanála on appeal.

**F95A/0079:**

Permission granted for alterations to The Lighthouse Pub, Church Street Howth.

**F98A/0997:**

Permission refused for hackney cab office at 1 C, Howth Terrace.

**F93A/0044:**

Permission granted for change of use of retail shop to take away at No. 1 Howth Terrace.

## **5.0 Policy Context**

### **5.1. National Context – Architectural Heritage Protection Guidelines for Planning Authorities (DAHG) 2011**

The guidelines state that when it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance. Generally, it is preferable to minimise the visual impact of the proposed structure on its setting. The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design. However, replacement in replica should only be contemplated if necessary, for example, to restore the character of a unified terrace and should be appropriately detailed. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character.

## 5.2. County Development Plan

The Fingal County Development Plan 2017-2023 is the relevant statutory plan. A number of Development Plan objectives are considered to be relevant:

- The appeal site is zoned TC with an objective to “Protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities’. It is a Strategic Policy of the Development Plan to consolidate development and protect the unique identity of a number of settlements including Howth.
- The Development Plan states that Howth is a distinctive settlement located within a unique natural and built environment, with an important maritime heritage focused on the historic harbour. The development strategy seeks to protect its character and strengthen and promote provision of a range of facilities. Objective Howth 1 is to ‘ensure that development respects the special historic and architectural character of the area’.
- The appeal site is located in the Howth Historic Core ACA. Objective CH32 seeks to avoid the removal of structures that positive contribute to the character of an ACA. Objective DMS157 seeks to ensure that any new development positively enhances the character of the area and is appropriate in terms of the proposed design, including: scale, mass, height, proportions, density, layout, materials, plot ratio, and building lines. Objective DMS158 requires all planning applications in ACA’s to have regard to the information in Table 12.11.
- Local Objective 112 is to ‘preserve the public view from Howth Terrace to Howth Harbour’.
- Objective DMS04 is to ‘access applications for change of use in all urban and village centres on their positive contribution to diversification of the area together with their cumulative effects on traffic, heritage, environment, parking and local residential amenity’.
- Objective DMS24 is to ‘require that new residential units comply with or exceed the minimum space standards as set out in Tables 12.1, 12.2 and 12.3 of the Development Plan.

### 5.3. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

There is one third party appeal. The principal grounds of appeal are summarised as follows:

- Development proposal for subject site is welcome and no principled objection to residential development.
- Concern that the type and scale of development permitted should be in keeping with the character and pattern of development in the area and be compliant to the Development Plan.
- Development is inconsistent in terms of density, form, scale and location with the character and pattern of development in the area. This is exacerbated by the impact it would have on No. 3 Howth Terrace.
- Proposed development represents over development of the site. A maximum of 6 No. dwellings should be provided.
- The development by virtue of its location, juxtaposition, design and scale would negatively and significantly affect the objectives and policies of the Development Plan, the Howth Urban Centre Strategy, the ACA and Special Area Amenity Order for the Howth Peninsula.
- The subject buildings are within the 'Village Core Area' of Howth as detailed in the Howth Urban Design Strategy. The Streetscape on Harbour Terrace would be negatively affected by the insertion of first floor balconies.
- The site is within an ACA and the integration of the site into the general streetscape is important.
- Table 12.1 of the Development Plan sets out minimum space standards for residential units – differentiating houses from apartments.



- Houses usually have private open space and 3 bed houses or less have a minimum requirement for 60 square metres open space in the Development Plan. Objective DMS88 allows a reduced standard of private open space for 1 and 2 bedroom townhouses only in circumstances where a particular design solution is required such as to develop small infill / corner sites and states that in no instance will the provision of less than 48 square metres of private open space be accepted.
- There are an inadequate number of car parking spaces to serve the number and size of units proposed by reference to the standards set out in Table 12.8 of the Development Plan.
- Inadequate arrangements to attenuate surface water to comply with SUDs principles.
- The residential amenities of adjoining properties, particularly No. 3 Howth Terrace, will be significantly affected by the proposed development due to overlooking, overshadowing and overbearing impacts and by the increase in traffic in the area leading to a loss of car parking spaces close to existing residences.

## 6.2. Applicant Response

- The appeal site is an infill corner site located in an area that is zoned Town Centre.
- The applicant decided to redevelop the site to match the existing urban grain and pattern of development in the area as opposed to providing a modern building.
- The request for additional information and clarification of further information ensured that the development accords with the character of the area.
- The assessment should take account of the location within a town centre and access to public transport, the existing pattern of development in the area, car parking in the vicinity, development plan provision and make concessions in relation to parking standards.

- Development Standards referenced in the appeal are normally applied on greenfield sites. Standards relating to open space, density, residential amenity, car parking etc. have to be interpreted with a degree of understanding of the context and layout of the area.
- In relation to the impact of unit No. 1 on the immediate neighbouring property owned by the appellant, the applicant suggests that the single storey element to rear comprising a living area and store could be amended to address the appellant's concerns. A drawing submitted with the appeal response details a mono pitched roof over this section, set off the boundary by a linking flat roof section. The drawing would also appear to omit the slatted hard wood trellis fixed above the existing party wall.

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

- No further comments on issued raised in the appeal. The proposed development would provide enclosure and an effective urban design response in addition to allowing for appropriate redevelopment of a constrained and long derelict corner infill site within the historic core of Howth Village.

### 6.4. **Observations**

An observation has been received from Councillor David Healy. The observations can be summarised as follows:

- The development is significantly better than that initially applied for with much better treatment of the street frontage.
- There are long standing problems with the relationship of this site to its neighbours.
- Church Street is part of the Howth Historic Core ACA and the proposed car park access is contrary to the purposes of an ACA designation. The provision of a car park entrance is inconsistent with a traditional streetscape and seriously damages the amenity value of the street for pedestrians and the general public.
- The CDP does not require the provision of on-site car parking.

- There is substantial public parking in the dedicated car park on Harbour Road and on adjacent streets. The location is well served by public transport.
- The use of almost all of the unbuilt proportion of the site for car parking means that the private open space requirements of the Development Plan are not being met.

## 6.5. Further Responses

None.

## 7.0 Assessment

I consider that the main issues in this case are as follows:

- Principle of Development
- Visual Impact and Impact on Character of the Area
- Development Standards
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment

### 7.1. Principle of Development

The application site is zoned Town and District Centre (TC) with an objective to “Protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities’. Residential development is acceptable in principle within the zoning category, subject to the assessment of the relevant planning issues identified below.

### 7.2. Visual Impact and Impact on Character of the Area

- 7.2.1. The appeal site is a prominent corner site within the Howth Historic Core ACA. There are a number of existing structures on the site including two 19<sup>th</sup> century two storey terraced buildings that are in relatively good condition and a former public bar that was subject to a redevelopment project that was not completed. The unfinished shell of this structure remains on the site and detracts from the visual amenity of the

area. No. 1 Howth Terrace is a prominent structure given its location on the corner of Howth Terrace and Church Street. No. 2 fronts Howth Terrace only. These buildings are reflective of the historic character of the area. The shell of the Lighthouse Bar and associated yard area fronts onto Church Street.

- 7.2.2. Permission was granted for the construction of 7 No. two storey dwellings. It is proposed to incorporate significant sections of No. 1 and No. 2 Howth Terrace into the development including the principal facades and to incorporate a 5 metre bay of the former Lighthouse Bar (5 metre bay) adjacent to No. 3 Church Street. The remaining development would be new build including an infill section between No. 1 and No. 2 Howth Terrace.
- 7.2.3. The grounds of appeal argue that the development is not in keeping with the character and pattern of development in the area. The Planning Officer's initial assessment outlined a number of significant concerns in relation to the design of the proposed development. The concerns included the long linear length of the elevation proposed to Church Street, the absence of access doors onto Church Street, fenestration and proposed balconettes at first floor and alterations to the structures along Howth Terrace. The applicant submitted further information and clarification of further information that included alterations to the scheme to address the concerns raised by the Planning Authority. In addressing the concerns, the applicant sought to reflect the character of existing development and to harmonise with the terraces on either side as opposed to introducing a contemporary design. Given the relatively uniform character of development in the area this is considered an appropriate response.
- 7.2.4. The development approved by the Planning Authority includes an elevation to Church Street that is broken up into narrow bays and incorporates doorways onto the street, finished floor levels and roof profiles are stepped to reflect the nature of development along the street and detailing such as windows and opes reflects the character of dwellings in the vicinity. Proposed alterations to the front / side elevations of No. 1 and No. 2 Howth Terrace were revised to address the concerns raised in the Reports of the Conservation Officer, including the omission of a proposed roof terrace at second floor, amendments to window opes and an agreed methodology for salvage of existing materials from wall sections to be removed.

- 7.2.5. I would note that a condition of the permission requires the applicant to replace a flat roof single bay element along Church Street with a pitched roof and to redesign the windows open in this section to match unit No. 4 (as opposed to unit No. 3) and to omit a long narrow window. The flat roof section and long window provides an element of variety that sit well within the overall scheme, and I consider that these elements contribute to the overall design quality of the scheme.
- 7.2.6. The overall scale and massing of the development is reflective of existing development in the immediate vicinity, to include building height, depth and overall massing. The architectural treatment would make a positive contribution to the streetscape at this prominent location within the historic core of Howth and would be in keeping with the character of development in the immediate vicinity. The proposed development is also consistent with the objective of the Development Plan to ensure that new development in an ACA positively enhances the character of the area and is appropriate in its design (Objective DMS157).

### **7.3. Impact on Residential Amenity**

- 7.3.1. The grounds of appeal argue that the development would impact on the residential amenities of adjoining properties, with specific reference to the impacts on No. 3 Howth Terrace, due to overlooking, overshadowing and overbearing impacts.
- 7.3.2. The overall scale and mass of the development reflects the pattern of development in the immediate vicinity and the proposed internal courtyard provides a buffer between the development and adjoining residential properties. The grounds of appeal raise concerns in relation to overlooking from first floor balconies. I would note that the number of balconies has been reduced in response to a request for additional information to address the Planning Authorities concerns in relation to overlooking. The approved first floor balconies to units No. 5 and No. 6 are setback by over 8 metres from the site boundary. Having regard to the urban context and the absence of any directly opposing first floor windows, this is considered to provide an acceptable set back. This is discussed further in section 7.4 below, and it is recommended that a ground level terrace is provided for unit No. 5 in lieu of the first floor balcony.

- 7.3.3. The grounds of appeal argue that the single storey element to the rear of unit No. 1 would block light to the ground floor windows and doors of the adjoining dwelling to the south (No. 3 Howth Terrace) and requests that the height of this element is reduced to match that of the existing boundary wall or omitted in full. The interface between proposed unit No. 1 and No. 3 Howth Terrace is detailed in drawing AI\_03-02b, section B-B. The single storey projection adjoining the appellant's property extends along the property boundary by c. 5 metres and has a parapet height of 3 metres which is c. 0.9 metres above the height of the party wall. While I would note that the applicant's response to the grounds of appeal indicates a willingness to alter the roof, I consider that this element of the development by reason of its scale and orientation, would not give rise to undue overlooking or overshadowing of the adjoining property to the south. I would note that it is proposed to erect slatted hardwood trellis affixed to the existing southern boundary with No. 3 Church Street that would effectively raise the height of the entire boundary to 3 metres (Drawing A.I\_03-02b – Section F-F refers). A boundary of this scale would have the potential to be overbearing when viewed from the adjoining property to the south and it is recommended that the height is restricted to a maximum of 2 metres above the stated ground level within the appeal site of 16.15 metres.
- 7.3.4. Having regard to the nature and scale of the proposed development, and the pattern of development in the area, it is considered, subject to the alterations recommended above, that the proposed development would not seriously injure the residential amenities of property in the vicinity and would not be injurious to the visual amenity of the area.

#### **7.4. Development Standards**

- 7.4.1. I would note that while the proposed units are designed as own door houses, the Planning Authority assessed the development against the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments (2015) and the Apartment Standards of the Development Plan. Having regard to the infill nature of the development on a restricted urban site, the historic context and the size of each unit, it is considered that this approach is acceptable and it is in this context that I consider the proposed development.

- 7.4.2. The approved development comprises 7 No. two bed units with overall floor areas ranging in size from 75 square metres to 126 square metres. I would note that all units comply with the internal space standards of the Apartment Guidelines, save the width of a living room in unit 1, which is part of an existing residential property (No. 2 Howth Terrace). All units are dual aspect.
- 7.4.3. The development approved by the Planning Authority incorporates private open space in the form of ground level terraces for units No. 1, 2, 3, 6 and 7 and first floor balconies for units No. 4 and 5. The spaces range in size from 7.3 square metres to 10 square metres and comply with the requirements of the Development Plan and the Design Standards for New Apartments. I would note that a balance needs to be struck between open space provision and the level of car parking provision within the internal courtyard. In response to a request for clarification of further information the applicant offered two solutions for the Planning Authority to consider. Option A incorporated 7 No. car parking spaces, 2 No. first floor balconies and 5 No. ground level terraces. Option B incorporated 6 No. car parking spaces, 1 No. first floor balcony and 6 No. ground level terraces, with the terrace for unit No. 4 increased also. The applicant's stated preference is for Option B. The Planning Authority granted permission for Option A on the basis that this would provide 1 No. car parking space for each dwelling. The Development Plan states that car parking standards provide a guide as to the number of required off street parking spaces and allows for reduced provision at locations that are within 1600 metres of a DART station. The appeal site is within 400 metres of Howth DART Station. The Development Plan standard would equate to a requirement for 11.5 No. car parking spaces (1.5 per dwelling and 1 visitor space per 5 dwellings). The Report of the Transportation Section notes that the existing development has a demand for 4.5 spaces that is currently met on street and recommends that a minimum of 1 No. car parking space be provided for each unit. Having regard to the town centre context, the proximity of the site to DART and bus services and the availability of on street car parking in the area, it is considered that 6 No. spaces is adequate to serve the development and that the omission of the space adjacent to unit No. 5 would allow for the provision of a ground level terrace for unit No. 5, an improved terrace for unit No. 4 and a more coherent courtyard space. This approach would also address some of the appellant's concerns in relation to overlooking from first floor balconies.

- 7.4.4. I would note that communal open space is limited to the left over spaces within the internal courtyard. While the internal courtyard has the potential to provide a 'shared space' that offers a high level of amenity, the details submitted with the application fail to make adequate provision for the design and landscaping of this space. If the Board is minded to grant permission, I would recommend that a condition is attached requiring the submission of a detailed landscaping scheme for the courtyard.
- 7.4.5. Table 12.9 specifies a standard of 1 No. bicycle parking space for a 1-bedroom apartment or townhouse. The approved development incorporates a bike store with a floor area of c. 10 square metres, which meets the requirements of the Development Plan.
- 7.4.6. I am satisfied that the development is in accordance with the development standards of the Fingal County Development Plan 2017-2023 and that it would support an acceptable level of residential amenity.

#### 7.5. **Other Issues**

- 7.5.1. The appeal submission raises concern in relation to the vehicular access from Church Street. The proposed vehicular access is designed to an acceptable standard and would not give rise to a traffic hazard or unacceptable inconvenience to road users.
- 7.5.2. The grounds of appeal state that adequate arrangements have not been made to attenuate surface water. No further detail is provided. The Engineering Assessment Report and the drawings and details submitted with the application and in response to the request for additional information are considered to satisfactorily address surface water drainage.

#### 7.6. **Appropriate Assessment (AA) Screening**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.



## 8.0 Recommendation

Having regard to the 'Town Centre' zoning of the site and the pattern of existing development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would not conflict with the objectives of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 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 22<sup>nd</sup> December 2016 and 20<sup>th</sup> 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. The proposed development shall be completed in accordance with Option B detailed on drawings No. A.I.\_03-01b, A.I.\_03-02b, and A.I.\_03-03b (A.I. Clarification) submitted to the Planning Authority on 20<sup>th</sup> March 2017.

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

3. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

This scheme shall include the following:

- (a) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) Proposed locations of trees and other landscape planting in the

- development, including details of proposed species and settings;
- (c) Details of proposed street furniture or features, including any bollards and lighting fixtures;
  - (d) Details of proposed boundary treatments at the perimeter of each dwelling, including heights, materials and finishes.

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

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

- 4. The height of proposed slatted hardwood trellis affixed to the existing southern boundary wall shall not exceed the stated ground level of 16.15 metres by more than 2 metres.

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

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

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

- 6. 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.

- 7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

- 8. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the materials to be used

in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

9. Car parking spaces shall be reserved solely for the use of the occupants of the proposed development and their visitors and shall not be sold off separately or sub-let.

**Reason:** To ensure that car parking is available for use by the occupants of the development.

10. Proposals for a 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 street signs and house numbers, shall be provided in accordance with the agreed scheme. No advertisements / marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

11. 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.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

14. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

15. 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.

16. 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 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.

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Karen Kenny  
Planning Inspector

14<sup>th</sup> August 2017