



An
Bord
Pleanála

Inspector's Report ABP- 302636 -18.

Development

Demolition of an existing porch and the construction of 3 no. 2-storey dwellings to the side of an existing dwelling together with all associated site works.

Location

28 Coolmine Lawn, Blanchardstown, Dublin 15.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

FW18A/0055.

Applicant

Victoria Homes Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party

Appellant

Victoria Homes Ltd.

Observers

1. Cathal & Rikka Brennan
2. Michael & Veronica Keogh

Date of Site Inspection

11th December 2018.

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1.0 Site Location and Description

- 1.1. No. 28 Coolmine Lawns, the appeal site, is located at the western end of Coolmine Lawns, a cul-de-sac road within the Coolmine residential development, in the suburb of Blanchardstown, c12km to the north-west of Dublin's city centre.
- 1.2. The L-shaped site has a stated 0.1355ha site area. It contains a much altered and extended part 2-storey and part single storey semi-detached dwelling.
- 1.3. Located in the north eastern corner of the site there is a separate gable ended single storey structure and there is a greenhouse structure located along the eastern boundary of the site towards its southern end. Located towards the northern most end of the western boundary of the site there is a vehicle entrance that opens out onto a restricted in length cul-de-sac road. This road provides vehicle access for No. 28 Coolmine Lawns onto the Snugborough Road Extension and Grove Road signalised junction which is located to the north west of the site. This access runs alongside a pedestrian pathway that links to a public linear parkland that bounds the western edge of the Coolmine residential development. This parkland extends from the Snugborough Road to the north west to the Clonsilla Road (R843) to the south. The site is also served by a pedestrian access onto Coolmine Lawns on its southern boundary.
- 1.4. The remaining site area consists of a mature enclosed garden bound by a mixture of high solid boundaries c2m in height, trees and shrubs. There is an area of hardstand which accommodates off-street car parking. This is located beside the western elevation of the subject dwelling.
- 1.5. The surrounding area has an established residential character with the building stock characterised by 2-storey semi-detached pairs with single storey side garages/side extensions. Access for the Coolmine residential development to the wider public road network is via the Clonsilla Road which is located to the south of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following.
 - Demolition of a porch with a stated floor area of 8m². This would result in the remaining dwelling have a floor area of 214m².

- Construction of a terrace group consisting of 3 no. 2-storey dwellings with a stated total floor area of 379m².
- Provision of a vehicular entrance onto Coolmine Lawn.
- Provision of off-street car parking accessed from the proposed new vehicular entrance onto Coolmine Lawns.
- Blocking up the existing vehicular entrance.
- All associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to **refuse** permission for the following stated reasons.

- “1. *Part of the subject site is located within the land-use zoning objective ‘OS’ in the 2017-2023 Fingal Development Plan. The use of this open space to facilitate the proposed development for parking and vehicular movements would be contrary to the land zoning objectives of this land which seeks ‘To preserve and provide for open space and recreational amenities’. The reliance of this open space to accommodate the 3 terraced dwellings, combined with the scale of development proposed emphasises the overdevelopment of the site. Furthermore, the proposal is out of keeping and character with the pattern of development of the area that is characterised by linked semi-detached dwellings. The proposed development if permitted would materially contravene the zoning objective as set out in the Development Plan, be out of keeping with the character of the area and as such be contrary to the proper planning and sustainable development of the area.*
2. *Given the restricted nature of the site and having regard to the nature and extent of the proposed development, in particular the area required for vehicular parking and movements, the proposed development would give rise to vehicular movements that would create a conflict between pedestrians and*

traffic seeking to access, park and exit the site. This constitutes an unacceptable risk to pedestrians and drivers and would endanger public safety by reason of obstruction of road users.

3. *The proposed development by reason of its scale and location in relation to neighbouring dwelling No. 28 Coolmine Avenue, in particular, located to the east of the proposed terrace, would result in an unacceptable degree of overshadowing and overbearing, to such a degree that would seriously diminish the residential amenities of existing and future occupants and thereby be contrary to the proper planning and sustainable development of the area”.*

- 3.1.2. The third reason for refusal appears to refer to ‘Avenue’ instead of ‘Lawn’ in error.

3.2. **Planning Authority Reports**

- 3.2.1. The final **Planners Report** reflects the decision of the Planning Authority.

3.3. **Other Technical Reports**

3.3.1. **Parks Division**

No objection.

3.3.2. **Transportation Planning Section**

This report concludes with a request for clarification of additional information seeking
1) a revised layout defining the entrance to the proposed houses and that provides footpath connectivity to the existing footpath; 2) a revised in-curtilage parking; and, 3) reduction in height of an existing eastern boundary wall.

- 3.3.3. **Water Services Department:** No objection.

- 3.3.4. **Irish Water:** No objection.

3.4. **Prescribed Bodies**

- 3.4.1. None.

3.5. Submissions

- 3.5.1. Several submissions from neighbouring property owners were received. I consider that the main issues raised are the same as the Observers to the appeal (See: Section 6.3).

4.0 Planning History

- 4.1. None relevant.

5.0 Policy and Context

5.1. National Policy

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013).
- Project Ireland 2040 National Planning Framework (2018).

5.2. Local Policy

- 5.2.1. The policies and provisions of the Fingal Development Plan, 2017-2023, apply. The northern portion of the site lies within an area zoned 'RS' which has an aim to: "*provide for residential development and protect and improve residential amenity*" and the southern portion of the site is zoned 'OS' which has an aim to: "*preserve and provide for open space and recreational amenities*".
- 5.2.2. Chapter 3 of the Development Plan deals with the matter of residential development.

5.3. Natural Heritage Designation

- 5.3.1. The Royal Canal, Proposed Natural Heritage Area (Site Code: 002103), is situated c0.8km to the south of the site.

5.4. Environmental Impact Assessment

- 5.4.1. Having regard to the modest nature the proposed development, the serviced nature of the site, the distance between the site and sensitive receptors and the lack of any

direct hydrological connectivity from the site to any nearby sensitive receptors, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows.

- The portion of the site zoned 'OS' would be returned to useable open space as part of the proposed development.
- The 'OS' zoning of a portion of the site is argued to be inappropriate as it has formed part of the private amenity space of the subject property for over 20-years.
- This proposal is in keeping with the Sustainable Residential Development in Urban Area Guidelines for Planning Authorities.
- Concern is raised that the reasons for refusal refer to the proposed development materially contravening the zoning objectives set out in the Development Plan.
- The proposed development would be visually acceptable in its setting.
- No. 28 Coolmine Lawn is in the applicant's ownership. As a result, no overbearing or overshadowing would result to neighbouring properties.
- The appeal submission is accompanied by revised drawings and documentation.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response is summarised below.

- The 'OS' zoning cannot be ignored.
- If permitted the proposed development would establish an undesirable precedent.

- The improved manoeuvrability put forward in the appellants appeal submission is considered to still be tight and it would be problematic when additional cars would be accessing the site for off-street car parking.
- The shadow study provided does not alleviate the residential amenity concerns.
- The proposed development would have a detrimental impact on the areas established amenity.
- No objection is raised to two dwellings on the 'RS' zoned land.

6.3. Observations

6.3.1. The Board received 2 no. observations which are summarised together below.

- **Overdevelopment/Pattern of Development**
 - This proposal represents overdevelopment of the site.
 - The proposed development would result in a pattern of development that would be out of character with its setting.
- **Traffic Hazard/Road Safety**
 - The proposed development would result in conflict between vulnerable road users and vehicles near the proposed site entrance. It would also significantly intensify the level of traffic on Coolmine Lawns, a cul-de-sac road.
 - The site does not benefit from vehicle access onto Coolmine Lawns.
 - The revisions contained in the appeal submission do not address the traffic and road safety concerns that the proposed development would give rise to.
- **Visual Amenity/Design**
 - A terrace-built form would be out of character with the sites setting.
 - The additional 1.1m front building line setback would add to the visual incongruity of the proposed development in its setting.
 - Concerns are raised that the proposed dwellings are not like existing dwellings on Coolmine Lawns in terms of their size, detailing and treatments.
- **Residential Amenity**

- This development would not enhance existing residential amenity.

7.0 Assessment

7.1. Introduction

7.1.1. I consider that the main issues in this appeal are those raised in the grounds of appeal, the Planning Authority and by the Observers. I am satisfied that no other substantive planning issues arise. I have dealt with the issues under the following headings.

- Principle of the Development/Material Contravention
- Pattern of Development/Visual Amenity
- Traffic/Road Safety

7.1.2. The issue of appropriate assessment also needs to be addressed.

7.1.3. The appellant as part of their submission to the Board has submitted revised drawings and documentation which put forward minor amendments to the proposed development to overcome concerns raised by Planning Authority in their reasons for refusal. Given the minor nature of these amendments I do not consider that revised public notices are required. I also note that the revisions have been circulated to all parties to give them an opportunity to comment. In this case I consider it appropriate that the proposed revisions can be accepted as part of the grounds of appeal. I therefore propose to assess this application *de novo* on the basis of the revised design and documentation submitted by the applicant to the Board on the 25th September 2018.

7.2. Principle of the Development/Material Contravention

7.2.1. The northern portion of the site lies in within an area of suburban land mainly zoned 'RS' which aims to: "*provide for residential development and protect and improve residential amenity*" under the Fingal County Development Plan, 2017-2023. The zoning objective for such land is to provide for residential development alongside protecting and improving residential amenity. In general, the principle of residential development on 'RS' zoned land is deemed to be acceptable. I therefore consider

that the principle of the residential development sought under this application is acceptable, subject to safeguards.

- 7.2.2. The southernmost portion of the site is zoned 'OS'. The zoning objective for such land under the Development Plan is: "*to preserve and provide for open space and recreational amenities*". In general, the principle of the proposed residential development on lands subject to 'OS' land use zoning is not considered to be acceptable. In tandem, the provision of any of the ancillary requirements for residential development for example vehicular access, off-street car through to services would be similarly unacceptable.
- 7.2.3. According to the submitted drawings and documentation submitted the residential development proposed, its associated spaces through to its associated works are confined to the lands zoned 'RS'. Whereas the land zoned 'OS' is to be landscaped to provide an area of public open space. The provision of public open space is consistent with the land use zoning objective for 'OS' zoned land, subject to safeguards.
- 7.2.4. Based on the above I am not convinced that the principle of the proposed development, were it permitted in the form proposed, would result in a material contravention of the Development Plan as set out by the Planning Authority under its first reason of refusal.

7.3. **Pattern of Development/Visual Amenity**

- 7.3.1. The observers contend that the proposed density and the design resolution chosen would be out of character with the pattern of development in the area. They also argue that it would be visually incongruous with its setting due to its non-conforming building to space relationship; the more modest built forms of the proposed dwelling units when compared to the existing building stock within the Coolmine's residential development; the contemporary architectural response chosen; the non-conforming palette of materials and finishes when compared to those that characterise the Coolmine residential development.
- 7.3.2. In addition, the Planning Authority in their first reason for refusal similarly considered that the proposed development would be out of character with the pattern of development due to the sites setting being characterised by "*linked semi-detached dwellings*".

- 7.3.3. The appellant on the other hand argues that the proposed development is consistent with all relevant planning policy and the proposed development would result in a contemporary insertion that would be consistent with the pattern of development that characterises its setting in a harmonious and sensitive manner.
- 7.3.4. I am cognisant that both local and national planning policy seek to increase residential density in existing settlements to achieve the best use of serviced urban land; to make the best use of underutilised residentially zoned land through to reducing reliance on the private car through to maximising densities in proximity to public transport infrastructure. This however is subject to the safeguards of ensuring a quality of place; a quality of residential accommodation through to ensuring that amenities for existing or future residents are not compromised.
- 7.3.5. With this in mind and having regard to the site's suburban location I accept that in general the proposed development is consistent with planning policy. In particular, the Section 28 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, and Objective PM41 of the Development Plan, in relation to increased densities at appropriate locations.
- 7.3.6. Notwithstanding, I share both the Planning Authority and the Observers view that the proposed development would, if permitted, result in the overdevelopment of the appeal site. I also share their view in that the proposed development would be out of character with the streetscape scene of Coolmine Lawns as well as the pattern of development that characterises the Coolmine residential area. I base this conclusion on a number of factors including the fact the Coolmine estate is a formally designed, coherently following laid out and highly homogenous residential development. Its building stock consists of linked 2-storey with part single storey semi-detached pairs of matching design, scale, mass, finishes and materials. These buildings share coherent front and rear building lines. This residential development also contains a defined building line that runs in a north south axis along its western edge where it bounds a linear public open space. This latter building line is legible from this public open space. In this context, the insertion of a terrace group of three dwelling units would be visually incongruous with its streetscape scene and its wider setting by way of its significantly setback front building line, its terrace-built form composition as well as its restricted in depth and width shared surface area in which access, car parking and bin storage is proposed.

7.3.7. I consider that the reduction in dwelling units from a terrace group of three to a semi-detached pair of two would be appropriate. This together with a number of associated revisions would result in a quantum of residential development that would be more readily absorbed within the constraints of its site and its highly formalised suburban setting.

7.3.8. Should the Board be minded to grant permission I recommend that they seek the following revisions by way of appropriately worded condition.

- 1) Omission of Dwelling Unit Labelled 28A.
- 2) Revised placement of Units 28B and 28C on site. I advise the side building line of Unit 28B have a lateral separation distance of 4-meters from the side of No. 28 Coolmine Lawns.
- 3) Provision of a solid boundary of a minimum lateral separation distance of 2.3-meter and of a 2-m height that extends back from the front building line of Unit 28B to the rear boundary of No. 28 Coolmine Lawns and Unit 28B.
- 4) The omission of the bin storage area along the shared boundary with No. 28 Coolmine Lawns and the provision of side accesses to the rear garden areas of proposed Unit 28B and Unit 28C.
- 5) Revised off-street car parking arrangements for Unit 28B and Unit 28C.
- 6) The 1.1-meter additional setback of the front building line should be omitted from the revised layout and placement of dwelling Unit 28B and 28C.

7.3.9. I consider that the revisions outlined in Section 7.3.7 above would achieve the following improvements:

- 1) Units 28B and 28C would become a 2-storey semi-detached pair. This is a building type that predominates its setting. The proposed development subject to this revision would be consistent with Objective PM44 of the Development Plan which seeks that development in existing residential areas protect the character of the area. It would also be consistent with Objective PM45 which encourages the use of contemporary design subject to the design respecting the character of the area.
- 2) The provision of an increased lateral separation distance between No. 28 and the remaining units would allow for greater daylight penetration to the rear of

this existing dwelling and it would harmonise with the provide a more meaningful separation between adjoining linked semi-detached pairs at first floor level.

- 3) The omission of the additional 1.1-meter front building line setback proposed as part of the appellants submission to the Board would move the ridge height southwards. This would result in a reduced level of overshadowing to the rear of the existing dwelling as well as would allow for greater light penetration from the west.
- 4) It would result in qualitative improvements to the residential amenities of Units labelled 28B and 28C. This would be achieved by way of providing more quantitative and qualitative functional private open space amenities to the side and rear of these dwelling units. It would also allow for both dwelling units to have the capacity to access the rear garden by way of a side passageway. This would also allow for the bin storage requirements of these properties to be maintained to the rear. This would result in an improved shared surface area to the front of the proposed dwelling particularly in the vicinity of the entrance serving the site and the pedestrian entrance providing access to the proposed public open space via Coolmine Lawns. It would also allow for an opportunity to extend the shared surface area to the front of No. 28.
- 5) It would result in improved vehicular and pedestrian access to the remaining units. This would be achieved by way of a reduction in unit numbers on the 'RS' pocket of land and the reduction in car parking spaces. This would also result in less potential for conflict near the entrance serving the proposed development.

7.4. Traffic/Road Safety

- 7.4.1. The appellants submission includes minor revisions to the proposed layout to improve access and to mitigate road safety concerns for vulnerable road users. They also indicate that the proposed development has been designed in accordance with DMURS to create a low speed safe environment for future users. I consider that such an approach is consistent with Objective DMS130 of the Development Plan and I raise no substantive concerns in this regard.

- 7.4.2. In addition to the 1.1m setback of the front building line put forward as part of the appellants submission to the Board they also put forward the provision of an uncontrolled raised pedestrian crossing over the shared vehicle pedestrian access point serving the site; the provision of shared surfaces of differing colours to differentiate them from trafficked areas; the removal of hedgerows; and, the reduction in height of an existing 2m section of boundary wall that currently runs to the south of the proposed pedestrian access to the proposed public open space from Coolmine Lawns. They submit that these measures provide a safer pedestrian environment. I consider that these revisions are acceptable, subject to safeguards discussed in the previous section which seeks a reduction in unit number and the omission of the 1.1-m front building line setback.
- 7.4.3. I raise a concern to the Board that there is no lighting proposed near the entrance serving the development and the proposed pedestrian access. On an unrelated note no lighting measures have been proposed for the public open space area either. Should the Board be minded to grant permission for the proposed development an appropriately worded condition seeking the provision of public lighting could be imposed.
- 7.4.4. In relation to the proposed vehicle entrance serving the existing dwelling from No. 28 Coolmine Lawns I raise a concern that two car parking spaces are indicated with no on-site turning area. Having regard to the width and dimension of the two car parking spaces proposed for vehicles to access these spaces they would either have to reverse into the proposed spaces or reverse out of the spaces. Such an arrangement has the potential for conflict to arise with vulnerable road users.
- 7.4.5. Should the Board be minded to grant permission it may consider it appropriate for this arrangement to be redesigned and they may wish to seek that the area between the roadside boundary of No. 28 and its front elevation be incorporated into an extended shared surface area. The consolidation of the vehicular entrance serving the existing and proposed dwellings would be consistent with Objective DMS126 which seeks for new entrances to be provided only where necessary so that excessive levels of individual entrances is avoided. It would also be consistent with Objective DMS129 which seeks to promote road safety measures that avoid the creation of traffic hazards.

7.5. Public Open Space

- 7.5.1. The proposed development includes the provision of a 263m² public open space on the portion of the site zoned 'OS'. I raise no substantive objection to this, notwithstanding, I consider that further qualitative improvements could be achieved to this open space over and above that proposed. In its current form I consider that the design of this open space is not consistent with Objective PM61 of the Development Plan. This objective seeks to ensure that public open spaces include connections between new and existing spaces. The proposed design does not achieve this along its western and southern boundaries which adjoins an existing public open space by way of it not including any permeability or meaningful visual connections. Should the Board be minded to grant permission it could seek that these boundaries are revised to include increased permeability and visual integration by way of an appropriately worded condition.
- 7.5.2. I also raise a concern in relation to the proximity of the pedestrian access from the end of the cul-de-sac of Coolmine Lawns to the vehicular entrance serving the proposed development. I consider that this location has the potential to give rise to between vehicles and more vulnerable road users. I therefore consider that it would be more appropriate for this pedestrian access to be relocated. Should the Board be minded to grant permission this concern could be dealt with by way of an appropriately worded condition.

7.6. Appropriate Assessment

- 7.7. Having regard to the nature and scale of the development sought and to the nature of the receiving environment, namely an urban and fully serviced location and separation distance to European sites, 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.

7.8. Other Matters

7.8.1. Tree Protection

The Planning Authority's Park Division recommended that a condition requiring the payment of a tree bond to ensure the protection of the existing trees on site is included in any grant of permission. I consider that such a condition is reasonable

having regard to Objective PM64 of the Development Plan. This objective seeks to protect, preserve and ensure the effective management of trees and groups of trees recognising that they provide both valuable amenity and wildlife habitat. Should the Board be minded to grant permission I recommend the inclusion of such a condition.

8.0 Recommendation

8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

9.1. Having regard to the Fingal Development Plan, 2017-2023, it is considered that the proposal, would accord with the zoning of the site and relevant development standards subject to compliance with the conditions set out below. The proposed development would not seriously injure the residential amenities of the area or of property in the vicinity and it would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information plans and particulars received by the Planning Authority on the 3rd of August, 2018, and as amended by the plans and particulars received by An Bord Pleanála on the 25th of September, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) Unit 28A shall be omitted and the remaining two units labelled Unit 28B and 28C shall be moved in an easterly direction so that Unit 28B achieves a lateral minimum separation distance of 4-meters from the western elevation of No. 28 Coolmine Lawns.
- (b) The 1.1-meter additional setback of the front building line of the terrace group shall be omitted.
- (c) The shared surface area to the front of Unit 28B and 28C shall be revised to show 4 no. off-street car parking spaces.
- (d) A suitably capped and finished in materials that match the finish of the proposed dwellings 2m boundary wall shall be provided between No. 28 Coolmine Lawns and Unit 28B. This boundary shall run in a straight northerly direction from the front building line of Unit 28B to the rear boundary of the site.
- (e) The rear garden boundary between Unit 28B and Unit 28C shall be suitably capped and finished in materials that match the finish of these proposed dwellings. The boundary shall be 2-m in height.
- (f) The bin storage area proposed in the shared surface area shall be omitted. Appropriate bin storage shall be provided to the rear of Unit 28B and 28C.
- (g) The boundary treatments to the south, west and east of the proposed public open space shall be revised to include greater connectivity and permeability to the adjoining public open space.
- (h) The shared surface area and the public open space shall be revised to include a public lighting scheme.
- (i) The pedestrian access linking the public domain of Coolmine Lawns to the proposed public open space shall be moved eastwards.

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

Reason: In the interests of visual and residential amenity.

3. The external finishes including roof tiles/slates shall be 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 developer shall comply with the requirements of the planning authority in relation to landscaping, planting, lighting, pathway finishes and any ancillary structures to be provided within the public open space area proposed. The subject landscaping scheme shall be carried out within the first planting season following substantial completion of the external works associated with the construction of the permitted units. 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 interests of residential and visual amenity.

5. 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.

6. The internal road network serving the proposed development, including shared surface areas; parking; lighting; and, entrances to public road network shall be in accordance with the detailed standards of the planning authority for such works and services.

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

7. No gate shall open onto across the public footpath or public road.

Reason: In the interests of pedestrian and road safety.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of sustainable waste management.

10. All service cables associated with the proposed development (such as electrical, telecommunications and public lighting cables) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of orderly development, visual and residential amenities of the area.

11. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

12. Prior to the 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 planning authority of the shared surface area, public open space, watermains, drains, public lighting and other services required in connection with the development, coupled with an agreement empowering the planning 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 of the development.

13. 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 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 on the site.

14. 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.

Patricia-Marie Young
Planning Inspector 22nd January 2019