



An  
Bord  
Pleanála

## Inspector's Report ABP 303732-19.

---

<b>Development</b>	Demolition of existing house and garage. Construction of eight houses comprising two detached dormers, two semi-detached dormers, four semi-detached two storey houses, one garage, access road and services.
<b>Location</b>	Tobartescain, Clonroadmore, Ennis.
<b>Planning Authority</b>	Clare County Council
<b>P. A. Reg. Ref.</b>	18/299
<b>Applicant</b>	Eoin Keating
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission
<b>Third Party Appellant</b>	Joan and Fionnuala McMahon
<b>First Party Appellant</b>	Eoin Keating.
<b>Date of Site Inspection</b>	8 <sup>th</sup> May 2019.
<b>Inspector</b>	Jane Dennehy.

# Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	3
3.0 Planning Authority Decision .....	4
3.1. Decision.....	4
3.2. Planning Authority Reports.....	5
3.3. Third Party Observations.....	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
6.0 The Appeals.....	6
6.1. First Party Appeal. ....	6
6.4. Planning Authority Response .....	10
7.0 Assessment.....	11
8.0 Recommendation.....	15
9.0 Reasons and Considerations .....	15
10.0 Conditions. ....	16

## 1.0 Site Location and Description

- 1.1. The site has a stated area of 0.47 hectares, is located in Clonroadmore to the south of the town of Ennis and has frontage onto the northern side of Tobartescain Road, (L4500) to the east of the R458. It is that of a detached bungalow and a garage with front and rear gardens and open undeveloped lands to the rear to which there is access from the rear boundary.
- 1.2. Detached bungalows are located on the road frontage plots to the west and east sides and residential developments also accessed off at Dun Na Ri are located to the west and Cregaun and Carraig an Oir to the east of Tobartescain Road.
- 1.3. To the north of the site there is landscaped open space located between residential developments to the north east and north west to which there is access via Dun Na Ri and from Tobartescain Road. There is a small field to the west of the site which is accessible from the site. Ennis railway station is a short distance to the north and the railway line which is in a north south direction is a short distance of the east.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of the existing dwellings and garage the total stated floor area of which is 146 square metres and for construction of a residential development of eight houses comprising: four three bed units and four, four bed units the total floor area of which is stated to be 1,012 square metres along with eighteen carparking spaces.
- 2.2. An internal access road is shown from the existing dwelling's frontage at Tobartescain Road terminating in a hammerhead at the northern end of the application site. A semi-detached pair of dwellings is shown on the western side and the remaining dwellings are shown located on the east side, with one of the detached dwellings facing towards the road frontage.
- 2.3. A multiple item request for additional information was issued to the applicant on 7<sup>th</sup> June 2018. The applicant was requested to reconsider the proposed development to address concerns about:

- Potential for the proposed entrance to create a tunnel effect due to the 1.8 m high screen walls to the located to either side, lack of passive surveillance and amenity potential and linkage with adjacent open space to the north.
- The layout and location of the parking spaces and, suitability for manoeuvrability at the hammerhead for services vehicles at the hammerhead;
- Site levels having regard to flooding risk areas and incorporation of SUDS drainage arrangements and,
- Possible future linkage with and use of a laneway between the site and Clonroadmore to the south west and, boundary treatment between unit Nos 3 and 4.

2.4. A response was lodged with the planning authority on 3rd December, 2018. in which there are proposals for:

- A laneway linked to the open space to the north,
- omission of parking spaces at the hammerhead,
- orientation of dwellings and reduced height screen walls to address passive surveillance,
- Details of levels to clarify flooding risk,
- Details of arrangements for collection and disposal of storm water to the storm system in two catchment areas,
- New boundary treatment at Unit Nos 7 and 8 and,
- Confirmation that the applicant intends to sell an adjoining laneway to adjoining households.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

By order dated, 23<sup>rd</sup> January, 2019 the planning authority decided to grant permission for the proposed development subject to conditions which include a requirement for omission of two units and design and layout modifications along with requirements of a standard nature.

According to Condition No 2 there are several requirements: Unit Nos 7 and 8 are to be omitted and the space allocated to public open space, the access road is to be extended to the west side with footpaths, pedestrian crossing and with a width of 5.5 metres, dual frontage to the south and west for House No 1, and dual frontage to the south and west for House No 2 and House No 6 on the north and west elevations. The garages at House No 1 are to be handed so that at the entrance door and window are on north and west elevations.

According to Condition No 3, a revised layout is to be submitted for agreement indicating boundary treatment for House No 1 for the east side, replacement of concrete post and plank fencing with stone or masonry walling, including heights.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planning officer, having considered the original and further information submissions confirmed that he was satisfied with the proposed development, subject to amendment to the site layout, the design and house type for some plots and the boundary treatment. These matters are to be addressed by way of compliance with Condition Nos 2 and 3. (See paragraph 3.1.2 above.)

#### **3.2.2. Other Technical Reports**

The municipal district engineer indicated recommendations for details of site levels relative to Ordnance datum, incorporation of SUDS drainage arrangements, linkage to the adjoining residential development at Dun An Or, and autotrack analysis for the hammerhead to demonstrate suitability for turning by services vehicles at the hammer head.

### **3.3. Third Party Observations**

Observations were received from the Appellant Party and one other party in which issues raised include concerns about site layout, intensity of development boundary treatment, the proposal to sell the laneway as it may become a black spot for anti-social behaviour, traffic safety house design and flood risk.

## 4.0 Planning History

**P. A. Reg. Ref. 15/515 (PL 245613):** Following first party appeal, the planning authority decision to refuse permission for demolition of the existing house and garage on the southern portion of the application site, and for construction of two detached bungalows was upheld. The decision was based on reasoning relating to premature development and contravention of a Policy Objective for the area by reference to ordering of development specified for lands designated as “Other Settlements” within the Ennis and Environs Development Plan, 2008-2014.

**P. A. Reg. Ref. 10/48:** Permission was granted for demolition of the existing house and garage and for construction of a new house on the site. The grant of permission was not taken up. An extension to the duration of the grant of permission was issued under P 15/21.

## 5.0 Policy Context

### 5.1. Development Plan

The southern section of the site which is that of the plots of the two bungalows comes within an area subject to the zoning objective: “Existing Residential”. The northern section of the site which is that of the undeveloped lands comes within an area subject to the zoning objective: “Residential”.

## 6.0 The Appeals

### 6.1. First Party Appeal.

6.1.1. An appeal was received from the applicant’s agent Brendan McGrath on 18<sup>th</sup> February, 2019 in which it is requested that Condition No 1 (b) and 2 (a) be omitted. According to the requirements of the condition, the development is to be confined to a total of six units as House Nos 7 and 8 are to be omitted with the space being incorporated into open space. Erection of a suitably capped and plastered boundary wall to 1.8 metres in height on the south and west perimeter is also required.

6.1.2. According to the appeal:

- There is substantial public open space to the north and the zoning objectives and the sole reason for refusal of permission for the previous application related to the site area not coming within lands designated as 'phase one' for development within the Local Area Plan. P. A. Reg Ref 15/515 refers.)
- The density of the development is not of concern to the planning authority but according to the planning officer the reason for the omission of the two units is to allow for increased open space provision and amenity levels for the future occupants. It is not accepted that amenity for future occupants would be improved. The planning officer had also recommended a revised design for Unit 8 instead of its omission in his report.
- The total of six units to be permitted would result in density at 13 units per hectare which is below the minimum threshold of 15-30 for the town having regard to the CDP. This density would need to be justified by site specific constraints or amenity considerations. There are no issues of overlooking, lack of sufficient separation distances, overshadowing, insufficient rear garden depth, and, given the availability of open space adjoining the site, limited provision within the development is not an issue. A more secure curtilage would be achieved as a result.
- The open space adjacent to the entrance at the junction has insignificant recreational potential whereas a two-storey house as submitted in the application provides enclosure at the northern end of the development benefiting residents and the public realm. The modification of design to dual frontage mentioned in the planning officer report would be desirable. The proposed footpath link through the development would enhance the permeability of the area.

6.1.3. It is confirmed that the applicant has no objection to the requirement under Condition No 3 (b) to provide a 1.8 m high solid walling on boundaries in place of the post and rail fencing.

## 6.2. **Third Party Appeal.**

6.2.1. An appeal was received from Joan and Fionnuala McMahon of Tobartascain who reside at the bungalow to the east side of the application site on their own behalf on 15<sup>th</sup> February, 2019. It is requested that permission be refused.

6.2.2. According to the appeal:

- The creation of the internal access road would result in serious injury to the amenities and value of the appellant's property due to noise, security risk, loss of privacy and amenity.
- The modified layout proposed in the further information submission does not overcome the "tunnel effect" which lacks passive surveillance and will be a serious security threat. The proposed 1.8 m high screen wall along the dividing boundary between the proposed development and to property to the west contributes to the tunnel effect. The replacement of the treatment on the boundary with stone or masonry wall will not preserve the security and privacy of the houses.
- The pedestrian footpath (required under Condition 13 (b) running to adjoining developments will increase pedestrian traffic and shows lack of consideration of passive surveillance.
- There should have been an opportunity for the Appellant to comment on the boundary treatment between House No 1 and the Appellant property prior to the determination of the decision.
- The additional turning movements and additional pedestrian circulation at the entrance to the development and on the narrow section of road will constitute hazard and a threat to road safety. The access point is only suitable for the one dwelling due to inadequate space on the road. These problems will be exacerbated by the proposed neighbourhood centre at Tobartescain.
- The planning authority did not consider alternative access arrangements such as entry through Dun an Or which is raised in the Engineer's report. The applicant should propose an entrance through one of the existing housing estates. The proposed access off Tobartescain Road contributes to fragmentation and lack of interconnectivity.
- It is obvious that it is intended by the planning authority to allow for access to any future development to the site via the proposed entrance. This is a reason for proper access via an existing residential estate to be provided.



- With regard to the design and layout the required omission of two units is an improvement but it is still substandard with generic unappealing house type that fails to contribute to the character and identity of the area. There is minimal private open space provision for House type B.
- The garage to be constructed adjoining the appellant property is unacceptable in that the ground level is 0.15 metres higher on the application site and the finished floor levels have not been provided for the adjoining developments. There is variation in the ground level which is insignificant and needs scrutiny. The garage would overlook a substantial part of the appellant's garden affecting light and amenity potential notwithstanding the requirements of Condition 2 (f).
- There is not enough room for House type A at the front of the development along with the estate road. It is out of character with existing development and the east elevation windows and dormer window will overlook the appellant property which has large windows on its western gable. Clarification on the boundaries of this property is also required.
- Significant issues have been deferred for future agreement by condition and there is potential major impact on visual and residential amenity. It is not reasonable that there is no scope for third parties to contribute comments. Another request for additional information should have been issued.
- Storm water management has not been adequately addressed and detailed. The planning authority should have requested the applicant to demonstrate compliance with BRE 365 for the attenuated flow of storm water by carrying out soil infiltration tests and details of permeable paving and rainwater harvesting should be included. The applicant has only submitted proposals for attenuation with regard to storm water management. The other SUDS elements have not been detailed to ensure permeability. There is no testing or data on infiltration and ability of soils to assimilate attenuated flow for storm water management. Rainfall depth for a storm of one hour with a return period of 50 years is 28.4 mm and not 25.5 mm.
- The existing dwelling contributes to the character on the narrow section of Tobartascain Road and it is to be unnecessarily destroyed to be replaced by

an over-intense development which will devalue the appellant's property causing loss of amenity at existing established residential development. There is a lack of a thought-out design approach that is sympathetic the existing environment and is a sustainable solution for residents.

### **6.3. Applicant Response**

A submission was received from the applicant's agent on 14<sup>th</sup> March, 2018 according to which:

- The proposed internal access road would not adversely impact on residential amenities of the appellant property. The 1.8 metres high screen wall will provide a visually acceptable screen that will augment a boundary which his already well screened. The applicant is willing to provide a block wall rendered and painted in a suitable colour to supplement the existing well screened boundary wall.
- As the development is small and within an established suburb where there is existing drainage infrastructure, it was considered that the level of investigation carried out along with the design for drainage is appropriate.
- The bungalow to be demolished is forty years old and is substandard in terms of insulation and heating standards.
- The appellant's objections are also about objection to a residential scheme in principle. However, the bulk of the site is zoned for residential development in the CDP. Any impact on residential amenity of existing properties would be negligible.

### **6.4. Planning Authority Response**

A submission was received from the planning authority on 13<sup>th</sup> March, 2018 according to which the substantive issues were addressed when the application was being processed having regard to the zoning, surrounding development and it was concluded that the proposed development was acceptable, subject to conditions.

## 7.0 Assessment

7.1. Both the first party Appeal against Condition Nos 1 (b) and 2 (a) and the third-party appeal by the occupants of an adjoining property at Tobartescain, in conjunction with the response to the appeal are considered simultaneously below due to the overlap in issues arising. Concluding remarks and recommendations on both appeals follow. The revised proposal indicated in the further information submission is central to the assessment which follows and bearing the foregoing in mind, the issues considered central to the determination of a decision are:

Zoning Objectives - Residential Development in Principle.

Layout,

Entrance Arrangements

Flooding and Drainage Arrangements.

Environmental Impact Assessment.

Appropriate Assessment

### 7.2. Zoning Objectives – Residential Development in Principle.

7.2.1. Residential development is acceptable in principle for the site lands having regard to the “Existing Residential” and, “Residential” zoning objectives the former being applicable to the plot of the existing bungalow at the front of the site and the latter to the adjoining backhands. Infill residential development, subject to satisfaction of relevant qualitative and quantitative criteria, on zoned, serviced lands within Ennis and consolidation of existing development is consistent with the national policy as set out in *Project Ireland 2040 - National Planning Framework*. It is acknowledged that the omission of the two units (Nos 7 and 8) required by the appealed conditions brings the overall density of the scheme well below the density of thirty units per hectare for residential zoned lands and fifteen units per hectare for low density residential zoned lands indicated in the CDP. However, it is considered that the quality of the proposed development, and corresponding attainable level of residential amenity for the future occupants would be substandard and deficient, if Unit Nos 7 and 8 are not omitted. It is also considered that there is little scope to provide for increased density by way of apartment development on the application

site due to the configuration and characteristics of the site itself and the surrounding development as discussed below.

- 7.2.2. There is no objection to the proposed demolition of the existing dwelling to facilitate the proposed development, and, specifically to facilitate reconfiguration that provides for a replacement dwelling and the proposed entrance and internal access road to the west side.

### **7.3. Layout and Design.**

- 7.3.1. Although the proposed replacement dwelling is not a bungalow like the adjoining dwellings, and is set back from the established building line, given that the street frontage development is not homogenous, it can be accepted at the setback in the streetscape without adverse negative on residential or visual amenities. It is in effect, the replacement dwelling is transitional in effect, addressing existing road frontage development, the proposed entrance and access road and the proposed cluster development

- 7.3.2. It is agreed with the planning officer that Unit Nos 7 and 8, located in the south western corner of the site at the rear of the existing bungalow facing Tobartescain would cause adverse impact on the residential amenities of the adjoining property. Based on visual inspection the ground level has a slight fall towards Tobartescain across the adjoining property from the site and as observed by the planning officer the finished floor levels are circa 0.5 metres higher than that of the proposed replacement dwelling at the front of the site. The two dwellings, given the proximity to the boundary would adversely affect the residential amenities of this adjoining property. To this end, the decision of the planning authority to omit the two units, by condition is supported

- 7.3.3. Furthermore, although it is the applicant's case that the planning authority has not specifically indicated concerns about public open space provision, the consequent dedicated public open space provision which can be achieved by omission of Unit Nos 7 and 8 addresses the lack of any open space provision in the original and revised proposals. As a result, the quality and amenity potential of the six-unit development would be significantly enhanced by the good visual and passive recreational amenity potential of this space and by reason of the good connectivity with and oversight from the proposed dwellings. The scope for passive surveillance

is considerably increased by the modifications providing for dual frontage for Units 1, 2 and 6 under Condition No 2 attached to the planning authority decision which also benefits the quality of the internal accommodation, An appropriate screening would be required to ensure protection of amenity and privacy at the boundary with the existing bungalow facing Tobartescain.

- 7.3.4. The revised site layout proposal shown in the further information submission satisfactorily provides for good linkage to the public open space between Tobartescain to the south through the site. This is a community benefit in terms of pedestrian circulation, amenity and convenience and as such it is a planning gain. However vehicular access parking within the site should be confined to use by residents and associated visitor parking. In this regard, should permission be granted, details as to design and management in this regard can be resolved by compliance with condition.
- 7.3.5. In addition, the revised layout, provides for access to undeveloped parcel of land to the west of the site should it be developed at some future date. The development capacity of this parcel of lands is such that the option for the internal access route via the proposed development can be used as an entrance is feasible. The trip generation in addition to that generated by the proposed development would not be of major significance. As a result, the future development potential of this parcel of land would not be compromised.
- 7.3.6. It is agreed with the planning authority that by a condition, substitution of boundary walling, for the proposed post and rail fencing and post and solid panel fencing boundary treatment which is unacceptable is required and a similar condition can be attached if permission is granted. A 1.8 metres high wall should be erected along the side boundary at Unit No 6 which adjoins the public open space at Creggaun whereas a lower height treatment, of high quality may be acceptable at the end of the hammerhead in conjunction with provision for pedestrian access to Creggaun.

#### **7.4. Entrance Arrangements.**

- 7.4.1. Tobartescain is a local, circulatory route within and serving local traffic within the built-up suburban area Ennis where the maximum speed of 50 kph is applicable While linked to the regional and national road network in the environs of Ennis is not

designated as a regional or national route. Along the section of the road at which the existing entrance and proposed entrance is located, there are several entrances direct onto the road, most of which serve individual dwellings and, in the vicinity, sightlines in either direction are sufficient, given the maximum speed limit of 50 kph. The proposed entrance is also considered reasonable and acceptable with regard to attainable sight lines in both directions, subject to the technical requirements of the Roads Department being implemented.

7.4.2. Given the function of Tobartasacain as a local circulatory route in Ennis serving residential development it is considered that the turning movements onto and off the carriageway generated at the entrance where seven dwellings as opposed the existing bungalow is located can be accepted without undue risk to pedestrian and vehicular safety.

7.4.3. It is agreed with the Appellant that alternative arrangements for an entrance and access route via Dun Na Ri a short distance to the west off Tobartasacain or Cregaun off Tobartasacain to the north east should be considered. The technical standards at the existing junctions with Tobartasacain are satisfactory. However, although the routing would be somewhat circuitous and as indicated in the report of the planning officer, there are concerns as to adequacy of carriageway width at Carrig an Oir and an existing dwelling would be removed. It is not accepted that the proposed access and internal access routing through the site of the existing bungalow is unacceptable and that a requirement for the alternatives as contended in the appeal could be justified on planning grounds.

7.4.4. The contentions as to tunnel effect and as to the likelihood of anti-social behaviour occurring on the proposed internal access road are not accepted although it is acknowledged that the proposed development of a small cluster residential scheme and its occupation would bring about a significant change to the environment between the adjoining properties.

## **7.5. Flooding and Drainage Arrangements.**

7.5.1. It is noted from the planning officer's report that while localised flooding has occurred in the area, the location is not identified as being at flooding risk and the construction of the Ennis South Flood Relief Scheme is nearing completion. The proposed incorporation, according to the further information submission of attenuation

measures with the development by way of installation of two attenuation tanks at the site to provide for discharge at 5 litres per second considered acceptable for the urban location by the planning officer is noted. These arrangements appear satisfactory subject to compliance with the requirements of a condition of a general nature. It is also noted that no concerns indicated as regards availability of and connection to the public water supply and the foul drainage network by Irish Water are on record in respect of the proposed development.

#### **7.6. Environmental Impact Assessment.**

7.6.1. Having regard to the nature of the proposed development, the existing serviced site and location within the settlement of Ennis removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

#### **7.7. Appropriate Assessment.**

7.7.1. Having regard to the scale and nature of the proposed development and to the existing serviced site and location within the settlement of Ennis removed from any European Sites, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

8.1. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld but that the third-party appeal against the grant of permission and the first party against condition Nos. 1 (b) and 2 (a) be rejected. Draft Reasons and Considerations and Conditions are set out below.

### **9.0 Reasons and Considerations**

9.1. Having regard to the zoning objectives, “established residential” for the site of the existing bungalow and “residential” for the lands to the rear within the site, the established character pattern of development in the area, and to the layout, nature, scale and intensity of the proposed development, it is considered that the proposed

development, subject to compliance with the conditions set out below, the proposed development would not harm the amenities of neighbouring properties, would be acceptable in terms of traffic safety and pedestrian safety and convenience, would not give risk to public health 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 in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the Planning Authority on the 3rd December 2018, except as may otherwise be required in order to comply with the following conditions.

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

2. The proposed development shall be modified as follows:

(a) Unit Nos 7 and 8 shall be omitted in entirety replaced with landscaped public open space and fully rendered and capped, 1.8 metres high screen walling shall be erected along the southern and western boundaries.

(b) Unit Nos. 1 and 2 shall be modified to provide for dual frontage, facing west and south and, Unit No. 6 shall be modified to provide for dual frontage, facing west and north.

(c) The pedestrian entrance and side elevation window for the detached garage at Unit Nos 1 shall be located on the west elevation and at Unit 2 shall be located on the north elevation.

(d) The proposed post and wire and past and panel fencing shall be omitted in entirety and replaced with boundary walls.

A revised site layout plan, and plan, section and elevation drawings and full details of locations, materials, finishes and heights for the boundary walls



shall be submitted and agreed in writing with the Planning Authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. The following requirements shall be provided for in the development:
  - (a) The internal access road shall be 5.5 metres in width and shall terminate at the western boundary of the site on the north side of the public open space within the development where it shall be dished and provided with dropped kerbs to footpaths, if any.
  - (b) Pedestrian facilities shall be provided for throughout the entirety of the internal circulation space between the entrance and the hammerhead, either by way of shared surface or segregated public footpath.
  - (c) A “Stop” sign to be erected on the internal access road on the inner side of the entrance onto Tobartescain Road and road markings in accordance with the standards in “Department of Transport: Local Government Traffic Signs Manual shall be erected, at the applicant’s expense.

Prior to the commencement of the development a full specification an accompanying plan and section drawings shall be submitted and agreed in writing with the planning authority.

Construction of the internal access road, pedestrian facilities, implementation of the public lighting scheme and landscaping of the public open space and incidental communal spaces shall be completed to the satisfaction of the planning authority prior to the commencement of the occupation of the development.

**Reason:** In the interest of vehicular and pedestrian safety and convenience and amenity.

4. Prior to commencement of construction of the proposed development details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the Planning Authority for written agreement.

**Reason:** In the interest of visual amenities.

5. 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.

**Reason:** In the interests of visual and residential amenities.

6. The car parking spaces within the development shall be retained solely for use associated with dwellings and shall not be sold, rented or otherwise sub-let or leased to other parties.

**Reason:** In the interest of sustainable transportation.

7. 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. The attenuation facilities which shall discharge to the public storm sewer network shall be constructed in accordance with the details shown in the details lodged with the planning authority on 3<sup>rd</sup> December, 2018.

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

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

9. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the Planning Authority to, a plan containing details for the management of waste within the development, provision of facilities for the storage, separation and collection of the waste, and for the ongoing operation of these facilities.

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

10. The site and building works required to implement the development shall be carried out between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No work shall take place outside these hours or on Sundays or Bank or Public Holidays.

**Reason:** In the interest of residential amenity.

12. 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.

**Reason:** In the interests of sustainable waste management.

13. 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 include detailed proposals for: management and routing of construction traffic, noise and dust management measures, materials and machinery storage arrangement and security fencing and hoardings.

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

14. A scheme name and house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and house numbers, shall be in accordance with the agreed scheme.

**Reason:** In the interests of orderly development and amenity.

15. 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 planning authority of roads, footpaths, watermains, drains, public open space 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 the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

16. 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. 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

**Jane Dennehy**  
Senior Planning Inspector  
30<sup>th</sup> May, 2019.