



An
Bord
Pleanála

Inspector's Report ABP- 302365-18

Development	Erect 6 houses with use of vehicular access permitted under F15A/0456.
Location	The Paddocks, Ballisk Common, Donabate, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18A/0302
Applicant(s)	ALJACO Ltd.
Type of Application	Appeal
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	ALJACO Ltd.
Observer(s)	Vivienne O'Reilly Corina Johnston John O'Neill & Siobhan Brennan
Date of Site Inspection	23 rd November 2018
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located in Donabate on the NE side of Dublin. The surrounding area is predominantly suburban in character with some commercial and institutional uses, and the site is located on the W side of Portrane Road.
- 1.2. The site is bound to the E by the public road and rear garden of a detached house; to the N by the open space associated with the Somerton housing estate; to the W by undeveloped lands which have a planning permission for 2-storey houses; and to the S by the lands associated with the Donabate community centre and schools.
- 1.3. The site boundaries are defined by mature trees, hedges and fencing to the E and S whilst the boundaries to the W and N are undefined. There is a wooded area located in the E section of the site and a pedestrian pathway runs from the NE corner at Portrane Road to the community centre lands in the SE section. Vehicular access is via a recently constructed road off Portrane Road in the NE section of the site.
- 1.4. Photographs and maps in Appendix 1 describe the site and surroundings in detail.

2.0 Proposed Development

Permission is being sought to construct 6 x 2-storey dwelling houses on a c.0.5ha site with associated car parking and site works, and utilization of a previously permitted vehicular access off Portrane Road (F15A/0456), comprising:

- 2 x detached (173sq.m.) and 4 x semi-detached (114-142sq.m.) houses.
- Vehicular access off the Portrane Road.
- Relocated public footpath.
- All site works, landscaping & boundary treatment.

Accompanying documents:

- Planning Statement
- Engineering Report

3.0 Planning Authority Decision

3.1. Decision

The PA decided to refuse planning permission for 3 reasons related to:

1. Material contravention of Condition no.2 of F15AS/0456 which required the removal of the houses on the subject site, the preservation of an existing footpath and provision of public open space on the site.
2. Subdivision of an area designated open space so that its usability would be reduced & result in the provision of poor quality amenity lands, injury to amenity & property devaluation.
3. Poor quality residential & visual amenity as a result of the sides of units no.1 & 6 adjoining the open space, injury to amenity & property devaluation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer recommended a refusal of planning permission.

3.2.2. Other Technical Reports

Transportation: No objection subject to compliance with previous conditions.

Water Services: No objection subject to compliance with conditions.

Irish Water: No objections subject to conditions.

3.3. Third Party Observations

Several objections received from Councillor Henchy, Donabate-Portrane Community Council and local residents, who raised concerns in relation to: - adverse impact on the pedestrian path through the site; potential flooding; poor quality open space & no playground; poor quality design & layout; loss of trees; inadequate local infrastructure & facilities; low density of development; & no commencement notice for permitted houses on adjoining site in applicant's ownership. Request restoration of the Water Pump if permission is granted.

4.0 Planning History

PL06F.225002 (F06A/1496): Permission granted by ABP for 45 houses with associated car parking, open spaces and site works. E section of site along Portrane Road designated as Public Open Space. Duration extended until 20th February 2018.

F15A/0456: Permission granted for 43 houses subject to 21 Conditions. Condition No.2 required the omission of 7 units, realignment of the roadway, the creation of a public open space and retention of a pedestrian footpath.

F17A/0183: Permission refused to amend F15A/0456 to provide 7 x houses for 2 reasons related to material contravention of Condition no. 2 of F15A/0456 (above) and material contravention of Objective RF118.

ABP-300521-17 (F17A/0589): Permission refused for 20 houses on a site to the W of the subject site. ABP granted permission for 6 of the units and refused permission for 14 of the units for 1 reason related to the location of 11 houses on lands zoned for Community Infrastructure where houses are not permitted, material contravention & precedent; and the inadequate design, layout & orientation of 3 of the houses.

5.0 Policy Context

5.1. Fingal County Development Plan 2017 to 2023

Zoning:

The site is located within lands that are zoned “TC” which seeks to “Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.” Residential use is permitted in principle.

The adjoining lands to the W are located within “RS” zoning objective which seeks to “Provide for residential development and protect and improve residential amenity” and the adjoining lands to the N are located within the “OS” zoning objective which seeks to “Preserve and provide for open space and recreational amenities.”

Development standards:

Density: Higher densities within walking distance of town centres & public transport facilities

Dwelling mix: Balanced range of dwelling types & sizes

Floor areas:

5 beds	100 -110 sq.m.
4 beds	97 - 105 sq.m
3 beds	92 - 100 sq.m.

Separation distances: 22m normally required

Rear garden depth: 11m normally required

Gable separation: 2.3m normally required

Private open space: 60/75 sq.m. per 3/4 bed units

Public open space: 2.5 ha/1000 (3.5 persons/unit) & 10% of site area

Car parking: 2 spaces per unit

Heritage

Built Heritage: No features in immediate vicinity

Natural Heritage: No features in immediate vicinity

5.2. Donabate Local Area Plan, 2016

No specific objectives for the site.

5.3. European sites

No SPAs or SACs in the immediate vicinity and the following European sites are located within a 15km radius of the lands:

- Rogerstown Estuary SPA & SAC to c.2km to N
- Malahide Estuary SPA & SAC to c.1.5km to S
- Rockabill to Dalkey Island SAC c.6km to E

6.0 The Appeal

6.1. First Party Appeal

Background:

- Seeking to replace 6 of the 7 houses previously omitted by Condition no.2 of F15A/0456, after the PA requested a higher density of development under FI which increased the number of units from 44 to 50 and then back down to 43, the space was to be laid out Open Space and a footpath was to be retained.
- This Open Space and pathway constitute the subject appeal site and it is proposed to relocate the pathway and construct it to a higher standard.
- Site is zoned for Town Centre development & can accommodate houses.
- Planning policy seeks to increase density & not reduce it to retain a pathway.
- Houses will not reduce the overall POS to less than the 10% requirement and the reason for refusal for inadequate OS is contrary to the proper planning & sustainable development of the area.
- The omission of 6 houses to retain a pathway that is not a public path or a wayleave is not necessary given that the lands are not zoned as OS.
- Site comprises underutilised private lands that are close to schools, community facilities and the town centre, which is used as a shortcut.
- Existing paths are isolated desire lines with poor quality surfaces, substandard layout and one is gated with no right of way through the site.
- Key aim of proposal is to achieve good levels of connectivity.
- Proposal will form part of the overall development permitted under F15A/0456 for 43 houses to give a total of 49 units on the c.2ha site and OS provision for 43 units will exceed the 2,000sq.m. standard.
- Proposed 6 units on the 0.5ha site will provide 2,320sq.m. which well exceeds the 500sq.m. standard.
- Similar scale & design as permitted on adjoining site, complies with TC zoning and Development Plan policies & standards, and it promotes connectivity; and Objective RF118 does not apply as it relates to existing rights of way.

Reason no.1: Material contravention of Condition no.2

- Proposal would supersede and amend F15A/0456.
- Existing path across the lands is in private ownership & is not a right of way.
- Two well lit new pedestrian paths would be provided.
- The 6 houses and 2 paths will not reduce the open space to below 10%.
- Removal of 6 houses to preserve a path across a Town Centre site where a high quality publicly lit footpath is proposed is unsustainable.
- Proposal complies with national & local planning and environmental policies.
- Numerous permissions have been granted for revisions to permitted schemes & the Board is not precluded from assessing the merits of the proposal.

Reason no.2: Sub-division of OS & reduction in quality

- Lands not designated for OS, they are zoned for TC development where residential use is permitted & the OS derives from planning history of the site.
- Good quality paths will be provided that are well lit & overlooked.
- Quantum of OS exceeds standards, there is no requirement for it to be provided in a single plot, but it should be accessible & overlooked, and exceed 500sq.m. for taking in charge for maintenance purposes.
- OS areas are accessible & well overlooked, they provide for connections & permeability to the surrounding area, and they are multifunctional & useable.
- Comply with Development Plan policies, objectives & standards with no adverse impacts on residential amenity or property devaluation.

Reason no.3: Poor quality residential & visual amenity at house nos. 1 & 6

- Lands zone for TC development, residential use is permitted, no adverse impacts on amenity and substandard path will be replaced.
- Nos. 1 & 6 have been designed to overlook the OS areas which renders the areas to be highly useable, safe and well lit.
- The OS to the N will actively surveyed via Portrane Road, the new entrance, access road & proposed houses.
- No.6 will not give rise to poor quality visual amenity as visitors will see houses as soon as they arrive, and site will be landscaped to a high standard.

6.2. Planning Authority Response

- Condition no.2 clearly sets out the omission of houses on the E side of the site and the use of this area for OS with a footpath retained through the site, proposal is contrary to this condition & would erode the quality of the OS area.
- OS would be split into 2 sections thereby losing the quality of this amenity.
- Condition no. 2 designated this area as OS and the site is therefore an approved public OS which is essential to service higher density development in the urban area and the quality would be substandard & fragmented.
- If the appeal is successful, please attach the S.48 development contribution.

6.3. Observations

Three letters of observation received from Ms Vivienne O'Reilly, Corina Johnston (Supporting Proper Development in Donabate) and John O'Neill & Siobhan Brennan who raised the following collective concerns:

- Material contravention of no.2 of F15A/0456.
- No material change in circumstances since the last applications were decided.
- Non-compliance with OS, public right of way & tree protection policies.
- Subdivision of a designated area of OS with related impacts on amenity value.
- Poor quality design & layout at nos. 1 & 6.
- Loss of existing public path through the site to schools & community buildings.
- Pedestrian route has been closed & blocked by construction vehicles.
- Children will have to walk across the estate entrance with safety implications.
- Rights of way are not formally recorded as the beneficiaries are the public.
- Wayleaves are an easement which permits the beneficiary to do certain things on land or entre lands for certain works.
- An easement of a right of way is a property right granted to a landowner for their benefit and requires the existence of a dominant and servient tenement, but it does not need to be formally documented.

- The lands were originally owned by the Council until c.2004.
- The right of way is a tarmacked & clearly defined pathway which was put in place by the Council for public use, as evidenced in the Land Registry maps.
- A right of way is an actionable & enforceable right enjoyed by the public & the applicant cannot extinguish or curtail access & proposed path is substandard.
- Article 29(1)(a)(b) of the P&D Act applies.
- Visual impact, loss of mature trees, wooded area & historic Water Pump.
- Commencement notices has not been issued for existed permission.
- Flood risk at Somerton estate, and developer should be held responsible.
- Applicant has built houses in the area that have pyrite in their foundations.

6.4. **Prescribed Bodies**

No submissions received.

7.0 **Assessment**

The main issues arising in this case related to the following:

- Principle of development
- Design & layout
- Open space & footpaths
- Residential amenity
- Other issues

7.1. **Principle of development**

The proposed development would be located on lands that are zoned “TC” in the current Development Plan for the area. This zoning objective seeks to “Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.” Residential use is permitted in principle and the proposed houses would be compatible with this objective.

7.2. **Design and layout**

The proposed 2-storey detached and semi-detached houses would have a suburban design with front and rear gardens and they would overlook the internal estate road to the W. There would be 3 areas of open space located to the N, NE and S of the proposed houses and the internal access road off Portrane Road would be located along the N site boundary. The design and layout of the houses would be similar to the existing and permitted houses in the vicinity which is acceptable in terms of visual amenity. However, the northernmost houses (no.1) would occupy a very prominent and exposed position relative to the entrance to the estate off Portrane Road and Amenity Area 2 at a point where the open space is only c.6m deep over a c.27m distance and where there is limited potential for overlooking and passive surveillance. This concern could be addressed by way of a condition requiring the omission of house no.1 and the integration of the space thus created into Amenity Area 2, in the interest of visual amenity and passive surveillance.

7.3. Open space and footpaths

Context:

The site is located on the NE side of Donabate Village and it forms part of a larger landholding that has been the subject of several planning applications over the past decade. The site mainly comprises a wooded area that is traversed by a footpath which connects Portrane Road at the NE corner of the site with the community building and schools at the SE section of the site. The appeal site has been zoned for major suburban centre (SC) and town centre (TC) development for a substantial period of time dating back to the 2005 Development Plan. The adjoining lands to the W have been zoned for residential use (RS) for a similar length of time. However, the westernmost portion of the original overall landholding was zoned for residential use (RS) in the 2005 Development Plan and then community infrastructure (C1) in the 2011 and 2017 Development Plans. The site is not covered by any sensitive built or natural heritage designations, there are no protected views through the site, there are no specific objectives to preserve trees, woodland or hedgerows, and the existing trees are not covered by any Tree Preservation Orders. It is noted that the pedestrian pathway has been used by the public for a long time.

Background:

As previously stated, the site and adjoining lands to the W have been the subject of several planning applications over the past decade.

Permission was originally granted in 2008 by the Board under PL06F.225002 for 45 houses with associated car parking and open spaces on the appeal site and adjoining lands. The E section of site located along Portrane Road, which corresponds with the subject site, was allocated in the planning application drawings as an area of public open space “to satisfy future higher density development along Portrane Road” and other phases of the overall development of the lands to the W. This application was assessed under the 2005 Development Plan when the subject site was zoned for major suburban centre uses (SC) and the entire landholding to

the W was zoned for residential uses (RS). This permission has not yet been implemented and its duration was extended until 20th February 2018.

Permission was sought in 2015 under F15A/0456 for 44 houses with access via the internal Somerton access road to the N. The number of units was increased to 50 in response to Item 11 of a FI request for a revised site layout to increase the site density “through the provision of terraced houses or other design arrangements”. The revised layout resulted in the provision of additional houses in the E section of the site (the subject site) on lands previously allocated for public open space (under PL06F.225002). The open space location for the houses and the loss of the pedestrian pathway was not acceptable to the PA. The site access arrangements were also amended to be directly off Portrane Road to the E which was acceptable. This application was assessed under the 2011 Development Plan when the subject site was zoned for town centre uses (TC), the adjoining lands for residential use (RS) and the westernmost lands for community use (C1). Permission was granted for 43 houses on the RS zoned lands. Condition No.2 required the omission of unit nos.1-7 in the E section on the TC zoned lands, the realignment of the internal roadway, the creation of a public open space on the TC lands and retention of the pedestrian path.

Permission was refused in 2017 under F17A/0183 to amend the previous permission granted under F15A/0456 with respect to the subject site. It was proposed to provide 7 x houses on the site and utilise the previously permitted vehicular access off Portrane Road. This application was assessed under the 2017 Development Plan when the subject site was zoned for town centre uses (TC), the adjoining lands for residential use (RS) and the westernmost lands for community use (C1). Permission was refused for 2 reasons related to material contravention of Condition no. 2 of F15A/0456 which required the removal of houses from this location, the preservation of a footpath, provision of public open space, and loss of a pedestrian right of way; and also, material contravention of Objective RF118 with respect to rights of way.

The current application seeks to reinstate 6 of the 7 houses on the subject site, utilize the previously permitted vehicular access off Portrane Road and relocate the pedestrian footpath to run parallel the N site boundary and to the W of the proposed houses. This application was also assessed under the 2017 Development Plan

(details above). Permission was refused for 3 reasons related to: - material contravention of Condition no.2 of F15AS/0456; subdivision of an area designated open space; and poor quality residential/visual amenity as a result of the sides of unit no.1 and 6 adjoining the open space. (Refer to section 3.1 above for more details).

Discussion:

The two previous sections set out the planning context and historical background to the evolution of the subject site and adjoining lands over the past decade. The site was originally zoned for SC for major suburban centre uses and it is now zoned for TC for town centre development. It has never been zoned for open space use. The original 2008 planning application for the residential development of the overall landholding (PL06F.225002) envisaged the phased development of the overall RS zoned lands including a future high-density development along the Portrane Road frontage. It was within this context that the site was allocated for open space use.

The permission granted under PL06F.225002 has not been implemented. The extent of the overall lands covered by the RS zoning objective has been reduced in subsequent Development Plans since planning permission was first granted under the provisions of the 2008 Development Plan. Approximately half of the lands covered by the TC zoning objective at this location are not owned by the applicant, they lie outside the remit of the current planning application, and there are no immediate plans to redevelop that site. Furthermore, the Board recently refused permission under ABP-300521-17 for a residential development on the westernmost section of the overall lands which are now covered by the CI zoning objective in the current and previous Development Plans. Having regard to the foregoing, I am satisfied that there has been a material change in circumstances since the subject site was first allocated for public open space use under PL06F.225002 in 2008 and that the current application can be assessed on its merits.

The appeal site originally formed part of the residential development previously permitted under F15A/0456 on the overall c.1.89ha site and Condition no.2 required the omission of the houses on the subject site with the use of the land as open space. The overall site has now been split and the W section comprises the permitted development (following the FI amendments) of 43 houses on a c.1.5ha

site, whilst the E section comprises the proposed 6 houses on the (slightly enlarged) c.0.5ha site. The combined site area is now c.2.0ha.

The Development Plan requires that a minimum 10% of the site area be allocated as public open space. The previously permitted development of 43 houses on the c.1.5ha site contains a stated c.1330sq.m. of open space in the S section which is just under the minimum requirement of 1500sq.m. When the subject site, which originally formed part of the permission for the overall 1.89ha site, is factored into the equation, the development permitted F15A/0456 would provide over 4000sq.m. of open space for the 43-unit development which would equate to approximately 22% of the site area.

The currently proposed 6 houses on the 0.5ha site contains 3 separate areas of open space in the S, N and NE sections which have stated areas of 500sq.m., 1020sq.m. and 800sq.m. respectively, and a combined area of 2320sq.m. This level of provision greatly exceeds the minimum requirement of 500sq.m. It is noted that the applicant's calculations include the relocated footpath, grass verges, and narrow sections which would not constitute useable open space. Nonetheless, the proposed development would continue to provide for open space in excess of minimum requirements. The combined development of 49 houses on the c.2.0ha site would also provide for a quantum of open space well in excess of the minimum requirement of 2000sq.m.

Notwithstanding the above, I have concerns in relation to the functionality, usability, safety and maintenance of the open spaces. Although Amenity Area 1 in the S section has a stated area of 500sq.m., this includes the relocated footpath and verge and it is noted that the Council will not take charge of areas that are less than 500sq.m. Amenity Area 2 contains a narrow strip to the N of House no.1 which would have limited activity value and Amenity Areas 2 and 3 are not particularly well overlooked which raises safety concerns, although they would provide an attractive entrance to the development, subject to landscaping. However, these concerns could be addressed by way of a condition requiring the omission of house no.1 and no.6 and the integration of the space thus created into Amenity Areas 1 and 2, in the interest of recreational amenity, passive surveillance, safety and maintenance.

In relation to the existing pedestrian footpath that traverses the site, the proposed relocation of the footpath to the W of the proposed houses and along the internal access road is considered acceptable in terms of accessibility, permeability, connectivity and safety.

Conclusion:

Having regard to the foregoing and subject to the proposed amendments, the proposed development would provide for more than an adequate amount of useable and functional public open to serve the future occupants of the proposed and permitted residential developments.

7.4. Residential Amenity

The proposed development would provide for an acceptable level of residential amenity for future occupants with respect to floor area, room size, storage, orientation and private amenity space, all of which would be broadly in line with Development Plan requirements. Although the S section of the rear garden at house no.6 would be well below the 11m normally required by the Development Plan, it is noted that the main part of the garden would achieve this distance.

Having regard to the residential character of the surrounding area, and to the design, layout and height of the proposed houses, the separation distances, orientation and relationship to neighbouring sites, the proposed development would not have any significant adverse impacts on the residential amenities of neighbouring properties by way of overshadowing, overlooking, loss of privacy or visual intrusion.

7.5. Other issues

Appropriate Assessment: The site is located a substantial distance from any European Sites. Having regard to the nature and scale of the proposed works, the serviced nature of the site and surrounding lands, and the absence of a direct connection between the works and any designated site, I am satisfied that Screening for Appropriate Assessment is not required. The contents and conclusions of the applicant's AA Screening report are noted.

Environmental Impact Assessment: Having regard to the nature and scale of the proposed development and the separation distance to any sensitive location, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Built heritage: There are no sensitive built heritage designations in immediate area. However, the original Water Pump located in the NE corner of the site should be retained in-situ and restored as a heritage feature. Details to be agreed in writing with the planning authority before development commences.

Environmental services: The proposed drainage and water supply arrangements are considered acceptable, and the proposed development would not give rise to a flood risk, subject to compliance with Council requirements.

Movement and access: The proposed use of the previously permitted vehicular access off Portrane Road (F15/A0456) is considered acceptable. Adequate off-street car parking spaces would be provided in line with Development Plan requirements, and the proposed development would be located within walking distance of bus stops and Donabate train station. The proposed development would not give rise to a traffic hazard or endanger the safety of other road users, subject to compliance with Council requirements.

8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to compliance with the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2017 to 2023, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be amended as follows:
 - (a) House no.1 and house no.6 shall be omitted in their entirety and the space thus created shall be integrated into Amenity Areas 1 and 2.
 - (b) An enclosed children's playground shall be provided in Amenity Area 1.
 - (c) The Water Pump located in the NE corner of the site shall be restored. Revised layout and landscaping plans shall be submitted to the planning authority for written agreement before development commences, and these details shall show the incorporation of the required amendments into the overall scheme.

Reason: In the interest of residential and visual amenity, to provide a safe, functional and useable level of public open space, and to provide for a children's play area.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. **Reason:**
In the interest of visual amenity.

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

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

- (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (ii) Details of screen planting.
- (iii) Details of roadside/street planting.
- (iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment (Amenity Area 1) and finished levels.

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

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

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

Reason: In the interest of residential and visual amenity.

5. The areas of public open space shown on the lodged plans and amended by way of condition no.2 above, shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

6. The developer shall comply with the following transportation requirements:
- (a) Comply with the relevant terms and conditions attached to F15A/0456.
 - (b) Provide precise details of the vehicular access arrangements and the front boundary treatment along Portrane Road.
 - (c) Provide an additional informal pedestrian crossing near the southernmost permitted house in the vicinity of Amenity Area 1 (as amended by way of Condition no.2) and provide precise details of this crossing including its exact location, and precise details all other proposed pedestrian crossings within the development.
 - (d) Provide details of the footpath along the Portrane Road which is located along the front boundary of the site.

All of the details in relation to (b), (c) and (d) shall be agreed in writing with the planning authority before development commences.

Reason: In the interests of orderly development and road safety.

7. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

8. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

9. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

10. 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. The application of any indexation required by this condition 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.

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.

11. 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.

Karla Mc Bride
Senior Planning Inspector
20th December 2018