



An  
Bord  
Pleanála

## Inspector's Report ABP-303290-18.

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<b>Development</b>	Reconfiguration and extension of apartment block A.
<b>Location</b>	Scholarstown Wood, Rathfarnham, Dublin 16.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD18A/0369.
<b>Applicant(s)</b>	Broadcrest Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Multiple Third Party.
<b>Appellant(s)</b>	John & Pauline Byron Denis Ryan, Mary Scanlon & Others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> February, 2019
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

The subject site is located within the jurisdiction of South County Dublin and is located in the Ballyboden area of Dublin 16. The site lies to the west of Stocking Lane, the R115 and Woodfield residential estate lies to the west of the site. Prospect Manor, residential estate lies to the south east, accessed via Stocking Lane and Scholarstown Road is located to the north of the site. The M50 is located approximately 800m to the south and the site is located approximately 9km to the south of Dublin City, and 2.5km south of Rathfarnham village. The Ballyboden Waterworks compound is located to the south of the site.

The site has a stated area of 9.77ha and is currently being developed following the granting of permission for a large residential estate, Scholarstown Wood, Rathfarnham, Dublin 16, on a phased basis.

## 2.0 Proposed Development

Permission is sought for modifications to Apartment Block A within the residential development permitted under Reg. Ref SD15A/0017 & ABP ref PL.06S.244732, as amended under Reg Ref SD18A/0215, at Scholarstown Wood, located south of Scholarstown Road, west of Stocking Lane, north of Ballyboden waterworks and east of Woodfield, Dublin 16.

The proposed modifications to Block A consist of the following:

- Reconfiguration and alterations to the permitted third floor level to provide 2 no. additional residential units, Unit Nos 282 and 283, resulting in the provision of 2 no. 1 bed units, 6 no. 2 bed units and 1 no. 3 bed unit. The residential gross floor area at the third floor level increases from 734m<sup>2</sup> to 866m<sup>2</sup>.
- The provision of an additional floor (proposed at fourth floor level) to provide 7 no. additional residential units (6 no. 2 bed units and 1 no. 1 bed unit) with a GFA of 740m<sup>2</sup>.
- The proposed modifications and additional floor increases the number of units from 34 to 43 no. units in Apartment Block A, including associated alterations to the elevations.

- The proposal includes alterations to the permitted car parking layout at basement and surface level including the provision of 9 additional car parking spaces.
- The proposal includes the provision of 14 no. additional cycle parking spaces.
- The total gross floor area of Apartment Block A will increase from 4,324m<sup>2</sup> to 5,604m<sup>2</sup>

### 3.0 Planning Authority Decision

#### Decision

The Planning Authority decided to grant permission for the proposed development for 9 conditions.

#### Planning Authority Reports

##### 3.2.1. Planning Reports

The Planning Report from the Planning Authority formed the basis of the decision of the PA to grant permission for the proposed development. The report considered the planning history of the site and noted that considering the nature and scale of the proposed amendments to a permitted development, it was not considered that a Stage 2 Appropriate Assessment is required.

The report concludes recommending that planning permission be granted.

##### 3.2.2. Other Technical Reports:

**Housing Department:** Part V condition should be attached to any grant of permission. The Part V submission is noted and is subject to approval.

**Roads Department:** No objection.

**Water Services:** Further information required with regard to attenuation proposals and floor risk.

**EHO:** No objection

### 3.2.3. Prescribed Bodies

None

### 3.2.4. Third Party Submissions

There are 6 submissions in relation to the proposed development, and the issues raised reflect those submitted in the third party appeal. I have read all of the submissions made to the Planning Authority relating to the proposed development.

The issues raised are summarised as follows:

- Height & scale and associated visual impacts.
- Significant increase in the overall numbers of units in Block A
- Non-compliance with the South Dublin County Council Development Plan 2016-2022 objectives H9.2 and H9.3 and by failing to take into account the established surrounding context.
- The permitted development adequately achieves acceptable residential density.
- If permitted, the development will increase visual impacts, overshadowing and will impact on privacy, as trees have fallen since the original permission was granted.
- Increased traffic implications and inadequate car parking.
- People purchased houses on The Crescent on the basis that the apartment block would be 4 storey over basement.
- The development will impact on the energy rating of houses as solar panels are oriented north west and will now be in shadow.
- The proposal does not comply with the Ministerial Guidelines on Building Heights.
- The fact that the Board did not agree with the previous inspector that Block A should be three storeys instead of four storeys in height does not mean that a height of five storeys would be considered acceptable.

## 4.0 Planning History

**ABP ref PL06S.244732 (PA ref SD15A/0017):** Permission granted for a residential development of 314 units and a creche.

This permission relates to the overall development.

**PA ref SD18A/0215):** Permission granted for modifications to Apartment Block A including:

- The omission of 2 no. stair/lift cores and 2 no. entrance lobbies and associated internal changes and reconfiguration of permitted apartment layouts for units 248-281;
- Alterations to the mix of units
- Reduction in the GFA of basement and reduction in parking provision;
- Relocation of cycle parking spaces;
- Elevational changes.

There are a number of other applications amending elements of the wider residential development.

Also of relevance is the recent permission for the addition of an additional floor to Apartment Block B within the wider development. **PA ref SD18A/0276** is relevant in this instance where planning permission was granted, and not appealed, for the provision of an additional floor to Block B within the wider development.

## 5.0 Policy Context

**Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):**

These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and

- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

### **Sustainable Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2015):**

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

### **Urban Development and Building Heights, Guidelines for Planning Authorities (DoHPLG, 2018)**

These guidelines encourage a more proactive and flexible approach to securing ‘compact urban growth’ through a combination of increased densities and heights, while ensuring quality development and balancing amenity and environmental concerns. The Guidelines note that the setting of generic maximum height limits, if inflexibly or unreasonably applied at local level, can undermine wider national policy objectives and instead, continue an unsustainable pattern of development whereby cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area.

## **Development Plan**

The subject site is located on lands which has the zoning objective RES – to protect and improve residential amenity.

The South Dublin County Development Plan 2016-2022 is the relevant policy document pertaining to the subject site and includes a number of policies and objectives which are relevant, including those relating to core strategy, residential development and development standards, water services, roads and transport, green infrastructure and protected structures.

## **Natural Heritage Designations**

The site is not located within any designated site. The closest European Site is the Glenasmole Valley SAC (site code 001209) located approximately 6.5km to the south west. The Dodder Valley pNHA (site code 000991) is located approximately 2.5km to the west of the site.

## **Environmental Impact Assessment**

Having regard to the planning history of the site, the brownfield nature of the subject site, together with the scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development.

The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

This is a multiple third party appeal against the decision of the Planning Authority to grant permission for the proposed modifications to Apartment Block A.

## **Grounds of Appeal**

The third party appeals are submitted against the decision of the Planning Authority to grant permission for the residential development. The appellants are:

1. John & Pauline Byron

## 2. Denis Ryan, Mary Scanlon & Others

The grounds of appeal are similar to those issues raised during the Planning Authority's assessment of the proposed development and are summarised as follows:

- The area is suburban and not urban with a RES zoning. The area does not meet the criteria for higher buildings in the draft Building Height Guidelines 2018 or the Development Plan.
- The proposed increase in the building height does not comply with a number of County Development Plan policies and would result in an inordinate visual impact and intrusion of adjacent residential properties and public open spaces.
- The development will have an overbearing impact on adjacent properties irrespective of the materials it is constructed from and if permitted will have a negative impact on residential amenity.
- The proposed development does not respect the surrounding context.
- The ABP Inspector who considered the original proposal concluded that the apartment blocks should be reduced from 4 stories to 3 stories.
- The proposed additional 6 car parking spaces are provided at the expense of visitor parking.
- The development will impact the solar energy collection of the adjacent houses, contrary to the Part L requirements of the Building Regulations.
- Residents of the Crescent purchased their homes on the basis of a 4 storey apartment block.
- The original CDG photographs submitted with the parent application are now meaningless and it should be noted that some of the trees along the boundary have fallen since the original approval.
- Traffic implications associated with the additional residential units raised as a concern.

It is requested that permission be refused and enclosures are included.



## Applicant Response

The first party has responded to the third party appeals. The submission provides a background to the proposed development and outlines the planning history of the site. The specific response to the third party issues are summarised as follows:

- The proposed amendments in terms of height to Block A will not adversely impact on the existing residents to the west of the site considering the open space and the distance to neighbouring residential uses. The closest house is c53m from the Apartment Block.
- The additional floor makes better use of urban land and will have no impact in terms of BER.
- In relation to houses to the east, it is submitted that the separation distance is c22m and the development will not result in an adverse impact on residential amenity as a result of overlooking or overshadowing.
- South Dublin County Council granted planning permission for an additional floor to Block B and therefore, the proposal will not be out of character with the surrounding area.
- In response to the issues of non-compliance with the Development Plan policy, it is submitted that this is not the case and that the development fully complies.
- In relation to the views of the ABP inspector, it is submitted that the Board did not have concerns with the proposed height of Apartment Block A due to separation distances and location within a woodland/open space setting. It is submitted that the proposed height complies with the criteria set out under SPPR3 in the Building Heights Guidelines, 2018.
- In relation to the issue of density, it is submitted that the proposed development would increase the density of the site to c38.8 units per hectare, which is within the recommended 35-50 dwellings per hectare in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.

- In terms of traffic and car parking, it is submitted that the proposed development complies with the minimum requirements and the site is located within a 10-15 minute walking distance of a high capacity urban public transport stop. SDCC Roads Department advised no objections to the proposal.
- In terms of the grievance of residents who purchased their homes before the application for the additional floor, it is submitted that while it is not necessarily a material planning consideration, each purchaser was made aware by agents about the possibility of amendment applications given the scale and phased nature of the permitted development. It has been demonstrated that the proposal is consistent with the proper planning and sustainable development of the area.

It is requested that the Councils decision be upheld. A Daylight Sunlight Assessment is included with the response to the Third Party Appeal.

### **█ Planning Authority Response**

The Planning Authority responded to the first party appeal advising that it confirms its decision and that the issues raised in the appeal have been covered in the planners report.

### **█ Further Responses**

The two third party appellants submitted responses to the First Party Response to the Third Party Appeals. The responses both consider that the response does not adequately address the issues raised in their appeals and that the development should be refused. The submissions are summarised as follows:

- The location is outer suburban / greenfield and should be considered peripheral or less accessible urban.
- The site is not within walking distance of high capacity public transport or bus service.

- The draft Building Height Guidelines cannot be applied and should not have been applied as they were published after the Planning Authority decision issued.
- The development does not comply with the Development Plan zoning objective.
- The proposed changes to materials will not remove the overbearing impact of the development.
- There are no existing 5 storey buildings in Rathfarnham. The only 'existing' 5 storey building is the permitted block which has recently been permitted, not yet constructed.
- The daylight/sunlight assessment is incomplete and concerns remain regarding the impact on solar panels.
- The parking arrangements have removed visitor parking, disregarding policy.
- The original ABP inspector recommended that apartment blocks A, B and C be reduced from 4 storeys to 3 storeys.
- The permitted developments on the site already achieve a density, 36 units per hectare, which is adequate to comply with all national and local policies and guidelines.
- Trees identified on plans are no longer standing.

## **Observations**

None.

## **7.0 Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of previous uses on the site, together with uses in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider

that the main issues pertaining to the proposed development can be assessed under the following headings:

1. General Compliance with National Guidelines & Standards and the South Dublin County Development Plan
2. Visual Impact & Residential Amenity
3. Roads & Traffic
4. Other Issues
5. Appropriate Assessment

In terms of the planning history pertaining to the wider site, I refer the Board to the recent permission for the addition of an additional floor to Apartment Block B within the wider development, PA ref SD18A/0276 refers.

#### **Compliance with National Guidelines & Standards and the South Dublin County Development Plan:**

7.1.1. Given that the subject site is located on lands zoned for residential purposes, the principle of development at this location is considered acceptable and in compliance with the general thrust of the Sustainable Residential Development in Urban Areas (DoEHLG, 2009). The 2009 guidelines updated the Residential Density Guidelines for Planning Authorities (1999) and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. The development proposes an additional 9 residential units, which will increase the residential density of the overall site to c38.8 units per hectare. In the context of the subject site, the Guidelines recommend a net density of between 35-50 units per hectare and in this regard, it may be perceived that the density is low. However, I have no objection in principle to the proposed density in principle.

7.1.2. The proposed development, if permitted, would see the permitted apartment block rise from 15.2m in height to 18.4m. In terms of the principle of the proposed development, the Board will note that the County Development Plan actively supports higher buildings where section 2.2.3 of the plan includes objective to

encourage varied building heights to support compact urban form, sense of place, urban legibility and visual diversity (H9 Objective 1), while H9 Objective 4 seeks to direct tall buildings that exceed five storeys in height to strategic and landmark location in Town Centres, Mixed Use Zones and Strategic Development zones and subject to an approved Local Area Plan or Planning Scheme. The CDP goes further to support increased residential densities at appropriate locations, Policy H8 refers.

7.1.3. In terms of the proposed apartments, the Sustainable Urban Housing: Design Standards for New Apartments, DoECLG December, 2015 are considered relevant. These guidelines update the guidelines from 2007 and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to uphold proper standards for apartment designs and to ensure that new apartment developments will be affordable to construct. Chapter 3 of the Guidelines provide Design Standards and I am satisfied that the development as proposed generally accords with the stated requirements in terms of floor areas, room sizes, storage areas, aspect, floor to ceiling heights and private amenity spaces.

7.1.4. The proposed development seeks to provide an additional floor to an already permitted four storey apartment building within a wider residential development. The principle of a residential development, which includes apartments is acceptable, given the location of the subject site within County Dublin and its current residential zoning. I am further satisfied that the proposed development would not result in a development which exceeds 5 storeys in height, in accordance with H9 Objectives and I conclude that the development is acceptable in principle. Site specific issues are also required to be considered, including context, and I will address these issues further in this report.

## **Visual Impact & Residential Amenity**

7.2.1. In relation to the overall height and scale of the proposed development, the Board will note that the overall height is raised as a concern by residents on both sides of the proposed development site, including Woodfield to the west and The Crescent to the east. The proposed development, if permitted, would see the permitted apartment block rise from 15.2m in height to 18.4m. The third party appeal from Woodfield residents state 'by reason of its height and overall mass, it will result

in an inordinate visual impact and intrusion on the existing Woodfield residential estate including its public open space and impact adversely upon the existing dwellings’.

7.2.2. Appellants who reside in The Crescent consider that the proposal does not respect the surrounding context of the development and notes that there are no 5 storey buildings in the local Rathfarnham area and therefore ‘the proposed additional floor is totally out of character with the surrounding area of predominantly 2 storey houses’. In the context of Woodfield, the Board will note that the subject site is located approximately 53m from the nearest residential property and that the open space area associated with Woodfield lies immediately adjacent to the site. The closest house in The Crescent to the site is located at approximately 18.5m to the east of the site.

7.2.3. While I acknowledge the third party submissions, I note the separation distance between the proposed building and the existing two storey houses. I also note the planning history pertaining to the wider area and the recent permission for an additional floor to Apartment Block B within the wider Scholarstown Wood development – to the south of the subject site. I am cognisant of the recent Urban Development and Building Heights Guidelines for Planning Authorities, which encourage a more proactive and flexible approach to securing ‘compact urban growth’ through a combination of increased densities and heights, while ensuring quality development and balancing amenity and environmental concerns. In particular, I note Paragraph 3.6 of the guidelines which states that ‘4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.’ Paragraph 3.7 of the guidelines provides that suburban edges to towns and cities for both infill and greenfield development should not be subject to height restrictions. In the context of the above, I note the location of the proposed development adjacent to an extensive area of open space and a tree line to the west. In the interests of sustainable development, and in order to get the most efficient use of serviced land, and in particular land which is accessible to public transport corridors, higher buildings are an intrinsic component.

7.2.4. Having undertaken a site inspection, and considering the photomontages submitted in support of the proposed development which seek to depict the visual impact associated with the proposed additional floor, I am generally satisfied that the

development can be accommodated and would be acceptable in accordance with the Urban Development and Building Heights Guidelines.

7.2.5. In addressing the third party submissions, and in particular those residents of The Crescent, I have considered the possibility of modifying the proposed development through the setting back of the third floor in line with the fourth floor in order to reduce the overall bulk and scale of the development. This would result in the replacement of the proposed 3 bed apartment on the third floor to a 2 bed apartment with a larger balcony. While such an alteration might reduce, minimally, the visual impact of the proposed development, I am not convinced that it is necessary given the separation distances between the apartment block and the houses on The Crescent. In addition, the likelihood of the provision of a larger balcony to service the apartment may result in an increased potential for overlooking of adjacent properties. The Board will note the inclusion of condition 4 of the PAs notification of decision to grant of permission which seeks alternative, contrasting material or render for the proposed fourth floor / penthouse in the interests of visual and residential amenity. A similar condition could be included in any decision to grant permission should the Board be so minded.

7.2.6. In relation to the South Dublin Development Plan, I note the support for higher buildings, and I would consider that this site is capable of accommodating a residential development of the scale proposed. I also note that National Policy supports higher buildings in order to provide sustainable housing in areas where services and infrastructure are available. In this regard, I would have no real objections to the proposed development as proposed. I also note the planning history associated with the subject site and the wider Scholarstown Wood development.

7.2.7. In terms of daylight/sunlight, the Board will note that the applicant submitted a Potential Daylight and Sunlight Impact report which considers the potential impacts of the development on surrounding properties and amenities, using the BRE Guidance, 2011. The report concludes that the development will have no impact on the houses at Woodfield to the west and that the houses to the east will be marginally encroached but that the proposed development meets the BRE guidelines as all of the windows tested in the existing houses will have a Vertical Sky Component (VSC) in excess of the 27% recommended in the guidelines. The rear

gardens and private open spaces associated with the existing houses will not be impacted and the front of the existing houses are set out to provide car parking. The report concludes that there will be no reduction in sunlight to private open spaces. In terms of solar energy access and shadow, the report concludes that there will be no additional shading from the additional floor over the permitted scheme.

7.2.8. Overall, I consider that the proposed development would not significantly or seriously injure the existing visual amenities of the wider area or the residential amenities of adjacent properties by reason of overshadowing or overlooking. In addition, having regard to the separation distances, and the proposed height of the building, I am generally satisfied that the development will not result in a significant overbearing development. While I accept that the closest properties to the site are two storey houses, there are permitted apartment blocks also within the Scholarstown Wood development. The proposed additional floor represents an efficient use of serviced land and contributes to a greater mix of housing unit types and sizes which will result in a more sustainable development in the longer term. The development would therefore, be acceptable in terms of the proper planning and sustainable development of the area.

## **Roads & Traffic**

7.3.1. In terms of the proposed development, the Board will note the proposals to alter the basement car park to accommodate the additional floor and apartments. In the context of the scale of the wider development of the Scholarstown Wood development, I am generally satisfied that the alterations to the basement carpark, will have little impact on the permitted levels of vehicular movements in and around the site. I acknowledge the third party issues in relation to the provision of visitor car parking, but also note that the Roads Department of South Dublin County Council raised no objections to the proposal.

7.3.2. As such, I conclude that the development, if permitted, would not result in a significant traffic hazard for existing residents in the area and would not adversely affect the existing residential amenities of the existing residents by reason of the additional traffic resulting from the proposed development or associated car parking requirements. I am further satisfied that the development is acceptable in terms of the provision of cycle parking spaces.



## Other Issues

- 7.4.1. The Board will note the third party grievances in relation to the fact that they purchased their homes on the basis of a four storey apartment block and that at no time were they advised that permission for an additional floor would be sought following the completion of their homes. While I acknowledge the third party frustrations, this issue is not material to the assessment of the current appeal.
- 7.4.2. There is no objection to the servicing of the proposed additional floor in terms of water services.
- 7.4.3. Appropriate development contributions are applicable in relation to the additional apartments.
- 7.4.4. All relevant conditions attached to the parent permission should be strictly adhered to.

## Appropriate Assessment

The site is not located within any designated site. The closest European Site is the Glenasmole Valley SAC (site code 001209) located approximately 6.5km to the south west. The Dodder Valley pNHA (site code 000991) is located approximately 2.5km to the west of the site.

Having regard to the location of the subject site immediately adjacent to an established residential area, together with the nature and scale of the proposed development on zoned lands and the planning history of the site, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

## 8.0 Recommendation

I recommend that planning permission be granted for the proposed residential development subject to the following stated conditions.

## 9.0 Reasons and Considerations

Having regard to:

- (a) the residential zoning objective for the subject site,
- (b) the objectives of the National Planning Framework - Project Ireland 2040 issued by the Government in February, 2018, which seeks to pursue a compact growth policy and to deliver a greater proportion of residential development within existing built up areas,
- (c) the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Department of Housing, Planning and Local Government in December, 2018, which outlines the need to provide more compact forms of urban development,
- (d) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March, 2018, which outlines the need for apartment type developments in particular to meet growing demand,
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009, which promotes higher residential densities on residential zoned land in suitable locations,
- (f) the location of the site within close proximity of public transport corridors,
- (g) the pattern of existing and permitted development in the area and wider area, and
- (h) the planning history associated with the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of height, density and scale in this location, would not seriously injure the residential amenities of neighbouring property, would be acceptable in terms of pedestrian and traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 10<sup>th</sup> day of October, 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 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. All relevant conditions attached to previous grants of planning permission for the subject site, ABP PL06S.244732, as amended by SD18A/0215, shall be strictly adhered to.

This planning permission shall expire on the 12<sup>th</sup> day of August, 2020.

**Reason:** In the interests of clarity.

3. Water supply and drainage arrangements including the disposal of surface water, which shall be adequately attenuated on site prior to discharge, shall be in accordance with the detailed requirements of the planning authority.

**Reason:** In the interest of public health and to reduce the potential for flooding.

4. No additional development shall take place at roof level including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** In order to protect the visual amenities of the area and to permit the planning authority to assess any such development through the statutory planning process.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 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. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended,

unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

9. 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.

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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable

indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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A. Considine  
Planning Inspector

19<sup>th</sup> March, 2019