



An
Bord
Pleanála

Inspector's Report ABP – 302744 – 18.

Development	Construction of a 3-storey residential development comprising of 4 no. bedroom terrace dwelling units.
Location	Corner of Seagrave Hall and Fairyhouse Road, Ratoath, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	RA180833
Applicant	OWR Construction Ltd.
Type of Application	Planning Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellants	Richard & Terri Beedall
Observers	Padraig & Michelle Anne Reid.
Date of Site Inspection	18 th February 2019.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The appeal site has a stated 0.1132ha area. It is located on the southern corner of intersection where the R155 regional road (Fairycastle Road) meets the access road serving the residential developments known as 'Seagrave Hall' and Fairycastle Grove on its western side and Fairycastle Lodge on its eastern side, c1km to the south west of the centre of Ratoath, in County Meath.
- 1.2. Despite the site containing no access onto the public road network it does benefit from roadside frontage on its northern and eastern boundaries. The northern boundary of the site addresses the access road serving Seagrave Hall and Fairycastle Grove. This access road has a posted speed limit sign of 30kph. The northern boundary consists of a timber panelled fence with tall evergreen hedging. This boundary has a curved alignment. Both Seagrave Hall and Fairycastle Grove characterised by 2-storey dwellings with Fairycastle Grove containing pairs of semi-detached dwellings whereas Seagrave Hall while predominated by semi-detached pairs it also contains a number of detached dwellings.
- 1.3. The eastern boundary aligns with the R155 and its boundary consists mainly of a dense unkempt hedge with a small number of mature but of limited quality native trees. The Fairycastle Road at this point is heavily trafficked road and a posted speed limit of 50kmph applies.
- 1.4. Both adjoining roads contain pedestrian footpaths and street lighting.
- 1.5. To the south of the site there is a detached single storey with neighbouring properties along the R155 near the site including single storey, dormer and 2-storey properties.
- 1.6. The main site area is overgrown with no apparent recent and/or functional use. The southern boundary of the site contains mature native deciduous trees and hedge planting. These provide a dense visual buffer between the site and the adjoining dwelling. Much of the western boundary of the site runs alongside the rear boundary of No. 1 Seagrave Hall, a 2-storey detached property, that forms part of the Seagrave Hall residential development. This boundary appears to consist of a c2m high concrete wall and timber fencing.

1.7. On the opposite side of the Fairyhouse Road there is a single storey Montessori facility. This is setback by a large area of hard surfacing accommodating off-street car parking. The immediate setting could be described as having a strong residential character. To the north of the site and adjoining the R155 there are several commercial properties present with the development, including but not limited to a 'Maxol' petrol station, with the character becoming more mixed use the closer one journeys towards the centre of Ratoath. Whereas the further south one journeys from the site along the R155 the character can be described as low density residential.

2.0 Proposed Development

2.1. Planning permission is sought for -

- Construction of a 3-storey terrace of 4 no. 4-bed dwelling units with a Gross Floor Area ranging from 178.02m² to 207.3m².
- Provision of a vehicle/pedestrian entrance onto the access road serving Seagrave Hall and Fairyhouse Grove.
- Provision of 8 no. car parking spaces (2 no. car parking spaces per dwelling unit).
- Landscaping, boundaries and all associated site works and services.

2.2. The stated ridge height of the proposed terrace group is 8.702m and with an eaves height is 5.315m. The external finishes consist of a mixture of brick, render and blue/black slate/tiles.

2.3. The proposed layout includes a setback between 1.097m to 4.664m from Fairyhouse Road for the terrace group. The setback area is divided amongst the individual dwellings providing a small pocket of soft landscaping and a pedestrian access onto Fairyhouse Road for three of the proposed dwellings. The principal address of the terrace is its eastern elevation which addresses the R155.

2.4. The western elevation of the terrace group opens onto four separate garden areas ranging between 79m² to 98m² in size. These garden areas are bound by the on-site car parking provision and an internal access road that opens onto the Seagrave Hall access road on the north western boundary of the site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to **grant** permission subject to 31 conditions. The requirements of the following conditions are noted.

- **Condition No. 2(c):** The mid-roof dormer windows on the eastern (front) elevation to be replaced with rooflights.
- **Condition No. 10(a):** Existing trees and hedgerows to be retained.
- **Condition No. 17(a)-(m):** Deals with environmental and waste matters.
- **Condition No. 30:** Requires payment of a sum of monies towards the provision of a table ramp at the entrance to Seagrave Hall residential estate.
- **Condition No. 31:** Requires the payment of a sum of monies towards the cost of relocating a lighting column in the middle of the proposed entrance.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's Report** is the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports

- **Transportation:** No objection.
- **Transportation (Public Lighting):** No objection.
- **Water Services:** No objection.
- **Fire Officer:** No objection.

3.3. Prescribed Bodies

- **Irish Water:** No objection. Several standard requirements are requested to be imposed by way of condition including the preparation of revised water supply design drawings to include water mains layouts arranged in loops or rings to accommodate one-directional flushing of the network and that prior to the

commencement of development the incorporation of 3 No. sluice valves at the proposed connection point to the existing watermain.

3.4. Third Party Observations

- 3.4.1. Three submissions from neighbouring and adjoining property owners were received. The main issues raised are the same as the appellants and observers to this appeal.

4.0 Planning History

- **P.A. Reg. Ref. No. RA/170815:** Planning permission was **granted** subject to condition for a development consisting of the provision of a 3-storey residential development comprising of a terrace of 4 No. 4-bedroom dwellings in lieu of a permitted 2 No. detached dwellings. The dwellings ranged in size from a stated GFA of 166.9m² to 187.97m² and the development also included the provision of an access onto Seagrave Hall, 8 no. car parking spaces, landscaping, boundaries and all associated works. This decision was subject to an appeal that was withdrawn.
- **P.A. Reg. Ref. No. DA/70314:** Planning permission was **refused** for a development comprising of the construction of a 2-storey building containing 6 no. 2-bedroom apartments, new road entrance off Seagrave Hall, new boundary wall treatments onto Fairyhouse Road and Seagrave Hall, 12 no. car parking spaces and all associated site works. The reasons for refusal can be summarised as follows -
 - 1) Proposal is out of character with the established pattern of development in the area and the density of development was considered excessive.
 - 2) Inappropriate and substandard form of development.
 - 3) Premature by reference to the deficiency in the provision of public water and sewerage facilities serving the area.
- **P.A. Reg. Ref. No. DA/900553:** Planning permission was **granted** for a development comprising of the construction of 2 no. 2-storey 4-bed dwellings, entrance, parking, new boundary treatments and all associated site works. This application was subject to an extension of time.

5.0 Policy and Context

5.1. Local Policy

- 5.1.1. The policies and provisions of the Meath County Development Plan, 2013-2019, apply. The site forms part of a larger parcel of land within the settlement boundaries of Ratoath zoned 'A1'. The zoning objective for such lands is: "*to protect and enhance the amenity of developed residential communities*". Residential Development is permissible of 'A1' zoned land.
- 5.1.2. The Development Plan identifies Ratoath as a 'small town' with an average density of 25-units per hectare. Higher densities are considered acceptable where compatible with their setting.
- 5.1.3. Chapter 11 sets out the development management standards and guidelines.

5.2. 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).

5.3. Natural Heritage Designations

- 5.3.1. None relevant.

5.4. Environmental Impact Assessment

- 5.4.1. Having regard to the serviced nature of the site which has surplus capacity in its public mains water and drainage to meet the requirements of the proposed development, 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

6.1.1. The grounds of appeal can be summarised as follows.

- The examples of high density provided by the applicant relate to high density development at city centre locations in Dublin with excellent public transport. This is a very different context to this site's setting where similar sized plots accommodate single bungalows.
- A density of 35 units/ha would be excessive at this location.
- The proposed building in terms of its height, size and appearance would be out of character with its setting.
- The proposed development would result in a loss of privacy for adjoining dwellings.
- The use of obscure glass to deal with the matter of overlooking is objected too.
- This proposal would result in additional traffic hazards and road safety issues due to its proximity to a busy junction where sightlines are limited.
- The site is not near public transport.
- 8 car parking spaces is inadequate and could give rise to on-street parking.
- The site is poorly drained with a high-water table.
- The provision of 12 bins to serve the dwelling units proposed would result in issues for vehicles entering and exiting the development.
- The removal of trees would adversely impact upon the visual amenities of the area.
- The previously permitted 2 No. 4-bedroom dwellings was more.

6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows.

- The scale and form of the proposed development is generally within the parameters of the previously permitted development on site.
- The proposed development is essentially a 2-storey with attic level, with a vernacular and built form like semi-detached pairs in the vicinity.
- This site is a regeneration opportunity within the town.
- The height, scale and form of the proposed development is acceptable at this location and is consistent with planning policy provisions.
- This proposal will not give rise to any undue overlooking.
- The dormer windows to the front should be retained.
- No concerns have been raised by the Planning Authority's Road Department in relation to the proposed access.
- The car parking provision meets Development Plan standards.
- Ratoath is served by good public transport.
- The drainage details provided with this application are satisfactory and no concerns have been raised by Irish Water or the Planning Authority on this matter.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows -

- This development is compliant with planning policy provisions.
- The matters of surface water drainage, access and parking have been assessed.
- Subject to compliance with the recommended conditions it is not considered that this proposal would give rise to any adverse visual or residential amenity impact.
- The Board is requested to uphold its decision.

6.4. Observations

6.4.1. The observation can be summarised as follows.

- The observers reside in the property bounding the southern boundary of the site.
- The proposed development would seriously impact their established amenities.
- Concern is raised that most of the trees would be lost should this proposal be granted and implemented.
- The planting scheme would result in the observer's property being exposed and would give rise to further levels of overlooking.
- The proposed development would result in a loss of natural light and ventilation.
- The proposed terrace would be visually incongruous in its size and appearance in its setting.
- The proposed terrace does not respect the established building line of properties to the south of it.
- The height, the built form and placement of the building would be visually dominant and overbearing in its streetscape scene.
- The landscaping scheme as submitted would impact on planting within the observer's property without permission.
- The proposed entrance is very close to a very busy road and its off-set entrance would hamper traffic movements at peak periods.
- This proposal would give rise to traffic hazards and road safety issues due to the limited sightlines.
- Concerns are raised that no visitor parking has been provided.

6.5. Further Responses

6.5.1. The **Planning Authority's** further response raises no new issues.

6.5.2. The **Appellant's** further response raises no new issues.

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 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 Proposed Development/Compliance with Development Plan
- Pattern of Development/Visual Amenity
- Residential Amenities
- Traffic/Road Safety
- Services
- Omission of Dormer Windows on the Eastern Elevation (Condition No. 2(c))
- Civil Matters
- Landscaping/Loss of Trees

7.1.2. The issue of Appropriate Assessment also needs to be addressed.

7.2. Principle of the Proposed Development

7.2.1. The appeal site lies within a larger parcel of land zoned 'A1' in the local area plan for Ratoath. The objective for such land is to protect and enhance the amenity of developed residential communities. In principle the proposed development which consists of the provision of a terrace group of four dwelling units together with associated works would accord with the said zoning objective.

7.2.2. The proposed development would equate to a density of 35 units per hectare. This is above the average density of 25 units per hectare which characterises the settlement of Ratoath. It would also be a higher density than that prevailing on the adjoining lands which includes the low-density development to the south of it on Fairyhouse Road where detached dwellings on large garden plots predominate. It would further be higher than Seagrave Hall, Cairn Manor, Fairyhouse Grove and Fairyhouse Lodge residential estates which are in its immediate vicinity.

7.2.3. 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; reducing reliance on the private car through to maximising densities in proximity to public transport. In addition, the Development Plan provisions sets out a limit of no more than 35 units per hectare in designated 'small towns' like Ratoath.

7.2.4. The density of the proposed development is therefore at the upper limit of that deemed acceptable in this area. However, both local and national policy indicate that this is subject to the safeguards of ensuring a quality of place; a quality of residential accommodation, ensuring reasonable protection of the amenities of adjoining properties whilst balancing the need to provide for additional residential development. I propose to examine such matters in the following sections.

7.3. Pattern of Development/Visual Amenities

7.3.1. The appellants and observers raise concerns that the proposed development 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 several factors including but not limited to its overbearing 3-storey height, its terrace-built form; through to its failure to compliment the established building lines of existing development in this area. In particular, the established front building line along Fairyhouse Road.

7.3.2. The applicant on the other hand argues that the proposed development is consistent with all relevant planning policy and the proposed development would result in a new built insertion and bring a viable use to an underutilised corner plot that would be consistent with the pattern of development that characterises the surrounding area in a harmonious and sensitive manner.

7.3.3. The Planning Authority raise no concerns in relation to this matter and consider that the proposed development would be consistent with planning policy provisions subject to its compliance with conditions set out in its notification to grant of permission.

7.3.4. The surrounding area is characterised by well-established and relatively uniform pattern of development. As previously indicated it is comprised of low-density detached dwellings to the south and 2-storey detached and semi-detached in the

neighbouring Seagrave Hall, Cairn Manor, Fairyhouse Grove and Fairyhouse Lodge residential estates.

- 7.3.5. The proposed residential scheme sought under this application does not provide for a mix of dwelling unit type. It seeks permission for a coherent terrace group of 4 no. 4 bedroom dwellings of similar sizes and layout. As such the scheme appears to be added to a building stock within Ratoath that would appear to be already well provided for and as such it could be argued that despite the modest nature of the scheme an opportunity has been missed to add in a more imaginative manner to the building stock in this small-town settlement.
- 7.3.6. Outside of this concern I consider that there is merit for not extending the front building line along Fairyhouse Road to the south into the site as so doing would result in more significant impact on the established amenities of properties to the west and south of the site. The limited setback of the proposed terrace group to Fairyhouse Road allows for robust separation distances between its 3-storey rear elevation and the 2-storey detached and semi-detached dwellings located on the western boundary of the site. It would also result in the rear building line of the proposed terrace group being set forward of the rear building line of the single storey dwelling to the south. Thus, reducing the visual overbearance of the proposed 3-storey terrace as perceived from the rear of this adjoining property. Moreover, the mature trees that are present along the southern boundary of the site, particularly those bounding the rear amenity space of this adjoining property would be less impacted by building works associated with the construction of the terrace group by locating the building's footprint further eastwards on site in closer proximity to Fairyhouse Road.
- 7.3.7. In my view the provision of a 3-storey built insertion on a corner site in a location where there is a mixture of single and 2-storey buildings is not excessive and subject to the provision of a site sensitive palette of materials and finishes; boundaries, landscaping and the safeguarding of existing mature trees along the southern boundary can be absorbed without any significant adverse impact on the visual amenities on its setting. It would also result in level of residential development that makes the best use of this serviced land within an urban settlement.

7.4. Residential Amenities

- 7.4.1. Having regard to all the information available on file, I am of the view that the proposed new terrace group, will have no serious, or disproportionate negative impact on the prevailing residential amenity of properties in its vicinity. In particular, the existing properties to the south and west of it.
- 7.4.2. I have considered potential threats to residential amenity including but not limited to visual obtrusion/overbearance, loss of daylight, overshadowing and overlooking arising from the proposed development. I consider that the proposed design includes ample lateral separation distance between the rear elevation of the proposed terrace group and the rear elevation of adjoining properties in Seagrave Hall estate to the west.
- 7.4.3. In this context I consider that the level of overlooking that would arise is not inconsistent with its suburban context and the requirement to provide permanent opaque/obscure glazing on WC/bathrooms on the rear and side elevations is an appropriate solution to lessen the resulting overlooking of properties to the south and west. It is also a type of glazing that can be conditioned and as such be enforced in future should it be omitted.
- 7.4.4. While I consider that the lateral separation distance between the southern elevation and southern boundary is tight. It is not inconsistent with lateral separation distances between boundaries and properties in a suburban context. Further it allows for access into the rear for the southernmost terrace dwelling unit proposed. Subject to the appropriate boundary treatments, the safeguarding of the mature trees and the replacement of mature trees where necessary I consider that the residential amenities of properties near the proposed development would not be significantly adversely impacted.

7.5. Traffic/Road Safety

- 7.5.1. To facilitate the proposed development, a new vehicular access is proposed off Seagrave Hall estate road on the north western boundary of the site. This road currently serves 'Seagrave Hall' a medium sized cul-de-sac of detached and semi-detached dwelling units, Fairyhouse Grove, a small cul-de-sac of semi-detached dwellings and it connects to Fairyhouse Road (R155) alongside the north-easternmost corner of the site, with the centre of Ratoath located c1km to the north.

- 7.5.2. The new entrance would be situated c30m to the west of the access road serving Seagrave Hall and Fairyhouse Grove access onto the R155 and the public road network beyond.
- 7.5.3. The alignment of Seagrave Hall estate road at the point where the access is proposed can be described as meandering. In addition, in close proximity to the west of the proposed access there is a cul-de-sac estate road serving a group of 6 terrace dwellings (Fairyhouse Grove), there is a 30kmph posted speed limit sign in the immediate vicinity of the entrance to Fairyhouse Grove cul-de-sac and the Seagrave Hall access road bends in a southerly direction around No. 1 Seagrave Hall and a communal pocket of open space. I consider that the visibility from the proposed access in an easterly and westerly direction is poor but I consider that this can be negated by the proposed table ramp as sought under Condition No. 30 of the Planning Authority's notification to grant permission, the stated low speed of the access road at this point and I further consider that the quantum of traffic the proposed development would generate would not be excessive in the context of this estate road.
- 7.5.4. This proposal seeks to provide a limited in length cul-de-sac road which would run alongside 8 proposed car parking spaces and would run parallel to the back gardens of the terrace group. This quantum of spaces is in keeping with Development Plan standards and the parking is orientated in the north south direction as the terrace group. The width of the proposed access road, the setback nature of the entrance together with the appropriate mitigation measures on site to ensure a low speed environment alongside adequate space to accommodate bin collections in the immediate vicinity of the entrance should ensure that the proposed development does not give rise to any undue adverse traffic and road safety impact.

7.6. **Services**

- 7.6.1. The proposed development is located within the settlement of Ratoath and the applicants propose to connect to the existing public water supply mains and public sewer for wastewater management. The site is not located within a flood risk zone and is remote from land identified for flooding risk.
- 7.6.2. I note that the Planning Authority as part of the conditions attached to the grant of permission sought that prior to the commencement of development the preparation

of a revised surface water design and several improvements to the overall design including but not limited to the provision of permeable paving to driveways, attenuation storage to be sized with regard to Climate Change through to compliance with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2 for New Developments (Note: Condition No. 11).

7.6.3. In addition, I note that Irish Water also sought the preparation of a revised surface water design.

7.6.4. Should the Board be minded to grant planning permission for the proposed development I recommend the inclusion of a similar condition to that imposed by the Planning Authority in their grant of permission relating to water and services design. Subject to compliance with such a condition I am satisfied that the proposed development would be adequately serviced, would not be prejudicial to public health, would not give rise to any flood risk either on site or in its immediate vicinity, and it would be in accordance with the proper planning and sustainable development of the area.

7.7. Omission of Dormer Windows on the Eastern Elevation

7.7.1. The applicant seeks that the dormer windows on the eastern elevation of the proposed terrace group not be omitted. The eastern elevation addresses Fairyhouse Road and as such the dormers windows that are located in the roofscape of the terrace group would not result in any undue overlooking of private amenity space of adjoining and neighbouring property. While I consider that their omission would potentially lessen the visual appearance of the terrace group as a 3-storey built form their inclusion in my view adds a level of visual interest to what would otherwise be quite a dominant and bulky roof structure. I therefore raise no serious visual or residential amenity concern in maintaining the dormer windows omitted by way of Condition No. 2(c) of the Planning Authorities notification to grant permission.

7.8. Civil Matters

7.8.1. Concern is raised by the appellants that the proposed development if permitted in the form proposed would interfere with the southern boundary and natural features present along it without the benefit of landowner's consent. I have had regard to the application for planning permission on its planning merits alone. I am of the view that any decision on the planning application does not purport to determine the legal

interests held by the applicants or indeed any other interested party. I also refer to Section 34(13) of the Planning and Development Act, 2000 as amended. It indicates that *“a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development”*.

7.9. Landscaping/Loss of Trees

7.9.1. I share the appellant view that the building footprint of the proposed terrace has the potential to adversely impact on existing mature trees that are present on the southern boundary of the site. I also share their view that the proximity of the building works is such that they are highly likely to significantly impact the health and longevity of a number of trees. Notwithstanding, I consider that should the Board be minded to grant permission that they could impose a similar condition to Condition No. 10 of the Planning Authority’s grant of planning permission. Further they could also make this condition more robust by way of requiring a tree bond to safeguard existing mature trees which I am cognisant add to the visual amenities of the area. I also consider that there is merit and an opportunity to improving the quality of tree planting on the site. In particular, along the southern boundary and the landscaping scheme put forward should result in the addition of better quality trees at this location.

7.10. Public Lighting

7.10.1. Should the Board be minded to grant permission for the proposed development I recommend that it impose a similar condition to Condition No. 31 as the provision of an access onto Seagrave Hall estate road at the location proposed would require the removal of a public lighting column. This lighting column would need to be relocated and I concur with the Planning authority that it would be reasonable that the developer contributes towards the cost of this.

8.0 Recommendation

8.1. I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the Zoning Objective “A1” for the area and the pattern of residential development in the area, it is considered that, subject to compliance with conditions set out below, the proposed development would be in accordance with the relevant provisions of the Meath County Development Plan, 2013-2019, and the Ratoath Local Area Plan 2009-2015; it would not seriously injure the visual and residential amenities of the Seagrave Hall and Fairyhouse Road (R155) neighbourhood; it would not be prejudicial to public health; 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 26th July, 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) All side and rear bathrooms/WC windows shall be permanently glazed with obscure glass.

(b) All boundaries enclosing private open space shall be suitably capped and finished in materials that match the finish of these proposed dwellings. The boundary shall be 2-m in height.

(c) All front boundaries shall be defined by solid boundary walls of at least 0.5m in height and shall be finished in materials that match the principal façade of the proposed terrace group.

(d) The shared surface area and the public open space shall be revised to include a public lighting scheme.

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

Reason: To prevent overlooking of adjoining residential property and in the interest of residential and visual amenities.

2. The external finishes including roof tiles/slates shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. 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.

5. 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.

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

Reason: In the interests of pedestrian and road safety.

7. 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.

8. 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.

9. 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.

10. The site development works, and construction works, shall be carried out in such a manner as to ensure that the adjoining streets 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.

11. 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 shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

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. During construction the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development including delivery and service vehicles/trucks. There shall be no parking along the public roads.

Reason: In the interest of traffic safety.

14. The developer shall be responsible for the provision and maintenance of all communal areas and infrastructural works to the satisfaction of the Planning Authority until taken in charge.

Reason: In the interests of orderly development and in the interests of preserving residential amenities.

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

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

(i) Existing trees, hedgerows [shrubs] [rock outcroppings] [stone walls], specifying which are proposed for retention as features of the site landscaping;

- (ii) The measures to be put in place for the protection of these landscape features during the construction period;
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder;
- (iv) Details of screen planting [which shall not include cupressocyparis x leylandii];
- (v) Details of roadside/street planting [which shall not include prunus species];
- (vi) Hard landscaping works, specifying surfacing materials, furniture [play equipment] 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.

16. 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.

17. 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.

18. The developer shall pay an agreed sum of monies to the Planning Authority per residential unit as a contribution towards expenditure to be incurred by it in the monitoring of the construction phases of the development. Payment of this sum shall be made prior to the commencement of development. This sum shall be agreed in writing with the Planning Authority and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the Planning Authority's monitoring costs associated with the development.

19. The developer shall pay an agreed sum of monies as a special contribution towards the cost of providing a new table ramp at the entrance to the Seagrave Hall residential estate, in accordance with the provisions of Section 48(2)(c) of the Planning and Development Act, 2000 as amended. This sum shall be agreed in writing with the Planning Authority and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the Planning Authority's costs associated with providing this infrastructure.

20. The developer shall pay an agreed sum of monies as a special contribution towards the cost of relocating the lighting column which is in the middle of the proposed entrance serving the proposed dwellings, in accordance with the provisions of Section 48(2)(c) of the Planning and Development Act, 2000 as amended. This sum shall be agreed in writing with the Planning Authority and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the wholesale Price Indices – Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the Planning Authority's costs associated with providing this infrastructure.

Patricia-Marie Young

Planning Inspector

21st February 2019.