



An  
Bord  
Pleanála

## Inspector's Report ABP-301497-18.

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### Development

Demolition of two dwellings and construction of 22 units, public open space, landscaping, amendments to road and site development works.

### Location

Green Lane, Rathcoole, Co. Dublin.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD17A/0357.

### Applicant(s)

Brian and Theresa Prendergast.

### Type of Application

Permission.

### Planning Authority Decision

Grant subject to conditions.

### Type of Appeal

Third Party V. Decision.

### Appellant(s)

1. Blackthorn Hill Rathcoole Management Company.
2. Suzzie Bradley & others.
3. Gerard Reid & others.

### Observer(s)

1. Rathcoole Community Council.
2. Christopher McDonnell.
3. Suzzie Bradley & others.

**Date of Site Inspection**

13<sup>th</sup> September 2018

**Inspector**

Susan McHugh

## **1.0 Introduction**

- 1.1. There are two concurrent appeals on adjoining sites – the subject appeal and appeal reference ABP-301541-18. There are two different applicants and both are third party appeals. Of the three appellants on the subject appeal, two are the same in both cases. Both applications have been prepared by the same design teams. There are interconnected issues to do with prematurity, foul drainage, vehicular access and residential amenity.

## **2.0 Site Location and Description**

- 2.1. The appeal site is located approx. 1km to the southwest of Rathcoole Village on the southern edge of the existing urban area. Rathcoole is located approximately 17km from Dublin City Centre and is accessible via the N7. It is proximate to a range of employment hubs including Citywest, Saggart, Greenogue Business Park and Baldonnell Business Park. Baldonnell Aerodrome is located approx. 2.3km to the north.
- 2.2. The lands are bound to the south by agricultural lands, to the east by agricultural lands and then by Rathcoole Boys Football Club, to the west by St. Anne's Terrace residential estate and to the north /north-east by Blackthorn Hill residential estate.
- 2.3. St. Anne's Terrace is characterised by 8 no. low profile single storey semi-detached houses which are served by a narrow access road, and face onto a triangular green area of open space. This green area adjoins Green Lane a narrow rural road to the west, where a speed limit of 60kmph applies. Holy Family Community School is located to the northwest with its eastern boundary abutting the western side of Green Lane, opposite St. Anne's Terrace. Green Lane extends northwards to the junction with the L2021 Johnstown Road also referred to as 'Kilteel Road'. The L2021 connects to the west end of Rathcoole Main Street.
- 2.4. The site is currently in agricultural use with two no. existing dwellings located to the south-west of the site which are accessed from Green Lane. The subject site which has an awkward configuration has a stated area of 1.5ha. It forms part of an overall

site which has a stated area of 3.9ha for which there is a concurrent planning application and appeal to the Board.

- 2.5. The site as outlined in red extends to include part of the Rathcoole Boys Football Club lands and Forest Hills Road and open space required for connection to the foul water network. It also includes part of Green Lane and open space in front of St. Anne's Terrace which is required for proposed road widening.
- 2.6. The Griffeen River runs adjacent to the overall site with natural spring and drainage channels located on the adjoining site to the west. A water main and associated wayleave also traverses the site from north to south.
- 2.7. There is a gradual slope on the site rising from north to south and includes hedgerows and trees to existing boundaries.

### 3.0 Proposed Development

- 3.1. The application was lodged with the planning authority on 29/09/2017 with further plans and details submitted on the 12/03/2018. The latter triggered revised public notices.
- 3.2. The proposed development as lodged comprises:
  - Demolition of 2 existing dwellings
  - Permission for construction of a residential development consisting of 22 units as follows;
    - 2 no. three bed units with study,
    - 18 no. four bed units, and
    - 2 no. four bed units with study.
  - The stated floor area of the proposed development is 3,652sqm and comprises a mix of terraced, semi-detached and detached units. The units will be two storeys in height including second floor accommodation in roof space with dormer windows and rooflights.

- House no's 1-14 are proposed to the south of the proposed access road while House no's 15 – 22 are proposed to the north of the access road with rear gardens abutting the side boundary of no. 8 St. Anne's Terrace.
- The proposed materials will be a mix of brick, which will form the primary main façade material with plaster/render on the subsidiary elevations, with blue/black slate or roof tiles. Windows and doors will be uPVC with a colour to be agreed.
- A large area of open space with a stated area of 2,708sqm is proposed to the north of the site with another area of open space 1,219sqm in area proposed to be located centrally on the site. Two smaller areas of open space are proposed to be located next to the boundary with no. 8 St. Anne's Terrace and adjacent to the entrance to the development from Green Lane. Works include landscaping and boundary treatment.
- In terms of site services, a new water connection to the public mains is proposed, a connection to the foul sewer, together with surface water storage in an underground attenuation tank which connects to the surface water network. The surface water attenuation tank will be located in the area of open space to the north of the site and will have a capacity of 1,805m<sup>3</sup>.
- The proposed vehicular access is via Green Lane and includes alterations to the existing roadway at St. Anne's Terrace. Amendments and upgrades include the widening of Green Lane along the western edge of the open space, including provision of a new footpath. These works will necessitate some land-take from the existing open space at St. Anne's Terrace. New development entrance piers at the entrance to the development are also proposed.
- 44 no. surface car parking spaces in a combination of in-curtilage and grouped parking are also proposed.

3.3. The application was accompanied by the following;

- Planning Statement
- Design Statement
- Traffic Report

- Flood Risk Assessment
- Drainage Design Report
- Landscape Design Report
- Arborist Report
- Aeronautical Assessment Report
- Screening Report for Appropriate Assessment
- Ecological Impact Statement
- Lighting Design Report
- Childcare Needs Analysis Report
- Letter of Consent from South Dublin County Council and Rathcoole Boys Football Club to include lands in their ownership.

3.4. Revised plans were submitted by way of further information. The application as amended includes;

- Amendment to the orientation of Units 1 and 2 both detached units located inside the entrance to the scheme.
- Reduction in the number of units from 22 to 20 no. and the re-orientation of remaining Unit Nos 15-20 inclusive, away from the boundary of adjoining properties at St. Anne's Terrace.
- Consequently, the site area has been reduced from 1.5 hectares to 1.43 hectares.
- Provision made for future pedestrian and vehicular access from the application site to Blackthorn Hill estate.
- Redesign of access arrangements from Green Lane.
- On site storage of foul effluent which will then be pumped to the Tay Lane pumping station.

Table 1.

House Type	Unit No.	No.	No. of bed spaces	Height	Floor Area
Y - Detached	1	1	4 + study	10m	250.6 sqm
X - Detached	2	1	4 + study	10m	229.9 sqm
G – Semi-detached	3-14	12	4 + study	10.2m dormer to front & rear	158 sqm
G2 – Semi-detached	15 & 20	2	4 + study Entrance to gable + bay window at gf	10.2m dormer to front only	158.8 sqm
G3 – Semi-detached	16 -19	4	4 + study	10.2m dormer to front only	158 sqm

3.5. The response to the further information was accompanied by the following;

- Drainage Design Report
- Arborist Report
- Lighting Design Report

3.6. Unsolicited additional information was also received by South Dublin County Council on 25/10/2017 in relation to a drawing entitled 'Proposed Site Access and New Footpath on Green Lane with DMURS Sightlines Shown' which was inadvertently omitted.

3.7. The Board will note that some reports submitted with the application reference both concurrent planning applications and cumulative impacts.

## 4.0 Planning Authority Decision

### 4.1. Decision

The planning authority **granted** permission 23/02/2018 subject to 30 conditions including: -

Condition 1.	Compliance with plans and particulars (total 20 units)
Condition 2.	Requirements of Water Services Authority and/or Irish Water
Condition 3, 4 & 20.	Requirements of Roads Department
Condition 5.	Undergrounding of public services
Condition 6 & 7.	Limitations on use and occupancy of residential units
Condition 8.	Estate naming and numbering
Condition 9 & 18.	Taking in charge
Condition 10.	Part V
Condition 11.	Management company
Condition 12–17.	Requirements of Parks and Landscape Services Section
Condition 19.	Construction and demolition waste
Condition 21.	Construction hours and control on noise
Condition 22.	Bin Storage and recycling of waste
Condition 23.	Requirements of Public Lighting Section
Condition 24 & 25.	Construction Traffic Management Plan
Condition 26.	Bat Survey
Condition 27 & 28.	Requirements in relation to dust and noise
Condition 29 & 30.	Section 48 contribution and security bond



## 4.2. Planning Authority Reports

### 4.2.1. Planning Reports dated (21/11/2017 and 09/04/2018)

The **1<sup>st</sup> Senior Executive Planners** report is the basis for the planning authority decision. It includes;

- Notwithstanding the absence of an approved area plan for the subject site the proposed residential development is acceptable in principle. The Area Plan drawing submitted is acceptable having regard to the modest size of the site and scale of the proposed development.
- Do not accept case made for not providing a childcare facility.
- Net density of 32 units per hectare is at the lower end of what is acceptable in outer suburban areas of the County but given the edge-of-village location of the site is considered acceptable.
- Bathroom windows should be fitted with obscure glazing, front doors to be wooden and that solar panels be provided.
- Recommend re-orientation of house no's 15-22 to address potential overlooking of adjoining houses on St. Anne's Terrace.
- An additional/vehicular pedestrian access should be provided to enhance permeability.

Recommendation for further information on the following:

- *Capacity of Public Foul Sewer System* – Advised that the Tay Lane foul water pumping station cannot pump any more wastewater than it currently does, the proposed development would cause waste water to flow into the adjacent stream at Tay Lane thus causing significant serious pollution to the local stream and watercourse which would be prejudicial to public health. Liaise with Irish Water and provide and agree proposals to increase and secure the capacity, with the written agreement of the landowners.
- *Surface Water Drainage* – Provide details of the location of the hydro brake.
- *Layout and Design* – Concern in relation to overlooking overbearing or overshadowing impact on single storey dwellings on St. Anne's Terrace, revised site layout for dwelling No's 15-22 to increase separation distance,

omission of rear dormer windows on dwellings closest to St. Anne's Terrace, and revised layout for detached House Type X and Y.

- *Roads Layout* – Provide details of a 1.8m wide footpath and 6.0m tie in along Green Lane with the existing road to the north of the proposed works, existing trees on the triangular green open space area to the front of St. Anne's Terrace should be retained and protected, which may require the relocation of part of the proposed path along Green Lane to inside the tree line, details for the proposed roads arrangement at the north and south end of St. Anne's Terrace at both ends of the green space, showing access to No.s 1,2,7 & 8 with letters of consent for works outside ownership boundaries, revised access arrangements from Green Lane, entrance design details, footpaths, signage and road markings, proposed road cross section, future access for the potential development of St. Anne's Terrace, swept path analysis drawing, bat friendly public lighting on Green Lane, pedestrian path and access from the proposed open space to Blackthorn Hill Avenue, omit proposed entrance pillars, vehicular /pedestrian access from Blackthorn Hill Avenue to the subject site.
- *Solar Panels* – Provide details of provision.
- *Construction and Demolition Waste* – Provide a project construction and demolition waste management plan.
- *Rear Garden Areas* – Clarify the discrepancy between the housing schedule and site layout drawings.

The 2<sup>nd</sup> **Senior Executive Planners** included the following;

- Information submitted in response to further information, is acceptable and considers that it addresses issues raised in third party submissions.
- Recommends a grant of permission subject to conditions.

#### 4.3. **Other Technical Reports:**

**Environmental Services Department** – Report dated 20/10/2017 recommends no objections, subject to conditions.

**Water Services Section** – Report dated 06/11/2017 recommends no objection subject to conditions.

**Parks & Landscaping Services Department** – Report dated 22/03/2018 recommends no objection, subject to conditions.

**Public Lighting** – Report not available from the planning authority at time of writing.

**HSE Environmental Health Officer** – Report not available from the planning authority at time of writing.

**Roads Department** – Report dated 01/01/2017 recommended additional information, subsequent report not available from the planning authority at time of writing.

**Housing Department** – Report dated 31/10/2017 recommends no objection.

**Heritage Officer** – Verbal report undated recommends no objection subject to a condition in relation to bats.

The file was referred to the Waste Enforcement Section, Waste Management Section, Pollution Control Section and Forward Planning Section, however no responses are noted on file.

#### 4.4. **Prescribed Bodies**

**Irish Water** – Reports (dated 31/01/2018 and 01/04/2018) **1<sup>st</sup>** report not available from the planning authority at the time of writing, **2<sup>nd</sup>** report recommends that upgrade works are required to increase the capacity of Tay Lane pumping station but that a contribution towards the cost of upgrade is required, no objection subject to conditions.

The file was referred to the Department of Defence, and Inland Fisheries Ireland however no responses are noted on file.

#### 4.5. **Third Party Observations**

A number of submissions were lodged with the planning authority from the following;

- The Residents of St. Anne's Terrace.

Individually from each of the 8 residents within St. Anne's Terrace

Dr. Diarmuid Ó Gráda Planning Consultant on behalf of Suzzie Bradley 8 St. Anne's Terrace, and others.

- Christopher McDonnell, 1 St. Anne's Terrace, Rathcoole.
- John Hickey, 2 St. Anne's Terrace, Rathcoole.
- Gerard and Anne Reid, 3 St. Anne's Terrace, Rathcoole.
- Pauline and Jenny O'Brien, 4 St. Anne's Terrace, Rathcoole.
- William and Angela Stewart, 5 St. Anne's Terrace, Rathcoole.
- George Weston, 6 St. Anne's Terrace, Rathcoole.
- Gerald Maher, 7 St. Anne's Terrace, Rathcoole.
- Rathlawns Estate c/o Christine Reardan.
- Michele Reilly, 25 Blackthorn Hill Drive.
- Blackthorn Hill Rathcoole Management Company CLG.
- Rathcoole Community Council c/o Neville Graver.
- Cllr. Emer Higgins.

Note: A number of submissions raise issues that relate to both the subject appeal and the concurrent appeal on the adjoining site. Submissions received are on file and issues raised are similar to those raised in the three grounds of appeal. Issues raised are summarised in section 7.0 below.

A note from the Clondalkin Area Committee meeting of 15<sup>th</sup> November 2017 states that Councillors E. Higgins, F. Timmons and T. Gilligan commented on the application.

## 5.0 Planning History

### *Concurrent Appeal on Adjoining Site*

**P.A. Reg. Ref. SD17A/0356 ABP-301541-18** Permission **granted** 09/04/2018 for construction of a residential development of 69 units comprising: 52 houses in a mix of terraced, semi-detached and detached (comprising 6 three bed units, 8 three bed units with study and 38 four bed units) of 2 storeys (including second floor

accommodation in roof space with dormer windows and roof lights) and 17 apartments (4 one beds, 12 two beds and 1 3-bed) in 3 blocks of 3 storeys. The apartments include balconies at first and second floor level and dormer windows at second level. The proposed development includes associated public open space, landscaping including boundary treatment, underground services and utilities and road, footpath and cycle infrastructure on the site. 132 surface car parking spaces will be provided for the development, in a combination of in-curtilage and grouped parking. The apartments are provided with 21 sheltered bicycle parking spaces and refuse storage areas. The proposed development includes amendments to the existing roadway at St. Anne's Terrace and amendments and upgrades to Green Lane, including provision of new footpath on Green Lane along with new development entrance piers at the entrance to the proposed development. The total gross floor area of the proposed development will be circa 10,086sq.m at this circa 2.4 hectare site bounded to the west by Green Lane, to the north-west by St. Anne's Terrace and Blackthorn Hill residential estate, to the east by Rathcoole Boys Football Club and to the south by greenfield lands. The site is accessed from Green Lane to the west of the site. The site also includes part of the Rathcoole Boys Football Club lands and Forest Hills required for connection to the sewer network, to Comoville Developments Ltd.

This decision by the planning authority to grant permission was for a total of 75 no. units and this is currently on appeal to the Board and a decision is pending.

**P.A. Reg. Ref. SD17A/0040**      Permission **refused** 14/11/2017 to construct 31 dwellings comprising of a mixed development of 1 no. 4 bed detached dwelling, 4 no. 4 bed semi-detached dwellings, 20 no. 3 bed semi-detached dwellings, 6 no. 2 bed semi-detached dwellings, with all ancillary site development works including connection to public drainage systems and watermain and form new entrance from public road.

Reasons for refusal referred the following;

1. A wayleave on the site for the arterial watermains from Ballymore Eustace to Saggart Reservoir, and proposed location of children's play equipment would be prejudicial to public health.

2. Insufficient capacity for the existing 150mm foul sewer on Killeel Road and Tay Lane pumping station to accept sewerage which would be prejudicial to public health and premature pending upgrades.
3. Insufficient surface water attenuation which would be prejudicial to public health.
4. Inadequacy of the Traffic Impact Assessment which does not take account of cumulative impact of traffic.

**P.A. Reg. Ref. SD16A/0029** Permission **granted** 30/03/2016 for (1) Phased demolition of existing school buildings (a) Block 1: single storey main school building 3,720sq.m (b) Block 2: two storey PE hall 771sq.m (c) Block 3: single storey temporary classroom 400sq.m (d) Block 4: single storey temporary classroom 1155sq.m. (2) Phased construction of a new part three, part two and part single storey school building (10,429sq.m). (3) The refurbishment of the existing vehicular entrance and the provision of a new pedestrian entrance off Killeel Road and the provision of a new vehicular entrance (emergency and service vehicles) off St. Anne's Terrace. (4) The provision of 97 car parking spaces. (5) The provision of a new ESB substation to the south east of the site with access off St. Anne's Terrace. (6) Associated ancillary site works including new landscaping and hard play areas, at Holy Family Community School. Killeel Road, Rathcoole to the Department of Education and Skills.

*Existing House on site to be demolished*

**P.A. Reg. Ref. SD09A/0139** Permission **granted** 16/12/2009 for proposed dormer bungalow with shared entrance at Green Lane Rathcoole to Mark Prendergast. This permission has been implemented.

## 6.0 Policy Context

### 6.1. South Dublin County Development Plan 2016-2022

The site is within an area zoned '**New Residential**' (RES-N), - '*To provide for New Residential Communities in accordance with Approved Area Plans*'. Residential development is 'permitted in principal' within this zoning objective. There is no approved Local Area Plan for the area.

#### **Policy CS4** Small Towns

*'It is the policy of the Council to support the sustainable long term growth of Small Towns based on local demand and the ability of local services to cater for growth.'*

**CS4 Objective 1:** '*To support and facilitate development on zoned lands on a phased basis subject to approved Local Area Plans.'*

#### **Policy CS6** Local Area Plans

*'It is the policy of the Council to prepare Local Area Plans as appropriate, and to prioritise areas that are likely to experience large scale residential or commercial development or regeneration.'*

**CS6 Objective 2:** '*To support a plan led approach in Local Area Plan areas by ensuring that development complies with the specific local requirements of the Local Area Plan, in addition to the policies and objectives contained in this Development Plan.'*

**Chapter 2** of the Plan refers to Housing, and **Chapter 11** refers to implementation. Relevant policies include:

#### **Policy H6** Sustainable Communities

#### **Policy H7** Urban Design in Residential Developments.

#### **Policy H8** Residential Densities

*'It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.'*

#### **Policy H9** Residential Building Heights

*'It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.'*

**Objective 2:** *‘To ensure that higher buildings in established areas respect the surrounding context.’*

**Objective 3:** *‘To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).’*

### **Section 2.3.0** Quality of Residential Development

#### **Policy H12** Open Space

*‘It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.’*

**Chapter 3** refers to Community Infrastructure

#### **Policy C12** Open Space

*‘It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.’*

### **Section 3.13** Open Space Management and Use

**Chapter 7** refers to Infrastructure & Environmental Quality

#### **Section 7.1.0** Water Supply and Wastewater

#### **Section 7.2.0** Surface Water and Groundwater

#### **Section 7.3.0** Flood Risk Management

## 6.2. National Policy

### 6.2.1. Planning Framework – Project Ireland 2040, DoHP&LG 2018

The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. National Policy Objective 13 refers to urban areas, and that planning



and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth.

### 6.3. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (Cities, Towns & Villages) 2009**

These guidelines should be read in conjunction with the Department’s planning guidelines on design standards for new apartments, published in 2007. The objective of these guidelines is to promote high quality developments. These guidelines have a companion design manual showing how design principles can be applied in the design and layout of new residential developments at a variety of scales of development and in various settings. The design manual sets out a series of 12 criteria which should be used at pre-application meetings and in the assessment of planning applications and appeals.

### 6.4. **Design Manual for Urban Roads and Streets 2013**

This manual seeks to achieve better street design in urban areas by facilitating the implementation of policy on sustainable living by achieving a better balance between all modes of transport and road users. The Guidelines set out that street networks should be designed to maximise connectivity between destinations to promote higher levels of permeability and legibility for all users, in particular more sustainable forms of transport.

### 6.5. **Natural Heritage Designations**

The following European sites are located within 15km of the appeal site.

<b>Site Name</b>	<b>Designation</b>	<b>Site Code</b>	<b>Distance</b>
Slade of Saggart and Crooksling Glen	pNHA	000211	2.3km SE
Glenasmole Valley	SAC	001209	7km SE
Wicklow Mountains	SAC	002122	7.8km SE

Poulaphouca Reservoir	SPA	004063	10.3km S
Wicklow Mountains	SPA	004040	11.4km SE

## 6.6. Grounds of Appeal

There are two concurrent planning applications, and planning appeals to the Board. Three separate third-party appeals were lodged in relation to the subject site. Issues raised refer to both planning applications and these are summarised briefly below.

Appeal No. 1 - Appeal lodged by Blackthorn Hill Rathcoole Management Company (CLG) on behalf of the Blackthorn Hill Management Company and the Residents of Blackthorn Hill Estate. The appeal was accompanied by a map of the subject site from 1938 indicating a watercourse traversing the site and photos of the green.

The issues raised can be summarised as follows;

- Support the principle of development.
- *Local Area Plan* - Premature pending the adoption of a Local Area Plan.
- *Foul Drainage* – Proposal to provide on-site storage facility of sewage and co-ordinated night time pumping to address the capacity of the Tay Road pumping station in Rathcoole is unacceptable. Concern with regard to permitting a hazardous waste storage facility adjacent to a significant water course and potential pump failure.
- *Flooding* – Application deficient in not identifying existing drainage on site.
- *Traffic* – Query the Traffic Study Reports submitted with the application in terms of traffic volumes particularly in relation to the existing Community School, new school service entrance opposite St. Anne’s Terrace on Green Lane, the newly approved increase in School size and houses under construction adjacent to Killeel Road. Green lane is currently use as ‘Rat Run’ to avoid traffic congestion on the village side of Killeel Road and school road.

- *Impact on Character of Green Lane* – Removal of trees and widening of Green Lane together with new footpaths will have a negative impact on the quiet rural landscape.
- *Non-Compliance with planning conditions of previous permission* – Previous development on the site in 2009 under P.A. Reg. Ref. SD09A/0139 conditions No. 1, 2 and 3 were not complied with prior to lodging the current application, and in particular, non-completion of land drainage requirements, site entrance completion and boundary landscaping and notes planning Enforcement File no. S7851.

Appeal No. 2 - Appeal lodged by Dr. Diarmuid Ó Gráda Planning Consultant on behalf of the following residents;

- Suzzie Bradley, 8 St. Anne's Terrace.
- William & Angela Stewart, 5 St. Anne's Terrace.
- Christine Reardan, 12 Rathlawns.
- Gerald Maher, 7 St. Anne's Terrace.

The issues raised can be summarised as follows;

- *Local Area Plan* - Premature pending the adoption of a Local Area Plan. Notes that the Co. Dev Plan does not include Rathcoole in the Councils list of LAP's. Concerned that the planning authority accepted an area plan submitted by the applicants and that this does not constitute a Local Area Plan which requires public consultation and adoption by the elected members. The Councils actions are therefore *ultra vires*.
- *Impact on Residential Amenities* – Backland nature of the site and its unwieldy shape, would give rise to excessive visual intrusion, overlooking overshadowing and overbearing which would seriously injure the amenities of the area and would be contrary to H9 Objective 2 and 3 of the County Development Plan. Materially contravenes the stated objective for this RES N zone.

- *Inaccurate Site Boundary* – Error in the site boundary where it overlaps the appellants driveway, the watercourse to the south-east perimeter lies outside the application site. Query the applicants legal interest in the entire site in light of the judgement in the Frascati legal case.
- *Inadequate Public Notices* – Further Information received by the planning authority did not describe the material alterations to the proposal with respect to the number of units and therefore contravenes the Planning and Development Regulations 2001, as amended and Development Management Guidelines for Planning Authorities.
- *Concurrent Application* – P.A. Reg. Ref. SD17A/0356 Further information drawings indicates a proposed creche which would be accessed via a new road (cul de sac) and revised notices make no reference to this commercial use which is also a material change of use attracting financial contributions.
- *Access* – Strongly object to proposed access at St. Anne's Terrace, which would materially contravene the zoning objective.
- *Road Layout* – Premature pending the determination by the planning authority of a road layout for the area.
- *Traffic hazard*– Increase in traffic on an access lane of inadequate width would endanger public safety.
- *Development Potential at St. Anne's Terrace* – Long rear gardens offer potential for backland infill housing with rear access provided to No.s 1-4 during the development of the Blackthorn Hill housing scheme, a continuation of this is now needed to service no. 5-8 St. Anne's Terrace and should form part of the proposed development of the subject site. Request the Board to attach a condition requiring the provision of a road to serve these properties as per Section 34(4)(m) of the Planning and Development Act 2000, as amended.
- *Loss of Public Open Space* – Proposal would contravene the sated objective for the Open Space Zone.

- *Drainage/Flooding* – Ongoing drainage issues related to the southern section of the subject lands. Map detailing surface water drainage pattern submitted. Inadequate provision made for future management of surface drainage.
- *Foul Sewerage* – Premature by reference to the existing deficiency in the provision of foul sewerage facilities and period within which that deficiency is likely to be made good. Queries the assessment carried out and conditions attached to the permission by the planning authority.
- *Request for an Oral Hearing*

Appeal No. 3 - Appeal lodged by Gerard Reid, on behalf of the following residents;

- John Hickey, 2 St Anne's Terrace
- Gerard and Ann Reid, 3 Saint Anne's Terrace
- Pauline and Jennifer O'Brien, 4 Saint Anne's Terrace

The issues raised can be summarised as follows;

- *Impact on Residential Amenity* – Height and design of properties would impact on light, and loss of recreational amenity area of the green at the front of the terrace.
- *Overlooking* – Resulting from the proposed development given the two storey height higher site levels.
- *Access*– In the absence of the Saggart Rathcoole Distribution Road the proposed access from Green Lane would adversely affect the character of St. Anne's Terrace, and result in traffic disruption, and noise.
- *Traffic* – Premature pending necessary road upgrades. Disputes the claim by the applicant that the proposed new road will improve the vehicular access to St. Anne's Terrace. Potential for the proposed entrance in conjunction with the Comoville proposal resulting in a 'rat run' which would give rise to increased traffic on the Terrace. Traffic congestion already in the area associated with school.

- *Tay Lane Pumping Station* - Insufficient capacity of the Tay Lane Pumping Station- development is premature pending its upgrade. Inappropriate to instead levy by way of a Section 48 (2)(c).
- *Ringsend WWTP*- The increase in loading to the Ringsend Municipal WWTP which is currently overloaded is premature pending its upgrading.
- *Flooding* – Appeal site is wetland and marshy, and there has been severe flooding down Green Lane and onto St. Anne’s Terrace and into Blackthorn during winter months.
- *Rathcoole Village* – Strain on services and amenities in Rathcoole Village, lack of recognition to the historic and rural nature of Rathcoole Village.
- *Ecology* – Impact on animal and vegetation habitat amenity in the area.

## 6.7. Applicant Response

6.7.1. The applicant responded to each of the three third party appeals individually and notes certain issues raised relate to the concurrent application and will be addressed in a separate appeal response. The applicant’s response is summarised as follows;

### Premature pending a Local Area Plan

- *Lack of a Local Area Plan* – Purpose of the area plan requirement is to ensure a co-ordinated delivery of development on lands zoned RES-N. The overall RES-N lands at this location are relatively small in scale. A Local Area Plan would not serve any tangible benefit, refer to precedent for this approach under P.A. Reg. Ref. SD15A/0162. Application accompanied by a Masterplan drawing and Area Plan drawing.
- *Concurrent applications* – Do not accept that the proposed development was cobbled together in an ad hoc fashion. The availability of joint schemes for the overall lands zoned RES-N at this location allows for a joined up and comprehensive scheme for the site. There is a clear logic and justification for the two concurrent planning applications.

## Drainage and Flooding

- *Irish Water/Tay Lane Pumping Station* – The applicant is aware of the current capacity issue at Tay Lane pumping station. The proposal to provide a temporary solution with on-site storage pending the upgrade of Tay Lane pumping station has been discussed with Irish Water. Unreasonable and contrary to stated Government policy to restrict development entirely pending the upgrade of this pumping station. An appropriate solution is to make a financial contribution towards the cost of the upgrade of the pumping station which can be achieved by way of Section 48 (2) (c) development contribution. Also, willing to accept a condition that units not be occupied until the upgrade works to Tay Lane pumping station have been completed.
- *Lack of Sufficient Storm Drainage and Sewage Handling* – Clarifies specific points raised by the appellant in relation to the Flood Risk Assessment (FRA) prepared by JBA Consulting which is accurate. Temporary foul water storage tank on site, is not classified as hazardous waste and has been discussed with Irish Water.
- *Prematurity* – The applicant is willing to accept a condition to a grant of permission to the effect that the permitted units cannot be occupied until such time as the upgrade works to Tay Lane pumping station have been completed, or in the event that that the details of a temporary solution for wastewater treatment is agreed pending the upgrade to the pumping station.
- *Flooding* – No history of flooding on the site and mitigation measures are set out in the Flood Risk Assessment and incorporated into the proposed development.
- *Ringsend* – Irish Water have committed to upgrade works to the Ringsend Wastewater Treatment Plant and have no objection to the proposed development.

## Traffic and Access

- *Capacity of Adjacent Road Network* – The Traffic assessment submitted with the application is robust and based on established methodologies for such assessments. It is not accepted that there will be any significant traffic impact arising from the proposed development.

- *Access* – The existing access to the site is not sufficient to serve the proposed development as sightlines to the east on Green Lane cannot be provided, and this has necessitated the relocation of the access road to the west. It is not accepted that St. Anne’s will become a rat run as there will be no incentive for traffic to use St. Anne’s Terrace over Green Lane, the latter providing a more convenient and direct access to the proposed development.
- *Interference with Public Green Space* – An upgrade to Green Lane is required to serve the proposed development, but applicants have sought to keep the impact on the green space to an absolute minimum. Benefits include the provision of a safe pedestrian environment with a footpath, public lighting and high-quality landscaping. Willing to plant trees on behalf of the Council or provide a financial contribution. The inclusion of part of the access road required to facilitate the development on the green space at St. Anne’s Terrace which is zoned ‘OS – To preserve and provide for open space and recreational amenities’ is not a material contravention of the County Development Plan.
- *Hedgerows and Animal Habitat* – Some hedgerows will be lost as part of the proposed development and there is significant supplementary planting proposed to compensate for this.
- *Development potential at St. Anne’s Terrace* – Unclear why the appellants considers it necessary that the applicant should provide an access road to the rear portion of lands at St. Anne’s Terrace to facilitate potential future backland development which is in no way connected to the proposed development. The applicant has however provided an access road within the proposed development to provide future access to lands at No. 8 St. Anne’s Terrace.

#### Residential Amenity

- *Building Height* – The closest proposed dwellings to St. Anne’s Park are units 15-20 inclusive located to the east of St. Anne’s Park. These are separated from the eastern-most property at St. Anne’s Park by a generous open space buffer of circa 266sqm. The two storey pitched roof dwellings are fully



compliant with the relevant objectives and provide an appropriate relationship with adjoining properties.

- *Overlooking and impact on privacy* – Amendments at further information stage which provide for a revised layout address these issues.

#### Procedural Matters

- *Validation of further information submission* – Third party appellant refers to the wrong planning application in this appeal. At further information stage the development was reduced in number of units from 22 to 20 no. and notices submitted are in accordance with Article 35(1) of the Planning and Development Regulations 2001, as amended. Members of the public as evidenced by submissions and appeals, were afforded the opportunity to fully engage in the planning application process.
- *Inaccurate site boundary* – The appellant has not identified which driveway at St. Anne's is being encroached, and there does not appear to be any encroachment. There is no overlap of ownership along the eastern side boundary as stated in the appeal. There is no proposal to alter the boundary at No. 8 St. Anne's Terrace.
- *Failure to Comply with Prior Planning Approval* – This is a matter for South Dublin County Council.

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

The planning authority confirmed its decision and refers to issues raised in the appeal have been covered in the planner's report.

#### **6.9. Observations**

There were two observations from the following parties;

- Richard Butler, Chairperson of the Rathcoole Community Council (RCC). This observation was accompanied by a petition signed by residents in the area.
- Christopher McDonnell with an address at No. 1 St. Anne's Terrace.

The issues raised can be summarised as follows;

- *Road Infrastructure in Rathcoole* – Inadequate.
- *Access and Roads* – The access road to the development and adjoining development of 69 Units SD17A/0356 is too narrow and cannot facilitate the proposed development. The proposed development is premature pending a link street from Keating's Park interchange which would provide the necessary infrastructure for the volume and type of traffic.
- *Green Lane* – No room for widening of Green Lane without acquiring land from either Mr. McDonnell or the Holy Family Community School.
- *St. Anne's Terrace* – Encroachment unacceptable.
- *Foul Drainage* – Premature as the necessary foul water infrastructure is not in place. The Tay Lane Pumping Station has insufficient capacity and note previous refusal in the vicinity under P.A. Reg. Ref. SD17A/0040 for the same reason.
- *Rights of Way* - Queries the necessary rights of way for the foul water through private third-party lands such as the Rathcoole Boys Soccer Club. Budgets are not in place for the upgrade of the foul water network.
- *Building Height* – Maximum two storeys.
- *Site Conditions* - Query the need for piling on the site similar to the adjoining Blackthorn Hill estate.
- *Assessment by planning authority* - Had little regard to submissions received.

## 6.10. Further Responses

A further response was submitted from Appellant No. 2, Dr. Diarmuid Ó Gráda Planning Consultant on behalf of Suzzie Bradley and others. The issues raised can be summarised as follows;

- The Council should have required a revised public notice.
- Absence of Local Area Plan for Rathcoole.
- Premature pending absence of essential infrastructure.
- Lacks access to rear of existing houses at St. Anne's Terrace for backland development.
- Request an oral hearing.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings.

- Principle and consistency with statutory plans
- Design and Layout
- Visual Impact and Residential Amenity
- Access, Traffic and Car Parking
- Foul and Surface Water Drainage
- Flooding
- Ecological Impact
- Other Issues
- Appropriate Assessment
- EIA

## **7.2. Introduction**

- 7.2.1. The Board is requested to note that there is a concurrent appeal before the Board (ABP-301541-18) on a site immediately to the east of the subject site. The lands are zoned 'RES-N' in their entirety, and have a combined area of 3.9ha. The applications as lodged provide for 91 residential units in total, and this number was increased to 95 no. units in the two grants of permission by the planning authority.
- 7.2.2. The subject appeal refers to ABP-301497-18 which is in respect of the smaller residential development for 22 houses, and the applicants/landowners are Brian and Theresa Prendergast.
- 7.2.3. The concurrent appeal refers to ABP-301541-18 is in respect of the larger residential development for 69 no. residential units and the applicants/ landowners are Comoville Developments Ltd.
- 7.2.4. The third party appeals and applicant's responses have referred in some cases to both applications, and in some cases the wrong application. In the interests of clarity my assessment refers only to the subject appeal in relation to the smaller residential development. While it is acknowledged that there is a considerable degree of overlap, issues raised in the subject appeal which refer to the larger residential development and concurrent appeal, are addressed in the separate report under ABP-301541-18. I have had regard to issues raised in both appeals, however my assessment will focus on the current proposal, on its own merits. This assessment makes reference to the plans submitted at further information stage primarily and the original application stage.

## **7.3. Principle and consistency with statutory plans**

- 7.3.1. The South Dublin County Development Plan 2016-2022 is the current statutory development plan for the area. The settlement strategy (section 1.7) identifies Rathcoole as a Small Town where it is policy to support long term growth based on local demand and the ability of local services to cater for growth.
- 7.3.2. The zoning objective for the site 'RES-N' seeks to 'provide for new residential communities in accordance with approved area plans'. Residential development is therefore acceptable in principle.

- 7.3.3. The appellants submit that the proposed development is premature pending the adoption of a local area plan for Rathcoole. They also note that CS4 Objective 1 of the County Development Plan seeks ‘to support and facilitate development on zoned lands on a phased basis subject to approved local area plans’.
- 7.3.4. The applicants note that Rathcoole is not listed in the County Development Plan as one of the local area plans to be prepared. They contend that the purpose of the area plan requirement is to ensure a co-ordinated delivery of the development on lands zoned RES-N, and that this is effectively achieved by the submission of the 2 concurrent planning applications which ensures that the two developments can work in conjunction with each other.
- 7.3.5. The application is accompanied by an Area Plan drawing which identifies key principles for the development of the overall site. I have reviewed this area plan drawing and am satisfied given the relatively small scale of the overall site and development that it is sufficient.
- 7.3.6. The applicants have also cited precedent for such an approach under another development proposal under P.A. Reg. Ref. SD15A/0162 in Rathcoole where the planning authority considered an application without an approved area plan.
- 7.3.7. I have considered the case made in the context of the residential land use zoning objective in the South Dublin County Council Development Plan 2016-2022, the fact that there are two concurrent applications on the adjoining sites which together with the Area Plan submitted, ensures that there is a co-ordinated approach to the overall development of these lands. I also accept given the location of the site close to the centre of Rathcoole, the surrounding residential and community development, and its limited size, the site represents a type of infill development which can be considered for assessment without an approved area plan.
- 7.3.8. The appellants submit that the proposed development would be contrary to policies set out under H9 Objective 2 and H9 Objective 3 of the South County Development Plan 2016-2022, and as such would materially contravene the stated objective for this RES N zone and the OS zone.
- 7.3.9. However, I do not share the view of the appellants that the development would materially contravene the development plan for the area. The policies referenced in the appeals are general policies rather than policies which specifically relate to the

appeal site. In addition, the site is zoned 'RES N: *To provide for New Residential Communities in accordance with Approved Area Plans*' under the County Development Plan. The proposal would not materially contravene this zoning objective.

7.3.10. I am satisfied therefore, that the proposal is broadly in line with the key objectives of the County Development Plan, and is not premature pending the adoption of an LAP for the area or would materially contravene the current development plan as set out in the grounds of appeal.

#### **7.4. Design and Layout**

7.4.1. The surrounding area is characterised by low profile single storey semi-detached houses to the north west along St. Anne's Terrace, and terraced two storey houses and three storey duplex apartments to the north east within Blackthorn Hill residential estate. The existing houses on the subject site to be demolished are two storey in height. The scheme, as amended, provides a mix of detached and semi-detached two storey dwelling units which are considered acceptable in its context on this outer suburban site.

7.4.2. The subject site which is located on the edge of Rathcoole would be considered an outer suburban/greenfield site as defined under the Guidelines for Residential Development in Urban Areas (2009) which prescribes densities of 35-50 units per hectare.

7.4.3. The proposal as lodged namely for 22 dwellings on a site area of 1.5ha equated to a residential density of 32 units/ha as stated in the in the planning statement which accompanied the application. Whilst it was noted by the planning authority that this is at the lower end of what would be recommended it was considered appropriate for the subject site.

7.4.4. The proposed development as amended provides for 20 no. dwellings on a reduced site area of 1.43ha which equates to a density of 20 units/ha hectare. This is based on a net site area of 0.985 hectares and excludes the primary open space areas of 0.4038 hectares plus the red line extension onto Green Lane and Rathcoole Boys Football Club. While I acknowledge that this density is significantly lower, than that

previously proposed and the recommended guidelines, it is higher than the densities prevailing on adjoining lands notably at St. Anne's Terrace.

- 7.4.5. I consider it reasonable and concur with the applicant that the density of development must be read with the net density of 40 units per ha which is proposed in the concurrent application under Reg. Ref. SD17A/0356 for the development on adjoining lands. The overall density, therefore, would be approx. 30 units per ha and is acceptable.
- 7.4.6. The proposed layout entails two detached dwellings units 1 and 2 at the entrance to the development from Green Lane, with two rows of semi-detached dwellings to the north and south of the proposed access road.
- 7.4.7. Units 3-14 back onto the boundary with an agricultural field to the south. Units 15-20 were significantly reoriented and amended on foot of an additional information request, such that only one property no. 20 shares its rear side garden wall boundary with no. 8 St. Anne's Terrace. I consider this arrangement provides a far superior layout when compared with the original arrangement which proposed 8 no. dwellings all backing onto this existing property.
- 7.4.8. The proposed houses are generous in terms of floor area and each comply with development plan standards in relation to the provision of private rear garden amenity space.
- 7.4.9. The open space provision comprises an area at the entrance to the development, an area to the western gable of house no. 20 and a larger area of open space is located along the gable of house no. 15 which has a total area of 0.1330ha.
- 7.4.10. Another large area of open space is located further north and has a stated area of 0.2708ha. This area of open space is somewhat detached from the proposed residential units subject of this current appeal. It adjoins the existing residential development of Blackthorn Hill Crescent along its northern boundary, with the proposed access road serving both this and the concurrent appeal delineating its southern and eastern boundary. The residential units subject of the concurrent appeal are orientated towards this area of open space on three sides. The applicant states in their planning statement that the larger area of open space will, however, not form part of the open space provision for this subject development.

7.4.11. The total area of open space serving the proposed development, therefore, under the subject appeal accounts for approx. 10% which meets the requirements of the County Development Plan.

## 7.5. Visual Impact and Residential Amenity

7.5.1. Having regard to the Guidelines for Sustainable Residential Development and the provisions of the current development plan the acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide additional residential development at this location. I propose to address such matters in the following sections.

7.5.2. There are a number of issues raised in the third party appeals which relate specifically to building height, visual intrusion, overlooking and overbearing impact on adjoining residential development. These issues in my opinion relate only to the impact on the existing single storey houses along St. Anne's Terrace and most notably no. 8 St. Anne's Terrace.

7.5.3. Of significance also is the proposed removal of planting along the western and southern boundaries of the existing green area in front of St. Anne's Terrace to accommodate the proposed access arrangements which will the appellants argue with negatively impact on the character of the area. I intend to deal with this element of the proposal below in section 7.6.

7.5.4. In relation to the issue of height, I note that the proposed dwellings do provide accommodation at second floor level in the roof, however, I do not consider that the proposed dwellings are excessive in height. There is however, a significant increase in height between the adjoining house No. 8 within St. Anne's Terrace and proposed houses no. 15-20. Site section drawing No. 1710PD50A illustrates the ridge height of no. 8 as 5.2m relative to that of the closest proposed house unit 20 which is 10.24m. This I accept represents an abrupt transition in building height. However, I note from Drawing No. SRC-13-100 submitted by way of unsolicited additional information that site levels along St. Anne's Terrace are 127.40OD.

7.5.5. I note also that there is a large amount of fill and it is proposed to lower the site levels on the western part of the site such that house no. 20 has a FFL of 128.85.



This would result in a difference in levels of approx. 1.45m between house no. 20 and house no. 8 St. Anne's Terrace. I also note that the unit no. 20 does not extend beyond the front and rear building line of house no. 8 St. Anne's Terrace, and that there is a separation distance of approx. 18m between the gables of both properties to the front decreasing to approx. 8m at the rear. I note also that the area of open space to the western gable of house no. 20 is to be planted, which will in my opinion will act as a buffer and help to soften the visual impact of the proposed development.

- 7.5.6. I note from the landscape plan submitted by way of additional information Drawing No. LP-02-AI that the existing planted boundary to house no. 8 is to be retained and will be planted with additional trees and shrubs. I also note it is proposed to plant trees along the rear boundaries of units no. 15-20. This planting I consider will help to assimilate the proposed houses in their context at the edge of a built-up area.
- 7.5.7. I do not consider that they will give rise to an overbearing impact on adjoining residential properties because of their layout orientation and separation to adjoining properties. In my opinion the proposed development will not detract from the character of the area and is in accordance with development plan provisions.
- 7.5.8. With respect to potential overlooking of adjoining residential properties within St. Anne's Terrace, I note the revised proposals submitted by way of further information, which provide for dormer windows to the front elevations only with roof lights only to the rear roof slope of the immediately adjoining residential properties no. 15-20.
- 7.5.9. I am satisfied that the orientation of the proposed houses no. 15-20 together with the separations distances proposed will not give rise to significant overlooking of adjoining residential properties.
- 7.5.10. In conclusion, I do not consider that the proposed development will result in a material impact on the residential amenity of adjoining residential development such that it would impact on the value of adjoining property, particularly given the existing mature screening along the western and northern boundaries to be retained and proposed planting.
- 7.5.11. I am satisfied that the proposed scheme, which is relatively modest in scale, utilises the site in an appropriate manner. I am also satisfied that the proposed house design, layout and height have taken due cognisance of adjoining development and would not seriously injure the residential amenities of adjoining residential properties.

## 7.6. Access, Traffic and Car Parking

### Access

- 7.6.1. The existing entrance to the site is from Green Lane which as the name suggests is a narrow road with no footpaths. As part of the proposed development it was proposed to widen Green Lane to 4.9m and provide a new 1.8m footpath and public lighting on the eastern side of Green Lane. In response to further information the applicant submitted revised proposals indicating the widening of Green Lane to 6m while also retaining the 1.8m footpath. In order to carry out these works it is proposed to encroach on the existing green area onto which the houses along St. Anne's Terrace face. These works will also result in the loss of a number of trees as detailed in the landscape drawings submitted.
- 7.6.2. Concern is raised in the third party appeals in relation to these works. In my opinion the existing lane which is clearly substandard needs to be upgraded and widened to facilitate the development of the zoned lands subject of this application. While I note that the Parks and Landscape Services section of the planning authority had concerns in relation to the impact on and loss of trees, they were satisfied with the proposal subject to conditions.
- 7.6.3. The planners report refers to the Roads Department report of the planning authority which had no objection to the development subject to conditions. While this report is not available on file, I have had regard to the Roads Department Report on the concurrent application. The Roads Department while satisfied with the proposed upgrade works to Green Lane and the provision of a footpath recommended a condition in relation to the exact details of same in order to balance road safety issues and the protection of trees on the Green.
- 7.6.4. I also note that a letter of consent from the planning authority was submitted in respect of the proposed works on the public road and green area which are maintained by the planning authority. I consider that these works will improve traffic safety for motorists and pedestrians and results in a planning gain, particularly given the location proximate to primary and secondary schools.
- 7.6.5. In relation to the creation of a new access road from Green Lane in order to serve the proposed development which is located on the southern side of the green area, I

concur with applicant that the relocation of the existing entrance from Green Lane is necessary in order to provide adequate sightlines. In this regard the applicant has demonstrated that sightlines in both directions of 59m can be provided along this section of road where a speed limit of 60km/hr applies.

- 7.6.6. The reconfiguration of the existing access road to St. Anne's to create a single access road to serve both the proposed development and St. Anne's also necessitates the loss of mature planting. While the existing planting along the southern boundary provides a sense of enclosure to the green, I would note this area is not within an Architectural Conservation Area, and the trees are not subject to a tree preservation order. The applicant has argued that the reconfiguration of the access road will result in an extension of the green area in lieu, at this location. On balance I consider this to be acceptable.
- 7.6.7. I would concur with the applicants that it is unlikely that St. Anne's Terrace will be used as a rat run as there is no incentive for traffic to use St. Anne's Terrace over Green Lane, particularly as the proposed access would provide a more convenient and direct access to the proposed development.
- 7.6.8. The appellants note there is potential for backland development to the rear of the long rear gardens at St Anne's Terrace and note in particular that rear access was previously provided to No.s 1-4 during the development of the Blackthorn Hill housing scheme to the north east. Indeed, it is suggested that a continuation of this access is now needed to provide access to the rear of no. 5-8 St. Anne's Terrace and that this should form part of the proposed development of the subject site.
- 7.6.9. In response the applicant submitted Drawing no. SRC-130-101 which indicates the provision of a future access road to these properties, although I note the location of this road is now outside the revised subject site boundary. I consider this is more appropriately dealt with in the concurrent application. I do not consider it appropriate to attach a condition as suggested by the appellants, requiring the provision of a road to serve these properties as per Section 34(4)(m) of the Planning and Development Act 2000, as amended particularly as each property has the option of accessing the rear garden along the gable of each site.
- 7.6.10. The planning authority had also requested by way of additional information a future potential pedestrian and vehicular access road to access into Blackthorn Hill estate

while also noting that this estate is not taken in charge. These were also indicated on landscape drawing SRC-130-101. The applicant in their response to the additional information notes that the potential for a vehicular access located to the side of house no. 75 in the concurrent application is more appropriately dealt with under that application. In this respect, I note that the area to which this road relates forms part of both applications. I consider it reasonable that the extension of the proposed road to the boundary is appropriately addressed under the current application, and this can be dealt with by way of condition.

### *Traffic*

- 7.6.11. In relation to traffic generated by the proposed development, I note that the planning application was supported by a 'Combined Traffic Technical Note' prepared by Stephen Reid Consulting. This report assesses the key traffic and transport issues relating to the proposed development of this and the adjacent site, which will share a common access junction and road network connection to Green Lane.
- 7.6.12. I note that the L2021 Johnstown Road (also known as Kiltel Road) is located 250m northwest of the site access. The L2021 extends south-westerly from Rathcoole to Johnstown and Kiltel.
- 7.6.13. Some 470m northeast of the Green Lane junction, the L2021 connects to the west end of Rathcoole Main Street (the L2004). This junction is to the east of the left-in, left out junction at 'An Poitin Still' serving the westbound N7 Naas Road dual carriageway. This junction forms a secondary access into Rathcoole from the N7, with the primary access from Junction 4 to the east of the Village.
- 7.6.14. The L2021 Johnstown Road includes roundabouts which have been installed at both ends of the Community School frontage, tied into the access junctions serving the Rath Lawns estate, to provide for drop-off and bus turnarounds at the Community School with newer traffic management measures installed as part of the Holy Family NS primary school, which is located 260m north east of the Green Lane junction. The 69/69x Dublin Bus runs along Johnstown Road, terminating outside the Community School and stops close to the Green Lane junction.
- 7.6.15. I note that traffic counts were undertaken for the Johnstown Road-Green Lane priority junction during the critical AM peak hour only, on Monday 4<sup>th</sup> September 2017, when the schools were back. Development trips are based on typical TRICS

database rates which were selected having regard to the sites location within walking distance of both primary and secondary schools. The assessment assumes that two thirds of traffic exiting Green Lane onto Johnstown Road turns right towards Rathcoole Village in the AM peak hour. The assessment concludes that the development impact is not significant in terms of the typical threshold criteria for full Traffic Impact Assessment.

- 7.6.16. I am satisfied that the assessment which takes account of the cumulative impact of the proposed development and the adjacent site at Green Lane will not lead to any substantial increase in traffic, being in the order of +2.2% +3.3% additional traffic on the Johnstown Road during critical AM peak hour. While I note that the assessment did not consider PM peak hour traffic counts, I consider the AM peak hour traffic counts sufficient. I am satisfied that the assessment carried out is robust and I accept the conclusions of the report.
- 7.6.17. I would further note, that there is an existing vehicular access to the site and that in my opinion the additional vehicular movements associated with the 20 dwellings proposed would not be material relative to that generated within the adjoining residential estates and schools.
- 7.6.18. The appellants note that the proposed development is premature pending the completion of the Saggart Rathcoole Distribution Road/Rathcoole bypass, and the delivery of a link street from Keating's Park Interchange. Notwithstanding the fact that this road is identified in the County Development as a long-term road proposal objective, and in light of the above, I do not consider that the current proposal is premature pending the determination by the Council of a road layout for this Distribution Road.

#### *Parking*

- 7.6.19. In relation to parking I can confirm from my site visit that there was a no. of cars parked along Green Lane, however I consider that the issue of parking on adjoining sites to the current appeal is a separate matter for the planning authority. I also note that the houses along St. Anne's Terrace each include private driveways with parking for 2 cars. I also note that 2 no. car parking spaces have been provided for each of the proposed dwellings in accordance with development plan requirements. I do not accept that the current proposal in itself will exacerbate parking issues in the

vicinity, and consider this is a larger issue which is more appropriately addressed through a parking plan.

- 7.6.20. In conclusion, having regard to the proximity of the site to Rathcoole Village and local schools, and that traffic congestion is a common issue in the vicinity of schools during morning and afternoon peak times, in this instance, I am satisfied that the proposed development is acceptable, adequate sightlines can be achieved, and that it will not give rise to a traffic hazard or excessive traffic.

## **7.7. Foul & Surface Water Drainage**

- 7.7.1. Concern is raised in the appeals with respect to the capacity of the existing foul drainage network in the area, and specifically in respect to the capacity of the Tay Lane pumping station, to which the proposed development is proposed to connect to. It is argued by the appellants that the proposed development is premature pending the upgrading of this facility, and that there is precedent in a recent decision by the planning authority for refusing permission for residential development on these grounds.
- 7.7.2. The original proposal provided for a foul sewer designed for sewage and wastewater collection from the proposed subject application plus the adjoining development subject of the concurrent appeal. The proposed 225mm diameter foul sewer would discharge by gravity through the Northeast site boundary, traverse the adjacent Sports Grounds and outfall at an existing manhole on a 225mm diameter public foul sewer within the Forrest Hills estate.
- 7.7.3. The surface water runoff generated from the proposed development would be routed through a SuDS compliant underground attenuation system and discharge from site through a flow control device to a proposed surface water drain again located to the northeast of the site traversing the adjacent Sports Ground and ultimately out falling to an existing 225mm diameter Local Authority pipe within the Forrest Hills estate.
- 7.7.4. The underground attenuation tank is located within an area of open space located to the north of the site. Storm water discharge from the site would be limited to 6.6l/s with excessive flows retained in the attenuation tanks which had a capacity of 1,805m<sup>3</sup>.

- 7.7.5. Concerns were raised by Irish Water and the planning authority in relation to the capacity of the Tay Lane pumping station and potential for waste water to flow into the adjacent stream at Tay Lane and risk of pollution to the local stream and water course which would be prejudicial to public health. In response to a request for further information the applicants propose a temporary solution to include an on-site foul drainage attenuation tank, with foul effluent then to be pumped to the Tay Lane pumping station at off peak times. The application was accompanied by a further Drainage Drawing No. DI Rev. PLI and Drainage Design Report which details the location of the separate foul drainage tank and pump adjacent to the surface water tank with a capacity  $85\text{m}^3$ . The capacity of the surface water attenuation tank was also increased to  $1,823\text{m}^3$  to allow for an attenuation volume of  $1,559\text{m}^3$  and temporary flood storage of  $214\text{m}^3$ . The design calculations are based on the 20 no. dwellings subject of the subject appeal and 75 no. dwellings subject of the concurrent appeal.
- 7.7.6. In this regard I note Irish Water have no objections to the revised proposal subject to agreement of the details with Irish Water. The proposals were also acceptable to the Water Services section and Environmental Services department of the planning authority.
- 7.7.7. I consider the proposal to provide a temporary solution with on-site storage pending the upgrade of Tay Lane pumping station and which has been discussed with Irish Water to be a reasonable solution in this instance. While I note that the applicant in response to the appeals have proposed making a financial contribution towards the cost of the upgrade of the pumping station which can be achieved by way of Section 48 (2)(c) development contribution. However, expenditure on these projects is outside the remit of the Board, and is the responsibility of Irish Water.
- 7.7.8. I note the recent refusal by the planning authority under P.A. Reg. Ref. SD17A/0040 for another residential development for 31 dwellings on the grounds of prematurity pending upgrade to the Tay Lane pumping station. This decision was not appealed and the current proposal is assessed on its own merits. In relation to the current proposal I also note that the applicants have demonstrated that negotiations with Irish Water with respect to connection agreements are advanced.

- 7.7.9. The applicant has also indicated that they are willing to accept a condition that units not be occupied until the upgrade works to Tay Lane pumping station have been completed. I consider in the context of the current proposal, that this would be overly onerous.
- 7.7.10. In relation to the capacity of the Ringsend Municipal waste water treatment plant, similarly in the context of the current proposal which is acceptable to Irish Water, I consider the proposal acceptable.
- 7.7.11. In summary, I am satisfied that the proposed temporary solution to deal with foul and surface water drainage is acceptable, and there is no basis for this ground of appeal.

## 7.8. **Flooding**

- 7.8.1. A Flood Risk Assessment prepared by JBA Consulting accompanied the planning application. It confirms that there are no watercourses within the site or immediate surrounding area. The report notes that a drainage ditch was identified along the north-western section of the site with a shallow stream flow noted during a site visit on 28<sup>th</sup> August 2017. The report confirms from the available Eastern CFRAM maps that the site lies within Flood Zone C, and therefore, at a low risk of flooding. In addition, I note that the proposed finished floor levels provide a minimum threshold of 150mm over the ground flood and surrounding surface level.
- 7.8.2. I note from the Ecological Impact Statement submitted with the application that the drainage ditch identified along the north-western boundary of the site is to be culverted. This area is outside the site of the subject application. I can also confirm from my site visit that there is a watercourse adjacent to the south-eastern corner (again outside the subject site) but that this feeds into a culvert on the adjoining playing pitches.
- 7.8.3. A storm water system as described above has been incorporated within the design proposals to manage surface water run-off from the site and storm water. These proposals were acceptable to the Water Services section and Environmental Services department of the planning authority and Irish Water.
- 7.8.4. I am satisfied that the proposed design will not give rise to flooding, and there is no basis to this ground of appeal.



## 7.9. Ecological Impact

- 7.9.1. Concerns were raised in the appeals in relation to the loss of hedgerows and impact on animal and vegetation habitat amenity in the area.
- 7.9.2. In this regard the Slade of Saggart and Crooksling Glen pNHA (Site Code 000211) is located approx. 2.5km to the south east of the appeal site.
- 7.9.3. The application was accompanied by an Ecological Impact Statement (EIS) dated September 2017 prepared by OPENFIELD Ecological Services. This report refers to the overall site.
- 7.9.4. I note from my site inspection the traditional hedgerows on site which are located along southern, and northern site boundaries.
- 7.9.5. The EIS report refers to 'a drainage ditch which appears to the west of the site and flows to the north. It is seen as a spring, emerging from the ground (and marked as such on historic maps). To the east there is a small stream which enters the site, but disappears under it, appearing to be culverted. These water courses amalgamate near the centre of Rathcoole before flowing north to the Griffeen, but seem to be culverted for their entire length. As a result, they are of very limited fisheries value.'
- 7.9.6. I can confirm from my site visit that the drainage ditch to the west flows into a culvert just across the boundary within Blackthorn Hill Crescent, although this is located outside the subject site. I can also confirm that the stream to the east does not enter the site and flows into a culvert which runs through the adjoining sports grounds. Similarly, this stream is also located outside the subject site.
- 7.9.7. The report also notes that features on site are of low suitability for roosting bats as there are no buildings or very old trees with cracks etc. It notes that foraging bats are likely to be present along the hedgerows although because of the proximity to sources of artificial light the range of species are likely to be limited. I would also note that the main body of hedgerow and trees to be removed as part of the current application are located between the existing properties on site and the existing residential development at St. Anne's and as such there are already sources of artificial light, and as such I consider that the range of species are limited if any.
- 7.9.8. The report notes that high value hedgerows provide habitat for common breeding birds, and that these are of a high local ecological value. I note that the hedgerows

along the southern boundary with the adjoining agricultural field and along the northern boundary with Blackthorn Hill Crescent are to be retained.

- 7.9.9. Potential impacts arising from the proposed development during the construction phase are noted. The report notes that 'these involve the removal of approx. 170m of higher significance hedgerow and 40m of lower significance hedgerow. The treeline, which is approx. 60m in length and which is evaluated as of low ecological local value is also to be removed. The loss of low local value habitats is considered to be of minor negative impact, while the loss of high local value hedgerows is a moderate native impact. The short stretch of drainage ditch (approximately 40m in length is to be culverted).
- 7.9.10. It is clear that as part of the current proposal there will be a loss of trees and hedgerows along the western and southern sides of the triangular green area of open space, and that these are to be replanted as part of the proposed development.
- 7.9.11. Mitigation measures proposed include replacement hedges and tree planting, site clearance is to take place outside the bird nesting season, and the erection of a silt fence and provision of a silt trap to the drainage ditch to ensure there are no negative effects to water quality downstream.
- 7.9.12. The report concludes that no impacts are predicted to occur to the status of the Slade of Saggart and Crooksling Glen pNHA as there is no pathway to this area.
- 7.9.13. The Parks and Landscape Department of the planning authority recommended conditions and the planners report also notes a verbal from the Heritage Officer with respect to conditions in relation to bats and preservation of existing hedgerow. While I note the planning authority included a condition in relation to a bat survey in the grant of permission, I do not consider that in light of the above that this is warranted. I note also the application was referred to Inland Fisheries but that no report was received.
- 7.9.14. I am satisfied that the applicant has demonstrated that mitigation measures proposed in addition to monitoring during the construction phase will limit any potential negative impacts from the proposed development, and that a refusal of permission on ecological grounds is not therefore, warranted.

## 7.10. Other Issues

### 7.10.1. *Validity of Application*

Concern is raised in the appeal in relation to procedural issues with regard to the processing of the planning application. In particular, the appellants argue the description of the proposed development in the public notices did not accurately describe the nature and extent of the proposed development.

I am satisfied that the notices submitted comply with the requirements as set out in the Planning and Development Regulations. I also note that the application was accepted as valid by the planning authority.

In this regard it may be noted that the Board will consider and decide upon the application 'de novo' and has no supervisory function in relation to how the planning authority carries out its functions.

The appeal before the Board is valid and the third party's right to participate is given full effect.

7.10.2. *Red Line Boundary* - An issue is raised in one of the appeals with respect to the accuracy of the site boundary where it appears to overlap with a driveway at St. Anne's Terrace. The applicants legal interest in the entire site is also queried in the context of the Frascati legal case. I have examined the drawings submitted and am satisfied that there does not appear to be any encroachment of private properties along the terrace. The applicant has clarified that it is not proposed to alter the boundary at no. 8 St. Anne's Terrace. I accept this to be the case. The nature of the planning application requires the identification of the remainder of the overall site as outlined in blue. The application was accepted by the planning authority as valid and I consider that there is no basis to this ground of appeal.

7.10.3. *Childcare Facility* – I note the submission of the Childcare Needs Analysis Report in respect of the proposed and adjoining development. I note that the issue of childcare was not raised in grounds of appeal or submissions received. I also note the requirement for a creche facility only applies to residential developments in excess of 75 dwelling as per the 'Guidelines for Planning Authorities on Childcare Facilities 2001'. I note a childcare facility is proposed in the concurrent application. In the case of the subject appeal therefore, I am satisfied that this requirement does not apply.

7.10.4. *Aeronautical Assessment Report* – I note the submission of an Aeronautical Assessment Report prepared by O’Dwyer and Jones Design Partnership Aviation Planning and Architecture Consultants. It notes that the entire site lies within the Inner Horizontal Surface at Casement and under the Approach Surface to Casement Runway 05 (both as designated by the Department of Defence, and as marked on the current South Dublin County Council Development Plan). It concludes that in the context of steeply rising ground to the south, and the presence of similar and taller development in the immediate surrounding areas the proposed development is not an impediment from an aviation point of view. It further notes that the approach surface lies at 47m - 48m above ground levels on the site, and that take-off climb surface lies at 15.5m – 18.5m above ground levels on the site. Accordingly, these clearances are more than adequate for the proposed development of 10.3m and 11.5m heights, and the proposed layout complies with aeronautical requirements affecting the site. While I note there is no report on file from the Department of Defence, I accept the findings of this report.

7.10.5. *Part V* – The applicant has submitted proposals in relation to Part V provision which are acceptable to the Housing department of the planning authority, and can be dealt with subject to a standard condition.

#### **7.11. Appropriate Assessment**

7.11.1. The application was accompanied by a screening report for Appropriate Assessment dated September 2017 prepared by OPENFIELD Ecological Services. It concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant adverse effects to any SAC or SPA.

#### **7.11.2. Project Description and Site Characteristics**

The proposed development is described in the report above and in the application documentation. There is a slope on the site and it is proposed to alter existing site levels to accommodate the proposed residential units, internal access roads and areas of open space. It is also proposed to provide separate underground on-site storage of surface water and foul effluent which will discharge to the public system via the adjoining playing pitches.

### 7.11.3. Screening – Stage 1

There are a number of SAC and SPA sites within 15km of the site (European Sites 001209, 002122, 004063 and 004040). The site does not however, directly abut or connect with any of these designated areas. Due to the separation distances between the subject site and these designated areas, it is considered, therefore, that the development will not have any direct impacts on these European sites. With regard to indirect affects, the source pathway receptor model must be considered to determine whether there is any potential link between the subject site and the SAC's and SPA's.

Attenuation tanks are provided to deal with surface water and run off during a storm event. Given the distance of the site from the European sites, it is considered unlikely that any pollution to surface water will occur during the construction phase. Foul water generated will be stored and then discharged to the public foul network for treatment.

The drainage ditch along the western boundary of the overall site is to be culverted and the stream which runs along the south-eastern boundary of the overall site is already culverted under the playing pitches. Both of which are outside the boundary of the subject application and thus it is considered that there is no source-pathway receptor link.

The screening report assumes that there is a hydrological link to the South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) which are located approx. 20km to the north east, via surface water flows to the Griffeen River and via wastewater flows to the Ringsend plant and so Dublin Bay. However, it also acknowledges that the use of Suds techniques and pollution arising from wastewater discharge is not considered likely. I am satisfied that these works form an intrinsic part of the works to be carried out.

### 7.11.4. Screening Conclusion

It is reasonable to conclude that on the basis of the information on the file which I consider adequate in order to issue a screening determination, having regard to the

distance to the nearest European site, 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. A Stage 2 Appropriate Assessment is not therefore required.

#### **7.12. Environmental Impact Assessment Report**

7.13. Having regard to the nature the proposed development, which consists of a residential development of 20 no. units, the nature of the receiving environment, and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **8.0 Recommendation**

8.1. I recommend a grant of permission subject to the following conditions.

### **9.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development, to the zoning of the site and its location in proximity to Rathcoole Village, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not have unacceptable impacts on ecology, or flooding and would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of the South Dublin County Development Plan 2016-2022. 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 12<sup>th</sup> day March 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. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue black or slate grey in colour only, and ridge tiles shall be the same colour as the roof.

**Reason:** In the interest of the visual amenities of the area.

3. 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.

4. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular
  - (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.
  - (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

- (c) Pedestrian crossing facilities shall be provided at all junctions;
- (d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,
- (e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site
- (f) One car parking space per ten residential units shall have a functional Electric Vehicle Charging Point
- (g) At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold off in conjunction with the units and shall not be sold or let separately.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

5. The proposed access roadway and pedestrian link to the adjoining residential development within Blackthorn Hill Crescent shall be extended to the site boundary in order to avoid the creation of a ransom strip.

**Reason:** In the interests of orderly development.

6. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
  - (a) Specific trees, the removal of which is authorised in writing by the Planning Authority to facilitate the development
  - (b) Trees which are agreed in writing by the Planning Authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.



**Reason:** In the interests of amenity, ecology and sustainable development.

7. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species.

**Reason:** In the interests of amenity, ecology and sustainable development.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees and hedgerows on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees and hedgerows on the site.

9. The landscaping scheme submitted to the planning authority on the 29<sup>th</sup> day of September 2017 as amended by the further plans and particulars submitted on the 23<sup>rd</sup> day of March 2018 shall be carried out within the first planting season following substantial completion of external construction works. 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 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 visual amenity.

10. Mitigation and monitoring measures relating to biodiversity outlined in the plans and particulars, including the ecological impact assessment, submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:
  - (a) The applicant shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures including any monitoring requirements by a suitably qualified ecologist shall accompany this document for written agreement at least 5 weeks in advance of site clearance works.
  - (b) Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1<sup>st</sup> - August 31<sup>st</sup>).

**Reason:** In the interest of protecting the environment and to address any potential impacts on biodiversity.

11. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

12. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all

estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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.

13. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

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

14. 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.

15. 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.

16. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

17. 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.

18. 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.

19. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company 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

20. 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.

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

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

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Susan McHugh  
Planning Inspectorate

25<sup>th</sup> September 2018