



An
Bord
Pleanála

Inspector's Report ABP-300660-18.

Development	18 no. dwellings (9 no. apartments and 9 no. dwellings).
Location	'Dunrovin', Portrane Road, Donabate, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F17A/0274.
Applicant(s)	J.Coyle.
Type of Application	Permission.
Planning Authority Decision	Split Decision.
Type of Appeal	First / Third Party
Appellant(s)	1. Jill & Thomas Kiernan. 2. J. Coyle.
Observer(s)	None.
Date of Site Inspection	30 th April 2018.
Inspector	Karen Kenny.

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1.0 Site Location and Description

- 1.1. The site is located on the Portrane Road in Donabate. It is approximately 90 metres to the east of the junction of Beaverstown Road and the Portrane Road.
- 1.2. The site, with a stated area of 0.39 hectares, fronts onto the southern edge of the Portrane Road. The site is broadly square in shape and contains a two storey house and associated garden areas. The site boundaries comprise wooden panel fencing and mature tree and hedgerow planting. There are also a number of mature trees within the site. The site is flat and there are no notable level differences between the site and adjoining residential properties.
- 1.3. The southern side of the Portrane Road is characterised by detached houses on large plots. Hedgerows and trees are a prominent feature at this location and there is no footpath along the southern road edge. The site is bounded to the south, east and west by residential properties. There is an ESB substation on the northern side of the Portrane road. The centre of Donabate village is c. 250 meters to the west of the site and Donabate Train Station 600 meters walk from the site.

2.0 Proposed Development

- 2.1. The original details submitted to the Planning Authority sought planning permission for the demolition of the existing dwelling and the construction of 11 no. residential units in four blocks as follows:
 - 7 no. three storey four-bedroom townhouses,
 - 3 no. two storey three-bedroom townhouses, and
 - 1 no. detached two storey dwelling.
- 2.2. The scheme is revised on foot of a request for additional information from the Planning Authority. It is proposed to demolish the existing dwelling and to construct 18 no. residential units as follows:
 - 9 no. two storey three-bedroom terrace houses with an attic floor, and
 - 8 no. apartments in a single three storey block comprising 1 no. three bedroom apartment, 5 no. two bedroom apartments and 2 no. one bedroom apartments.

- Vehicular and a pedestrian access is proposed from the Portrane Road and it is proposed to provide a footpath along the Portrane Road.
- The apartment block is positioned to the front of the site and addresses the Portrane Road, while the dwellings are positioned to the rear and back onto the southern site boundary.
- Communal parking blocks and open space is proposed within the site.

2.3. The following Reports were received by the Planning Authority at further information stage:

- Planning Statement.
- Engineering Report.
- Traffic and Transportation Report.
- Arboricultural Report.
- Landscape Plan.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a split decision.

3.1.2. Schedule 1 granted permission for 9 no. dwellings.

3.1.3. Schedule 2 refused permission for 8 no. apartments. The reasons for refusal can be summarised as follows:

Reason 1: The design, architectural expression and limited contribution to the streetscape at this prominent town centre location would fail to provide a sufficiently high standard of development and would seriously injure the amenities of the area.

Reason 2: The development would set an undesirable precedent for other similar development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Following an initial assessment further information was sought in relation to density, site layout, the design and finish of the dwellings, surface water drainage, , public open space and landscaping, boundary treatments and public lighting. Following the submission of 'significant further information' the Planner's Report can be summarised as follows:

- Development meets the minimum internal space standards, separation standards and private open space standards set out in the Development Plan and it is not foreseen that the development would give rise to overshadowing of adjoining sites.
- Traffic and car parking considered acceptable subject to provision of in curtilage car parking spaces for dwellings and a 1.8 meter wide footpath.
- The design of the housing blocks provides for a high quality contemporary design that is appropriate to the town centre location.
- The three storey apartment block will be the most visible element as it directly addresses the Portrane Road. The apartments comply with the standards in the Design Standards for New Apartments Guidelines. Concern is expressed in relation to the architectural treatment of the block. The report states that the use of a low pitched roof and the window to void ratio do not provide the high quality of contemporary design expected in Donabate.
- Open space provision is stated to be 12% of site area. The report concludes that appropriate density and open space of sufficient size can only be achieved with an apartment only scheme that is in excess of four storey's. The response is considered acceptable.

3.2.2. Other Technical Reports

Transportation Section: No objection, subject to the provision of 2 no. in curtilage car parking spaces for each dwelling and a 1.8 meter wide footpath.

Water Services: No objection.

Parks and Green Infrastructure: No objection.

Public Lighting: No objection.

3.3. Prescribed Bodies

Irish Water: No objection.

3.4. Third Party Observations

- 3.4.1. One third party submission was received and considered by the Planning Authority. The issues raised are similar to those set out in the grounds of appeal as set out below.

4.0 Planning History

- 4.1.1. The following planning history pertains to the appeal site:

P.A. Ref. F13A/0135: Application for new vehicular entrance and boundary treatments. Permission granted.

- 4.1.2. The following planning history pertains to lands in the vicinity of the site.

PL.06F.246849 / P.A. Ref. F15A/0551: Application for demolition of a house and construction of 31 houses and all ancillary site works on lands to the east of the appeal site. Permission granted by the Planning Authority. This decision was subject to a third-party appeal to An Bord Pleanála. An Bord Pleanála upheld the decision of the planning authority and granted permission.

P.A. Ref. F15A/0194: Application for 5 no. dwellings on lands to the south east of the subject site. Permission granted by the Planning Authority.

5.0 Policy Context

5.1. Regional Planning Guidelines (RPGs)

The Regional Planning Guidelines for the Greater Dublin Area 2010-2022 outline the settlement hierarchy for the Greater Dublin Area (GDA). Donabate is designated as a Moderate Sustainable Growth Town in the Metropolitan Area of Dublin. Moderate

Sustainable Growth Towns are described as strong edge of metropolitan area district service centres, with high quality linkages and increased densities at nodes on public transport corridors. The RGPs state that these settlements will continue to have a strong role as commuter locations within the fabric of continued consolidation of the metropolitan area and that growth and expansion is based on and related to the capacity of high quality public transport connections and the capacity of social infrastructure.

5.2. Policy Guidelines

5.2.1. The following policy guidelines are relevant to the proposed development:

- Sustainable Residential Development in Urban Areas (2006)
- Urban Design Manual – A Best Practice Guide (May 2009)
- Design Manual for Urban Roads and Streets (2013)
- Design Standards for New Apartments (2018)

5.3. Development Plan

5.3.1. The Fingal County Development Plan 2017-2023 is the relevant statutory plan.

- The site is zoned TC ‘Town and District Centre’ 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 permitted in principle in this zone.
- Zoning Vision: Maintain and build on the accessibility, vitality and viability of the existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car based traffic. In order to deliver this vision and to provide a framework for

sustainable development, Urban Centre Strategies will be prepared for centres in accordance with the Urban Fingal Chapter objectives.

- Chapter 3 sets out Design Criteria for Residential Development including mix of dwellings, density and open space provision.
- Objective SS17: Manage the development and growth of Malahide and Donabate in a planned manner linked to the capacity of local infrastructure to support new development of the area and taking account of the ecological sensitivity of qualifying features of nearby European Sites.
- Chapter 4 Urban Fingal: The development strategy for Donabate seeks to protect and enhance the natural amenities and heritage of the Peninsula by consolidating future development within well-defined town boundaries.
- Objective DONABATE 2: Channel and concentrate the development of additional commercial, social, community and civic facilities within the town centre and promote high quality urban design in such development.
- Objective DONABATE 9: Prepare an Urban Framework Plan for Donabate (including a Public Realm and Integrated Traffic Management Strategy) to guide and inform future development, to include measures to improve and promote the public realm of the village.
- Objective PM44: Encourage and promote the development of underutilised sites in existing residential areas subject to the protection of amenities, privacy and character.
- Chapter 12 sets out Development Management Standards for residential development including design criteria and quantitative standards relating to dwelling size, separation standards, public and private open space provision, car parking, etc. Section 12.3 of the Plan sets out design criteria for urban development. Reference is made to guidelines published by the Department of Environment, Community and Local Government in respect of quality housing and sustainable residential development. It also refers to the Department of Transport's Design Manual for Urban Roads and Streets. Policy objectives PM31 to PM33 promote good urban design practices in accordance with these guidelines.

- With respect to residential densities, the Plan states that regard should be had to the national guidance set out in the *Sustainable Residential Development in Urban Areas Guidelines and the accompanying Urban Design Manual*. The Development Plan promotes higher densities at suitable locations such as along public transport corridors and in main town centres (objective PM41).
- Objective 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.
- Sheet No.7 Donabate / Portrane: The site is within the development boundary of Donabate. There is an indicative cycle / pedestrian route shown along the Portrane Road to the front of the site.
- The site is not included within the area of the Donabate Local Area Plan 2016-2022, which focuses on new development areas, primarily.

5.3.2. Donabate Urban Centre Strategy 2010

The Donabate Urban Centre Strategy is a non-statutory plan, with the stated aim of providing a development strategy for the town centre and identifying development opportunities to support population growth. The appeal site is located within Area 7. The vision for this area is ‘to allow for the mixed-use redevelopment of these lands with positive new frontage development onto the Portrane Road, while protecting adjoining residential amenities and a density of up to 70 units to the hectare can be accommodated here’.

5.4. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Third Party Grounds of Appeal

A third-party appeal has been received from the residents of an adjoining property to the south. The grounds of appeal can be summarised as follows:

- Original proposal was acceptable to the appellants.
- Revised details submitted at further information stage are, for all intents and purposes, a completely new planning application.
- Proposal was a complete development with apartments and houses. If there were concerns over the inclusion of the apartments, the entire development should have been rejected.
- Dwellings are positioned at the back of the plot with no consideration in relation to what will happen on the remainder of the site. The development as approved would impact on appellants property and visually detract from and would not be in keeping with the character of existing buildings in the town centre.
- Overlooking would occur from multiple windows overlooking appellants property.
- Repositioning of open space towards the Portrane Road is negligent and would potentially place residents and their children at risk.
- No proper provision for boundary treatments with adjoining properties.
- Applicants requested through additional information to increase density. The decision of the planning authority reduced the density further.

6.2. First Party Grounds of Appeal

The applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission for the apartment block. The grounds of appeal can be summarised as follows:

- Request that the Board to use its powers under Section 139 of the Planning and Development Act and confine its considerations to the refusal of planning permission for the apartment block.

- The proposed density of 44 dwellings per hectare is considered sustainable and can be achieved without compromising Development Control Standards or residential amenity.
- A modified apartment block is included with the appeal. The number and mix of units is unaltered. The elevational treatment is altered to include a flat roof in place of the proposed pitched roof. External finishes are changed and balconies have been added giving an increased level of private open space (average private open space is 17.5 square metres per apartment). A small communal open space has been created at roof level (192 square metres).
- The amendments are not significant and while the applicant considered the original block to be consistent with the zoning and development plan requirements, as well as the Urban Centre Strategy, the applicant is happy to accept that the changes made mark a substantial improvement to the design of the block and to the level of amenity offered to residents of the apartments.
- Submitted that the changes made to the overall design, would provide a high standard of development and improve the visual amenities of the area. Boundary treatments and landscaping will reflect the soft landscaping on this side of the street.
- Conclude that the development is appropriate for a site on the edge of the town centre, but within a primarily residential area that is still hovering between a suburban low density development and a more urban development with the consequent increase in density, height, and architectural treatment.

6.3. Planning Authority Response

- First Party Appeal - Further information was requested with a view to increasing the density of the scheme. The revised proposal for a three storey apartment block, by reason of its design, architectural expression and limited contribution to the streetscape was deemed to be inappropriate to this location and consequently permission was refused for this element of the scheme. The revised Option B submitted with the appeal is not sufficiently detailed to ascertain its suitability for the subject site.

- A density in the region of 35 to 50 units per hectare is appropriate at this location. Further information was requested with a view to increasing the density of the scheme.
- In the event that the Planning Authority's decision is upheld in respect of the grant of permission, request that Conditions no. 22 and 23 are included.
- In the event that the first party appeal in respect of the refusal of permission for the apartments is successful, requested that a condition requiring a financial contribution in accordance with the Section 48 Development Contribution Scheme is included.

6.4. Further Responses

6.4.1. The third-party appellant has submitted a further response in respect of the first party appeal. The following new issues are raised:

- The development does not achieve the vision of the Donabate Urban Strategy in that it does not create positive new frontage onto the Portrane Road, while protecting adjoining residential amenities. The proposed apartment block is completely out of character with the surrounding area, as highlighted in the decision of the planning authority.

6.4.2. The first-party appellant has submitted a further response in respect of the third-party appeal. The following new issues are raised:

- Any redevelopment of the site will lead to an increase in the number of units on the site. The Residential Density Guidelines and the Fingal County Development Plan have set standards in relation to density and standards to protect the amenities of adjoining properties.
- The level of open space is consistent with the Development Plan standard. The quality standards have been addressed by relocation of the space to side and front of the site. The landscaping and boundary treatment proposals provide security and attractiveness.
- In relation to boundary treatments, there is currently a mixture of treatments. The applicant is keen to secure the site with a 1.8 meter to 2.0 meter high

plastered wall. This can be complimented with suitable bushes and hedges. A condition would be welcomed in this regard.

7.0 **Assessment**

7.1.1. First and third-party appeals have been received in respect of the decision of the Planning Authority. The first schedule of the decision granted permission for 9 no. dwellings on the site, while the second schedule refused permission for 8 no. apartments. The first party appeal relates to schedule two only and the decision to refuse permission for the apartment block. The applicant requests that the Board uses its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended) and confines its considerations to the refusal only. However, the third-party appeal raises issues in relation to the design of the dwellings and the impact on the appellants property. On this basis, I recommend that the application is considered 'de novo'.

7.1.2. I consider that the relevant issues in determining the appeal are as follows:

- Principle of Proposal
- Density
- Design and Layout
- Open Space
- Impact on Residential Amenity
- Appropriate Assessment

7.2. **Principle of Proposal**

7.2.1. The site is zoned Town and District Centre. Housing is an acceptable use within this zone. Given the context of the site, surrounded by residential uses and at a remove from the commercial core, I consider the proposed residential use to be a suitable use. In relation to the existing house, the building is not protected nor is it included in any proposed list for protection and as such, the proposal to demolish the house is acceptable.

7.3. Density

- 7.3.1. The appeal site is an infill site of 0.39 hectares that is located on an edge of centre site, in an area that is characterised by low density housing (detached dwellings on large plots). The site is located c. 600 metres from Donabate rail station. The site is also proximate to bus stops on Main Street and on the Portrane Road.
- 7.3.2. The Sustainable Residential Development in Urban Areas Guidelines, 2009 set out density standards for residential development across a range of settlement types and areas. Section 5.6 states that there should, in principle, be no upper limit on the number of dwellings that may be provided within any town or city centre site, subject to safeguards. Section 5.8 recommends minimum net densities of 50 dwellings per hectare on sites within 500 metres walking distance of a bus stop and within one kilometre of a rail station. Section 5.9, which relates to inner suburban and infill sites, is also relevant in my opinion. This section states that “in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of established character and the need to provide residential infill”. While the Donabate Urban Centre Strategy refers to densities of up to 70 units per hectare at this location, I would note that the Planning Authority’s appeal response states that a density in the region of 35 to 50 units per hectare is appropriate.
- 7.3.3. The development proposal submitted with the application had a density of 28 no. units per hectare, which is significantly below the recommended density for sites with a town centre zoning and within a public transport corridor. The revised proposal submitted to the Planning Authority at further information stage has a density of 44 units per hectare. However, the decision of the Planning Authority to omit 8 no. units, reduces the density to 23 units per hectare. The third-party appellant note that, contrary to the request for further information which sought increased density, the decision of the Planning Authority serves to reduce the density without consideration of what will happen on the remainder of the site.
- 7.3.4. The proposed density of 44 dwellings per hectare, while below the range for sites within one kilometre of a rail station, is acceptable in my opinion, given the infill nature of the site and the predominance of low density housing in the immediate vicinity. I consider the development, as approved by the Planning Authority, to be

significantly below recommended density standard for a site of this nature and to be unacceptable in this regard.

7.4. Design

- 7.4.1. I consider the development (as amended at further information stage) to be a well-designed infill scheme and to be of a nature and scale that would integrate well within this transitional context at the edge of the commercial core of Donabate. A first party appeal has been received in relation to the decision of the Planning Authority to refuse permission for the proposed apartment block. The reasons for refusal relate to the design and architectural expression of the block and its contribution to the streetscape. The Planner's report states that the use of a low-pitched roof and the window to void ratio do not provide the high quality of contemporary design expected in Donabate. The applicant in response has submitted a revised design proposal for the apartment block with the appeal. The footprint and positioning of the block and the number and configuration of units is largely unaltered. The design of the block is altered to provide a flat roof in place of the proposed pitched roof, more definition to corners and openings, in addition to a more 'urban' palate of material finishes. Terraces have been added into the structure of the building (in place of projecting balconies) better integrating the private open spaces and resulting in an increased level of provision (average of 17.5 square metres per apartment). A communal roof garden is proposed at roof level. The Planning Authority's appeal response states that the revised option is not sufficiently detailed to ascertain its suitability for the subject site. However, I am of the view that there is sufficient detail to allow for an assessment of this proposal, particularly as its largely the elevational and roof treatments that have changed. Matters of detail in relation to finishes etc., can be addressed by condition in the event that the Board is minded to grant permission.
- 7.4.2. Both apartment blocks exceed the minimum internal space standards and open space standards for residential dwellings and are acceptable in this regard. In terms of the three storey scale, I would note that this is envisaged under the Donabate

Urban Centre Strategy. The key issue for consideration is, therefore, the design of the apartments block.

- 7.4.3. I am of the opinion that the apartment block submitted at further information, while suburban in character, would sit well within the existing context of low density housing and that it represents an acceptable design response. I would note, however, that the site is zoned “Town and District Centre” and that the Donabate Urban Centre Strategy envisages a more urban approach at this transitional location¹. The revised block (Option B) is more contemporary in appearance and would provide a stronger and more defined edge to the Portrane Road. The apartments also benefit from improved private open space provision. While the original block would sit well within the existing context, the revised block would set the context for future infill development in the vicinity. On this basis, I recommend that permission is granted for the apartment block detailed in the further plans received by An Board Pleanála (Option B). I would recommend, however, that the proposed roof garden is omitted, as I would have concerns in relation to the visual impact of the proposed railings at roof level and consider that a stepped building line would add visual interest and reduce the massing of the block.

7.5. Open Space

- 7.5.1. The third-party appellants raise the matter of open space in respect of its quality and safety due to the proximity to the Portrane road. The requirement in respect of the current Fingal County Development Plan is set out in Objectives DMS57 where minimum provision of public open space at a rate of 2.5ha per 1000 population is required. Objective DMS57 of the Development Plan requires that a minimum of 10% of a development site is designated for use as public open space and states that the Council has the discretion to accept a financial contribution in lieu of remaining open space. The payment of a financial contribution in lieu of open space provision is provided for within the Fingal Development Contribution Scheme 2016-2020.

¹ The Design and Development Brief and the associated Block Plan contained on page 70 and 71 of the Strategy refer.

- 7.5.2. The proposed development has an occupancy rate of 45.5 persons (based on the criteria set out under Objective DMS57) and thus, has a requirement for 1137.5 square metres of public open space. I would note that an open space area of 460 square metres is noted on the submitted layout plan, equating to 12 % of the site area. The development meets the minimum requirement of 10% within the site and has a shortfall of 677.5 square metres. I would recommend to the Board, that a condition is attached requiring the payment of a contribution to the Planning Authority in respect of the shortfall in open space, as outlined above, so that usable public open space can be provided elsewhere, in accordance with the requirements of the Development Plan and the Fingal Development Contribution Scheme.
- 7.5.3. In relation to the proposed open space that is provided, I consider the space to be well integrated within the scheme and to be well overlooked. I would not agree with the appellants concerns in relation to the proximity of the space to the Portrane Road as it sits behind the boundary to this road.

7.6. **Impact on Amenity**

- 7.6.1. The third-party appellant expresses concern in relation to the positioning of the proposed dwellings to the rear of the site and the impact that this would have on the amenities of their property. In respect of overlooking the proposed dwellings would back onto the private garden area of the appellants property and are orientated, to the rear, towards the appellant's bungalow. The blocks are setback from the boundary by over 11 metres and from the dwellings by over 22 metres, which is considered a reasonable set back. While the development would represent a significant change to the current situation enjoyed by the appellants, I do not consider that there would be any undue impacts on the amenities of the adjacent property due to overlooking. In terms of overshadowing, the two storey housing blocks are a sufficient distance from the existing dwelling to the south so as to ensure that little or no overshadowing will take place.

7.7. Other

- 7.7.1. The Engineering drawings and details submitted with the application and in response to the request for additional information, are considered to satisfactorily address surface water drainage, foul drainage and water supply.
- 7.7.2. The submitted traffic report concludes that the development would have no discernible increase in traffic. The development would have a car parking requirement of 29.5 spaces based on the standards set out in Table 12.8 of the Development Plan. The provision of 30 spaces meets this requirement. While I note that the Planning Authority have requested in curtilage car parking to front of the dwellings (condition no. 4 (a) of the notification to grant permission) I consider the communal arrangement to be more efficient. I am also of the opinion that the communal bays are well designed and integrated within the scheme.
- 7.7.3. The submitted site layout plan shows a communal bin store located centrally within the site. I consider the location to be unduly conspicuous and that it would obstruct access to the main pathway to the Portrane Road. Should the Board be minded to grant permission I recommend that a condition is included requiring the applicant to agree details of bin storage facilities (design and location) with the Planning Authority prior to the commencement of development.

7.8. Conclusion

- 7.8.1. In conclusion, I consider that this proposed development represents a desirable and appropriate form of infill development at this edge of centre location and that the development by reason of its siting and scale would not impact unduly on the amenities of properties in the vicinity.

7.9. Appropriate Assessment

- 7.9.1. Having regard to the nature and scale of the proposed development, nature of the receiving environment, the discharge of foul water arising from the proposed development to treatment facilities and proximity to the nearest European 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

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

9.0 REASONS AND CONSIDERATIONS

Having regard to the location and the zoning of the site it is considered that the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 18th day of October 2017 and by the further plans and particulars received by An Bord Pleanála on the 23rd day of January, 2018, 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 amended as follows:

(a) The apartment block shall be carried out and completed in accordance with the further plans and particulars received by the An Bord Pleanála (Option B) on the 23rd day of January 2018.

(b) The proposed roof garden and associated roof level boundary railings shall be omitted from the scheme.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of visual amenity.

4. Details of boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping.

(ii) The measures to be put in place for the protection of these landscape features during the construction period.

(iii) The species, variety, number, size and locations of all proposed trees and shrubs.

(vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water and provision for existing foul sewer connections within the site, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian 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. All

existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

9. (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 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 for the apartment units and dwellings, the location and design 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.

10. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

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 noise management measures,

railway safety and offsite disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.

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

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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. 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, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

matter shall be referred to 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 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 standards set out in Objectives DMS57 and Objective DMS57B 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.

Karen Kenny

Senior Planning Inspector

30th April 2018