



An
Bord
Pleanála

Inspector's Report ABP-303991-19

Development	Demolition of house and part of existing boundary wall and construction of 9 no. houses, site access, services and associated site works.
Location	Beechfield House, Green Road, Portlaoise, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	1861
Applicant(s)	Dysart Property Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Beechfield Residents Association
Observer(s)	none
Date of Site Inspection	30 th May, 2019
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located in Portlaoise and is situated c.500 metres to the north of the centre of the town at Market Square. The site is situated with frontage to the west onto Green Road which is the Mountmellick Road (N80) out of Portlaoise. To the west, the site adjoins an area of open space which is located adjoining the estate access road to the Beechfield residential development, an estate of predominately single storey dwellings. To the east, the appeal site adjoins the rear boundary of Nos. 10-12 Beechfield and to the south, the site adjoins a site containing a two storey office building occupied by the GAA Leinster Council.
- 1.2. The boundary to the open space area to the north of the site comprises a c.2.0 – 2.2 metre high block wall and the frontage to the Green Road comprises a wall with recessed entrance towards the northern end of the frontage. The boundary to the GAA premises comprises a wall with significant mature trees to this boundary. The eastern boundary to Nos. 10-12 Beechfield comprises a 3.0 metre plus high wall along the section where the site bounds No.10 and a hedgerow of c. 1.8 metres in height along the remainder of the boundary.
- 1.3. The site currently houses a large bungalow that is located along the eastern end of the site. This house dates from the 1930s and, despite the application documentation stating that it was occupied up until mid 2015, is in a derelict state with large sections of the roof missing. To the rear, east, of the house are a number of sheds / outbuildings, although this area is now in a derelict and overgrown condition. The stated area of the existing structures on the site is 390 sq. metres.
- 1.4. The site is characterised by a significant amount of mature planting and areas, notably in the vicinity of the house and to the rear, are significantly overgrown. The remains of the open lawn areas to the west of the house remain. The area of open space to the north of the appeal site is also characterised by mature trees and planting and is in a well maintained condition. This area provides a landscaped open space area on the approach to the Beechfield estate, the entrance to which is marked by entrance piers on each side of the access road at the north east corner of the appeal site.
- 1.5. The stated area of the appeal site is 0.315 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing house and associated outbuildings / sheds on the site and the construction of a residential development of 9 no. two storey dwellings with attic accommodation. The layout of the proposed development comprises a new access from the Beechfield estate access road to the north of the site and the houses laid out in roughly linear form on an east – west axis across the site.
- 2.2. The development is proposed to comprise a terrace of 5 no. units in a central part of the site with a pair of semi detached units on each end. Parking is proposed to be provided to the front of the units with two spaces per unit proposed. An additional 3 no. spaces are proposed to be located on the northern side of the access road with a turning area indicated at the western end of the road. Public open space is proposed to be provided at the north east and north west corners of the site and each of the proposed units would have an area of private amenity space to the rear. The minimum depth of these private gardens is c. 15 metres
- 2.3. The application is accompanied by a tree survey that details the existing trees on the site and to the north in the green space and proposals for the retention and protection of trees.
- 2.4. The proposed units have a total floor area of 1,323 sq. metres, giving an average floor area of 147 sq. metres and each unit is proposed to have four bedrooms.

3.0 Planning Authority Decision

3.1. Further Information

Prior to the issuing of a Notification of Decision, the planning authority requested further information on the following issues:

- Noted the separation between gables and site boundary to the east of 1.6 metres and that the development does not take sufficient account of the surrounding developments and would read as a terrace. The presentation to

the Mountmellick Road is not considered adequate and these issues are requested to be addressed in a revised layout. The further information request also requests that at least one unit be omitted, that the first floor accommodation be omitted, a shadow study submitted and that consideration be given to the lowering of the western and northern boundaries.

- A survey of the existing planting on the site and on the open space area to the north to be submitted.
- Submission of information that a pre connection enquiry has been made to Irish Water and that a suitable water supply and drainage can be accommodated.
- Drawings and calculations for surface water drainage to be submitted.
- Submission of auto track analysis relating to the internal estate road and turning head.
- Details of public lighting to be provided.
- Comments on third party submissions received.

In response, the following revisions / additional details were submitted:

- A revised site layout that provides for the retention of 9 no. units and the omission of the dormer / attic accommodation from units 8 and 9. The scale of houses is proposed to remain the same and the elevation of Unit No.1 closest to Mountmellick Road altered and set back to the road increased.
- Proposed to demolish the wall to the north of the site entirely and to mark the entrance to the site by entrance pillars within the site boundary.
- A shadow assessment was submitted.
- A tree survey was submitted.
- Details of water connection inquiry with Irish Water submitted.
- Report relating to water supply and drainage submitted.
- Details of paving, access and footpaths submitted.

3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 20 no. conditions, the most significant of which are considered to be as follows:

- Condition No.2 specifies that house no.9 shall be omitted from the development and that the space devoted to unit No.8.
- Condition No.3 requires that the house types to be erected shall be two storey only as per the revised designs submitted for Units Nos. 8 and 9.
- Condition No.4 states that foul effluent shall be collected and disposed to the foul sewer and that prior to commencement of development the developer shall obtain a connection agreement from Irish Water.
- Condition No.5 requires that a connection agreement for water supply be obtained from Irish Water prior to the commencement of development.
- Condition No.12 requires that the existing boundary wall between the proposed development and the existing houses to the east shall be retained and made good to the written agreement of the Planning authority.
- Condition No.14 requires that all works relating to roads shall be in accordance with the DoE 'Recommendations for Site Development Works for Housing Areas'.
- Condition No.16 requires that a landscaping schedule to be prepared by a suitably qualified person shall be submitted for the written agreement of the Planning Authority.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The report of the Planning Officer notes the location of the site and the internal report and objections received. An initial report recommends further information consistent with the further information request issued. A second report recommends a grant of permission consistent with the Notification of Decision which issued.

3.3.2. Other Technical Reports

Area engineer – No objection.

Fire Officer – No objection.

Road Design – Report dated prior to the request for further information raises a number of issues relating to surface water attenuation and roads layout details including autotrack assessment.

4.0 Planning History

There is no record on file of any recent planning history relating to the site.

5.0 Policy and Context

5.1. Development Plans

The relevant development plans are the *Portlaoise Local Area Plan, 2018-2024* and the *Laois County Development Plan 2017-2023*. It should be noted that the operative plan at the time that the application was submitted to the Planning Authority was the previous Portlaoise LAP 2012-2018 rather than the 2018-2024 LAP.

The site is located on lands that are zoned Residential 1 Established under the provisions of the 2018-2024 LAP. The objective for this zoning is *'to protect and improve the amenity of developed residential communities.'* Residential development is permissible in principle on lands so zoned.

The area of open space located to the immediate north of the site is zoned Open Space and Amenity under the provisions of the same LAP. The stated objective for these lands is *'To preserve, provide for and improve active and passive recreational open space'*. The stated purpose of this zone is that the Council will not normally permit development that would result in a loss of open space.

The site is not located within the 1 in 100 or 1 in 1000 year flood zones as identified on Map 8 of the 2018-2024 LAP.

Policy H07 seeks to promote higher densities at appropriate locations close to the town centre and public transport.

Policy H08 seeks to encourage housing development on infill and brownfield sites subject to the protection of existing residential amenity, quality design and respecting the existing character, density and layout.

Section 8.5 of the Laois County Development Plan contains development management standards including those relating to urban residential development.

5.2. Natural Heritage Designations

The site is not located within or close to any identified European sites.

5.3. EIA Screening

Having regard to the residential nature and scale of the development /including the connection to the public water and drainage network, and the separation of the site from sensitive environmental receptors, there are 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

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party appeal:

- That the open space has been poorly considered in the development.
- That the removal of the northern boundary wall would result in a significant loss of identity for the Beechfield development. If permission is granted it is requested that the wall is lowered and constructed of high quality materials.

- That the applicant does not have sufficient legal interest in the area of open space to the north which is not in the charge of the council and has been maintained by the residents of Beechfield. The residents claim beneficial ownership of this area.
- That the proposed access road across this area of open space would have a significant negative impact on the amenity of the area and there is limited detail provided regarding the quality of boundary treatments.
- That the building designs are considered generic and not reflective of the scale or pattern of the surrounding area.
- That the submitted shadow analysis is of poor quality and not in keeping with requirements of BR209.
- That the treatment to the Green Road (Mountmellick Road) is not appropriate and it is not appropriate that the design of this unit would be made the subject of condition.
- No lighting design as requested by way of further information was submitted and the lighting layout was made the subject of condition meaning that the appellants cannot comment on the proposed design.
- That the sight visibility at the proposed access to the Beechfield estate road has not been considered in the development.
- That the requested swept path analysis was not submitted and the design of road is therefore sub standard.
- The proposed centralised refuse area is opposed for reasons of amenity and potential dumping.
- No information on road signage or markings.
- No road safety audit has been undertaken.
- That the submission on file from Irish Water states that further information regarding the available capacity is required however this information was never received. It is not therefore clear that this development can be catered for without creating problems for the existing network.
- That the sewer design is such that it would not be self cleansing.

- That the design of the surface water soakaways are seriously sub standard. Petrol / oil interceptors are required.
- A construction management plan should have been required.
- That the applicant delayed responding to the further information request including seeking and obtaining an extension of time, yet did not respond properly to the request. The Planning Authority was therefore precluded from seeking clarification of FI.

6.2. **Applicant Response**

There is no record of a response to the appeal being received by the Board.

6.3. **Planning Authority Response**

There is no record of a response to the appeal being received from the Planning Authority.

7.0 **Assessment**

7.1. The following are considered to be the main issues in the assessment of the subject appeal:

- Principle of development and zoning,
- Design and layout,
- Impact on residential amenity,
- Site access and servicing
- Other issues
- Appropriate assessment.

7.2. Principle of Development,

- 7.2.1. The proposed development involves the demolition of the existing dwelling and outbuildings that are on the site and their replacement with new residential units. The structures proposed for demolition are not included on the record of protected structures and are in a very poor state of repair. The dwelling on site, while originally an attractive house of the period, is not in my opinion of any particular architectural or historic interest and I do not therefore have any objection in principle to its demolition to facilitate new development.
- 7.2.2. The appeal site is located within c. 500 metres of the town centre and within less than 300 metres of Portlaoise train station. The site is therefore conveniently located relative to existing public services and public transport and is, in my opinion such that its redevelopment is consistent with both national policy in the form of the Sustainable Residential Development Guidelines for Planning Authorities and local plan policy. In particular, with regard to local policy, I note the provisions of Policy DM20 of the county plan which states that infill residential development will be encouraged in principle and Chapter 11 of the LAP which requires that new residential development should be located, inter alia, such that they are accessible to local services and transportation and increase residential density. The proposed development is in my opinion consistent with these general aims.
- 7.2.3. The appeal site is primarily located on lands that are zoned Residential 1 Established. The objective for this zoning is *'to protect and improve the amenity of developed residential communities'* and residential development is permissible in principle on lands so zoned subject to compliance with other relevant plan policies and objectives and not having a significant negative impact on the residential amenity of existing residential properties which is considered in more detail in subsequent sections of this report. I note that the site access is proposed to cross an area of lands to the north of the site that are zoned open space under the provisions of the LAP and that the stated objective for such lands is for lands zoned open space is *'to preserve, provide for and improve active and passive recreational open space'* and that the stated purpose of this zone is that the Council will not normally permit development that would result in a loss of open space. In the case of the proposed development, the area of open space in question is not active space and is not directly associated with the Beechfield development to the east of the site.

The development of the access road across part of this area will have some impact on the character of the space, however proposals for the retention of the bulk of the existing planting and replacement of trees that are likely to be lost have been submitted by the first party and the basic function of the area as a landscaped strip will remain largely intact. It is also noted that alternative options for the provision of access to the site are limited given the heavily trafficked nature of the N80 and the adjoining land uses. Overall, the proposed development is therefore considered to be of a form that is acceptable in principle.

- 7.2.4. I note the fact that the third party appellants raise concerns regarding the legal interest of the first party to undertake the development, and specifically that part of the development that involves works on the area of open space to the north of the site. The first party appeal states that this area has been maintained by the residents of Beechfield since the estate was completed, that it is not in the charge of the local authority and that the residents claim beneficial ownership of this area. No clear documentary evidence to indicate that the residents of Beechfield, either individually or as a group, have a formal legal interest in this area has however been submitted. I do not therefore consider that ownership of this area is an issue on which permission should be withheld.

7.3. **Design and Layout,**

- 7.3.1. With regard to density, the initial Planning Officer report and request for further information issued by the Planning Authority, identified excessive density of development as a potential issue. The density of development proposed as per the submitted proposal for 9 no. units equates to approximately 28.5 units per ha. and with the 8 no. units specified in the decision of the Planning Authority, the gross density of development falls further to c.25.5 units per ha. The density proposed is therefore significantly below the general 35 units per ha. standard specified in the County Development Plan and, more notably, below the densities specified in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities. These guidelines identify inner suburban locations in the cities and larger towns such as Portlaoise as suitable for higher densities, albeit with a balance being struck between increased density and the protection of the amenity of existing

properties. The guidelines also identify locations in public transport corridors, such as the appeal site, as being appropriate for higher densities, with net densities of up to 50 units per ha. cited. In summary therefore I do not have any objection in principle to the proposed 9 no. units on the basis of density.

- 7.3.2. The design of the proposed development has been the subject of some amendments on foot of the request for further information issued by the Planning Authority, and the most significant alterations arising on foot of this request comprise the lowering of units 8 and 9 through the omission of the attic accommodation and revisions to the elevations to Unit No.1 to improve its presentation to the adjoining main road. It is proposed that the assessment would proceed on the basis of the revisions proposed in the response to further information.
- 7.3.3. The area of public open space proposed comprises an area of c.250 sq. metres located at the north east corner of the site and an additional area of c.200 sq. metres located at the north west corner. Together these areas exceed the development plan requirement for the provision of 10 percent of the site area as public open space. I would also note the relatively generous private amenity areas proposed and the fact that there is additional open space located to the north of the site which, under the revised layout submitted as part of the further information response, is proposed to be contiguous to the site with the existing northern boundary wall to be demolished. This boundary treatment is objected to by the third party appellants on the basis that it would result in a loss of identity for the Beechfield development, however given that this area of open space would be substantially retained, I do not agree that this would be the case. The third party appellants request that in the event of a grant of permission that a lowered wall is maintained along the northern boundary of the site, however I do not consider that this is necessary from a visual amenity perspective.
- 7.3.4. The scale and basic design of the houses as proposed in the response to further information response submitted to the planning authority is in my opinion generally acceptable. These revised plans have reduced the scale of Units 8 and 9 including the omission of the first floor accommodation and revised the elevations of Unit 1 to provide a better frontage to the Mountmellick Road. I note that the decision of the Planning authority provides for the reduction in scale of all units to match that proposed for Units 8 and 9, however given the context of the site adjoining the main

road, the generally large scale of residential properties on the far (west) side of the Mountmellick road and the presence of the office development to the south I do not consider that the reduction in scale required by Condition 3(a) is necessary or appropriate on ground of visual or residential amenity.

- 7.3.5. The private amenity spaces proposed vary generally between c.70 and 85 sq. metres and are in my opinion acceptable for dwellings of the scale proposed. Rear garden depths vary between approximately 15 and almost 20 metres and with the exception of Unit No.9, no direct overlooking of surrounding residential properties would occur.
- 7.3.6. The treatment of site boundaries was raised as an issue of concern by the third party appellants and the appeal requests that the existing boundary to the Beechfield development, and specifically unit No.10, would be retained unaltered. A structural condition report on file indicates that this wall is in a poor condition and some concerns have been expressed regarding its stability once abutting outbuildings on the appeal site are removed. From the information on file it appears as if the preference of the occupant of No.10 Beechfield is for the retention and repair of the existing boundary wall along the boundary between the site and No.10 and in the event of a grant of permission it is recommended that details of the works to ensure the stability of this wall following the removal of the outbuildings on the site would be the subject of compliance condition with the Planning Authority. The retention and repair of the northern section of this eastern wall as indicated on Site Layout Plan Drg. No. 3315-FIR-02 is considered acceptable and should be retained with the balance of the boundary comprising concrete post and panel fencing. The proposals for the western boundary fronting the Mountmellick including the lowering of the northern sections of this existing wall and the retention of the existing recessed entrance as a pedestrian access is also considered to be acceptable.

7.4. Impact on Residential Amenity,

- 7.4.1. The orientation of the proposed dwellings is such that significant issues of direct overlooking should not generally arise. The proposed Unit No.9 would however be sited such that it would be at a 45 degree angle to No.10 Beechfield and separated by less than 10 metres. As part of the further information requested by the planning

authority, a shadow assessment was submitted. I would agree with the third party appellants that this assessment is not particularly clear, however it does in my opinion indicate that Unit No.9 in the proposed development would have a relatively significant negative impact on the rear garden of houses within the Beechfield development and No.10 in particular. The rear garden of this property is already quite restricted in depth and the significant height of the boundary wall also restricts available light. The omission of Unit No.9 from the proposed development as required by Condition 2 of the Notification of Decision issued by the Planning Authority is therefore considered appropriate on the basis of retention of privacy and light to the rear garden of No.10 Beechfield.

7.5. Site Access and Servicing

- 7.5.1. The development is proposed to be connected to the public water and foul drainage network and the agreement of Irish Water will be required to make a pre connection enquiry to Irish Water. A submission on file from Irish Water indicates that the applicant has engaged with the Irish Water regarding a connection agreement but that this process is ongoing. It would appear that Irish Water require further details as to how the connection to the existing network will be undertaken. No specific constraints to a connection are identified in the submission on file from Irish Water or other internal reports. I note that under the heading of Key Infrastructure (Chapter 11), the 2018-2024 Portlaoise LAP indicates that there is currently capacity in the public waste water and water supply systems.
- 7.5.2. The third party appeal notes that Irish Water indicates that further information regarding the available capacity is required and contend that it is not clear that the development can be catered for without creating problems for the existing network. Concerns are also raised regarding the detailed sewer design and the design of the surface water soakaways. Given the limited scale of the proposed development, the fact that Irish Water have not identified any specific constraints regarding the site and the fact that it is proposed that the site would connect to the foul drainage network on the Mountmellick Road rather than via the Beechfield system, I consider it appropriate that permission would be granted with details to be submitted for agreement. No connection to the network is going to be possible without details

being agreed with Irish Water. The issue raised by the appellants regarding existing drainage issues within the Beechfield estate are noted, however the proposed development would be connected directly to the existing public sewer on the Mountmellick Road and not via existing drains within Beechfield.

- 7.5.3. The appellants have also raised concerns with regard to the adequacy of the proposed surface water attenuation and disposal measures. This issue was also raised with the applicant at further information stage and details of the surface water disposal measures in the form of soakaways and clarification that the parking areas would comprise permeable paving were submitted to the Planning Authority. There is no record on file of a report from the engineering sections of the council relating to the additional drainage details submitted and while the detailed design of the proposed soakaways may require some further detailed design, I do not consider that there is a clear basis that the principle of the proposed design is unacceptable. In the event of a grant of permission, it is recommended that details of the surface water would be required by way of condition.
- 7.5.4. Traffic access to the site is proposed to be via a new access from the Beechfield estate road rather than the use of the existing site access off the Mountmellick Road and given the high traffic volumes on this road the use of the existing Beechfield estate access road is considered appropriate. This existing junction is located within the 50 km/hr speed limit zone and adequate visibility at this junction is available. The third party appellants contend that the issue of sight visibility at the proposed access to the Beechfield estate road has not been considered in the development, however from an inspection of the site I consider that sight lines at the proposed connection point to the existing Beechfield estate road are satisfactory.
- 7.5.5. The internal road layout of the development provides for a turning head at the western end and the appellants note that a swept path analysis for bin and emergency service access was not undertaken. While the internal estate road is not proposed to be a shared surface, I consider that the layout is consistent with the requirements of DMURS and that satisfactory access for refuse collection can be provided.

- 7.5.6. Car parking is proposed at a rate of 2 no. spaces per dwelling with an additional 3 no. visitor spaces provided. This is consistent with the requirements of the development plan and the overall level of parking is in my opinion acceptable given the proximity of the site to the town centre and to the railway station.
- 7.5.7. The proposed centralised refuse area is opposed by the appellants for reasons of amenity and potential dumping, however what is proposed is a centralised bin collection point which is in my opinion acceptable and such as to facilitate refuse collection within the development. The issues relating to a lack of detail relating to road markings and the absence of a road safety audit are noted but are not in my opinion required for a development of this type.

7.6. Other Issues

- 7.6.1. The application documentation includes an application for a social housing exemption certificate which was granted by the Council. Given the number of units proposed and the site size, the provisions of s.47 of the Act relating to social and affordable housing are not considered applicable in this case.
- 7.6.2. The application documentation includes a tree survey and an arborist report that details the trees that are proposed for removal and replacement planting. Limited details regarding additional landscaping and tree planting are provided and in the event of a grant of permission it is recommended that the developer would be required to submit a landscaping plan for the site for the agreement of the planning authority.

7.7. Appropriate Assessment.

- 7.7.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions:

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, the availability of services, the proximity of the site to the town centre and public transportation corridors and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted on the 21 day of December, 2018 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) Unit No. 9 as indicated on the revised Site Layout Plan received by the Planning Authority on 21 day of December, 2018 shall be omitted from the development and this area incorporated into the garden of Unit No.8.

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

Reason: In the interests of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only,

Reason: In the interest of visual amenity.

4. Prior to the commencement of development, the developer shall obtain a connection agreement from Irish Water to connect to the public water and foul drainage networks. Details of all water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The internal road network serving the proposed development shall comply with the detailed standards of the planning authority for such road works.

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

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. The following requirements relating to site boundaries shall be complied with in the development:

(a) Site boundaries shall be as indicated on the revised Site Layout Plan (Drg No. 3515-FIR-02) received by the Planning authority on 21st day of December, 2018.

(b) Details of the works to be undertaken to the existing wall at the north east corner of the site where the site adjoins No.10 Beechfield shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

(c) All rear gardens shall be bounded by timber panel fences, 1.8 metres in height, constructed with concrete uprights.

Reason: In the interests of residential and visual amenity.

9. Naming Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development

shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

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

- (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees, hedgerows and shrubs specifying which are proposed for retention as features of the site landscaping,
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period,
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder,
 - (vi) Hard landscaping works, specifying surfacing materials, furniture finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment,
- (c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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

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

12. The development hereby permitted shall be carried out and completed at least to the construction standards set out in "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

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

Reason: In the interest of sustainable waste management.

14. A plan containing details for the management of waste, including recyclable materials, within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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 interest of protecting the environment.

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 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.

16. The developer shall pay to the planning authority a financial contribution of €32,000 (thirty two thousand euro) 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. The application of any indexation required by this condition 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.

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.

Stephen Kay
Planning Inspector

28th June, 2019