



An  
Bord  
Pleanála

## Inspector's Report PL06S.248760

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<b>Development</b>	23 No. Houses, 6 No. Apartments, Retail Units, market square, access roads and footpaths, car parking, signage, foul sewer network, watermain, utilities
<b>Location</b>	Drumlonagher, Main Street, Newcastle, Co. Dublin
<b>Planning Authority</b>	South Dublin Co. Co.
<b>Planning Authority Reg. Ref.</b>	SD17A/0010
<b>Applicant(s)</b>	Pavement Homes Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Will Brien
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> of October 2017
<b>Inspector</b>	Caryn Coogan.

## 1.0 Site Location and Description

- 1.1. The site is located in the village of Newcastle, Co. Dublin. It is a square infill site positioned beside a parade of convenience shops, beside St. Finians community hall and a school, and abutting dwellings houses along its northern and eastern site boundaries. Newcastle is located at the junction of the R120 and the R405 Regional Roads, and the site is 3km north of the N7 at Rathcoole, and 9km west of Tallaght. Newcastle village lies to the west of Baldonnel the HQ of the Air Corps.
- 1.2. The site is orientated towards the Main Street of the village towards the south. There are mature trees along the front streetscape boundary of the site. As stated there are dwellings backing onto the site along the eastern and northern site boundaries (Newcastle Glebe) with 1.8metre boundary walls, and a shop along the western site boundary. There is an existing agricultural access to the site off the Main Street. The general topography is level, the site is covered in grass, and is not currently in use. The site falls slightly in a northerly direction towards the rear boundary.
- 1.3 The front of the site consists of a stone wall and piers at the field entrance. There are some quality trees along the road frontage. There is a 2metre footpath to the front of the site, with bins and seating.

## 2.0 Proposed Development

- 2.1. The proposed development can be described in detail as  
21 three bedroom, two storey dwellings

- 2No. two bedroom two storey dwellings
- A two storey convenience retail unit on the ground floor and apartments on the first floor
- The construction of a 2metre high boundary fence to the east and west boundaries, with 1.8metres concrete post and timber fencing between the dwellings
- Ann ancillary site works

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

South Dublin granted the proposed development subject to 35No. standard conditions relating to a housing estate development proposal.

The conditions were standard condition apartment from a number of site specific conditions which included:

- Removal of Dwelling No. 28 and replacement with a ground floor extension to Unit No. 26 which has a minimum separation distance of 1metre from eastern boundary.

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

##### **3.2.1. Planning Report**

- The proposal is for 29No. residential units and 3No. commercial units. The subject site is zoned Village Centre under the South Dublin Co. Co. Development Plan 2016-2022. Under the Newcastle LAP 2012 that site is located in the Main Street Neighbourhood. A Market Square has been identified for the site for village events with an element of public parking. The proposed uses are acceptable.

- The LAP states for village centre a net average density of 30-35 units is acceptable. The site is 0.8ha, and the proposed density is calculated at 38.5 units/ ha which is considered to be excessive.
- Additional information is required in relation to the overall design and finish of the scheme.
- The minimum separation distances of 22metres is required along the northern and eastern site boundaries
- The apartments above the commercial units and there is an acceptable number of dual and single aspect apartments. Apartment No. 4 requires revisions as it does not meet with standards.
- The open space and building heights are considered to be acceptable.
- Details of bin storage to be provided
- Oversupply of parking.

#### ***Additional Information***

- The Conservation Officer was satisfied with revised design proposal. There is an Architectural Impact Statement submitted. The apartments have an end of block unit which has dual aspect. There was shadow analysis provided with the revised proposals. The revised proposal consists of **22 dwellings, 6 apartments and 3 commercial units**, leaving a density of 38.5 units per hectare. The open space provision is in line with Table 11.20 '*Provision Space Standards for Houses*'. The number of carparking spaces was reduced and the estate was made refuse truck friendly.

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

- Part V requirements to be conditioned
- Roads – No objection, subject to conditions
- Architectural Conservation – Further Information required.
- Water Services – No objection
- Irish Water – No objection

### 3.3. **Prescribed Bodies**

Department of Defence – The development may experience noise from aviation movements.

Inland Fisheries has no objection to the proposal.

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

A number of third party submissions were received. Concerns expressed included:

- Height of Commercial unit
- Height of residential block
- Overlooking
- Wheelchair accessible
- Impact on archaeology
- Parking provision low
- New square will be of great benefit to the village
- New convenience shopping of great benefit to the village

## 4.0 **Planning History**

No recent planning history relating to the subject site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### ***South Dublin County Development Plan 2016-2022***

CS4 Small Towns

Policy CS6 Objective 2: To support a plan-led approach to the LAP

Policy H6 Sustainable Communities

Policy H7 Urban Design in Residential Developments

Policy H8 Residential Densities

Section 6.4.3 Roads and Street Design

***Newcastle Local Area Plan 2012***

The zoning objective is **VP – to protect, improve and provide for future development of village centres'**

Newcastle village is an Architectural Conservation Area (ACA).

Section 3.6 Residential Development and Density

Section 3.7 Commercial and Community Floorspace

Section 3.11 Building Heights

Section 7.0 Standards and Design Criteria

## **5.2 Relevant Government Policy**

Quality Housing for Sustainable Communities – Best Practice Guidelines 2007;

Sustainable Residential Development in Urban Areas 2008;

Urban Design Manual;

Sustainable Urban Housing : Design Standards for New Apartments – Guidelines for Planning Authorities.

Resign Manual for Urban Roads and Streets 2013;

Site layout Planning for Sunlight and Daylight

## **6.0 The Appeal**

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

Will Brien of 4 The Glebe, Main Street, Newcastle has taken this third party appeal.

A summary of the appeal is as follows:

***Proximity of Elements of the Proposal to 4 The Glebe***

- The dwelling at No. 4 The Glebe is larger than shown on the application drawings because the main house is greater in scale and therefore closer to the proposed development than is indicated on the application drawings, the drawings do not show the extension at No. 4 The Glebe, and therefore the application underestimates the distance of the proposed development from the house
- The application drawings do not show the garden wall bounding the private amenity space of No. 4 The Glebe which is located to the west of the house and along the eastern boundary of the application site. No. 4 fronts onto Main Street, surrounded by a low boundary wall, the garden area is openly visible, and over looked from Main Street.

### **6.2 *Impact of Proposed Development – Overshadowing***

The proposal will result in a loss of amenity to No. 4 due to the close proximity of the proposed development to his property and the proposed height of 7.5metres. The proposal will result in significant overshadowing of the rear garden at No. 4 especially during afternoon and evening times where there is a high expectation of sun because of the west facing orientation. The western façade of No. 4 accommodates windows serving the principal habitable rooms of the dwelling. The overshadowing will result in a considerable and negative impact on the amenity currently enjoyed in those rooms. The living room/ kitchen area will suffer a considerable loss of light. Minor changes such as reduction in height closest to the boundaries and increasing separation distances would mitigate predicted impacts to the residential amenity of No. 4 The Glebe.

### **6.3 *Impact on Visual Amenity***

Due to the height, scale and proximity the proposal will be overbearing and oppressive when viewed from principle views of their dwelling. The black façade of the proposed commercial/ residential block will rise to height of just under 7.5metres at a distance of 1.3metres from the rear garden/ private amenity space of No. 4 The Glebe. The height of the proposal could be increased by the terms of Condition No. 6 (b). Any amendment to the treatment of the eastern commercial end and residential block should be the subject of public consultation and not compliance with a condition. The development will create an oppressive tunnel affect when viewed

form their garden and will dominate views from all west facing windows and from the rear garden at No. 4. The proposal is contrary to the South Dublin County Development Plan having regard to policies requiring that infill development provide transition height, in terms of the stark two storey commercial proposal and the single storey dwelling at 4 The Glebe.

#### **6.4 *Impact in terms of Privacy and Overlooking***

The subject application proposes neither sufficient separation distance for visual privacy nor appropriate mitigation measures at points where overlooking is most likely to occur. The development plan provides a general separation distance of 22m between opposing first floor windows. As No. 4 is inaccurately indicated on the drawings, the proposal has failed to meet the required separation distances. The shallow depth of the rear garden at No. 4 provides limited opportunity for the planting of trees to block views into rear windows. Should the Board grant the proposal, the development should be set back to mitigate concerns of overlooking. The commercial unit has large windows that will overlook rear gardens of units 32 to 46 and the rear gardens to the western side of Peamount Road.

#### **6.5 *Refuse Storage***

All refuse storage associated with the proposed development should be stored away from No. 4 The Glebe in accordance with Section 11.6.5 (ii) of the development plan.

#### **6.6 *Conclusion***

The third party supports the principle of the development.

#### **6.7 *Applicant Response***

There was no response from the applicant to the third party appeal.

#### **6.8 *Planning Authority Response***

The planning authority confirms its decision.

### **7.0 *Assessment***

#### **7.1. *Planning Policy***

The subject site is located within a village settlement with abutting housing, The Glebe, and a community centre (St. Finians), a school and a parade of shops to the



west of the site. The overall proposed design includes of a mix of dwellings and commercial uses with the focus been on a proposed Market Square. The subject site is zoned '*to protect, improve and provide for the future development of Village Centres*' under the South Dublin Co. Co. Development Plan 2016-2022. Landsues such as residential, restaurant cafes and shops are acceptable under the zoning objective. Under the Newcastle Local Area Plan, the site is located within the Main Street Neighbourhood. The Local Area Plan has an objective to concentrate new commercial and community developments along the Main Street of the village to contribute to the Main Street's vitality and viability. According to the Local Area Plan a Market Square is a Site Specific objective of the Plan under section 5.3.3. for the purpose of village events with an element of public parking. In addition, under Section 6.3.3 the Plan, it states the area will act as a mixed use promenade and centre of activity at the heart of Newcastle village. The overall design and openness of the proposed Market Square is the main feature of the overall design. At present there are mature trees along the Main Street boundary of the site which do contribute to the visual amenities of the area and it is unfortunate they are to be removed as part of the scheme. Having regard to the visual amenity value of the trees creating a sylvan impact within the Architectural Conservation Area of the village, it is disappointing no attempt was made by the developer to incorporate the trees into the scheme. It would have been more prudent to survey the trees and retain what can be kept along the footpath perhaps within a paved area. The proposed landscaping and provision of new trees around the new Market Square should provide appropriate landscaping within the public realm. In my opinion, the overall development will integrate into the existing neighbourhood, and provide for a safe and functional living environment.

## **7.2. Overall Principal and Design**

The proposed development includes for 28No. residential units and a Market Square which will create a social and civic centre/ space alongside the Main Street. Initially, the planning authority was concerned that the overall design of the Market Square failed to address the Main Street and be sensitive in terms of design within the context of an Architectural Conservation Area designation. The original design failed to define the streetscape and on 10<sup>th</sup> of March 2017, and the planning authority requested a revised design by way of further information. An architectural impact

assessment was submitted on 8<sup>th</sup> of May 2017 along with revisions to the original design. The proposed Market Square will be the focal point of the scheme with a civic space created onto the Main Street of the village to provide for events. The proposed new streetscape and Market Square will be overlooked by residential units. The setback from the Main Street is sympathetic to adjoining building lines, and the scale of the proposed building envelope is appropriate to the existing pattern of development in the area.

- 7.3. The height, massing and scale of the proposed buildings are appropriate to the village setting and location. The street frontage is contemporary with a flat roof, and some stone panelling, zinc cladding, and windows. It is my opinion, the elevation design along the Main Street is basic and will contribute very little to the visual qualities of the area. In note the Architectural Conservation Officer in her report dated 25<sup>th</sup> of May 2017, stated that the revised design submitted on the 8<sup>th</sup> of May 2017 in response to the further information, was considered to be an improvement on the original submission. The report recommended two conditions to revise the design further, in particular the expansive glass area on the ground floor, and agree on the elevational specifications. These revisions were incorporated into the conditions of the permission. In terms of the new streetscape been created it will be very uniform and box-like when viewed from the Main Street, in comparison to the variety of shapes and layouts of the built form on the opposite side of the road, which creates an eclectic village streetscape in the opposite side of the road. The proposal is very regimented in layout, and without the use of different materials the elevation design along the Main Street it would be insipid. Its unfortunate a more eclectic form of design was not incorporated into the scheme to reflect the village streetscape rhythm on the opposite side of the street and the incorporation of the existing trees along the road frontage. The proposed design relies on the use of a pallet of different materials to impose character and materials can fall the victim of fashion over time. I would recommend the Board impose a condition to improve the overall design of the Main Street elevation to reflect a village like design as opposed to a suburban streetscape.

- 7.4. The infill site has a square configuration with a slight dip northwards. The site is fully serviced with foul sewer, surface water sewer and public water main, along with a host of social infrastructure to support the development in terms of shops, schools, community halls and medical practitioners. The site has access to public transport.
- 7.5. The proposed development supports urban consolidation and the use of serviced land within a high density scheme. The revised proposal submitted by way of further information includes for 28No. residential units on an area of 0.8 hectares, with a net area of 0.72Ha which is minus 10% as per Table 6.1 of the Newcastle LAP, the proposed density is 38.5 units per hectare. The overall layout reflects the existing residential pattern of development in the area with rear gardens backing onto site boundaries, and the 22metre separation distance between opposing windows is maintained throughout. There is a small variety in house types proposed in terms of 16No. three bedrooomed dwellings, 6No. two bedrooomed dwellings, 4No. two bedrooomed apartments and 2No. one bedrooomed apartments.

#### 7.6. **Third Party Appeal**

The third party appeal is from the owner of an adjoining dwelling at 4 The Glebe. The main concerns raised in the appeal are as follows:

- The dwelling at No. 4 The Glebe is larger than shown on the application drawings because the main house is greater in scale and therefore closer to the proposed development than is indicated on the application drawings.
- The application drawings do not show the garden wall bounding the private amenity space of No. 4 The Glebe which is located to the west of the house and along the eastern boundary of the application site. No. 4 fronts onto Main Street, surrounded by a low boundary wall, the garden area is openly visible, and over looked from Main Street.
- The proposal will result in a loss of amenity to No. 4 due to the close proximity of the proposed development to his property and the proposed height of 7.5metres. The proposal will result in significant overshadowing of the rear garden at No. 4

especially during afternoon and evening times where there is a high expectation of sun because of the west facing orientation.

- Due to the height, scale and proximity the proposal will be overbearing and oppressive when viewed from principle views of their dwelling. The black façade of the proposed commercial/ residential block will rise to height of just under 7.5metres at a distance of 1.3metres from the rear garden/ private amenity space of No. 4 The Glebe. The proposal is contrary to the South Dublin County Development Plan having regard to policies requiring that infill development provide transition height, in terms of the stark two storey commercial proposal and the single storey dwelling at 4 The Glebe.
- The subject application proposes neither sufficient separation distance for visual privacy nor appropriate mitigation measures at points where overlooking is most likely to occur. The development plan provides a general separation distance of 22m between opposing first floor windows. As No. 4 is inaccurately indicated on the drawings, the proposal has failed to meet the required separation distances.
- All refuse storage associated with the proposed development should be stored away from No. 4 The Glebe in accordance with Section 11.6.5 (ii) of the development plan.

The appellant is correct in stating the incorrect footprint of the dwelling at *No. 4 The Glebe* has been illustrated in the drawings. The drawings do not include for a single storey side and front extension. The rear garden area of No. 4 The Glebe is not clearly visible from Main Street, as it is bounded by 2metre wall, this is because the dwelling is perpendicular to the Main Street. The property at No. 4 will be perpendicular to the proposed commercial building along Main Street. There is a separation distance from the communal boundary by 1metre. As the proposed development is a low profile two storey structure, I consider the 1metre separation distance from the communal boundary to be acceptable. The appellant has greatly exaggerated the potential negative impact on his property. The overall height of the proposed building alongside his property is 7.25metres, which is lower in height than his own two storey property. There will be no windows directly overlooking his side

and rear garden. A certain level of incidental overlooking may occur from the hallway of the proposed apartments on the first floor of the abutting commercial building, however it will be no greater than the existing level of overlooking from the immediate neighbour to the south of No. 4 The Glebe. The appellant does not acknowledge this is a village area, and a certain level of overlooking will and does occur onto residential curtilages. The height, massing and scale of the proposed buildings are appropriate to the village setting and location, and will not be oppressive when viewed from the side or rear of 4 the Glebe. I viewed 4 The Glebe from within the subject site, and visa versa during my inspection, I believe the proposed building footprint is sufficiently forward of the appellant's main rear garden to ensure potential impacts are minimised.

The application documents included a shadow analysis which was submitted by way of further information on 8<sup>th</sup> of May 2017. Unfortunately, the full extent of No. 4 The Glebe is not illustrated on the drawings. The orientation of the rear garden area of 4 the Glebe is westerly. The garden and the side of the dwelling will have the benefit of southern sun for most of the day. The westerly orientation will only impact on evening sun, and having regard to the low height of the proposed building at 7.5metres and the separation distances, and the rear building line of the proposed commercial building relative to the rear garden area, it is my opinion, the impact of the proposal in terms of overshadowing will be minimal. The proposal will not result in an undue loss of light to the property at No. 4 The Glebe.

In terms of the yard area, it is a communal area for commercial and residential units within block. There are 2No. commercial units proposed on the ground floor, one of which is a coffee shop, and 2No. two bedroomed apartments on the first floor. The proposed yard area will cater for a small portion of the entire development and the area will be screened form the view of 4 The Glebe.

Overall, I consider the concerns expressed in the appeal to be unsubstantiated by any technical evidence. Having regard to the submission documents I consider there will be no undue loss of amenity to 4 The Glebe associated with the proposed development. It must be acknowledged that the site setting and location is the Main Street of a village, and the proposal is appropriate and acceptable in that context.

As stated below the shadow analysis reveals there will be a significant impact to properties in the north-eastern extremity of the site in terms of overshadowing. This issue is addressed below and can be mitigated by removing one dwelling from the proposed terrace located alongside the northern axis of the site.

## **7.7 Compliance with Standards**

The bulk of the further information relates to required revisions to the scheme in order to comply with the standards set out in the Newcastle Local Area Plan 2012, Sustainable Urban Housing: Design Standards for New Apartments, and Quality Housing for Sustainable Communities. The majority of the apartments proposed have dual frontages which will provide for acceptable living accommodation and maximise public surveillance of the public domain. I note that Condition No. 2 required the reduction in size of House No. 28 to a single storey side extension attached to No. 26 within the scheme. However, I have examined the drawings I consider the end dwelling is a design feature of Block 2, therefore, the Board should amend the condition attached by the planning authority to omit dwelling No. 26 (mid terrace as opposed to end of terrace dwelling) from the scheme and relocate Block 2 west of the The Glebe. That will provide the required separation distance from the site boundary in order to reduce the potential overshadowing of the adjoining residential property to the east.

The further information response revised the layout of the scheme to ensure all opposing windows at first floor level were 22metres apart. The planning authority included a condition requiring all floor to ceiling heights to be a minimum of 3metres within all ground floor residential units.

There have been no exact details regarding refuse bin storage proposals for both commercial blocks on the east and west side of the scheme. The individual dwellings can be catered for within their own curtilage. Adequate bin and recycling facilities need to be agreed with the planning authority by way of condition.

The private and public open space areas are considered to be in line with development plan standards, in particular Table 11.20 within Section 11.3.1 of the South Dublin county Development Plan 2016-2022. The proposed Market Square

provides a communal focal area for the residents of the scheme. The apartments have balcony areas included.

There is additional internal storage space required within the three bedroom units in accordance with Quality Housing for Sustainable Communities – Best Practice Guidelines. A Table was presented in the further information response which outlined the floor areas provided and the floor areas required under the standards for apartments and houses.

The site is within a Zone of Archaeological Potential of Newcastle village. Therefore a condition should be attached for an archaeological assessment of the site to be carried out during the excavation works.

## **7.8 Parking/ Roads**

The Roads Department were concerned that there was an oversupply of parking provision. There was 10No. spaces removed from the scheme. The proposed development remains within the maximum standards. The internal roads can accommodate refuse trucks. According to the Roads Report, there is a 3metre footpath required along the entire frontage of the site, although the report fails to mention the existing 2metre footpath fronting the site. The provision of the 3metres footpath will result in the loss of a number of quality trees which enhance the visual qualities of the streetscape. In my opinion, it would have been prudent to retain and incorporate the existing trees along the Main Street into the overall design of the scheme. Access to the undeveloped lands to the west is indicated on drawings as this was requested by the Roads Section.

## **7.9 Infrastructure**

The Water Services Section and Irish Water have no objection to the proposed development. Conditions are recommended regarding the location of manholes, and updated surface water drawing in Irish National grid format to confirm the location of S9 manhole. There are wayleaves required in respect of propose dwelling No.s 16 and 18 to the west and east of the proposed surface water sewer. The proposed wayleaves have been omitted from the scheme. It was recommended a condition be

attached that the proposed stormtech attenuation shall be an arch type system and not a cellular block system.

#### **7.10 Final Note**

I have referred to the trees along the roadside boundary in my report in the assessment of this case. I viewed the site from the east and west of Main Street, Newcastle, and I consider the trees along the roadside boundary add to the ambiance and visual qualities of the village. It is very unfortunate this trees were not surveyed with a view to retaining them and incorporating them into the design. The stone entrance piers are another vernacular feature of the village setting which appear to have been ignored in the application, and with a little bit of imagination, the streetscape design of the proposal could have greatly improved, and could have created an interesting, vibrant village streetscape to reflect the existing eclectic building style and layout in close proximity. As stated earlier, I am not impressed by the streetscape design of the proposal in the context of the buildings on the opposite site of the road and to the west of the site. It is clear this section of the village holds an amenity and passive recreation value to the residents, as there are benches to the front of the site, and there is a rustic ambiance to the location, which will be completely removed by the proposed development and replaced by a sterile suburban styled streetscape. I believe the overall streetscape design needs to be revisited by the applicant and agreed with the planning authority.

#### **8.0 Recommendation**

8.1. I recommend the planning authority's decision to grant permission for the proposed development be upheld by the Board.

#### **9.0 Reasons and Considerations**

10.0 Having regard to the nature, scale and design of the proposed development as amended, to the residential zoning objective for the site as set out in the current Development Plan for the area and to the character of the general area, it is considered that, subject to compliance with the conditions set out below, the



proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area 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 8<sup>th</sup> of May 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. Prior to the commencement of the development the following revised drawings shall be submitted to and agreed with the planning authority in writing:

(i) The omission of Unit No. 26, and the location to Block 2 to be revised to include for a greater separation distance of the building line from the eastern site boundary.

(ii) Floor to ceiling heights of approximately 3metres within all ground floor residential units within Blocks 1, 2, and 3.

(ii) Revised drawings incorporating floor to ceiling heights of approximately 3metres within the ground floor residential units of Blocks, 1, 2 and 3.

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

3. (a) Prior to the commencement of the development, the developer shall carry out a tree survey of the existing trees located along the southern site boundary, and shall submit revised drawings subject to the written agreement of the planning authority to retain and incorporate the quality trees into the proposed scheme.

(b) The applicant shall revise the front elevation of the Blocks along Main Street to reflect the eclectic village design of the Architectural Conservation Area in the vicinity of the subject site. The large central window on the ground floor shall be removed in the Block to the west, and the roof height and design should be varied as opposed to a monolithic flat roof along the entire streetscape and the overall design should reflect the vernacular essence of the stone piers along the road frontage of the site and buildings on the opposite side of Main Street.

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

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

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

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution

6. (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

(d) The materials used, including tactile paving, in any roads/footpaths provided by the developer to serve the school shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interests of traffic, cyclist and pedestrian safety.

7. Public lighting shall be provided in accordance with a scheme, 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 interest of amenity and public safety.

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

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

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(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 areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

12. The developer shall retain the services of a suitably qualified Landscape Architect (or qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the Parks and Landscape Services Department, and in accordance with the permitted landscape proposals.

**Reason:** In the interest of the proper planning and sustainable development of the area.

13. 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.

14. 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 noise management measures and off-site disposal of construction/demolition waste.

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

15. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 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 amenities of property in the vicinity.

17. A plan containing details for the management of waste, including proposals for operational stage within the development and the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, sewers, watermains and public lighting required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. 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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**Caryn Coogan**

**Planning Inspector**

**2<sup>nd</sup> of November 2017**