



An
Bord
Pleanála

Inspector's Report ABP 303728-19

Development	Demolition of bungalow and adjacent stables building and construction of 2 no. houses
Location	Green Gates, Adelaide Road, Glenageary, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D18A/0912.
Applicants	Ellen McMahon.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellants	Adrian & Yvonne Kearns and David & Juanita Spearman.
Observers	Noel & Noeline Kenny, Marcello & Lorna Sherlock and Catherine Brandon.

Date of Site Inspection

22nd May 2019.

Inspector

Dáire McDevitt.

1.0 Site Location and Description

- 1.1.** The application site is located on the eastern side of Adelaide Road a residential street that slopes south to north from Glenageary Road Upper to Glastule village in south county Dublin.
- 1.2.** The eastern side of this section of Adelaide Road has a mixture of house types, ranging from singles storey, dormer to two storey. To the north is Marlborough Road which is predominantly characterised by Victorian houses. The western side of Adelaide Road, opposite the site is characterised by typical suburban two storey semi-detached houses and with a number of more modern infill developments. The overall area is a mature residential suburb with numerous larger houses on larger private plots as is typical of Silchester Park for example. Immediately adjoining the application site to the south is 'The Bungalow', an appellant's house, this is a dormer style detached house. To the north is Moelvra (1 Marlborough Road) which is paired with St. Elmo (2 Marlborough Road) an appellant's house. These are a two storey over basement houses, the application site would originally have formed part of the rear garden of 1 Marlborough Road. To the east the site is bounded by the rear garden of 2 Marlborough Road. A section of the front of the houses along Marlborough Road are included within the identified boundaries of the Silchester Park, Marlborough Road cACA, the application site is not.
- 1.3.** The site, with a stated area of c. 0.053 hectares consists of a non-descript single storey dwelling (Green Gates) with a single storey building referred to as a former stable building, both of which are proposed to be demolished as part of this application. There are no views into the site from Adelaide Road, it is bounded by a 2m high wall covered in vegetation with solid gate as its only means of access. The remaining boundaries also consist of high walls. Cars were parked on the wide footpath along the front of Green Gates along Adelaide Road. There are a number of paid parking bays on the roads off Adelaide Road, but Adelaide Road for the most part has double yellow lines along both sides.

2.0 Proposed Development

- 2.1.** Permission to demolish a c.128sq.m single storey bungalow and construct 2 no. two storey with basement 3 bed semi-detached dwellings, with a gfa of c. 191sq.m each (TOTAL 382sq.m) on a site with a total area of c. 530sq.m. 81sq.m rear garden are proposed for each house.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 14 conditions. Conditions of note include:

No. 2 relating the need to inform the planning authority if any underground water stream or former (dead or alive) drain crossing the application site is observed during the works.

No. 5 relates to the set back of a revised front boundary wall to be located a minimum distance of 2m from the road edge.

No. 6 relates to restrictions on development described in classes 1 or 3 of schedule 2 of the Planning and Development Regulations 2001, as amended.

3.2. Planning Authority Reports

3.2.1. Planning Reports (20th November 2018 & 23rd January 2019)

The main points raised can be summarised as follows:

- History of refusal on the site.
- Comparison of the current proposal with the most recent refusal in 2018.
- Revised scale of the proposed houses, set back from the boundaries and the quantum of private amenity space was deemed acceptable. The area planner concluded that the current proposal addressed the previous reasons for refusal.
- There is no definitive building line along the eastern side of Adelaide Road, therefore the proposed building line was considered acceptable.

Following a further information request on foot of the Drainage Division recommendations relating to 1) the carrying out of investigations into the potential existence of an underground water course, 2) surface water disposal.

This was addressed to the satisfaction of the area planner and a recommendation to grant permission was issued.

Appropriate Assessment Screening Report (15th November 2018). This concluded that *having regard to the scale, location and nature of the works associated with the development proposal, there would be no adverse impact on any Natura 2000 site as a result of the proposed development. It is clear from the location of the project that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological/hydrogeological links from the proposed development to any of the Natura 2000 sites examined in the screening report.*

3.2.2. Other Technical Reports

Drainage Planning Division (20th October 2018 & 7th January 2019). Further Information regarding investigations into reports that there may be a possible underground water stream of water that may cross the site which is mainly active during rainstorms and has a negative impact on the neighbourhood. And surface water was addressed to the satisfaction of the Drainage Division. No objection subject to relevant conditions.

Transportation Planning Division (24th October 2018). No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water No comments on file.

3.4. Third Party Observations

The Planning Authority have stated that 6 submissions were received. The issues raised are broadly in line with the grounds of appeal and the observations made on appeal and shall be dealt with in more details in the relevant sections of this report.

4.0 Planning History

Planning Authority Reference No. D18A/0518 refers to a 2018 decision to refuse permission for the demolition of the existing dwelling and construction of 2 new dwellings with revised roadside boundary in line with the relocation of the boundary wall permitted under PA. Ref. No. D15A/0119). Reasons for refusal related to 1) design, scale, layout and limited separation distance from site boundaries would result in an overbearing impact on properties to the north, east and south and 2) inadequate private open space.

Planning Authority Reference No. D18A/0067 refers to a 2018 decision to refuse permission for the demolition of the existing dwelling and construction of 3 new dwellings with revised roadside boundary in line with the relocation of the boundary wall permitted under PA. Ref. No. D15A/0119). Reasons for refusal related to 1) design, scale, layout and limited separation distance from site boundaries would result in an overbearing impact on properties to the north, east and south, 2) design, height and layout would be visually prominent within the street and failed to provide an appropriate design response within a restricted site, visually discordant and 2) inadequate private open space.

Planning Authority Reference No. D15A/0119 refers to a 2015 grant of permission for a c.113sq.m single storey extension to the existing house and reinstatement of garden wall facing Adelaide Road to previous location within the boundary line of site with sliding gates for vehicle access. This permission did not commence.

Applications of note in the vicinity

Planning Authority Reference No. D18A/0134 (ABP Ref. No. ABP 301914-18) refers to a 2018 grant of permission to demolish garage and extension, excavate under ground level to extend existing lower ground floor accommodation, construct extension to side, alterations to existing dwelling, new entrance, shed and associate site works at Alderley, Adelaide Road, Glenageary, Co. Dublin.

5.0 Policy & Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

The site is zoned under Land Use Objective 'A' with a stated objective '*to protect and/or improve residential amenity*'.

RES3: refers to the density requirements for the county. Higher densities at a minimum of 50 units per hectare will be encouraged where a site is located within a 1km pedestrian catchment of a rail station, Luas or priority QBC and/or 500 metres of a Bus Priority Route, and/or 1 km of a town or District Centre.

RES4 states that it is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

General Development Management Standards

Section 8.2.3.4 (vii) refers to infill sites. Such proposals shall be considered in relation to a range of criteria including respecting the massing and height of existing residential units.

Section 8.2.3.1 refers to the objective of the Council to achieve high standards of design and layout and to foster and create high quality, secure and attractive places for living.

Section 8.2.3.5 refers to the general requirements for residential development including habitable room sizes.

Section 8.2.8.4 (i) sets out the private open space requirements for private houses. A figure of 75sq.m of may be acceptable for a 4 bed house in cases where good quality open space is provided. Narrow strips of space along the side of dwellings shall not be included in the calculation. There is provision for a relaxation of the standard where an innovative design response is provided on site.

Section 8.2.8.4 (ii) refers to separation distances and the standard garden depth of 11 metres and in certain circumstance 7 m depths may be acceptable for single storey dwellings.

Section 8.2.4.5 refers to the car parking standards and table 8.2.3 set out the requirement for residential lands use of 2 spaces per 3 bed unit +.

Section 8.2.4.9 refers to the criteria for vehicular entrances and hardstanding areas. Automatic electronic gates into residential developments are not favoured and should be omitted. Electronic or automatic gates are not acceptable in terms of road safety unless the entrance is set back 6.0m from the back of the footway to avoid a roadway or footpath being obstructed by a vehicle while the gate is opening. In general, outward opening gates will not be considered acceptable.

5.2 Guidelines

Sustainable Urban Residential Development Guidelines (DoEHLG 2009) and its companion, the **Urban Design Manual - A Best Practice Guide (DoEHLG 2009)**. These include detailed advice on the role of Urban Design and planning for new sustainable neighbourhoods. In cities and larger towns, appropriate locations for increased densities, are identified, including outer suburban greenfield sites and public transport corridors.

Quality Housing for Sustainable Communities (DoEHLG 2007). These are intended to assist with the implementation of initiatives for better homes, better neighbourhoods and better urban spaces. Detailed space requirements are set out and room sizes for different types of dwellings.

5.3 Natural Heritage Designations

None of relevance in the immediate vicinity. The nearest European site is Dalkey Island SPA (site code 004172), c. 2.5km from the site.

5.4 Environmental Impact Assessment Screening

Having regard to the nature and scale of the proposed development comprising the demolition of one dwelling and the construction of two dwellings in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by Adrian & Yvonne Kearns, The Bungalow, Adelaide Road, Glenageary, Co. Dublin, the adjoining house to the south of the application site and David & Juanita Spearman, St. Elmo, Marlborough Road, Glenageary, Co. Dublin adjoining property with its rear garden bounding the site to the east.

The grounds of appeal are summarised as follows:

- There is a history of refusals on the site, the current proposal does not address the previous reasons for refusal. The current proposal includes only minor alterations to the proposal previously refused.
- The overbearing nature of the proposed development would have a detrimental impact on the residential amenities of adjoining properties.
- The proposed development is not in keeping with the character of the area which has a number of protected structures. A grant of permission would set an undesirable precedent for similar development and subdivision of plots, thus eroding the character of the area.

- Concerns relating to the extent of excavations required for the purpose of providing basement level accommodation and the risk of structural damage to adjoining properties. The applicant does not address the issue of water flows at the site. All the relevant houses stand on a downward slope towards the north. A considerable flow of water comes down that slope, most likely as a dispersed flow probably not far below the ground surface. Neither Moelvra nor St. Elmo have deep foundations. St Elmo shows signs of earlier settlement and vertical movement. This matter is not addressed in the reports that accompany the application.
- The basement element of the house should be rejected, it is an undeclared third floor.
- Devaluation of the adjoining properties.

6.2. Planning Authority Response

The Board is referred to the previous Planner's Report.

It is considered that the grounds of appeal do not raise any new matters which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3 Observations

One Observation has been received from the following parties:

Noel & Noeline Kenny, Marhill, Adelaide Road, Glenageary, Marcelino & Lorna Sherlock, Talahassie, 51 Adelaide Road, Glenageary and Catherine Brandon, 52 Adelaide Road, Glenageary. The main points are summarised as follows:

- The proposed development is not in keeping with the local built environment and would be out of character with the area.
- It represents an overdevelopment of a restricted site and would cause detrimental impact on residential amenities due to too high a density, height and scale.

- Traffic hazard due to increase traffic movements.
- Inadequate rear garden spaces.
- Contravenes the established building line.
- Does not comply with section 8.2.4.5 of the County Development Plan. 2 space for each house are provided but no room to manoeuvre a vehicle within the site confines.
- Nuisance arising during construction arising from traffic and excavation works.
- Use of electronic gates would create an obstruction on the road as vehicle wait for access.
- Does not comply with land Use Zoning Objective 'A'
- The proposal would set an undesirable precedent.

6.4 Applicants response to third party appeal

This is mainly in the form of a rebuttal. Points of note include:

- The proposal does not constitute overdevelopment of the site, it complies with the requirements and standards as set out in the Dun Laoghaire Rathdown County Development Plan.
- The current applicant has addressed the concerns raised by the Planning Authority and adjoining property owners, in particular 'Moelvra (No. 1 Marlborough Road). The existing house, Green Gates was built in the original rear garden of this property.
- The current proposal would restore the boundary wall to Adelaide Road to its original boundary line and location, which would be visually beneficial to the historical context of the wall.
- The precedent for the subdivision of plots was set by the owners of Moelvra when they built Green Gates in their back garden.
- The houses have been completely redesigned to address the previous reason for refusal.
- There are numerous period dwellings in the area with basement levels. Furthermore the depth of excavation required would be in line with that required for traditional strip foundations.

6.5 Appellants Response to the First Party Response to the appeal.

This is mainly in the form of a rebuttal. Points of note include:

- The owners of Moelvra are not parties to the appeal as they were unavailable. However, they did submit observations to the planning authority and therefore should not be excluded from the current process.
- There is a united front of opposition from all the adjoining neighbours to the proposed development. No objection to the applicant extending the existing house in a sympathetic manner, the opposition is to the visually obtrusive proposal that constitutes overdevelopment of the site and would detract from the character of the area.
- Green gates should not be taken as a precedent for subdivision of plots. It was constructed in the 1970s for a family member of the residents of Moelvra.
- The reference to precedents for basements in the area is misleading, these refers to building over a hundred years old that were built on greenfield sites at the time.
- The impact of the proposed basement level needs to be fully assessed.
- Excavation works required for a basement are not akin to those needed for strip foundations.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Design
- Construction Impact.
- Other
- Appropriate Assessment

7.1 Principle of Development

- 7.1.1 The site is currently occupied by a detached single storey property, Green gates. The proposal includes the demolition of this property (gfa c.128 sq.m) and the construction of 2 no. two storey over basement houses (with individual gfa c.191 sq.m) with double parking bays accessed off Adelaide Road on a site within an overall area of c. 0.053hectares.
- 7.1.2 The applicants refute the appellant's and observers concerns that the development fails to adequately protect and/or improve adjoining residential amenities as required under Land Use zoning Objective 'A' due to its height and layout. The applicant ascertains that the proposed scheme of two houses on a site with an overall area of c. 0.053hectares, is appropriate for this location and complies with the requirements of the County Development Plan.
- 7.1.3 The Dun Laoghaire Rathdown County Development does not prescribe plot ratio or site coverage. The Planning Authority refers to densities and the relevant design and development management standards when assessing the level of development permissible on the site.
- 7.1.4 RES3 of the County Development Plan sets out the Council's policy relating to residential density. It notes that a minimum net density of 50 dwellings per hectare should be applied within public transport corridors, which are defined as including sites within a 1 km pedestrian catchment of a rail station. They also infer that higher densities should be encouraged on sites that exceed 0.5 hectares in area. The site is within 1km of Glastule station.
- 7.1.5 RES4 refers to the need improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities. The proposed development refers to an infill development within an established built up area.

- 7.1.6 A density of c. 38 units per hectare (2 houses) is proposed. The appellants and observers raised concerns that the density is excessive for the area and would result in the overdevelopment of the site.
- 7.1.7 Adelaide Road is characterised by a varied pattern of development, ranging from Victorian Terraced houses, two storey semi-detached houses, detached houses on generous plots. Bounding the site to the north is No. 1 Marlborough Road, a two storey overbasement Victorian terrace and to the south is 'The Bungalow' a detached dormer style dwelling.
- 7.1.8 I consider, given the location of the site on lands zoned under land use objective 'A' and its proximity to the Glastule station, that the proposed density of c. 38 units per hectare is acceptable subject to compliance with the development management standards for residential developments and the protection of the residential amenities of adjoining properties.
- 7.1.9 The appellants raised concerns that the cumulative impact of the overall height and layout of the proposed houses would not adequately protect the residential amenities of adjoining properties and be out of character with the surrounding area. I note that the site is bounded to the north by Moelvra (1 Marlborough Road), a two storey over basement structure. To the south is a dormer dwelling (The Bungalow) on a site with a ground level c. 1.2m above the application site. Along the western side of Adelaide Road are suburban two storey semi-detached dwellings and some infill dwellings. In my view, the proposed development would generally reflect the massing, bulk and height of the structures in the immediate vicinity. I am satisfied that the proposed houses can be accommodated on the site and that the cumulative impact of the four units would not constitute over development of the site.
- 7.1.10 Section 8.2.3.4 (vii) and 8.2.8.4 of the County Development Plan sets out the design and development management standards for infill developments and residential development. This includes reference to private amenity space,

separation distances, etc. I consider the proposed scheme broadly complies with the standards as set out in the Development Plan for a development of this scale.

7.2 Design

7.2.1 The grounds of appeal raised concerns that the proposed development would be overbearing when viewed from the adjoining properties to the north (Moelvra), Northeast (St. Elmo) south (The Bungalow) and to the west (houses along Adelaide Road). The distance from the northern elevation (gable) of the house closest to Moelvra and its boundary is c. 2.07m. I further note that no first floor windows are proposed to this elevation. The southern gable of the southern sited house is c.2.07m from the boundary with 'The Bungalow', stepped forward of its building line and with no windows proposed at first floor level addressing the adjoining properties. The rear gardens have depth of c. 7m and there are no first floor windows to the rear elevation facing the rear garden of St. Elmo. There is a difference in ground level of c.1.2m between the application site and that of the adjoining property (The Bungalow) to the south. I am of the view that taking into account the proposed height and scale, the private amenity space separating the proposed houses from the rear garden of St. Elmo to the east, the siting of the proposed houses within the site and the difference in ground levels between the site and the adjoining property to the south (The Bungalow) would reasonably serve to ensure the proposed development would not have an overbearing impact from the adjoining properties.

7.2.2 In my view, the proposed houses with a height ranging of c. 6.95m sloping to the south to 5.4m and to the north to c. 5.7m, are not tall buildings. The surrounding area is dominated by a mix of buildings of varying heights and designs. While I accept that the proposed development would add contemporary style units along the eastern side of Adelaide Road, I do not consider that the proposal, with a maximum height of c.6.95m, would have an overbearing impact along Adelaide Road, given the existing architectural grain and context of the area. I consider that the height, design and form of the development is appropriate in the context of current Development Plan policy and standards, including the relationship of the proposed building to the public realm and adjoining lands.

- 7.2.3 Furthermore the use of different design elements and materials reduces the overall form and scale of the proposed dwelling. I consider the proposal, in terms of design, form and height would not have an overbearing impact on neighbouring properties or from the adjoining public road.
- 7.2.4 The applicants have sought to address the sensitivities and constraints of the site through the use of a contemporary design solution. There is a clear distinction between the period houses to the north which front onto Marlborough Road, the traditional two storey semi-detached houses opposite the site and the dormer house to the south. Adelaide Road has an eclectic mix of form, designs and styles, when viewed from the junction of Adelaide Road and Glenageary Road Upper the proposed development would only be partially visible and would integrate with the existing pattern of development along the eastern side of the road. I have examined the Current County Development Plan and I note that there are no protected views along Adelaide Road and this section of Adelaide Road is not a designated or candidate Architectural Conservation Area. It is my view that the visual impact of the new houses on site would enhance rather than detract from the character of the area. I am satisfied that the proposed development would not have a detrimental impact on the character of the streetscape along Adelaide Road.
- 7.2.5 I consider that the proposed dwellings would be of an appropriate design idiom and scale, and would enhance rather than detract from the amenities of the area. In my view, the proposal would be a sustainable use of a serviced suburban site and would enhance rather than detract from the amenities of the area. I am satisfied that the overall scale, massing, form, height and design of the dwellings is satisfactory in terms of protecting the character of Adelaide Road.

7.3 Construction Impact

- 7.3.1 The appellants have also raised concerns that the applicants have not adequately demonstrated that the proposed works will not have a detrimental impact on the structural integrity of the adjoining properties. The grounds of appeal do not include a structural engineering report or survey.

- 7.3.2 The appellants and observers have also raised concerns that the amenities of adjoining residential properties would be impacted by noise and vibrations during the construction phase of the proposed development
- 7.3.3 The grant of permission does not include any specific conditions relating to this matter with the exception condition no. 1 which refers to plans and particulars submitted with the application. A construction management plan would address how it is proposed to manage noise, vibration and other impacts arising at the construction phase to ensure the construction of the basement is undertaken in a controlled and appropriately engineered manner to minimise intrusion. I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration.
- 7.3.4 There will inevitably be disruption during the course of construction, however such can be minimised to acceptable levels with appropriate standard working / construction procedures such as controlling construction hours, dust minimisation. While much of the concern raised is an engineering issue and not a planning issue, whereby it falls to the developer to ensure that no damage or deterioration occurs to adjoining properties, I am satisfied that this matter can be dealt with by way of a suitably worded condition requiring the submission of a construction management plan for agreement. With the attachment of such a condition I do not consider that the construction phase of the development would give rise to an unreasonable impact on neighbouring properties in this instance.

7.4 Other:

7.4.1. Access

- 7.4.1.1 Concerns has been raised that the traffic generated by two houses at this location would constitute a traffic hazard. The site is zoned under land use objective 'A' residential. The Transportation Division raised no objection on traffic grounds to the proposed means of access. Sightlines are acceptable.
- 7.4.1.2 The observers raised concerns that the proposed sliding gates would cause traffic obstructions as it would delay entry into the site, whether manual or electronic. Section 8.2.4.9 sets out the Councils policy for vehicular entrances and hardstanding areas. Automatic electronic gates into residential

developments are not favoured in terms of road safety as they could contribute to the obstruction of a roadway or footpath by a vehicle while the gate is opening.

7.4.1.3 I have examined the information on file and I note that the proposal does not state that the proposed 'sliding gates' are electronic. In response to the observers concerns relating to the use of 'sliding gates' whether electronic or manual. In my view the proposal to use sliding gates would create no more of a traffic hazard than non sliding gates. As gates, if closed, need to be opened regardless of the type. I do not consider that, in this instance the use of sliding gates create a traffic hazard. No objections have been noted from the Transportation Division and I consider the use of sliding gates at this location acceptable.

7.4.2 Drainage

7.4.2.1 The issue of an underground watercourse was raised during the application. This was the subject of a further information response which included Engineering Reports outlining that there may be the possibility of a historical field drain running under the site. The matter was addressed to the satisfaction of the Council's Drainage Division. I consider that this matter can be dealt with by condition if the Board considers granting permission.

7.5 Appropriate Assessment

7.5.1 The site is a serviced urban site, which neither lies in or near a Natura 2000 site. The nearest such sites are at a considerable distance and there are no direct connections between them and the development site. Having regard to nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest 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.

7.0 Recommendation

I recommend that permission should be granted subject to conditions for the reasons and considerations set out below.

8.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development and the provision of the Dun Laoghaire Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of Adelaide Road and would adequately protect the residential amenity of adjacent properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

9.0 Conditions

1.

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

Reason: In the interest of clarity

2. Details including samples of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of protecting the character of the area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the houses, without a prior grant of planning permission.

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

4. Access and parking arrangements shall comply with the detailed standards for Planning Authorities for such works.

Reason: In the interest of amenity and traffic safety.

5.
 - a) During the works, if the developer (including their representatives, contractors, etc) observe indications of the presence of an underground water stream or a former (dead or alive) drain crossing the site, the developers shall submit this information to the Planning Authority, together with proposals to address this matter subject the written agreement of the Planning Authority,
 - b) 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. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity

7.
 - (i) 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 and dust management measures and off-site disposal of construction/demolition waste.
 - (ii) Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority details and methodology for the site excavation works. This shall include timeframes and proposals to deal with vibration and noise.
 - (iii) 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.
 - (iv) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

8. No dwelling units within the proposed development shall be sold separately, independent from the associated car parking provision. All the

proposed car parking spaces shall be for occupants of the residential units and shall be sold off with the units and not sold separately or let independently from the residential development.

Reason: In the interest of orderly development.

9. 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.

Dáire McDevitt
Planning Inspector

27th May 2019