



An  
Bord  
Pleanála

## Inspector's Report ABP-300533-17

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<b>Development</b>	Demolition of house, construction of 3 no. houses, new boundary treatment and all associated site works
<b>Location</b>	River Road, Blanchardstown, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW17A/0176
<b>Applicant(s)</b>	Skyscape Property Holdings Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Patrick J O'Reilly and others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> April 2018
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.1ha, is located on the southern side of River Road, a short road which runs from Blanchardstown Main Street to the N3 National Road. Bollards at the eastern end of the road prevent vehicular access to/from the N3.
- 1.2. The appeal site is roughly rectangular in shape, and currently accommodates a detached single storey house and its associated private open space. The houses on River Road comprise a mix of single storey and dormer type houses, two storey semi-detached houses and a curved terrace of three storey dormer style duplex and apartment units is located c. 50m to the east of the appeal site.
- 1.3. The appeal site is bounded by single storey/dormer residential development to the east, west and south, and while the building line of the houses to the west are generally aligned with the existing house on the appeal site, the adjacent house to the east is significantly set back, such that its front elevation is further south than the rear elevation of the existing house.

## 2.0 Proposed Development

- 2.1. The proposed development, as described in the statutory notices, consists of the demolition of an existing dwelling and the construction of 3 No. four-bedroom two-storey with attic dwellings with in curtilage car parking. Other works to include new boundary treatment to River Road, landscaping and associated site works.
- 2.2. The existing single storey house that it is proposed to demolish has a stated gross floor space of c. 180 sq m. The three proposed new houses would each have a stated gross floor space of c. 169 sq m and comprise three storey detached houses of relatively narrow width and deep plan with a projecting single storey element to the rear. The building line of the houses is staggered in a 'saw-tooth' arrangement, so that they align with the eastern and western boundaries of the site rather than River Road to the north. There is 1m separation distance between each of the houses, with c. 1.2m between the gable end of the houses and the eastern and western boundaries of the site, respectively.

- 2.3. The houses are set back c. 13.5m from River Road, with off-street car parking for two cars. The rear gardens of each of the proposed houses range from 17.3m to 23m in length.
- 2.4. The proposed houses comprise brick to the ground floor elevations, with render at first floor. The second floor level is incorporated within a dormer roof with zinc clad dormer window on the northern elevation and slate/concrete tile roof. Two high-level rooflights are located on each of the rear (southern) roofslopes and the houses have an overall height of 9.66m.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. Fingal County Council decided to grant planning permission and the following summarised conditions are noted:

- C3(i): Revised drawings to be submitted showing the internal layout of the two end dwellings at first floor level switched so that the en suite window in the rear elevation is closest to the side boundaries of the sites.
- C4: Any attic floorspace which does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.
- C7: Details of soakaways to be submitted.
- C8: Landscaping plan to be submitted.
- C13: Development contribution of €29,959.
- C14: Contribution of €15,407 in lieu of open space.
- C16: Construction and demolition waste management plan to be submitted.

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

- 3.2.1. The Planning Officer's report can be summarised as follows:

- Proposed development is acceptable in principle.

- The proposed staggered alignment of the houses does not lead to an undue negative impact on visual or residential amenities and is mirrored in existing development to the west.
- While traditional gable fronted dormers would have been preferred, the proposal provides a contemporary design and is visually acceptable.
- Principle of three storey development has been established by Wood's End development, which is 10m to the east.
- Site is centrally located, 200m from Blanchardstown village.
- Proposed density and plot ratio is acceptable according to Guidelines.
- Room sizes accord with requirements.
- It is unclear if floor to ceiling height at second floor complies with Technical Guidance Document F of the Building Regulations. A condition requiring that the second floor is not used as a habitable space unless it complies with the Building Regulations will be included.
- Separation distances do not comply with Objective DMS29 but are sufficient to allow storage of wheelie bins to the rear. Separation distances to east and west do comply.
- Separation distance from rear garden conform to Objective DMS28.
- Potential overlooking from windows of bedroom 1 to the rear of house type 1 and 1A at both ends of the site at first floor level. Overlooking can be addressed by switching the bedroom and en suite arrangement.
- Potential for overshadowing of adjacent properties. Due to relative orientation and extent of front garden, it is not considered that such overshadowing will impact unduly on residential amenities.
- Separation distances ensure that proposed development will not impact in an undue negative manner on residential amenities of adjoining development.
- Private open space complies with requirements.
- 262.5 sq m of public open space is required. None is provided and a financial contribution in lieu will be required.

- Full details of landscaping and boundary treatments are required.
- No appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect on a European site.

### **3.3. Other Technical Reports**

#### **3.3.1. Water Services Section:**

- No objection, subject to conditions.

#### **3.3.2. Transportation Planning Section:**

- No objection, subject to conditions.

### **3.4. Prescribed Bodies**

#### **3.4.1. Irish Water:**

- No objection.

### **3.5. Third Party Observations**

#### **3.5.1. Four third party observations were made. The issues were generally as per the appeal, as well as the following:**

- Inadequate car parking.
- Surrounding houses are all bungalows or dormer bungalows.
- Overlooking and overshadowing.
- Traffic congestion and pedestrian safety.
- Wayleave would be required on observer's property for part of proposed route of foul drainage.

## 4.0 Planning History

### 4.1. Appeal Site

4.1.1. I am not aware of any recent relevant planning history on the appeal site.

### 4.2. Surrounding Area

4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

## 5.0 Policy Context

### 5.1. Fingal Development Plan 2017 – 2023

5.1.1. The appeal site and surrounding area are zoned 'RS', Residential, under the Fingal Development Plan 2017-2023. This zoning objective seeks to provide for residential development and protect and improve residential amenity. The 'Vision' for the zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

5.1.2. Strategic Policy 5 of the Development Plan seeks to consolidate the growth of major centres such as Blanchardstown by encouraging infill development and intensification of development within appropriate location. Blanchardstown is designated as a Metropolitan Consolidation Town within the Settlement Strategy for Fingal.

5.1.3. Chapter 3 of the Development Plan relates to Placemaking and the following Objectives are noted:

- **PM39:** Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.
- **PM41:** Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

- **PM44:** Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.
- **PM45:** Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

5.1.4. Chapter 12 of the Development Plan sets out development management standards, and the following Objectives are noted:

- **DMS28:** A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.
- **DMS29:** Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.
- **DMS39:** New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A third party appeal was submitted by Patrick J O'Reilly and others. The grounds of appeal can be summarised as follows:

- In 2001 Fingal County Council refused permission for a development of lesser density and height on a site opposite the proposed development (F00A/0281) on the grounds that it would be out of character and would injure the amenities of property in the vicinity.
- No effort has been made to take the scale and design of the existing buildings into account.

- Development is overbearing in nature to the immediately adjoining dwellings. It's ridge height is 5.2m above the house to the east, 4.4m above the house to the west and 3.6m above the houses to the north.
- Density has been increased by a factor of three.
- The height of the development appears to have been taken from the apartment block at the east end of the road, 'Wood's End'. That block is a landmark development on a major junction. Its entrance is on the River Road, but otherwise has no relationship with the rest of the road and is screened by high trees.
- The zoning objective is to protect and improve residential amenity. The development is so overbearing and injurious that it must be considered to be contrary to the Development Plan.
- There is only a thin, 2-3 feet, layer of topsoil covering black limestone throughout the area. Insufficient investigation into drainage problems associated with the proposed soakaways. The property to the east is considerably lower and is at risk.
- Oral hearing requested.

## 6.2. Applicant Response

6.2.1. A response to the appeal was submitted on behalf of the applicant by AKM Design and can be summarised as follows:

- Proposed dwellings are appropriately scaled for the subject site and the general area. The street has a mixture of single storey bungalows, dormer bungalows, 2/3 storey dwellings and 3 storey apartments.
- Proposed dwellings are in line with the existing building line and are positioned to avoid overlooking or overshadowing.
- Proposed dwellings have a minimal impact on the existing residential amenity and are not overbearing. Planning Authority condition 3 requires the dwellings to have an opaque window closer to adjoining boundaries to increase privacy.



- Proposed density is equivalent to 30 units per hectare. The Planning Authority wrongly stated that the density was 40 units per hectare. Proposed density is appropriate for this type of infill site and is consistent with Development Plan and Residential Density Guidelines.
- The site is large and has the capacity to absorb the proposal. The dwellings are well set back and in keeping with the character of the area.
- Planning application referred to by appellant (F00A/0281) is not relevant. The Board should note that the appellant was the applicant in that instance. The character of the area has dramatically changed in the interim with new apartments and infill housing and the accepted standard height of residential development is 3 storeys as long as it does not impact on adjoining dwellings. There have been three different Fingal Development Plans since that application.
- Proposed development is in line with the zoning of the site. The Board should have regard to Sustainable Residential Development in Urban Areas 2009 and the Urban Design Manual.
- The Board should promote higher densities at suitable locations such as this site, located in close proximity to public transport corridors and close to main town centres.
- Proposed dwellings would not seriously injure the amenities of the area or property in the vicinity.
- With regard to surface water drainage, the proposal has been designed in accordance with FCC requirements and the Dublin Regional Code of Practice for Drainage Works. Neither Irish Water nor Water Services Section raised any objections. Soakaways will be designed in accordance with BRE Digest 365.
- Oral hearing is not required.

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

6.3.1. The Planning Authority's response to the appeal can be summarised as follows:

- Issues raised in appeal were fully taken into account by Planning Authority when assessing the application.
- While the height is greater than that of the bungalows in the vicinity, given the site size, orientation and layout, the proposed 2 storey dwellings with dormers to the front are not considered to overbear the neighbouring properties or diminish the character of the area.
- Density is appropriate in this residential area where there is a mix of development types.
- Previous application referred to by the appellant (F00A/0281) was a completely different development comprising 7 No. townhouses with on-street car parking and represented sub-standard development. It is not comparable.
- The mix of developments along River Road characterises the area.
- Any appropriate requirements regarding the soakaways can be addressed by condition 7.
- Planning Authority requests that conditions 13, 14 and 15 be included if their decision is upheld.

#### 6.4. **Observations**

6.4.1. None.

#### 6.5. **Further Responses**

6.5.1. None.

### 7.0 **Assessment**

7.1. The appellant requested an oral hearing in this case, however the Board decided not to hold an oral hearing, and concluded that the appeal could be dealt with adequately through written procedures.

7.2. I consider that the key issues in determining the appeals are as follows:

- Principle of proposed development.

- Design and layout.
- Residential amenity.
- Surface and Foul Drainage.
- Appropriate Assessment.

### 7.3. Principle of Proposed Development

- 7.3.1. The appeal site and surrounding area are zoned 'RS', Residential, under the Fingal Development Plan 2017-2023. This zoning objective seeks to provide for residential development and protect and improve residential amenity. The Development Plan also includes specific Policies and Objectives to encourage consolidation of development in Blanchardstown, as well as more general Objectives to support infill development and the provision of increased densities.
- 7.3.2. Since the proposed development seeks to provide infill residential development on residentially zoned lands in close proximity to Blanchardstown Village, I therefore consider the proposed development to be acceptable in principle, subject to consideration of the planning issues identified in Section 7.1 above.

### 7.4. Design and Layout

- 7.4.1. The existing house on the appeal site is a single storey detached dwelling, which I would estimate to date from the mid-20<sup>th</sup> century. The house appears to be in reasonable condition, is simple in design and detailing and is not of any particular architectural merit. Having regard to the 0.1ha extent of the appeal site and its proximity to Blanchardstown Village, I consider it to be an appropriate location for consolidation and an increased density of development.
- 7.4.2. The proposed provision of three units on a site of 0.1 ha would equate to a density of 30 units/ha. While this is a three-fold increase in density as contended by the appellant, it remains a reasonably low density for an infill site within close proximity to Blanchardstown Village. In this regard I would note the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), 2009, which states that within centrally located sites, densities of 30-40+ dwellings per hectare for mainly residential

schemes may be appropriate. Given the existing site context, which consists of a relatively narrow lane comprising mostly single storey or dormer detached houses, with increased heights and densities at either end, I consider that the proposed density strikes an appropriate balance between consolidating development on well-located serviced lands that are in close proximity to a range of services, and protecting the existing residential character of the area. It would also serve as an appropriate transition in scale between the lower density development to the west, and the Wood's End development to the east.

- 7.4.3. I consider the design and layout of the proposed development to be broadly acceptable. The proposed houses occupy almost the same footprint as the existing house and respect the building line to the west. The detailing of the proposed houses is generally traditional, although the three storey design, zinc clad dormer windows and single storey flat roofed projections to the rear help to create a more contemporary appearance. I consider the design to be of a reasonably high quality, noting that a high quality palette of materials is proposed, including brick and zinc cladding. In terms of quantitative standards, the proposed houses generally comply with the requirements of the Development Plan in terms of unit size, room size and private open space provision.
- 7.4.4. While the houses are generally compliant with quantitative standards, the Planning Authority expressed uncertainty about whether the floor to ceiling height at attic/second floor level is compliant with the requirements of Technical Guidance Document F of the Building Regulations. They sought to address this with a condition requiring that the second floor is not used as a habitable space unless it complies with the Building Regulations. While the issue of floor-to-ceiling height is controlled under the Building Regulations and is therefore a matter relating to another Code, I consider it appropriate in the interests of clarity and protecting the residential amenity of future occupants of the houses to include a similar condition, should the Board be minded to grant permission.
- 7.4.5. With regard to the separation distance between adjacent houses, it is proposed to provide 1m between the proposed houses, which is less than the 2.3m required under Objective DMS29 of the CDP. The houses are located c. 1.2m from the eastern and western boundaries of the site, but as a result of the set-back of neighbouring properties, the separation distance will be greater than 2.3m. While the

separation distance between the proposed houses is less than that required by Objective DMS29, each house will have a side passageway of minimum 1m width, which would be sufficient for the residents of each house to separately move wheelie bins, gardening equipment etc. without conflict and I therefore I consider it to be sufficient in this infill setting relatively close to the village centre.

- 7.4.6. While the proposed houses are significantly higher than the existing house on the site and the neighbouring properties to east and west, I do not consider that they are out of character with the pattern of development in the area, given the higher density three storey development at Wood's End, a short distance to the east, and the higher density development within Blanchardstown Village to the west. The issue of potential impacts on residential amenity is addressed below.

## 7.5. Residential Amenity

- 7.5.1. With regard to the impact of the proposed development on residential amenity, I consider that the residential properties with the potential to experience a significant adverse impact are the adjacent properties to the east and west. Having regard to the scale of the proposed development, the orientation of the houses and the separation distances between the proposed houses and the houses on the opposite side of River Road to the north and the property to the south, I consider that no significant overlooking, overshadowing or overbearing impacts will arise in respect of those houses.
- 7.5.2. The three storey element of the three proposed houses occupies almost the same footprint as the existing house on the appeal site. However, while the existing house has a ridge height of c. 5m, the proposed houses would have a ridge height of 9.66m and therefore have the potential to negatively affect residential amenity.
- 7.5.3. Notwithstanding the proposed increase in height of development on the site, I do not consider that any significant overshadowing issues will arise. The proposed houses are located due east of the neighbouring house to the west, and therefore do not have the potential to result in any significant overshadowing, other than for a very short period in the morning. The neighbouring property to the east is set back within its site, such that it's front (north) elevation is located a minimum of c. 12.8m south of the rear elevations of the proposed houses. Having regard to this orientation and the

presence of mature trees around the neighbouring property, I do not consider that any significant additional overshadowing will result.

- 7.5.4. With regard to the potential for increased overlooking as a result of the replacement of a single storey structure with three storey structures, I note that the dormer windows at attic/second floor level are on the front (north) elevation of the three houses and do not result in any undue overlooking. The only windows on the rear elevation at this level are high-level roof lights located in the plane of the roof that serve en suites and landing areas. These windows will not result in any potential for overlooking, although I recommend that a condition be included to ensure that all bathroom windows feature obscure glazing. Two small windows are also located in the western side elevation of the three houses at this level. These serve the en suite and the master bedroom, respectively and are indicated on the drawing as being opaque. While these windows in the central and eastern houses will face the gable wall of the adjacent houses, the windows in the westernmost house will overlook the neighbouring property. Since the proposed en suite and master bedroom are already served by other windows, I recommend that a condition be included requiring that these two windows in the westernmost house be non-openable opaque glazed panels.
- 7.5.5. At first floor level, the Planning Authority considered that bedroom 1 and its associated en suite should be switched in the two end dwellings, so that that the en suite window in the rear elevation is closest to the boundaries of the site. I concur with this approach to minimise overlooking, however I would note that this is already the case in respect of House A1 (the eastern house). The confusion in this regard may have arisen from the fact that the rear elevations of the houses are incorrectly drawn, with the bedroom/en suite windows reversed, and the attic level roof lights on the wrong end of the roof. I recommend that a similar condition be included, should the Board be minded to grant permission, but that it be limited to the proposed house closest to the western boundary of the site.
- 7.5.6. With regard to overbearing impacts, as noted above the three storey element of the proposed houses generally share the same footprint as the existing house on the appeal site. The houses would have a separation distance from the boundaries to either side of c. 1.2m. This relatively small separation distance allied with the increased height of buildings on the site has the potential to be visually overbearing,

however due to the layout, directly east of the adjacent property to the west, and the 12.8m separation distance from the property to the south east, and noting that each property in the vicinity, including the three proposed houses are located within reasonably sizable sites, I do not consider that the proposed development would result in an unacceptable overbearing impact.

- 7.5.7. In conclusion, having regard to the location of the appeal close to Blanchardstown Village and the design, layout and orientation of the proposed development, and subject to the conditions set out above, I do not consider that the proposed development would have an unacceptable impact on residential amenity.

## 7.6. **Surface and Foul Drainage**

### 7.6.1. Surface Water Drainage

- 7.6.2. The appellant contends that the appeal site comprises a thin layer of soil, underlain by limestone, and expresses concern that the proposed surface water soakaways will not function correctly and will present a risk to the lower-lying property to the east.

- 7.6.3. While no information regarding site investigations or the design of the soakaways was submitted with the planning application, the Water Services Section of the Planning Authority did not raise any objection to the proposal, subject to a condition requiring details and calculations of the soakaways, including site-specific infiltration testing to be submitted to the Planning Authority for agreement prior to construction. Given the brownfield infill nature of the site, and the limited scale of the proposed development, I consider this approach to be reasonable. I therefore recommend that a condition similar to the Planning Authority's condition 7 be included, should the Board be minded to grant permission.

### 7.6.4. Foul Drainage

- 7.6.5. An observation at application stage contended that the proposed foul drainage route would require a wayleave over third party lands. This issue was not raised in the appeal, or addressed by the applicant, the Planning Authority or Irish Water, although I note that the latter two parties had no objection to the proposal. Drawing number PP004, entitled 'proposed drainage', does appear to show a proposed foul line running along River Road, before cutting across third party lands to join an

existing foul sewer. Given that there is an existing house on the appeal site, and that River Road is already lined with houses on both sides, it is not clear to me whether this is in fact a new foul sewer that it is proposed to construct, or a mis-labelling of an existing foul sewer. In this regard I note that no drawing of the existing drainage arrangement was provided.

- 7.6.6. On the basis that Irish Water did not raise an objection or seek further information in relation to foul drainage, and noting both that the applicant will be required to enter a connection agreement with Irish Water and the provisions of section 34(13) of the Planning and Development Act 2000, as amended (i.e. that a person shall not be entitled solely by reason of a permission under this section to carry out any development), I do not consider it necessary to pursue this matter further in my assessment.

## 7.7. **Other Issues**

### 7.7.1. Planning History

- 7.7.2. The appellant references a planning application in the vicinity which was refused planning permission in 2001 (Reg. Ref. F00A/0281). Having regard to the period of time that has passed, the differing planning policy context, the different sites and development proposals, I do not consider that the application referenced by the appellant is of any particular relevance in assessing this case.

### 7.7.3. Public Open space

- 7.7.4. Under the provisions of Objective DMS57 of the Development Plan there is a requirement for 262.5 sq m of public open space arising from the proposed development. It is not proposed to provide any public open space within the appeal site, and the Planning Authority included a condition requiring a development contribution in lieu of public open space. Having regard to the limited extent of the appeal site and the limited quantum of public open space required, I consider this approach to be reasonable and consistent with Objective DMS58 of the Development Plan and the Fingal Development Contribution Scheme. If the Board is minded to grant permission, I therefore recommend that such a condition be included.



## 7.8. **Appropriate Assessment**

- 7.8.1. Having regard to the nature and scale of the proposed development, which relates to infill development on a suitably zoned and serviced suburban site that was previously developed and which is not within or immediately adjacent to any Natura 2000 sites, I am satisfied that 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**

- 8.1. I recommend that planning permission should be granted, subject to conditions as set out below.

## 9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of the Fingal Development Plan 2017-2023, 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 property in the vicinity, would be acceptable in terms of traffic impact and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 following changes shall be incorporated into the overall layout.

(a) The internal layout of the westernmost proposed house shall be amended at first floor level by switching bedroom 1 and its associated en suite, such that the en suite window in the rear elevation is located closest to the western boundary of the site.

(b) The windows in the side (west) elevation of the westernmost proposed house shall comprise non-openable opaque glazed panels.

Details of the above changes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

3. Any attic level floorspace which does not comply with Building Regulations in relation to habitable standards, shall not be used for human habitation.

**Reason:** In the interest of clarity.

4. Details of the materials, colours and textures of all external finishes to the proposed dwellings 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.

5. All bathroom/ensuite windows shall be fitted and permanently maintained with obscure glass. The use of film is not permitted.

**Reason:** in the interest of residential 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. Details of the proposed soakaways, including distances from site boundaries and structures, size, design and calculations based on site-specific infiltration test results shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interests of public health.

8. Footpaths shall be dished at the entrances to the site in accordance with the requirements of the planning authority.

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

9. 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 interests of visual and residential amenity.

10. A comprehensive boundary treatment and 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 proposed boundary treatments between proposed houses, with adjacent properties and along the roadside, including heights, materials and finishes. Front boundary treatments shall not exceed 0.9m in height;
- (b) proposed tree planting and other landscape planting within the front gardens of each house within the development, including details of proposed species and settings;
- (c) Proposals for the protection of the existing boundary planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established;

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

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

11. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

12. 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.

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

**Reason:** In the interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 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.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, 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.

16. The developer shall pay to the planning authority a financial contribution in lieu of the public open space shortfall that arises based on the provisions of Objectives DMS57 and Objective DMS58 of the Development Plan and 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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Niall Haverty  
Planning Inspector

27<sup>th</sup> April 2018