



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304323-19**

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<b>Development</b>	Demolition of house and construction of 3 houses with 2 new vehicular entrances.
<b>Location</b>	"Cuala", Greenfield Road, Dublin 13, D13 F243
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F18A/0661
<b>Applicant(s)</b>	Adrian Peter O'Hare & Timo Barry
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1) Frank Deane 2) Helen Smits & Seadna Long
<b>Observer(s)</b>	Colette Sheridan
<b>Date of Site Inspection</b>	8 <sup>th</sup> of August 2019
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of Greenfield Road (R105), c.170m east of its junction with the Howth Road at Sutton Cross which is the main village centre for Sutton. Sutton DART Station is located c. 600m to the north west of the appeal site and Dublin Bay is located c.100m to the south.
- 1.2. The site is irregularly shaped, and currently accommodates a large detached two storey house with a pitched hipped roof and projecting bays to the front elevation. The house is stated as dating from the 1930s and it is of a similar design idiom to the neighbouring houses to the west, while the house immediately to the east is a detached gable fronted dormer-style dwelling. The remainder of the site is comprised of front and rear gardens serving the house. The gardens include a number of mature trees and hedging along the boundaries. The rear gardens of Nos. 177 and 178 Howth Road are located to the north of the appeal site, while Sutton Tennis Club is located to the north east.
- 1.3. The wider Greenfield Road area comprises a mix of house types and sizes, with the majority of houses being located on relatively generous sites. This is particularly the case for those on the southern side of Greenfield Road, which tend to extend onto the coastline. The building lines and orientations of houses along Greenfield Road also vary, with some houses orientated parallel to the road, while others are orientated perpendicular to their boundaries, which are generally at an offset from the road. There are also some newer more contemporary design, recently constructed two/three storey houses located further to the east, opposite St. Fintan's Church on the opposite side of the road.

## 2.0 Proposed Development

- 2.1. This is to consist of the following:
  - (i) The demolition of an existing two storey four bedroom, detached dwelling;
  - (ii) The construction of house A & B comprising of – 2 new three storey over basement, five bedroom detached dwellings with third storey pitched roof setback, single storey flat roof orangery to rear, balcony to front and roof-lights;

- (iii) House C – comprising of 1 new two storey over basement, four bedroom detached dwelling with, single storey float roof orangery to rear, balcony to the front, and roof-lights.
- (iv) Other works as part of the development include: SuDS drainage, landscaping, boundary treatments, alterations to existing vehicular entrances from Greenfield Road to serve each dwelling house B&C, car parking and all associated works necessary to facilitate the development.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 17<sup>th</sup> of April 2017, Fingal County Council granted permission for the proposed development subject to 19no. conditions. These generally refer to design and layout, infrastructure including relative to access, internal roads layout and drainage, landscaping, construction and demolition management and development contributions.

Condition no. 2 provides that the permission authorises 3 houses and that each proposed residential unit shall be used as a single dwelling unit.

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

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

The Planner's Report has regard to the locational context of the site, planning history and policy, to the submissions made and the inter-departmental reports. Their Assessment includes the following:

- The site lies within the residential land use zoning and the proposed development is therefore acceptable in principle.
- They do not consider that the proposed development or location would undermine the future implementation of the Sutton framework plan.
- They provide a review the previous reasons for refusal relative to F17A/0446 and PL06F.249381 having regard to changes in the subject application.

- They provide an assessment of the proposed design and layout relative to House A&B and House C in the current application.
- They note that a Shadow analysis has been submitted with the application and has regard to issues of overshadowing which are not considered to be significant.
- The site is not within the SAAO, or within the ACA and while they note the mature trees on site they consider that it would be an onerous and unsustainable use of land to omit the houses.
- They consider that a tree survey should be required in addition to a landscaping plan.
- They note that the Council's Parks and Green Infrastructure Section have advised a levy in lieu of public open space should be applied.
- They note the Transportation Section's comments and consider that sufficient on-site parking is available.
- They note the issues with drainage and consider that a more appropriate layout for the sewer should be requested.
- They have regard to tidal flooding related issues – relative to basements etc.

*Further Information Request:*

- A revised layout relative to the sewer network, wayleaves etc should be submitted.
- Revisions to the design of the two storey rendered design feature to reduce its vertical emphasis and introduce additional materials etc.
- A tree survey was requested, including provision for the retention of trees located along the north-eastern boundary of the site with Sutton Lawn Tennis Club. A landscaping plan was also requested.
- A revised Surface Water Drainage Design report should be submitted.

*Response to F.I request:*

Tyler Owens Architects have submitted a response to the Council's F.I request including the following:

- A Tree Survey Layout and proposals for tree replacement have been submitted.
- As shown on the revised drawings the sewer has been centrally located within a 6m wayleave.
- The two storey rendered design has been revised and redesigned and they submit revised plans, elevations and 3 D drawings.
- A landscape plan has been submitted.
- A revised Surface Water Drainage Design has been submitted.

#### *Planner's response*

The Planner had regard to the F.I submitted and their response included the following:

- They note that Irish Water does not raise concerns regarding the proposed wayleave and recommends conditions.
- The engineering report by O'Neill Consultant Engineering Services sets out the proposed foul water system, calculations, including peak flow.
- They have regard to the Tree Survey submitted, and to the visual amenity of the trees vs the need for intensification of residential.
- They note the Landscape Masterplan submitted and note that matters arising can be dealt with by way of condition.
- They note the revised surface water report submitted. Also, that matters relating to flooding were previously accepted as acceptable.
- They concluded that the proposed development would be compliant with planning policies and an acceptable densification proximate to the village centre and local services and would be consistent with the proper planning and sustainable development of the area.

### **3.3. Other Technical Reports**

Transportation Planning Section- They have no objection to the proposed development subject to conditions.

### Parks Division

They recommend that the applicant be required to omit House B and revise the layout in order to allow the retention of the mature tree group and boundary hedges. Also, that a complete tree survey including an Arboricultural Impact Assessment etc, a Bat Survey, a Landscape Plan and AA Screening Report be submitted. They recommend a condition in lieu of the provision of public open space.

### Water Services Department

They note concerns relative to the Engineering Report and surface water drainage and recommend a revised engineering report and drawings as appropriate be submitted. In response to the F.I submission they recommend conditions.

## 3.4. **Prescribed Bodies**

### Irish Water

They have no objection subject to conditions.

## 3.5. **Third Party Observations**

A number of Submissions have been received from local residents and these concerns have been noted and are considered further relative to the issues raised in the Third Party Appeals below.

## 4.0 **Planning History**

- 4.1. The Planner's Report provides details of the planning history of the subject site and proximate sites. The following area the more recent:

*Subject site - current application*

**FS97/18/090** – A Certificate of Exemption was granted pursuant to Section 97 of Part V of the Planning and Development Act 2000 (as amended) by the Council relative to the current application Reg.Ref. F18A/0661.

*Previous Refusals on Site*

**Reg.Ref.17A/0432:** Planning permission refused by the Council and subsequently by the Board for the: Demolition of an existing two-storey four bedroom, detached dwelling and the subdivision of the site to provide for construction of a new three-storey, five bedroom detached dwelling with third storey mansard style roof setback, single storey flat roof orangery to rear, balcony to front and four number rooflights. Other works as part of the development include: Sustainable Urban Drainage Systems drainage, landscaping, boundary treatments, alterations to existing vehicular entrance to be used for new dwelling and all associated works to facilitate the development at “Cuala”, Greenfield Road, Dublin.

This was subsequently **refused** by the Board (PL06F.249381 relates) for the following reasons:

1. Having regard to the pattern of development in the area, it is considered that the proposed development, by reason of its design, scale, bulk, height and proximity to site boundaries would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its scale, bulk and height, would be out of character with the existing residential properties in the vicinity, would constitute piecemeal development by failing to provide a coherent development proposal for the entire lands of which the subject site formed part. The proposed development would, therefore, seriously injure the visual amenities of the area and represent a haphazard approach to development, and would be contrary to the proper planning and sustainable development of the area.

**Reg. Ref. F17A/0446:** Planning permission **refused** in September 2017 for the demolition of the existing house and sub-division of the site to provide for construction of 3 No. three storey dwellings, comprising 1 No. five-bedroom detached dwelling and 2 No. semi-detached dwellings comprising 1 No. four-bedroom dwelling and 1 No. three-bedroom dwelling, all with third storey mansard

style roof setback, single storey flat roof orangery to rear, balcony to front and rooflights. Other works included SuDS drainage, landscaping, boundary treatments, 3 No. vehicular entrances from Greenfield Road to serve each dwelling, car parking and all associated site works.

There were five refusal reasons, three which related to issues concerning the proposed design and layout detracting from the residential character and amenities of the area, with the other two relating to sightlines and inadequate buffer areas around a foul sewer traversing the site. I note that no appeal was lodged in respect of the Planning Authority's decision.

#### 4.2. Surrounding Area

**PL06F.248444 (Reg. Ref. F16A/0564):** Planning permission **granted** for demolition of house and construction of new house at 19 Greenfield Road.

**PL06F.248195 (Reg. Ref. F16A/0478):** Planning permission **granted** for demolition of existing house and construction of three houses at Ouvane, Greenfield Road. These are contemporary dwellings opposite St. Fintan's Church.

**Reg. Ref. F14A/0103:** Planning permission **granted** for the demolition of an existing dwelling and construction of a new two storey house at Dunmuire, Greenfield Road.

**Reg. Ref. F13A/0478:** Planning permission **granted** for the demolition of the existing two storey dwelling and construction of a substitute dormer bungalow at Moyne, Greenfield Road.

**Reg. Ref. F13A/0124:** Planning permission **granted** for the demolition of an existing dwelling and construction of a new two storey dwelling at Seaverge, Greenfield Road.

**Reg. Ref. F08A/0436:** Planning permission **granted** for alterations to previously granted permission F07A/1495 for demolition of existing house and construction of a new two storey detached dwelling at 14 Greenfield Road.

## 5.0 Policy Context

### 5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018).



- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013).
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).

## 5.2. Fingal Development Plan 2017-2023

### *Land use zoning*

The site is within Balydoyle/Howth area, Sheet 10 refers. It is within the RS – Residential zoning objective which seeks to: *Provide for residential development and protect and improve residential amenity.*

Part of the land adjoining to the east is zoned OS – Open Space: *Preserve and provide for open space and recreational amenities.* The Sutton Lawn Tennis Club is located within these lands.

The land to the west is zoned TC - Town Centre where the objective seeks to: *Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.*

The land further to the north is zoned HA -High Amenity which seeks to: *Protect and enhance high amenity areas.*

The site is partially located within a Specific Objective for the - Urban Framework Plan area of Sutton. There is an indicative cycle/pedestrian route along the site frontage. There is an ACA to the south of the site on the opposite side of the road to the site frontage.

### *Consolidation*

Strategic Policy 6 of the Development seeks to consolidate development and protect the unique identities of a number of settlements, including Sutton. Sutton is also identified as a ‘Consolidation Area’ within the Settlement Strategy for Fingal. The Development Plan includes the following Objectives in respect of such areas:

- **SS15:** Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.
- **SS16:** Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities or would otherwise be appropriate in the context of the site.

The development strategy for Sutton is to strengthen and consolidate the role of the existing centre while promoting the retention and provision of a range of facilities to support the existing and new populations. This is supported by the following Objective:

- **SUTTON 1:** Improve and consolidate the village of Sutton including the retention and protection of local services.

### *Placemaking*

Chapter 3 of the Development Plan relates to Placemaking and the following Objectives are noted:

- **PM19:** Prepare Urban Framework Plans, where appropriate, liaising closely with landowners, developers and other relevant stakeholders. These documents shall indicate the broad development parameters for each site and take cognisance of permitted developments and any potential environmental impacts.
- **PM39:** Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.
- **PM41:** Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.
- **PM44:** Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.
- **PM45:** Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

- **PM64:** Protect, preserve and ensure the effective management of trees and groups of trees.

#### *Development Management Standards*

Chapter 12 of the Development Plan sets out development management standards, and the following Objectives are noted:

- **DMS28:** A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.
- **DMS29:** Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.
- **DMS39** New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- **DMS44:** Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.

### 5.3. Natural Heritage Designations

The site is located proximate to the designated area of these Natura 2000 sites:

- North Dublin Bay Special Area of Conservation (site code: 0206); and
- North Bull Island SPA (site code: 4006).
- Baldoyle Bay SAC (site code: 000199)

## 5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Two separate Third Party Appeals have been submitted from the following:

- Thornton O'Connor Town Planning on behalf of Frank Deane who is the adjoining local resident - 'The Moorings'.
- Helen Smits & Seadna Long the adjoining local residents at – 'Scotia' have submitted a petition on behalf of local residents from a number of adjacent properties in Greenfield Road.

As their grounds of appeal are broadly similar, for convenience, they are considered together under the following headings:

#### *Land Use Zoning*

- The design and layout proposed is unsuitable for the subject site and would not protect and improve residential amenities or comply with the residential zoning objective and would unduly impact on the residential amenity and character of the area.

#### *Urban Framework Plan*

- The proposed development is premature pending the making of an Urban Framework Plan for the Area and they have regard to Chapter 3 and Objective PM19 of the Fingal DP in this respect.

- There is a clear need for a plan led strategy to provide comprehensive guidance to ensure that such intensification of sites only occurs in line with the principles of proper planning and sustainable development to protect the character of the area.

#### *Differences to Previous Refusals*

- The revised plans do not differ sufficiently from those originally submitted to the Council (Reg.Refs. F17A/0432 and F17A/0446) to warrant a different decision from the Council and the Board as regards height, massing, bulk and scale.
- Regard is had to the concerns noted in the Inspector's Report relevant to PL06F.249381 and they consider that these issues have not been addressed in the current application.
- The proposal has disregarded the previous reasons for refusal and will have a detrimental impact.

#### *Design and Layout and impact on adjoining properties*

- These large houses to replace one dwelling will be visually obtrusive and create significant overshadowing and overlooking and loss of privacy to neighbouring properties and injure the character of the road.
- Three storey above ground height proposed results in a visually discordant relationship with adjoining properties.
- The proposed roof line is completely out of character with all of the other houses on the north side of Greenfield Road, which have pitched roofs.
- Separation distances between Type A dwelling and 'The Moorings' are inadequate.
- The design of the proposed dwellings provides a very deep plan relative to that of the existing house. The impact of the very deep plan designs is exacerbated by the staggered positioning of the dwellings. The cumulative depth of form will be very significant.

- The Shadow Report submitted is inadequate relative to the impact of these 3 storey houses on adjoining properties.
- The Applicant's response to the F.I submitted resulted in very minor elevational changes relating to materiality Fig. 2.4 of the Appeal submission by Thornton O'Connor relates.
- The F.I submission does not address the overbearing impact of the mass and scale on 'The Moorings'. The impact on the front building line of this property has not been addressed.
- Concerns that the provision of basements will compromise the structural stability of their homes and will exacerbate the potential for flooding at the subject lands.

#### *Access*

- If planning permission is granted for the subject scheme there would be a proliferation of vehicular accesses in close proximity to Sutton Cross.

#### *Drainage*

- Details on drainage including drawings show inconsistencies and are inadequate.
- The proposed amendments and relocation of the existing foul water sewer within the site still has the propensity to cause problems for many properties in the vicinity, which are served by the system.
- Several properties on Greenfield Road experience frequent problems with their foul water systems, and the re-designed pipe, including two almost right angles from Sutton Lawn Tennis Club on the Cuala property may exacerbate these problems.

#### *Impact on the Character and Amenities of the Area*

- This would set an undesirable precedent for further such development on the north side of Greenfield Road.

- A key concern of the proposed premature development is that impacts of the development have not been considered in the context of the development of the surrounding local area.
- The proposal would constitute an overdevelopment of the site, would be detrimental to the residential amenities and character of the area and proper planning and sustainable development of the area and should be refused.

## 6.2. **Planning Authority Response**

They noted that this application was assessed against the policies and objectives of the Fingal DP 2017-2023 and existing government policy and guidelines. They reviewed the Third Party submissions and consider that the planning report addresses the issues raised in a comprehensive manner. They request the Board to uphold their decision and to include Condition nos. 15,17,18 and 19 in their determination.

## 6.3. **Observations**

An Observation has been received from local resident Colette Sheridan. Her concerns include the following:

- The proposed three storey buildings will not be in character with existing residential development in the area.
- They will cause overshadowing to the properties on either side.
- The proposal does not comply with the guidelines of Fingal DP under 'Consolidation Areas with the Gateway' and does not take cognisance of the effect on the surrounding area and its amenities and community.
- Her main concern would be the effect on the drains on the road which are very problematic.
- The concerns of the local community should be taken into consideration.

## 7.0 Assessment

### 7.1. Principle of Development and Planning Policy

- 7.1.1. The subject site is zoned objective 'RS' Residential in the Fingal County Development Plan 2017-2023 where the objective is to: *Provide for residential development and protect and improve residential amenity.* The 'Vision' for the zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.
- 7.1.2. Therefore, while the principle of development is acceptable, this is provided it would not detract from the residential amenities and character of the area. Also, of note is that this proposal is for the demolition of the existing house and the construction of 3no. houses. The Development Plan includes numerous Objectives to encourage consolidation of areas such as Sutton, infill development and the provision of increased densities.
- 7.1.3. The appeal site is partially located within an Urban Framework Plan (UFP) area for Sutton. The Planning Authority did not consider that the proposed development would undermine the future implementation of the UFP (Objective PM19 relates) and noting the residential zoning and the residential nature of the proposed development, and the overall scale of the UFP area, I would concur with this assessment.
- 7.1.1. Regard is had to the 'National Planning Framework Plan 2040' which seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. This supports consolidation, the regeneration of brownfield sites and infill development. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*
- 7.1.2. The 'Sustainable Residential Development in Urban Areas Guidelines' 2009 includes in Section 5.7(b) regard to: 'Brownfield' lands, which may be defined as "*any land which has been subjected to building, engineering or other operations, excluding*



*temporary uses or urban green spaces”*. Also, of note is Section 5.9 of the Guidelines, which provides: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*

7.1.3. The Third Parties consider that the proposed design scheme represents an overdevelopment of the lands and would have a significant adverse impact on the residential amenities of the adjoining properties by reason of being overly dominant, visually obtrusive and overbearing, would result in serious overlooking, would depreciate value of property in the vicinity; would set an undesirable precedent and would be contrary to the proper planning and development of the area. They also consider that the reasons for refusal relative to the previous proposals for residential on this site have not been overcome.

7.1.4. The First Party contends that this proposal addresses the Council and previous Board reasons for refusal on this site. That it represents a sustainable use of an underutilised brownfield and infill site, harmonises with the established streetscape and does not materially impact on the residential amenity of adjoining dwellings. They also note that there are a variety of house types and architectural styles in the area and that the site is located within c.600m of the Sutton Dart Station and close to sustainable transport links.

7.1.5. As noted above the proposed development comprises residential development on residentially zoned lands and so would be acceptable in principle. This is subject to compliance with planning policy and consideration of the planning issues raised and as included in the documentation submitted and considered in this Assessment below.

## **7.2. Regard to Previous Planning History**

7.2.1. The Third Parties consider that the Board’s previous reasons for refusal should still apply to this new proposal. They have regard to the Planning Statement and the Engineering Reports and consider that there is very little change relative to the previous applications.

- 7.2.2. Note is had of the Planning History of the site and the surrounding area in the relevant Section above. In Reg. Ref. F17A/0446 permission was refused by the Council for 3no. houses on part of the subject site for 5no. reasons. The design and layout differed from the current application and these were shown as 3 storey to include one detached and a semi-detached pair, all with third storey mansard style roof setback, single storey flat roof orangery to the rear, balcony to the front and rooflights. The site was then sub-divided and the proposal included that the semi-detached pair were shown set forward of the detached house. The existing house was also proposed for demolition and its vehicular entrance was also shown within the site boundary i.e there would be 3no. additional vehicular entrances along the site frontage instead of one as in situ.
- 7.2.3. Reg.Ref. F17A/0432 (Ref.PL06F.249381) was a concurrent application which referred to the western portion of the site, relative to the siting of a large house where the existing dwelling to be demolished is partially located. It appears that this proposal, along with the 3no. houses proposed in Reg.Ref. F17A/0446 would if permitted allow for 4no. houses to be sited within the total site area. It is of note that both that both of these applications concerned separate parts of the site.
- 7.2.4. Regard has been had to the reasons for refusal relative to these recent applications and as noted in the Planning History Section above. Copies of these decisions are included in the Appendix to this Report. The issue in the current application is whether it addresses the previous reasons for refusal and is deemed sufficiently different, so that it does not detract from the character and amenities of the area.

### **7.3. Regard to the Demolition of Existing House**

- 7.3.1. The appeal site is located within an area classified in the Development Plan as a 'Highly Sensitive Landscape'. Lands on the southern side of Greenfield Road, opposite the appeal site, are designated as an Architectural Conservation Area, and Greenfield Road is signposted at Sutton Cross as being the scenic route to Howth, although it does not appear to be a designated scenic route in the Development Plan. Having regard to these factors, it is clear that the appeal site is in a visually sensitive location and I consider that the preservation of the character of the area and of visual amenities are important aspects in assessing this appeal.

7.3.2. The existing house on the appeal site dates from the 1930s, and it is reasonably consistent in design style and character with the houses to the west, while the houses to the east and on the southern side of Greenfield Road vary widely in design and size. This is a sizable property but fits well within the streetscape due to its width, detailing and its positioning within a generous site which includes mature vegetation. The house appears to be in reasonable condition, although as the applicant notes, its energy efficiency would likely be poor compared with a new-build house. I would concur with the Inspector's comments in Ref. PL06F. 249381 (previous proposal on this site) and would consider that the existing house makes a positive contribution to the streetscape. It is noted however, that reference to the character of this building proposed for demolition, was not included in the Board's reasons for refusal relative to the previous application. While it is not a Protected Structure or in an Architectural Conservation Area (shown on the opposite side of the road), it appears as a habitable dwelling (now vacant and boarded up) on its own grounds in character with houses including 'The Moorings' to the west. I would consider that any proposal for demolition and redevelopment of the site must provide a high quality design and layout that respects the existing residential and visual amenities of the area while providing a more sustainable density in this designated 'consolidation area'.

#### **7.4. Design and Layout**

7.4.1. A Planning Statement in support of the current application has been submitted. The development proposed, comprises the demolition of the existing two storey dwelling house (287sq.m) and the development of 3no. detached dwelling houses (1no. two storey over basement and 2no. three storey over basement dwellings with a total area of 1,121sq.m. Therefore, this proposal will result in a densification of residential development i.e from 1 to 3 dwellings on the subject site. The current proposal differs from those previously refused relative to the design and layout and the no. of dwellings being reduced from 4 to 3no. all with separate vehicular entrances and encompassing the total site area. It is also noted that the finished floor level of the dwellings has been adjusted to 4.0m above OD Malin.

- 7.4.2. Regard is had to the Site Layout Plan submitted which shows the orientation of the proposed dwellings. Similar three storey detached House Types A and B are to be staggered with the lower two storey no. C set further forward on the site so that it corresponds more to the line of the single storey detached bungalow 'Scotia'. It is noted that there is not a rigid building line and the existing house is set slightly further forward of 'The Moorings', the two storey detached house to the west.
- 7.4.3. House Type A is to be positioned immediately to the west of the two storey house 'The Moorings'. The plans show a 3no. storey living accommodation over basement level dwelling with a gross floor area of 399sq.m. The floor plans provide 5 bedrooms with the master bedroom and front facing landscaped terrace at the third floor level. Basement level is to provide utility, store and plant room (c.70sq.m). It is proposed that there be a single storey kitchen/living room at the rear. House Type B is to have the same dimensions as House Type A and both are of similar design and layout. Dwelling A has a rear garden of 265sq.m while dwelling B has a rear garden of 300sq.m.
- 7.4.4. House Type C, which is proposed to be sited at the eastern side of the Cuala plot is 2no. storeys over basement and provides a g.f.a of 323sq.m i.e 252sq.m (not including the basement). As shown House Type C is to be positioned significantly forward of Houses A and B. It has a private open space of 200sq.m and is setback 6m off the boundary with 'Scotia' to the east. The area shown as the wayleave for the diverted sewer is to be part of the side garden area. As this house is to be set further forward in particular the western facing elevation will be more visible in the streetscape when traveling from Sutton direction.
- 7.4.5. As shown on the Front Contextual Elevation to Greenfield Road the building height of the proposed dwellings is marginally higher than that of the dwelling to be replaced. However, it is noted that the bulk and massing of the front elevations of House Types A and B is somewhat broken up. House type C is lower in view of the single storey 'Scotia' to the east. As shown relative to the proposed side elevations these are deep plan houses, relative to the existing houses in the area. House Types A and B provide a maximum width above ground of 10m and a depth of 21m. It is considered that this single storey element at the rear assists in breaking up the massing of the deep plan side elevations. House Type C a maximum width above

ground of 9m and a depth of 19m. By comparison the existing dwelling has a maximum width of 15m and a depth of 11m for the majority of its form (increasing to 12.7m at the garage).

- 7.4.6. The Third Parties consider that by reason of design, bulk, scale and height, proximity to 'The Moorings' and the drains proximity to Scotia planning permission should be refused. Minimum separation distances to 'The Moorings' relative to the proposed new dwelling are shown as 1.95m which falls short of the planning requirements of 2.3m as stated in Objective DMS29 of the Fingal DP. They submit that the depth of design provided is completely unacceptable for the 3 storey development and the overall design and layout will be overbearing and obtrusive in the context of existing residential. Also, that the proposed balconies/terraces to the front of the properties are on the top floor front facing and will overlook to an unacceptable level the homes beside and opposite.
- 7.4.7. There are concerns that the building height proposed for houses A&B on the 'Cuala' site has no regard to the existing residential context and would result in a loss of daylight and sunlight. Also, that the Shadow Report submitted is incomplete. That the proposal will impact adversely on evening light to the grounds of the adjoining property 'Scotia' and also does not take The Mooring Property into account. That the proposed design will result in overlooking, loss of privacy and overshadowing.
- 7.4.8. The Planning Statement provides that there are no windows to the gable ends of dwellings A and C to ensure no overlooking of adjoining properties. It is noted that the plans show frosted glazing in the first floor side windows. It is recommended that all glazed areas in the first and second floor side elevations and screens to the front terrace area be obscure glazed/opaque glass and that this be conditioned should the Board decide to permit.
- 7.4.9. The application is accompanied by a Shadow Analysis which provides that there is no material impact on the amenity of future occupants of the dwellings within the site or on the amenity of the adjoining property owners. It is noted that this has regard to the impact of the proposed dwellings and does not show how this differs from that of the existing dwelling. It appears that there will be some additional overshadowing of 'The Mooring's to the west at 9am on March 21<sup>st</sup> and on September 21<sup>st</sup>. However, it is noted that the existing house is two storey and while marginally lower is very close

to the western site boundary. It also appears that House Type C in view of its forward setting will cause some overshadowing to the front garden area of House Type B.

- 7.4.10. Having regard to external finishes, the proposed houses would be mainly clad in brick, with render and timber inserts to the breakfront feature and part of the eastern elevation. The roof structure would be zinc clad. While I would not object to the contemporary design and layout the issue is whether they would be acceptable taking into account the character of the area. Regard is had further to the issues raised including landscaping and impact on the character and amenities of the area in this Assessment below.

## 7.5. Landscaping issues

- 7.5.1. There are a number of trees on site which would have to be removed and there are concerns about the loss of these mature trees would be to the detriment of the character of the area including Sutton Cross Village and that this would contravene Objective PM64 of the Fingal CDP. It is noted that the trees and hedgerows on site contribute significantly to the area and there is concern that these should be retained. The proposal will include the loss of many of these trees including the mature beech tree with visual amenity value but will provide for a densification of residential accommodation on site. It is also noted that the applicant proposes tree replacement planting to mitigate the tree loss over time.
- 7.5.2. An Arboricultural Report has been submitted as part of the F.I. The assessment was carried out on 12 trees; 5 hedgerows and 1 group consisting of small trees and shrubs. The location of these trees, the extent of the spread of their crowns and their Root Protection Areas (RPA's) are shown on the Tree Survey Plan in Appendix B of this Report. Dimensions, comments and information for each tree and group are given in the Tree Schedule at Appendix A. It is noted that this proposal requires the removal of nine trees; one hedgerow; one group, and the part removal of four hedgerows. They provide that the majority of these are of low quality and value (C Category) but that one tree is of moderate quality and value (B Category). It is noted that the Tree Schedule shows that 4 of these trees i.e. T5 - Beech, T6, T7 and T8 - all Elm are within the B2 Category. Also, that T5 will need to be removed relative to

the siting of House B. The Report notes that the installation of the proposed sewer line which is required to connect to the existing sewer line will require works to the root protection areas or the removal of some of these Elm trees.

- 7.5.3. The Arboricultural Report submitted as part of the response to the Council's F.I request has regard to the details of tree works as specified in the Tree Schedule in Appendix A. This notes that the proposal involves the removal of 9no. trees; one hedge; one group, and the part removal of four hedgerows. The Report notes that of the 15 survey entries proposed to be removed or part removed, one tree is of moderate quality and value (B Category), and 14 trees, hedgerows and groups are of low quality and value (C Category). They note that tree pruning works are required to be carried out on the early-mature elm, ref. T8, to facilitate construction and to create an acceptable juxtaposition between the crown spread of the tree and the elevation of the building. The location of the proposed sewer has been revised to reduce the impact on the three elm trees (T6-T8) located within the north eastern corner of the site as stipulated in the F.I request.
- 7.5.4. Regard is had to tree protection measures in accordance with standards during the construction and demolition works and this includes protective fencing for the remaining trees. Details are included of the revisions to the sewer line relative to these trees and notes that all tree works must be carried out in accordance with current standards. Arboricultural supervision during the works is recommended including that the required excavation works to install the proposed sewer line are carried out in accordance with best practice.
- 7.5.5. In response to the F.I submitted the Parks Division of the Council provide that the proposal to remove 9no. of the 15no. trees on-site including a mature beech in good condition is deemed excessive. A revised layout of 2 rather than 3 dwellings is in their view preferred in order to retain such trees of high amenity value that contribute to the street scene from both Greenfield and Howth Roads. They recommend conditions relative to Tree Protection measures during construction works and for the provision for a Tree Bond and implementation of a Landscaping Plan. As there is no public open space to be provided on site, they recommend a financial condition in lieu of the provision of public open space. They provide that this would be in accordance with section 48 of the Planning and Development Act 2000. Also, that

this contribution will be applied towards the continued upgrade & development of Class 1 open space facilities in the Baldoyle/Sutton area. Condition no.18 of the Council's permission relates and it is recommended if the Board decides to permit that such a condition be included.

- 7.5.6. On my site visit in August the trees were in full leaf and I noted that they while set back from the site frontage contribute to the streetscape. I also noted that T5 is close to and the group of trees T6, T7 and T8 are to the west of the existing house. The trees and planting add to the sylvan character of the existing house in the streetscape. The proposed development will lose this character and appear as a contemporary development in the streetscape.

## 7.6. **Regard to Development Contribution in lieu of Open Space and to Tree Bond**

- 7.6.1. Objectives DMS57A and 57B of the Fingal Development Plan require 10% of the site area to be designated as public open space. It is noted that the Council's Park's and Green Infrastructure Division provides that as no public open space is provided on-site the shortfall in the quantum of public open space generated through the development is 263sq.m. They note that the applicant is required to make up this shortfall by way of a financial contribution in accordance with section 48 of the Planning & Development Act 2000. This contribution is then to be applied towards the continued upgrade and development of class 1 open space facilities in the Baldoyle/Sutton area.
- 7.6.2. The Council have made provision for this in Condition no.18 of their permission - €15,436 to be paid by the applicant in lieu of the shortfall in open space of 263sq.m. It is of note that Class 3 of Section 9(a) of the Council's Contribution Scheme provides for: *Community & Parks facilities & amenities*. It is however more general and does not refer specifically to what happens when there is a shortfall in open space provision on an application site. This is provided for in Section 9(b) of the scheme i.e: *The Fingal Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development*. In this case the Council has determined that this condition is applicable in lieu of the lack of provision of public open space on the site. I would consider that as there is provision for such in the *Fingal*



*Development Contributions Scheme 2016-2020 (as amended)* and would recommend if the Board decide to permit that such a condition should be applied.

- 7.6.3. It is noted that the Parks Division recommended a Tree Bond of €15,000 to be lodged with the Council in order to ensure that the trees are protected and maintained in good condition throughout the course of development. They advise that this bond will be held by Fingal County Council for a period of 3 years post construction which may be extended in the event of possible construction related effects. The Council's Condition no. 15 relates, but only refers to a sum of €5,000. No explanation has been made as to this reduced sum. It is recommended if the Board decides to permit that such a condition be included and that €15,000 be stipulated.

## **7.7. Access and Parking**

- 7.7.1. As shown on the Site Layout Plan there is currently one vehicular entrance to the site and it is proposed to form an additional two entrances to serve House Types B and C. Each detached dwelling is to have a single entrance onto Greenfield Road i.e 3no. entrances in total in lieu of 1no. entrance existing onto Greenfield Road.
- 7.7.2. There is concern that the addition of two new entrances are still too many on a road with such an amount of footfall and traffic. It is noted this is a busy through route and that traffic for three schools approaches by Greenfield Road. However, it is within the urban speed limits. The Engineering Report submitted with the application provides that adequate sightlines are available for each house. As shown on the Site Layout Plan there is sufficient space for the provision of two in-curtilage parking spaces as per the requirements of the Development Plan Standards.
- 7.7.3. It is noted that the Transport Planning Section of the Council has no objection to the proposed development subject to conditions. These include that the front boundary treatment shall be reduced to a maximum height of 900mm along with the boundary walls dividing the three sites for a distance of 2.5m from the front boundary wall to provide for inter-visibility between pedestrians on the public footpath and vehicles emerging from each of the sites. If the Board decide to permit it is recommended that this be conditioned.

## 7.8. Impact on the Character and Amenities of the Area

- 7.8.1. The current streetscape of Greenfield Road comprises a variety of styles of houses from Edwardian to modern build. There are currently no 3 storey houses on the north side of Greenfield Road. There is concern that the house to be demolished that is currently on site matches this area of Greenfield Road and that the overall design and layout proposed will be out of character with the general area. Third Parties consider that the proposed development would impact adversely on the existing residential properties in the vicinity. Also, that it would constitute a piecemeal haphazard development. They consider that this development would seriously injure the residential amenities and depreciate the adjoining property values by reason of sterilization of land, visual obstruction and over shadowing.
- 7.8.2. There is also concern that the proposal as a new infill development would not comply with Objective DMS39 in that the height of the proposed development is excessive, the density too high and the character and design is not in keeping with the surrounding residences. That Greenfield Road has a unique residential and distinctive character and that this proposal would set an undesirable precedent and would not respect the character of other residences in the area and would thus be contrary to Objective DMS44.
- 7.8.3. There are concerns that this proposal would set an undesirable precedent for other similar developments and this would cumulatively injure the visual amenities of the area and of property in the vicinity. It is of note that there are other contemporary houses further to the east opposite St Fintan's Church on Greenfield Road. Permission for these was granted recently by the Board Ref.PL6F.248195 refers. In that case the Inspector considered that the proposed development represented an efficient use of zoned and serviced land and was in keeping with Development Plan policy in relation to urban infill and the protection of the coast. However, each case is considered on its merits and it is noted that the subject site presents a different scenario, relative to the character of the existing house, the surrounding residential development and the sylvan nature of the site. The Board may wish to refuse relative to these issues and in particular having regard to the impact the proposal will have on the vista provided by the existing trees and landscaping on the site.

7.8.4. It must be noted that these are contemporary houses that do not reflect the character of adjoining houses or of the immediate area. However, they provide for a different more contemporary design and provided high quality external finishes are used could also be said to be innovative on the subject site. While marginally higher, they will appear stepped in view of the three/two storey nature and the staggered layout. While they will appear very different they will make a more efficient use of the site within the residential land use zoning. In view of their orientation I would not consider that they would detract from the existing dwellings either side, noting that 'The Moorings' is a more traditional mid twentieth century two storey house and 'Scotia' a detached bungalow. In this respect having regard to the design and layout I would consider that they would not have a negative impact on the area and would comply with Objective PM45 of the Fingal CDP.

## 7.9. **Drainage issues**

- 7.9.1. Local residents have expressed concerns that there are ongoing problems with drainage in the area. Also, that insufficient details have been submitted relative to drainage. There is an existing foul sewer that traverses the site and the proposed relocation of the foul sewer pipe necessary to facilitate this proposal is of concern. This includes relative to the proximity to the boundary of Scotia and concerns about possible sterilization issues. They suggest that this drain should be relocated to the mid point of the 6m strip of land, so as not to impede on Scotia. They are also concerned that there be no encroachment by the 6m wayleave on this property. Sutton Lawn Tennis Club note that the existing foul sewer runs through their grounds and are concerned about the re-routing of the foul sewer on the Cuala site, relative to blockages etc and their preference is for a revised re-routing.
- 7.9.2. The application is accompanied by an Engineering Report which includes details of connections to services for the proposed development. It is proposed to discharge foul water to the 225mm diameter foul sewer that currently crosses the site. The foul sewer layout for the proposed development is shown on the drawings submitted. Part of the works will be to divert the existing sewer through a wayleave. They provide that this has been granted by Irish Water and are satisfied there is adequate capacity.

- 7.9.3. They provide details relative to Surface water drainage from the proposed development which include that it will discharge via infiltration techniques. Also, relative to compliance with SuDS principles including the construction of driveways and footpaths to each house using a permeable block paved surface and attenuation proposals.
- 7.9.4. The water supply to the site is to be from the existing watermain located on the Greenfield Road and a new connecting watermain is to be constructed as shown on the services drawings submitted.
- 7.9.5. The Council's Water Services Department noted that the Engineering Report as originally submitted contradicts itself with regards to the surface water proposal. They recommended that prior to the commencement of construction the developer should submit a revised Engineering Report and drawings as appropriate.
- 7.9.6. In response to the Council's F.I request a revised Engineering Report and drawings showing the wayleave on the site were submitted. This also provides that the layout of the sewer has been coordinated with the Arboricultural Consultant. In relation to concerns raised about blockages they provide that they have introduced manholes on the diverted sewer where a change of direction of the sewer occurs. Also, that this is a standard engineering practice and allows access to the line should a blockage occur.
- 7.9.7. This revised Report also notes that surface water from the proposed development will discharge into a soakaway. They note that the Drainage Design for the proposed development including calculations are detailed in Appendix C. The Appendices submitted provide further details relative to drainage.
- 7.9.8. In response to the F.I submitted the Council's Water Services Department does not object and recommends conditions. These include no surface water/rainwater to discharge into the foul water system and that the surface water drainage to be in compliance with current standards. It is noted that Irish Water does not raise concerns regarding the width of the proposed wayleave, which is fully contained within the application site or regarding the effectiveness of the sewer to serve the existing and proposed development. They recommend conditions to include that the location of the proposed realigned sewer to the east of House C shall be central

within the provided 6m wayleave. If the Board decide to permit it is recommended that an appropriate condition relative to drainage be included.

## 7.10. Regard to Flood Risk

- 7.10.1. A Flood Risk Assessment is contained in Section 4 of the Engineering Report submitted. This has regard to the *Planning System and Flood Risk Management Guidelines for Planning Authorities 2009*. This includes that the site is relatively flat and there are no known water courses in the vicinity. Dublin Bay is approx. 1km to the south and approx. 4km to the north. This notes that an internet search (including regard to Floodmaps.ie) was carried out and that no flooding incidents were recorded at the site. Flood zone maps for the Howth/Baldoyle/Sutton areas are shown in Appendix D3 of the Report. The site is identified as located outside Flood Zone A or B and also outside the indicative flood event. Table 4.2 notes that the site has a residual risk from Tidal Flooding and Pluvial (urban drainage) on site run off.
- 7.10.2. Section 4.4 of the Engineering Report includes Mitigation Measures relative to Flood Risk. Due to the proximity of the site to the coast, the finished floor level for the 3 houses have been set at 4.00m OD which is 660mm above the 0.1% AEP Flood event. They note infiltration methods have been utilised to drain the pluvial sources of flooding on the site i.e storm water.
- 7.10.3. Section 4.5 has regard to the Justification Test. The Report provides that they have demonstrated that the proposed site is outside Flood Zones A and B and that the stormwater design will treat all site run-off. The Report concludes that there is a residual risk of flooding from tidal and on-site runoff. However, the finished floor level is 660mm above the predicted flood level during the 0.1% AEP Flood event and regular maintenance will ensure that SuDS techniques for the site are not blocked. It is considered that the proposal is in compliance with the core principles of the *Planning System and Flood Risk Management Guidelines*.
- 7.10.4. The Third Parties are concerned that creating basements may cause movement in the foundations of neighbouring residences and alter the water table on the road. They are concerned that the Engineering Report does not deal with the technical implications of including basements in the design. Also, in an area subject to a risk

from tidal flooding of the impact digging for the basements will have on Scotia and the neighbouring properties.

7.10.5. The revised Engineering Report refers to the basements proposed in the 3no. houses and noted that when the basements are complete, they are of the opinion that they will not have an impact on ground water levels in the vicinity of the house. Ground water will have to be managed during construction. They provide that on completion the ground water will revert to normal levels which are influenced by climate, rainfall etc. However, having regard to the scale of the proposed houses, proximity of trees on site and the third party concerns relative to the excavations for the basements, I would question the need for same relative to these houses on the subject site. I would recommend that if the Board decides to permit that it be conditioned that the basement areas be omitted.

#### **7.11. Screening for AA**

7.11.1. It is noted that the Council's Parks Division considered that given the site's proximity to the SPA within Dublin Bay & Baldoyle Estuary an AA screening is advised to ensure that the proposed development does not have negative impacts on the surrounding ecology and sensitive landscape.

7.11.2. The applicant has noted that previous applications screened out the requirement for a Stage 2 AA, including PL06F.249381 in the Inspector's Report to the Board. They provide that given the current proposal is for a reduced number of dwellings at the same location it is submitted that there is no requirement for a stage 2 AA.

7.11.3. In this case as has been noted in the documentation submitted there are no receptors including watercourses on or in close proximity to the site. Given the urban environment and fully serviced nature of the area, it is not considered that the proposal would negatively impact upon the integrity of the Natura 2000 site network, its qualifying interests or hinder in the implementation of the designated sites' conservation objectives.

7.11.4. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European Site, 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 and projects on a European Site.

## 8.0 Recommendation

- 8.1. It is recommended that the proposed development be permitted subject to the conditions below:

## 9.0 Reasons and Considerations

Having regard to the zoning provisions of the Fingal Development Plan 2017-2023, the location of the site within the residential area in Sutton, the nature of the existing dwelling proposed for demolition, the nature and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience and in terms of flood risk. 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 25th day of March 2019 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. Each premises shall be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations, 2001, as amended.

**Reason:** To prevent unauthorised development

3. The proposed development shall be amended as follows:
  - (a) The basement level for each of the houses i.e House Types A, B and C shall be omitted.
  - (b) First and Second floor windows/glazed areas in the side elevations shall be obscure glazed.
  - (c) Opaque glazed screens 1.8 metres in height, shall be erected at the sides of the landscaped terraced area proposed for House Types A and B and at the side of the balcony proposed at House Type C.

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 the visual and residential amenity of the area.

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

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

5. The trees along the northern site boundary shall be retained and prior to the commencement of development a comprehensive boundary treatment and landscaping scheme for the site, to include a plan for the protection of existing trees to be retained, during construction, shall be submitted to and agreed in writing by the planning authority.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.



6. Details of proposed boundary treatments at the perimeter of the sites, including heights, materials and finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. The vehicular accesses and driveways, serving the proposed development, shall comply with the requirements of the planning authority for such works.

**Reason:** In the interests of amenity and of traffic and pedestrian safety

8. 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.

9. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

**Reason:** In the interest of visual amenity

10. 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 traffic management measures and off-site disposal of construction/demolition waste.

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

13. 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 of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

14. A tree bond of €15,000 shall be lodged with the Council prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. The tree bond shall be held by the Council for a period of 3 years and shall not be released until an arboricultural assessment report and certificate signed by a qualified arborist has been submitted and any remedial works have been fully undertaken to the satisfaction of the planning authority.

**Reason:** To ensure the protection and long-term viability of trees to be retained on site.

15. A financial contribution in the sum €15,436 shall be paid by the applicant to Fingal County Council in lieu of open space provision for the proposed development, towards the cost of amenity works for the continued upgrade and development of class 1 open space facilities in the Baldoyle/Sutton area in accordance with the requirements of the Fingal Development Plan based on a shortfall of 263sq.m of open space.

**Reason:** The provisions of such services in the area by the Council will facilitate the proposed development. It is considered reasonable the developer should contribute towards the cost of providing the services.

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, 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.

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Angela Brereton  
Planning Inspector

15<sup>th</sup> of August 2019