



An
Bord
Pleanála

Inspector's Report 301369-18.

Development

Development comprising (i) demolition of former filling station; (ii) construction of a flat-roofed, four storey contemporary apartment building including third floor setback consisting of 22 apartments with private terraces/balconies; (iii) the provision of private open space, 24 car parking spaces, bicycle spaces and bin storage; (iv) landscaped section to Monastery Road; (v) SuDS drainage; (vi) landscaping and boundary treatments and (vi) associated site works.

Location

Monastery Road, Clondalkin, Dublin 22.

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD17A/0291.

Applicant

Chimway Ltd.

Type of Application

Permission.

Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellants	David Murphy representing Monastery Heights Residents Association.
Observer(s)	Monastery Rise Residents Association
Date of Site Inspection	31 st July 2018.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed development is located in the Clondalkin area of County Dublin in an established built up area to the east of the main street. The area is predominantly residential comprising detached and semi-detached houses.
- 1.2. The site has frontage onto Monastery Road, a major traffic route linking Clondalkin village to the M7/M50, which defines the site's northern boundary. To the west of the site is a detached dwelling and an area of public open space. To the east of the site is a residential area comprising of an established residential estate Monastery Heights. To the north of the site is an area of public open space associated with another residential estate. On the northern side of Monastery Road are residential dwellings with individual accesses onto Monastery Road.
- 1.3. On the appeal site is a disused filling station, retail unit and associated structures with a stated floor area of 326m² with accesses onto Monastery Road. The structures are located in close proximity to the public road and there is a large open area at the rear/south of the site. The boundaries in the southern area has trees and other vegetation on or in proximity to the boundaries. There is palisade fencing around the perimeter of the site.
- 1.4. The site which is roughly rectangular in configuration has a stated area of 0.32 hectares. The site falls in a northerly direction towards the Monastery Road frontage but at the Monastery Road frontage the site is level and at a comparative level to the road in contrast to the relative higher level of the residential estate to the west. There is no footpath along the site frontage.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 18th of August 2017 provided for the following;
 - 2.1.1. A development comprising of;
 - 2.1.2. The demolition of a former filling station comprising of a forecourt canopy with a stated floor area of 150.35m², a single storey vacant retail structure with a stated floor area of 77.76m² and an ancillary building with a stated floor area of 99.64m².

- 2.1.3. The construction of a flat-roofed, four storey apartment building with a stated floor area of 2,376.73m² including third floor setback level consisting of 22 apartments which provides for 8 no. one bedroomed apartments and 14 no. two bedroomed apartment with individual private terraces/balconies.

The proposed apartment building is located centrally on the site, is set back approximately 25 metres from the Monastery Road boundary and is of a contemporary design with a flat roof with the central core storied with a taper to three stories at the western and eastern elevations. The design and elevation onto Monastery Road provides for a variation in the elevation with two vertical sections with a strong emphasis on glazing with a more pronounced horizontal band in the side and central elements and incorporates brick finishes of two colours.

The side elevations are blank elevations of a uniform brick finish on the lower three levels and a different brick colour on the upper level and the rear elevation also incorporates a mix of finishes with glazed area predominating in relation to external finish with brick finishes also incorporated treatment with and the upper floor is also set back from the main elevational wall.

The apartment building has a maximum height of 12.3 metres but it is predominantly 12 metres in height in the central section with a further lowering at the eastern and western sides of the building to 7.45 metres.

- 2.1.4. The provision of an area of communal private open space with a stated area of 1,420 m². The area of open space is mainly located at the rear and side of the apartment building with some open area provision in close proximity to the Monastery Road boundary
- 2.1.5. The provision of 24 car parking spaces 3 of which are disabled spaces and 24 bicycle spaces and bin storage. The car and bicycle parking is to the front of the apartment building.
- 2.1.6. The provision of a new landscaped section to Monastery Road which includes planting and the construction of a 1.5 metre wall and railing boundary treatment with vehicular and pedestrian access provided off the existing roadside frontage.
- 2.1.7. The provision of services including a drainage layout with provision for SuDS

- 2.1.8. Additional landscaping and boundary treatments on the remaining boundaries of the site.
- 2.1.9. All associated site works.
- 2.1.10. In addition to the drawings and particulars the documentation submitted also included a planning report;
- 2.1.11. It is proposed to connect to existing piped services.
- 2.2. Further information was submitted to the planning authority on the 16th of February 2018 including the following;
 - 2.2.1. The revised proposals amend the design and reduce the number of units from 22 to 19 with 6 no. one bed roomed, 12 no. two bed roomed and 1 no. three bedroom units.

The density is reduced from 68 units to 59 units per hectare.
 - 2.2.2. The reduction in the number of units has resulted in design changes and the development steps down to 2 storeys adjoining 7 Monastery Heights. The overall design concern is largely retained.
 - 2.2.3. Issues in relation to impacts arising from potential overshadowing and overlooking are addressed.
 - 2.2.4. The extent of cut and fill arising from the development is reduced by a reduction in the floor footprint area at ground floor level.
 - 2.2.5. Photomontages are submitted in relation to assessment of visual impact.
 - 2.2.6. Elevations are amended to incorporate a higher level of render.
 - 2.2.7. A landscape master plan was submitted.
 - 2.2.8. Revised drainage and water
 - 2.2.9. Clarification in relation to the proposed vehicular access details were submitted.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to 31 conditions. I would refer to the following;

- Condition nos. 8, 9, 10 11, 12, 13, 14, 15 and 16 requires agreement in relation to the protection of trees and matters relating to landscaping and planting of the site.
- Condition no 22 refers to the carrying out of a bat survey.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 10th of October 2017 refer to;

- The planning history.
- The provisions of the development plan.
- An assessment under a number of issues identified.
- The principle of the development is accepted.
- The density of the development is considered excessive in the context of its surroundings.
- Issues in relation to the height and impact on adjoining properties require to be addressed/clarified;
- Issues arise in relation to external finishes, landscaping, parking, drainage.
- Further information was recommended.

The planning report dated the 15th of March 2018 considered the proposal in the context of the further information;

- The report considers the revised reduced density acceptable.
- Additional opaque screens are necessary to address potential overlooking.

- Revisions to the eastern and western elevations are required to address these visually blank facades.
- The revised external finishes are acceptable.
- Permission was recommended.

3.2.2. Other Technical Reports.

The water services planning report dated the 8th of February 2018 in relation to surface water and flood risk indicates no objections.

The environmental health department in a submission dated the 22nd of September 2017 indicates no objections.

The roads report dated the 14th of September 2017 recommends conditions if permission is granted.

The roads report dated the 27th of February 2018 indicated no objections to the further information submitted subject to conditions being included.

3.3. **Prescribed Bodies**

Irish Water in a submission dated the 19th of September 2017 recommends further information and indicates a number of matters which require to be submitted.

A subsequent report dated the 12th March 2018 indicates no objections.

3.4. **Third Party Observations**

A number of submissions were received in relation to the initial submission and the further information submitted and reference is made to the density and scale of the development, the nature of the design in the context of the topography of the site, impact on residential and area amenities, traffic, parking, overlooking and overshadowing and impact on current inadequate drainage services in the area.

4.0 **Planning History**

PA Ref. No SD17A/0133

An application for the demolition of existing structures and for the construction of 22 apartments on the site was not determined. The planning authority had requested further information.

5.0 Policy Context

5.1. National policy.

- 5.1.1. **Design Manual for Urban Roads and Streets (DMURS)** was prepared for the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government and published in March 2013.

The Manual offers a holistic approach to the design of urban streets in cities, towns, suburbs and villages; to the application of principles and standards and a new perspective in assessing development in the urban context with emphasis on accessibility, permeability and design.

- 5.1.2. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas DHLG 2009** outlines policy and guidance in relation to the provision and assessment of residential development.

The objective of the guidelines is produce high quality sustainable developments. The guidance relates to all levels of settlements and are accompanied by a best practice Design Manual.

The guidance set out the importance of design and context and criteria which should be addressing the preparation and assessment of residential development including scale of development relative to the settlement and also design statements outlining the rationale of new development.

The guidelines lay emphasis on a plan led approach, establishing relationships between established and new proposed neighbourhoods, the benefits of mixed-use development and the setting of appropriate density levels within the area which are outlined in more detail in chapter 5 for cities and large towns.

In relation to density for outer suburban / 'greenfield' sites which the appeal site could be regarded as, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwelling

units per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwelling units per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares (section 5.11).

5.1.3. **Sustainable Urban Housing: Design Standards for New Apartments** Guidelines for Planning Authorities Department of Housing, Planning and Local Government March 2018. This guidance updated previous guidelines published in 2015 and aspects of previous apartment guidance have been amended and new areas addressed in order to:

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging 'build to rent' and 'shared accommodation' sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

Apartment design parameters addressed in these guidelines include:

- General locational consideration;
- Apartment mix within apartment schemes;
- Internal space standards for different types of apartments;
- Dual aspect ratios;
- Floor to ceiling height;
- Apartments to stair/lift core ratios;
- Storage spaces;
- Amenity spaces including balconies/patios;
- Car parking; and
- Room dimensions for certain rooms

Section 3 of the guidelines set out apartment design standards including minimum floor areas for different apartments in Specific Planning Policy Requirement 3, mix of apartments; proportion of dual aspect Specific Planning Policy Requirement 4; and internal storage; private amenity open space;

Section 4 of the guidelines address communal facilities including open space, refuse storage, car parking and bicycle parking.

5.2. Development Plan

5.2.1. The operative plan is the South County Dublin Development Plan 2016-2022.

The site is located within an area zoned RES with the objective “to protect and/or improve residential amenities”.

5.2.2. Residential is a permitted use.

5.2.3. Chapter 2 of the plan outlines policies which encourage the provision of housing and in particular development of brownfield sites at appropriate densities in appropriate locations subject to good design and provision of amenities.

5.2.4. Relevant policies include H6 sustainable communities; H7 urban design; H8 residential densities; H9 heights of residential development and objectives 1,2 and 3 in this regard; H11 residential design and layout; H12 public open space; H14 internal residential accommodation. The development of infill sites is encouraged in policy H17.

5.2.5. Parking is referred to in section 6.6.4.

5.2.6. Water services is referred to in section 7.1.0 and flood risk management in section 7.3.0.

5.2.7. Section 11.2.1 refers to the submission of design statements.

5.2.8. Section 11.4 refers to parking standards and requirements for cycles are set out in table 11.22 and for vehicles in table 11.23.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. David Murphy representing Monastery Heights Residents Association in a submission dated the 1st of April 2018 refers to;

- The appellants welcome the development of the site.
- The appellants raise the issue of density and maintaining the character of the area notwithstanding the reduced density as the proposed development remains significantly in excess of the immediate surrounding area.
- Reference is made to the established character of the area which is two storied housing.
- Reference is made to the height of the proposed development.
- The density as proposed is excessive and is not in proximity to a strategic public transportation corridor.
- The revised development does not address the relationship with adjoining development and continues to negatively impact on existing residential amenities and the use of opaque does not address impacts.
- Issues remain in relation to traffic and sightlines and impact on the entrance to Monastery Heights.
- There are concerns in relation to the level of parking provided and overspill into adjoining residential areas.

6.2. Applicant Response

6.2.1. The applicant c/o Hughes Planning and Development Consultants in a response dated the 8th of May 2018 refers to;

- The proposed development seeks to provide a high quality residential development at a scale and density which makes the most efficient use of serviced zoned lands.
- The development meets the development management standards of the current South County Dublin Development Plan and national standards.

- The Board are requested to consider the merits of the original scheme submitted.
- In relation to the grounds of appeal issues are raised in relation to density and maintaining character.
- The density was reduced in the amended design and protection of visual amenity and the outlook for existing residents has been an important consideration in the preparation of the proposed development.
- The planning authority recognise that it is an infill inner suburban site and a brownfield site and a higher density would be permissible.
- The density accords with the 2009 national guidance and is an appropriate response.
- The revised proposal with a step down to 2 storeys was a response to planning authority concerns in relation to the relationship with Monastery Heights and provision stated in section 11.2.7 of the CDP in relation to building heights.
- Site coverage on the site is 21%.
- Opaque glazed screens were included to address and to minimise overlooking.
- The development responded issues of cut and fill in the revised proposals.
- The external finishes are considered acceptable and harmonise with the area and adjoining development.
- A substantial landscape masterplan was submitted.
- In relation to sightlines these are addressed and the proposal provides for a 2-metre-wide footpath along the site frontage. The applicant has no control over other lands.
- The parking provision is on accordance with development plan standards and national guidance.
- The Board are requested to grant permission.

6.3. **Planning Authority Response**

The planning authority in a response dated the 30th of April 2018 requests its decision be reaffirmed and that the issues raised in the grounds of appeal are addressed in their reports.

6.4. **Observations**

6.4.1. **Monastery Rise Residents Association** in a submission dated the 18th of April 2018 refers to;

- The submission refers to the height and density of the development.
- It is out of character with the area.
- Issues of parking and the access from the development are referred to.
- The previous use of the site and contamination of the site are raised.
- Visual impact is referred to.

7.0 **Assessment**

7.1. The main issues which arise in relation to the appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

7.2. Principle of development.

7.2.1. The site is within an area zoned residential and the current proposal complies with the zoning. I would note that the third party appellants have not questioned the principle of residential use but the nature of residential development proposed.

7.2.2. Given the provisions of the plan and the site's location in an established residential area in relative close proximity to Clondalkin village and other amenities the use is acceptable in the proposed location. It is also noted that the proposed use offers a residential use replacing a current non-residential use in this established residential area.

7.3. Design and layout.

7.3.1. The issue of overall design, scale and layout is central to many of the third party appeals in the context of the wider impact of the development on the area and its

impact on adjoining properties. In particular, the use of the site for an apartment block is raised given the prevalence of dwellings in the area. The issue of height is also raised given the predominance of two storied dwelling and the overall relationship of the proposed apartment block to its immediate surroundings.

- 7.3.2. The site given its area and configuration offers the possibility of a wide range of design solutions including individual housing units and or apartments. The site is currently a standalone site with a non-residential use which also presents the opportunity to provide a variation from the current predominant residential type in the immediate area. The site occupies an important location on the approach to the village with frontage onto Monastery Road but the relative separation from adjoining properties and the areas of open space on one boundary and partially on another does permit a distinctive design approach for the site. In this context the use of the site for apartments is a reasonable approach but it should not be at the expense of impacting on existing amenities.
- 7.3.3. The approach adopted is a modern single block and the construction of a flat-roofed, four storey apartment building and this design approach is followed in the initial proposal as submitted to the planning authority and the revised proposal submitted to the planning authority by way of further information was submitted to the planning authority on the 16th of February 2018 which included amendments in the design, which reduced the number of units from 22 to 19 a reduction in density from 68 units to 59 units per hectare; design changes in which the development steps down to 2 storeys adjoining 7 Monastery Heights; design changes to address potential overlooking and alterations to the external finishes to incorporate a higher level of render. The proposal also addresses issues in relation to cut and fill by eliminating excessive cut at ground floor level with a consequent reduction of the footprint at ground floor level.
- 7.3.4. Many of the amendments submitted were to address matters of concern raised by the planning authority in the initial submission which I would share. For the purpose of this assessment I will therefore consider the revised details submitted to the planning authority on the 16th of February 2018.
- 7.3.5. The proposed building is of a modern design and construction with a flat roof with the main entrance and orientation of the building towards Monastery Road. I would have

no objection to the overall approach taken in the design concept as proposed and adopted.

7.3.6. The incorporation of four floor / stories building block is a departure from adjoining development but the amended design provides for the overall mass to be broken up by the use of a transition from two floors adjoining Monastery Heights to three floors and then to the four floors at the core and central section of the block and also retaining a partial reduction to three floors at the northern section of the apartment block. The variation in the site levels with the finished floor area higher in Monastery Heights compared to the appeal site also reduces the overall variance in overall height and as a transition from existing adjoining development into the core of the proposed development. In this respect it recognises scale in adjoining properties and provides for a development with its own statement. The principle and concept of the design is therefore I consider acceptable.

7.4. Density

7.4.1. In relation to density the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas as issued by the DHLG in 2009 outlines policy and guidance in relation to the provision and assessment of residential development. In relation to density for outer suburban / 'greenfield' sites which the appeal site could be regarded as, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwelling units per hectare and such densities. Development at net densities less than 30 dwelling units per hectare should generally be discouraged in the interests of land efficiency.

7.4.2. There is also provision in the guidelines to increased densities along public transportation corridors. The site is located along a road with bus route and has a bus stop in proximity to the site. The Luas service is also available at the southern end of Monastery Road at Red Cow. The density of 59 units per hectare exceed the general range as set out in the guidelines but given the standalone nature of the site its previous use a density of 59 units is, I consider, acceptable for the site.

7.4.3. I would also have no objection to the mix of units proposed for the site. The units have been designed in accordance with stated national guidance in relation to floor area, storage areas and private open space other recommended standards.

- 7.5. Two issues arise in considering its relationship to adjoining properties. The first is the aesthetic relationship in particular its relationship with the adjoining properties and the second relates to its potential impact on adjoining properties in particular impacts on residential amenities. As indicated I consider that the transition as proposed is acceptable. The issue of potential impact requires further consideration.
- 7.6. Impact on adjoining properties.
- 7.6.1. Any development by its nature given that the scale footprint and height is greater than what current exists on the site will have or have the potential for some level of impact on adjoining properties and the area.
- 7.6.2. In relation to the site itself there will not be any discernible impact to the south of the site. The building line of the proposed block will be approximately 5150mm from the eastern boundary of the site for the two storey section of the building increasing to approximately 9860mm for the three floor and 10170mm for the four floor section of the block. No issues of overshadowing arise for most of the morning and afternoon given the orientation of the proposed property and existing property to the east and the stepped nature of the building ameliorates overshadowing in the latter part of the day.
- 7.6.3. Another factor to consider is the relative ground floor levels of the proposed development and existing development where the parapet level of the third floor will be only approximately 500mm higher than the eaves level of the nearest property on Monastery Heights which will be in excess of 10 metres separation distance.
- 7.6.4. In relation to the property to the west Floraville Cottage given the separation distance and the relative orientation and location of this property and the proposed apartment block no issues of overshadowing arise.
- 7.6.5. In relation to the issue of overlooking the proposed apartment block retains an approximately similar building line to Monastery Road to the current dwellings in Monastery Heights. In relation to overlooking the eastern and western elevations as proposed are largely blank elevations which reduce the potential of direct overlooking with provision for a single high level window on both the ground, first and second floor elevations and a glazed window for a bathroom at third floor level in relation to both elevations.

7.6.6. I note that while these features address potential direct overlooking the planning authority have reservations in relation to the visual effect of having a major section of blank walling on these elevations given their visual prominence and appearance when viewed from Monastery Road and I also share these reservations. A condition requiring a revised elevation with vertical emphasis is required by condition and I would agree with such modification and also consider that the inclusion of inset panels on the side elevations which would also visual enhance the elevations.

7.6.7. The primary issue in relation to overlooking arise from balconies and terraces and in this regard the revised proposal provides for opaque screening at the third floor level terraces. The planning authority have considered that balconies on the first and second floors have the potential to overlook the adjoining properties of 7 Monastery Heights and that similar opaque screening should be provided. I would agree with this requirement. This issue does not arise on the western boundary given the location of the proposed development and the location of Floraville Cottage which is located forward of the proposed building line.

7.7. Site layout.

7.7.1. In relation to site layout the proposed development provides for a single vehicular access onto the public road. Details are submitted in relation to the entrance and I would have no objections to the details submitted.

7.7.2. In relation to parking there is provision for 24 car parking spaces 3 of which are disabled spaces and 24 bicycle spaces, which are located to the front of the building. The car and bicycle parking is to the front of the apartment building. The number of spaces serving the nineteen units complies with the standards as outlined in section 11.4.2 and table 11.24 of the current county development plan. The provision of cycle parking also complies with the development and there is within the apartment units themselves storage areas to accommodate cycles.

7.7.3. Bin storage is provided at the western end of parking area and is readily accessible.

7.7.4. In relation to public open space the layout as submitted provides for open space around the perimeter of the site and the protection of the screening and trees on the site's perimeter. The level of open space exceeds the standards required in section 11.3 of the current county development plan and is in excess of 45% of the overall site and is also I consider functional and accessible.

- 7.7.5. A condition in relation to landscaping both in relation to hard and soft areas and a timescale in relation to its implementation should be included in a grant of planning permission.
- 7.8. Ownership
- 7.8.1. Issues of ownership are also raised in submissions and the applicant has submitted documentation in this regard. I do not propose to address many of the issues raised and I would in this regard refer to section 5.13 of the department guidance on development management which refers to issues relating to title to land where it is indicated that *“the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision”*.
- 7.8.2. In relation to making a planning application there is nothing definitively to cast doubt on the bona fides of any assertion by the applicant to make a planning application or that the applicant does not have sufficient legal interest or that the Board may if satisfied with matters relating to proper planning and development decide to grant permission.
- 7.9. Services
- 7.9.1. In relation to services it is proposed to connect to existing public piped services. Third party submissions have raised issues in relation to problems with existing services. Irish Water reports have however raised no objections. Proposals submitted provide for attenuation of surface water and calculations on achieving this are submitted as part of the revised submissions. I would have no objections to the details as submitted.
- 7.10. Part V
- 7.10.1. I note that there is a reference in the initial planning report that Part V applies in relation to the proposed development.
- 7.11. Other matters.

7.11.1. There is reference to a requirement that a bat survey be undertaken and there is a condition to this effect in the planning authority's decision and I would have no objections to this.

8.0 Recommendation

8.1. In view of the above assessment permission for the proposed development is recommended.

9.0 Reasons and Considerations

Having regard to the provisions of the South County Dublin Development Plan 2016-2022, the location of the site and the pattern of existing development in the area it is considered that subject to 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 and would be acceptable in terms of traffic and pedestrian safety. 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 on the 18th of June 2017 and as amended by the further plans and particulars submitted on the 16th day of February 2018, except as may otherwise be required in order to comply with the following conditions. The development to be constructed shall be in accordance with the amended scheme as submitted on the 16th day of February 2018 in relation to the number of units and general siting, design and layout. 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 interests of clarity

- 2 Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The western and eastern end external elevations shall be amended to provide for larger windows with a vertical emphasis with opaque glazing and / or the provision of vertical insets on these elevations to alleviate the dominant blank nature of these elevations. Details to comply with this requirement shall be submitted to and agreed with the planning authority prior to commencement of development

Reason: In the interest of visual amenity

- 3 The internal road and circulation network serving the proposed development including parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority

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

- 4 The terraces and balconies at first, second and third floor levels shall where the projection faces in an easterly and westerly shall be fitted with an opaque screen with a minimum height of 1.8 metres. Details to comply with this requirement shall be submitted to and agreed with the planning authority prior to commencement of development.

Reason: In the interest of the protection of residential amenities

- 5 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 interests of visual and residential amenity.

- 6 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 all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed boundary treatments at the perimeter of the site, and internally within the site including heights, materials and finishes.

(d) details relating to the protection of existing trees as required by the planning authority

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and shall include a timescale for implementation.

Reason: In the interest of visual amenity.

- 7 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

- 8 Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 9 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

10 The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

. 11 Proposals for an apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the estate and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or

topographical features, or other alternatives acceptable to the planning authority. 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 and to ensure the use of locally appropriate placenames for new residential areas

- . 12 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 internal 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

- . 13 (a) Prior to the commencement of any development works on the site, the developer shall undertake a bat survey by a competent qualified person or consultancy to ascertain the presence of any bat activity on the site in relation to roosting and foraging and an assessment of any potential impact on the species arising from the proposed development. The nature and methodology of this survey shall be agreed with the planning authority prior to the commencement of the survey. No building, feature or vegetation shall be altered or removed prior to this survey and assessment.
- (b) Full details of the survey and assessment shall be submitted to the planning authority in advance of any development works on the site.
- (c) Should the presence of bats be established on the site; no development shall occur until the necessary permission/derogation licence has been

obtained from the appropriate statutory body.

Reason: In the interest of bat protection and to provide for the preservation and conservation of this species.

- 14 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.

- . 15 . Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owner's Management Company. Members of this company shall be compulsory for all purchasers of property in the proposed development. Confirmation that this agreement has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

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

- . 16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid

prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

. **Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

. Derek Daly
Planning Inspector

10th August 2018