



An
Bord
Pleanála

Inspector's Report ABP-304659-19.

Development	Permission for the construction of 25 houses and associated site development works including roads, footpaths and landscaping.
Location	Ardeevin Avenue, Lucan, Co. Dublin.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD18A/0310.
Applicant(s)	Phoenix Croft Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellant(s)	William & Anne McSweeney v grant of permission.
Observer(s)	None.
Date of Site Inspection	6 th September, 2019.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The site the subject of this appeal is located to the north of the N4 Lucan by-pass and to the east of Ardeevin Avenue, in Lucan Co. Dublin. Access to the site is over the existing estate roads of the wider Ardeevin Estate, which lies to the west of the site. The existing estate road ends in a cul-de-sac at the proposed entrance to the site.
- 1.2. The subject site has a stated area of 0.96ha and is currently undeveloped and fenced off. I could not gain access to the site on the date of my site inspection and it appears that the boundaries of the site comprise mature hedgerows. The northern most tip of the site backs onto an area of public open space associated with Ardeevin Court, while the open space associated with the Lucan Centre lies to the north east.

2.0 Proposed Development

- 2.1. The application to South Dublin Council was permission for the Construction of a 25 unit residential housing development on a site extending to 0.96 hectares to the north of the N4 Lucan by-pass and to the east (end of) Ardeevin Avenue, consisting of the following: 1 detached, two and a half storey 5 bedroom house (Type 1, 295sq.m); 1 detached, two and half storey 5 bedroom house (Type 1a, 270sq.m); 1 detached, two and a half storey 4 bedroom house (Type 1b, 270sq.m); 1 detached, two and a half storey 5 bedroom house (Type 1c, 280sq.m); 1 detached, two and a half storey 5 bedroom house (Type 1d, 270sq.m); 8 detached, two and a half storey houses (Type 2, 150sq.m each); a two storey, semi-detached block consisting of: 1 two bedroom house (Type 3, 70sq.m); 1 two bedroom house (Type 3a, 74sq.m), 10 semi-detached two and a half storey houses (Type 4, 150sq.m each); all associated site development works including landscaping works, public lighting, ground works, (reduction of existing site level), boundary treatment, roads, footpaths, foul drainage, surface water drainage including attenuation, water main and site entrance piers (with no gates) all at Ardeevin Avenue, Lucan, Co. Dublin.
- 2.2. The proposed development will employ a number of materials including brick, sheet metal cladding to dormer windows and render finishes to the walls and concrete tiles to the pitched roofs. The design provides for A rated uPVC windows and doors and

soffit and fascia will be uPVC as will gutters and downpipes. Each house is proposed to be provided with PV panels on the roof while 2 car parking spaces will be provided per house.

2.3. The layout proposes an area of public open space to be located almost centrally in the site with the majority of houses facing onto it. The proposed development provides for a development of 25 residential units, and a density of 26 houses per hectare as follows:

Type	Unit Type	Floor Area	No
1	2.5 storey double fronted detached 5-bed	295m ²	1
1a	2.5 storey double fronted detached 5-bed	270m ²	1
1b	2.5 storey double fronted detached 4-bed	270m ²	1
1c	2.5 storey double fronted detached 5-bed	280m ²	1
1d	2.5 storey double fronted detached 5-bed	270m ²	1
2	2.5 storey detached 4-bed	150m ²	8
3	2 storey semi-detached 2-bed Social & Affordable	70m ²	1
3a	2 storey semi-detached 2-bed Social & Affordable	74m ²	1
4	2.5 storey semi-detached 4-bed	150m ²	10

2.4. A number of reports and documents were submitted in support of the proposed development including:

- Planning Report & Assessment
- Landscape Plan
- Drainage Report
- Planning Application Form and relevant Plans and Particulars for the proposed development.

2.5. Following the submission of the response to FI the following reports were submitted:

- Inward Noise Assessment
- Ecological Impact Assessment
- Arboricultural Report
- Construction Traffic Management Plan
- Construction & Demolition Waste Management Plan
- Landscaping Specification
- Landscape Design Rational
- Timescale for Landscape Implementation and Maintenance
- Play Space Rational

3.0 Planning Authority Decision

3.1. Decision

Following the submission of response to the further information request, the Planning Authority decided to grant planning permission for the proposed development, subject to 22 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers initial report considered the proposed development in terms of the requirements of the Development Plan, the density and dwelling mix, design & residential amenity, visual impact and landscaping, public open spaces, roads and traffic issues as well as the comments and submissions from internal departments and external bodies, including third party objectors. The report recommends that FI be sought with regard to a number of issues including as follows:

- Acoustic Report.
- Revisions to house plans to provide minimum floor areas and garden areas.
- Amendments to comply with DMURS.
- Road levy.
- Heritage officer requirements relating to bat and badger surveys, assessment of potential ecological impacts, arboricultural survey and an outline of mitigation measures to address potential impacts on ecological issues.
- Increase surface water attenuation.
- Amendments to boundary treatments.
- Parks and landscape issues.
- Public lighting
- Construction Traffic Management Plan
- Construction and Demolition Waste Management Plan
- Full set of drawings required for house type 4.

Following receipt of the response to the FI request, the final planners report notes that while the bulk of issues raised have been dealt with, the outstanding issues can be dealt with by way of condition. The report also includes AA Screening and recommends that permission be granted subject to conditions.

3.2.2. Other Technical Reports

Parks & Landscape Services: The report submits that the proposed landscape plan is very basic with limited detail provided. There is inadequate passive and active recreational opportunities provided in the proposed development.

Further information required in relation to a number of issues.

Following receipt of the response to the FI request, the report notes the proposal to remove an excessive number of hedgerows, contrary to the CDP. In addition, it is noted that:

- The bat survey was carried out outside the bat season and is therefore insufficient. This survey should be redone.
- The site layout should be revised to ensure suitable trees are retained and incorporated into the development.
- Many landscape features, including trees and hedgerows, appear to be in conflict with proposed services. A landscape plan / arborist drawing to be submitted with an overlay of existing and proposed services to ensure there is no conflict.
- Inadequate information submitted in response to the FI request including no cross sections, no tree pit details or infill hedgerow planting.

The report provides a number of conditions to be included in any grant of planning permission.

Roads Department: The report raises a number of issues in relation to the proposed road width and lack of access to other zoned lands adjacent to the site. Issues are also raised in relation to the footpaths and traffic calming proposals and lack of a noise impact assessment having regard to the location of the site adjacent to the N4. Finally, a public lighting design is required. Further information is required.

Following receipt of the response to the FI request, the Road Department advised no objection subject to conditions.

Water Services: A number of concerns raised in relation to surface water proposals. No objection in relation to flood risk. Further information required.

Following receipt of the response to the FI request, Water Services advised no objection subject to compliance with condition.

Housing Department: Part V condition to be attached to grant of planning permission.

Environmental Services: The development is of a scale which requires the preparation of a Project Construction and Demolition Waste Management Plan. Further information required.

Heritage Officer: No assessment has been submitted in relation to the existing ecological resources on the site, and no assessment of the possible presence of protected species. There is also a lack of an arboricultural survey. Further information required.

Environmental Health: Following receipt of the response to the FI request, the EHO notes that the proposed development is acceptable subject to compliance with specifications for glazing and ventilation set out in the Acoustic Report. It is further noted that the site has been used for dumping in the past and therefore, there is potential for the site to be contaminated. A non-standard condition to safeguard against any land contamination issues is to be included. Other conditions recommended.

3.3. Prescribed Bodies

Transport Infrastructure Ireland: The TII relies on the Planning Authority to abide by official policy in relation to development on/affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines.

Following receipt of the response to the FI request, TII submitted a further letter restating their position.

Irish Water: No objection in relation to water. The report does, however, indicate that there is a possible foul sewer capacity issue where the development proposes to connect. The matter is to be resolved between the applicant and Irish Water.

3.4. Third Party Observations

There are nine third party submissions noted on the PAs file. The issues raised are summarised as follows:

- Inadequate capacity in the drainage / sewerage system
- The existing road system is not sufficient to accommodate the development and dangers to drivers, pedestrians and children during construction works and after due to increased traffic on the road.
- Increase in both air and noise pollution including dust.
- Impact on existing residential amenities.
- The site of the proposed development was originally zoned for amenity and recreational purposes and the zoning was changed without consultation with the residents.
- An alternative access via Primrose Lane should be considered and would be less dangerous and disruptive.
- The proposed boundary fencing is not in keeping with the old stone walls in the area.
- Environmental assessment needs to be carried out as the site has been used as a dump for many years giving rise to potential contamination.
- It is important that emergency services have unhindered access to existing homes.
- The site levels should be lowered as if the development goes ahead, it will overshadow existing houses.

- Who will be responsible for addressing problems such as water leaks, sewerage blockages, damage to roads, kerbs or walls.
- The development will give rise to overlooking and will be visually intrusive.
- The removal of the existing cul-de-sac will negatively alter the immediate area which is where children play.
- The increase in the road length will give rise to further speeding.
- If permitted, the development should be conditioned to remain a cul-de-sac.
- Impacts on wildlife on the site and potential for rodent infestation. An Ecological assessment should be required.
- The height of the proposed houses should be no higher than the existing houses to maintain symmetry and to prevent overlooking.
- If the development is to be taken in care by a private Management Company rather than South Dublin County Council, it is untenable to link in water, waste or any other services with the council managed Ardeevin estate.
- The development will devalue existing properties losing the cul-de-sac position which has been held for 47 years.
- There is a difference in the site area from the previous application on the site.
- It is feared that the development will result in the loss of trees.
- A Traffic Impact Assessment is required.
- Issues raised with the location of the proposed public open space adjacent to the N4, with the potential to cause accidents, eg, a stray football kicked over the wall and into the road.

4.0 Planning History

The following is the planning history associated with the subject site:

4.1. On Site:

ABP ref ABP-303528-19 (PA ref VSL 315): Section 9 Appeal against section 7(3) Notice - Notice of entry on vacant site register. The notice was confirmed by the Board on the 14th of August, 2019.

ABP ref PL 06S.213561 (PA ref SD05A/0405): Permission refused, and upheld on appeal, for the construction of 11 no. 5 bedroom 3 storey detached houses and associated site works.

The Board will note that the reason for refusal related to the fact that the site was zoned 'F' – To preserve and provide for Open Space and Recreational Amenities in the then South Dublin County Development Plan, 2004-2010. The development therefore, contravened the zoning objective afforded to the site.

4.2. On Adjacent Site to the west:

PA ref SD18A/0302: Permission was granted on 18th October, 2018, for the demolition of existing utility room at side for subdivision of the site and construction of a two storey, four bedroom detached dwelling house with dormer at rear, to include alterations to existing front boundary on Ardeevin Avenue for creation of 1 additional vehicular access gate plus relocation of existing vehicular access gate. Proposals include for all associated site works, including drainage, hard landscaping and site development works at 37 Ardeevin Avenue, Lucan, Co. Dublin.

PA ref SD08A/0335: Permission granted on the 20th of August, 2008 for the construction of a 2 storey house with dormer to the side of existing house, to include three bedrooms, bathroom, sitting room, study, kitchen / dining room, living area, utility room and all associated site works at 48 Ardeevin Avenue, Lucan, Co. Dublin.

PA ref SD12A/0013: Permission granted on the 1st of May, 2012 for the construction of a 2 storey, detached dwelling consisting of 3 bedrooms, a kitchen/dining area, sitting room, utility room and attic storage/study area and all associated site works at 48a Ardeevin Avenue, Lucan, Co. Dublin.

5.0 Policy Context

National Policy / Guidelines

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

- 5.1.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:
- quality homes and neighbourhoods,
 - places where people actually want to live, to work and to raise families, and
 - places that work – and will continue to work - and not just for us, but for our children and for our children’s children.
- 5.1.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.
- 5.1.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:
- compliance with the policies and standards of public and private open space adopted by development plans;
 - avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
 - good internal space standards of development;
 - conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
 - recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and

- compliance with plot ratio and site coverage standards adopted in development plans.

5.2. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.3. **Development Plan:**

- 5.3.1. The South Dublin County Development Plan 2016 – 2022 is the statutory Development Plan for the area. The site is zoned RES in the CDP the objective of which is to protect and/or improve residential amenity.
- 5.3.2. Chapter 2 of the Plan deals with Housing, where section 2.4.0 relates to Residential Consolidation – Infill, Backland, Subdivision & Corner Sites. The following is relevant in this regard:

HOUSING (H) Policy 17 Residential Consolidation

It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

H17 Objective 1: To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

H17 Objective 2: To maintain and consolidate the County's existing housing stock through the consideration of applications for housing

subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

H17 Objective 5: To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

Chapter 2 further provides for a number of additional policies and objectives which relate to the provision of housing in terms of urban design, residential densities, building heights, mix of dwelling types, design and layout, provision of open space – public and private etc.

5.3.3. In addition to the above, the following chapters of the South Dublin County Development Plan are relevant:

- Chapter 6 – Transport & Mobility
- Chapter 7 - Infrastructure & Environmental Quality which deals with water and waste water, surface water management.
- Chapter 8 - Green Infrastructure
- Chapter 9 – Heritage, Conservation & Landscape
- Chapter 10 – Energy

5.3.4. Chapter 11 of the Plan deals with Implementation and Section 11.3.2 deals with Residential Consolidation. The following is relevant in this regard:

Infill residential development can take many forms, including development on infill sites, corner or side garden sites, backland sites and institutional lands.

(i) Infill Sites

Development on infill sites should meet the following criteria:

- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5

hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.

- Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.
- Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).
- Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.
- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.

5.4. Natural Heritage Designations

The site is not located within any designated site. The site is located at a distance of approximately 2.6km from the nearest SAC, Rye Water Valley / Carton SAC, Site Code 001398 (pNHA Site Code 001398).

The closest pNHA is the Liffey Valley pNHA, Site Code 000128, located approximately 380m to the north of the site. The Royal Canal pNHA, Site Code 002103 is located approximately 2km to the north while the Grand Canal pNHA, Site Code 002104 lies approximately 2.5km to the south of the site.

5.5. Environmental Impact Assessment

Having regard to the nature of the subject site, together with the scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Mr. Patrick M Kerr Architect, on behalf of William & Anne McSweeney, submitted a third party appeal against the decision of the Planning Authority to grant permission for the residential development. The appellants do not object in principle to the development, but not at the expense of existing amenities and privacy of existing residents. It is submitted that the concerns of the appellants can be addressed by way of relatively minor amendments to the design without materially affecting the proposed development and could be dealt with by way of condition.

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

- Legal site boundary:
 - It is contended that the location of the boundary as drawn on the plans is incorrect and misrepresents the actual situation on the ground. The discrepancy is in the order of 2-3m along the south eastern boundary, which has a material impact on the site layout proposed.
 - The appellants have maintained and landscaped the area which forms part of the hedging and associated drains and ditches at the boundary, and have had exclusive and uninterrupted use of the area since purchasing their home in 1971.

- This area was acknowledged by the previous owners of the development site who agreed to set back the boundary wall within the site to protect and maintain the existing hedgerow boundary.
- The appellant acknowledges that this is a civil matter and not an issue for the Board but it is requested that the Board note that there is an issue which is material and impacts on both the development and the appellants site.
- The development, if permitted as shown, will result in the actual separation distances being materially and significantly reduced, as well as the private amenity space for the proposed new houses. The Board is requested to include a condition requiring the relocation of houses 23, 24 and 25 away from the boundary by a minimum of 2 to 3m in a south easterly direction.
- The proximity of the development to the appellants property
 - The proposed development currently shows a distance of approximately 9m from the rear of house no 25 and 10m from houses 23 and 24. However, the actual position reduces these distances to below 7m and 8m.
 - While there are no opposing rear windows, the development will overlook the adjacent rear garden, having a material and negative impact on the appellants existing and proposed property – permitted under PA file ref SD18A/0302.
- The height of the development
 - The issue of the height of the houses has been raised with the Planning Authority and given the proximity of houses to the appellants home, the issue is exasperated.
 - The site of the development is a filled site and is approximately 1m above the site levels of the adjacent houses. The finished levels of the site will be approximately 0.69m above the existing houses.
 - The proposed houses will be 3 stories and will be excessive in terms of height, scale and massing and will be overbearing and overshadow existing house, contrary to the SDCC CDP.

- It is requested that there be a transition from the existing 2 storey houses to the proposed 3 storey houses. As such, houses 23, 24 and 25 should be reduced to match the height of the adjacent house, no. 37 Ardeevin Avenue and omit the accommodation proposed on the 2nd floors.
- The Boundary Treatment proposed
 - The proposed boundary treatment, being a 1800mm high colour coated mild steel see through weld mesh type fence is not acceptable and does not promote a high level of privacy or security.
 - A 2m high block, capped and rendered wall together with the retention of the existing hedging is required and the Board is asked to ensure that these amendments are incorporated into the design of the proposed development.

It is requested that the concerns raised above are addressed before permission is granted. There are a number of enclosures with the appeal.

6.2. Applicant Response

The first party has responded to the third-party appeal as follows:

- With regard to the appellants proposed development of a house in their side garden, it is considered that the appellants compliance submission and letters to the PA are invalid in relation to the common boundary between the properties.
- The site is too small to accommodate their proposed development and the boundaries have been altered to suit the appellants development. There are a number of drawings with different site layouts.
- There is no ditch along the boundary as indicated. The depression of the current proposed development site was created as a result of the site being filled. All arguments in relation to the 'ditch and hedge rule' are entirely negated in this regard.
- The applicant has documentation, legal maps and PRAI map to support their position as owners of the land and the current applicants indication of the

proper boundaries is correct and the proposed houses must stay where they are and as permitted by South Dublin County Council.

- It is surprising that the appellants are concerned with proximity of the proposed houses as a new detached house is to be constructed between their house and the proposed development.
- The proposed development includes for a dramatic reduction in site levels which further reduces the scale and massing of the houses, which are 2 storey in nature and the same scale as the appellants proposed house.
- The scale of the proposed development is appropriate for the location.
- The applicants are open to building a block wall boundary between the appellants site and the proposed development site, but on the proper legal boundary and not within their property in order to facilitate the appellants new house.

It is requested that the Councils decision be upheld and the response includes a number of enclosures.

6.3. Planning Authority Response

The PA responded to the third party appeal, but outside the appropriate 4 week period. The submission was returned.

6.4. Observations

None.

6.5. Further Responses

The third party appellant responded to the first party response to the third party appeal. The submission is summarised as follows:

- The issue in relation to 'invalid' submissions have no bearing or relevance on the matter at hand. The issue of compliance of a separate permitted development is not part of this appeal.

- The matter of the boundary between the properties is simple and not in the least way ‘muddled’ as suggested.
- The previous points raised in relation to the boundary are restated.
- The appellants concerns in relation to design arise from the location, nature, extent, height and scale of the proposed development, and not the boundary position.
- The applicants have not addressed the legitimate concerns raised.

7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
2. Roads & Traffic
3. Water Services
4. Other Issues
5. Appropriate Assessment

7.1. **Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:**

Sustainable Residential Development in Urban Areas (DoEHLG, 2009)

- 7.1.1. The site the subject of this appeal is undeveloped and located on zoned lands which can connect to public services. As such the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The Sustainable Residential Development in Urban Areas (DoEHLG), 2009 Guidelines updated the Residential Density Guidelines for Planning

Authorities (1999) and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines.

7.1.2. The development proposes the construction of 25 houses on a site covering approximately 0.96ha and in terms of the recommendations of the Guidelines, the density at 26 units per hectare is considered to be at the lower levels permissible on such zoned lands. In terms of the mix of residential units proposed, the development proposes 13 detached and 12 semi-detached houses. The unit types proposed are as follows:

Unit type	Number	%
2 bed	2	8%
4 bed	19	76%
5 bed	4	16%

In general, I would have concerns in terms of the proposed mix of house types proposed. This concern is compounded by the low density development proposed. However, in the context of the subject site, which will form a cul-de-sac extension to the existing Ardeevin Estate in Lucan, I am satisfied that the proposed mix of house types is acceptable on the basis that the proposed development reflects the density of the existing and wider estate.

7.1.3. The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 5.1 of this report and I consider it reasonable to address the proposed development against same.

a) *Compliance with the policies and standards of public and private open space adopted by development plans;*

In terms of private open space, the Board will note that proposed development layout, as permitted, provides for rear gardens generally having

a depth of between 10m and 11m and each of the houses have private open space in the form of rear gardens save for houses nos 19 and 20. The position of these 2 houses within the development provide for side gardens, rather than rear gardens. I also note the orientation of proposed houses 20-23 in particular. These proposed houses will have primarily north facing gardens, which will be bound by a line of trees outside the site boundary, which are to be retained. This may impact on the quality of this private open space proposed in terms of light.

The provision of private open space is set out as follows:

House No	No of bedrooms	Floor Area	Open Space	Rear Garden Depth
1	5	295m ²	180m ²	12m
2	4	150m ²	88m ²	11m
3	4	150m ²	88m ²	11m
4	4	150m ²	88m ²	11m
5	4	150m ²	88m ²	11m
6	4	270m ²	165m ²	11m
7	5	280m ²	162m ²	10m
8	4	150m ²	82m ²	10m
9	4	150m ²	82m ²	10m
10	4	150m ²	82m ²	10.6m
11	4	150m ²	135m ²	10.6m
12	5	270m ²	300m ²	13m
13	4	150m ²	100m ²	9m
14	4	150m ²	71m ²	10m
15	4	150m ²	70m ²	10m
16	4	150m ²	74m ²	11m
17	4	150m ²	79m ²	11m
18	4	150m ²	70m ²	11m
19	2	80m ²	70m ²	2m*
20	2	80m ²	70m ²	6m*
21	4	150m ²	80m ²	11m
22	4	150m ²	85m ²	10m

House No	No of bedrooms	Floor Area	Open Space	Rear Garden Depth
23	4	150m ²	84m ²	10m
24	4	150m ²	84m ²	10m
25	5	270m ²	300m ²	9m

I would consider that the private open space provision is adequate.

With regard to public open space, the proposal as permitted, provides for a central area of open space to be located adjacent to the N4 boundary. The area proposes a play area and a larger space that might reasonably be used as an informal kickabout area, located between proposed houses no 6 and 7. The applicant indicates that the proposed open space provides for an area of 1,100m² amounting to 11.5% of the total site area. The SDCC County Development Plan, 2016-2022 requires that in areas zoned RES-N all new residential development 'shall be required to incorporate a minimum of 14% of the total site area as public open space'. In all other zones, new residential development is required to incorporate a minimum of 10% as public open space. In this regard, the proposed development is acceptable and given the proximity of the site to a large open space area to the north east, I am generally satisfied that the open space proposed is acceptable.

b) Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;

The subject site is zoned for residential development and as such, the principle of the development is considered acceptable. I am satisfied, overall, that the residential amenities of future residents of the development have been considered.

Following a request for further information, a Noise Assessment was submitted to consider the noise impacts arising from traffic on the adjacent N4. Modelling was used to calculate the external noise levels which in turn was used to determine the glazing and ventilation specifications required to meet the appropriate criteria. The assessment concludes that standard window glazing will be insufficient to achieve internal criteria at most facades. The applicant has submitted mitigation in the form of glazing with enhanced

acoustic attenuation and acoustic grade ventilators. I am satisfied that the proposed houses would provide an appropriate level of amenity for future residents.

The Board will note the comments of the third-party appellant in terms of potential for impacts on the existing amenities of residents and in particular, the issues raised in relation to the north western boundary. There is a dispute between the applicant and the appellant in relation to the boundary, and I note that the recent planning permission granted to the appellant for the construction of a house in the side garden area of their property includes condition 2 which requires that no development take place until the correct red line site boundary has been lodged with the Planning Authority. While the appellant appears to have submitted the relevant information to the PA, the issue remains in dispute. In the context of this civil issue, it may be prudent, should the Board be minded to grant planning permission, to include a similar condition. However, I would be satisfied that the provision of Section 34(13) of the Planning & Development Act, 2000 as amended, which states 'A person shall not be entitled solely by reason of a permission under this section to carry out any development' is sufficient to ensure that the civil issues is rectified prior to the commencement of development on the site.

Further to the above, the development site is to be accessed over the existing estate road of Ardeevin estate and through an area which is currently a cul-de-sac. In terms of potential impacts on the amenities of immediate neighbours, the loss of this cul-de-sac location will have an impact, but will not be so adverse as to give rise to concern, in my opinion. Given the nature of the wider estate, it would be wholly unsustainable to prevent the development of the site, which is zoned for residential purposes, solely on this issue. The scale of the proposed development is not so significant as to give rise to significant dis-amenity in the long term. While I accept that during the construction phase there may be some impacts on amenity, this will be temporary.

The development will result in the development of a currently unoccupied site which has been used in the past as a dumping ground. The proposed houses which have potential to impact on existing residential amenity are houses 23-

25. Of note, the rear garden depths proposed range from 9-10m. These figures do not take account of the disputed boundary which may result in shorter gardens, depending on the final decision. While I note the concerns raised by the appellant, I also acknowledge that the applicant has advised no objection to the erection of a block wall rather than the fencing originally proposed along the north western boundary. Having regard to the orientation of the existing property, together with the permitted development on the appellants site, I am satisfied that the proposed development is acceptable with regard to impacts on existing residential amenity.

Issues arising in terms of other potential conflicts with neighbours include roads and traffic issues, which will be addressed further below.

c) *Good internal space standards of development;*

The proposed development provides for houses only and no apartments. The house designs presented provide for large family homes all of which provide for good internal space standards. I note that an issue was raised by the PA with regard to the proposed floor areas of two houses, no 19 and 20, which were below the minimum standard for houses as indicated in the South Dublin CDP. The plans for these houses were amended to provide for the minimum 80m² floor area in response to the request for FI.

d) *Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;*

Given the nature and scale of the proposed development, I am satisfied that the development might reasonably be considered as being acceptable in principle, given the zoning afforded to the subject site. I have no objection in principle to the development of residential development on this site.

e) *Recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area;*

Not relevant in this instance as there is no protected structure or Architectural Conservation Area in immediate proximity to the subject site.

f) *Compliance with plot ratio and site coverage standards adopted in development plans.*

The South Dublin County Development Plan does not provide specific guidance in terms of site coverage and density, however having regard to the nature of the subject site, I am satisfied that the proposed development is acceptable in terms of site coverage and plot ratio.

7.6.1. It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surrounding area and existing residential estates. The development proposes 25 residential units in the form of large family homes providing primarily 4-5 bedrooms in detached and semi-detached houses, as well as a pair of 2 bed semi-detached houses.

7.6.2. Having regard to the above and acknowledging that the plan for the area zones the lands for residential use, I consider that the principle of the proposed development is acceptable.

7.7. Roads & Traffic:

7.7.1. Access to the subject site is proposed over the existing and permitted road network in the vicinity, and ultimately, through the Ardeevin residential estate. Roads and traffic issues were raised as a concern by third parties throughout the PAs assessment of the proposed development. It is submitted that the existing road network is incapable of accommodating the level of traffic the development, if permitted would generate. I note that the Transportation Department of the Council raised a number of concerns, requiring further information to be submitted.

7.7.2. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The DMURS provides radically new design principles and standards from DMRB. The implementation of DMURS is obligatory and divergence from same requires

written consent from relevant sanctioning authority (NRA, NTA or DTT&S) and is applicable in the case at hand. The Manual seeks to address street design within urban areas (i.e. cities, towns and villages). It sets out an integrated design approach. What this means is that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

7.7.3. DMURS sets out a road user priority hierarchy as follows:

- 1 Pedestrians;
- 2 cyclists
- 3 public transport
- 4 car user.

The key design principles for roads include –

- Integrated streets to promote higher permeability & legibility;
- Multi-functional, place-based, self-regulations streets for needs of all users;
- Measuring of street quality on the basis of quality of the pedestrian environment
- Plan-led, multidisciplinary approach to design.
- The importance of this design approach is dependent upon site context, but also on road type - local, arterial or link. The DMURS defines a hierarchy of places based on place-context and place-value, with centres (such as town and district centres) having highest place-value. Places with higher context / place-value require:
 - Greater levels of connectivity;
 - Higher quality design solutions that highlight place;
 - Catering for and promotion of higher levels of pedestrian movement;

- A higher level of integration between users to calm traffic and increase ease of movement for vulnerable users.

- 7.7.4. DMURS provides detailed standards for appropriate road widths - 2.5m to 3m per lane on local streets and requires that roads are not up designed above their speed limit. In terms of the above DMURS requirements, the applicant has sought to design the internal roads of the proposed estate to ensure compliance. A number of issues were raised by the Transport Department of SDCC particularly with regard to the road width, inclusion of ramps and entrance piers, footpath width and future connectivity to adjoining zoned lands. These were addressed following a request for further information, and the footpaths are proposed to be 2m in width, road 5.5m and future connectivity is also shown. In terms of parking, the Board will note that the applicant has proposed 2 car parking spaces per dwelling in accordance with the requirements of the South Dublin County Council Development Plan.
- 7.7.5. A Construction Traffic Management Plan was prepared in support of the proposed development and notes that the site opening hours will be Monday – Friday 08.00 – 19.00 and Saturdays 07.30 – 14.00, with no works on Sundays or Bank Holidays. The proposed access route will be over the existing road network and the existing Ardeevin Avenue and deliveries to the site will be made with 24hour notice. All parking associated with the proposed construction phase of the development will be accommodated on the site and welfare facilities will be provided on the site.
- 7.7.6. Third parties have raised concerns in terms of impacts associated with the construction phase of the proposed development, and I accept that there will be some impacts to existing road users. However, I am also satisfied that these impacts are generally temporary in nature. I also note the proposed working hours at the site and would recommend that the standard hours be adhered to rather than those proposed by the applicant, particularly on Saturdays.
- 7.7.7. In terms of general roads and traffic issues. In acknowledging the third party submissions in this regard, I am satisfied, based on the information submitted to date, the details of the reports of the County Councils roads engineers, the requirements of the Design Manual for Urban Roads and Streets, the existing residential developments in the area and the potential impact of the proposed development and the traffic generated by same on the local road network, that the

proposed development would not result in a significant traffic hazard for existing residents in the area, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider area and the carrying capacity of the local road network by reason of the additional traffic resulting from the proposed development.

7.8. Water Services

The proposed development will connect to existing services which serve the wider area. The public system appears to have adequate capacity to accommodate the proposed development but, and while Irish Water has indicated no objections on these grounds, a concern was raised in relation to the capacity of the foul network. I do note that Irish Water has advised, following the request for further information, that subject to a valid connection agreement being put in place, the proposed connection to the IW networks can be facilitated. I am satisfied that such matters will be required to be agreed between Irish Water and the developer prior to the commencement of any development on the site and can be dealt with by way of condition.

The development proposes to discharge surface water run-off to the existing storm network in Ardeevin Avenue. The development also includes a Sustainable Drainage System (SuDS) to provide infiltration storage and to optimise retention time. Discharge to the existing combined sewer network is to be controlled by a hydroslide / hydrobreak or similar. In terms of Flood Risk Assessment, I note that the site is not located within an identified flood risk area, being located within a Flood Zone C with a low probability of flooding. However, the PA was not satisfied with the original proposal for the site in terms of surface water attenuation on the basis that they were undersized in the order of 18% for the 30 year and 44% for the 100 year storm event. This issue has been rectified and has adequately addressed the initial concerns.

7.9. Other Issues

7.9.1. Site Boundary Issue

The Board will note that the pertinent issue arising in the third-party appeal relates to a disagreement on the boundary of the site. While the matter is a civil one and not for determination by the Board, I would agree with the appellant that a decision on the issue may have implications for the proposed development, and in particular, in terms of proposed houses 23, 24 and 25 and the future amenity value of the proposed houses.

However, I also note that a grant of planning permission does not entitle a developer to carry out a development in the absence of all other legal issues being addressed and remedied. In this regard, I recommend that a condition be included in any grant of planning permission that the hedge along the north western boundary be retained in full, that a block, capped and rendered boundary wall, of 2m in height, be erected and that the depth of the rear gardens of houses 23, 24 and 25 be a minimum of 10m from the rear wall of the proposed house to the new block boundary wall. In any case, the issue of the boundary should be finalised prior to the commencement of any development on the site.

7.9.2. Visual Impacts

In relation to visual impact it is clear that the proposed development will represent a significant departure from the established use on the appeal site and will have a visual impact at a local level. That said, the site has had a history of being used for dumping and as such, its redevelopment for residential use has the potential to improve the visual amenity of the wider area. The Board will note the presence of significant hedgerows on the site boundaries, including a number of trees. I note the concerns of the Parks Department of SDCC with the proposed removal of an excessive number of trees and hedgerows to facilitate the proposed development. Following the submission of the response to the further information request, the Parks Department advised no objections to the proposed development subject to compliance with a number of conditions, to include the retention of suitable trees and their incorporations into the development.

In response to the concerns raised, the Board will note the landscaping proposals submitted by the applicant. Of note are the proposals to remove the existing tree group and thicket area to the north west, which forms the boundary between the subject site and the existing residential property on Ardeevin Avenue. In addition, the development will result in the loss of a category B tree¹. While I acknowledge the report, it is very obvious, and clearly indicated, that the report was prepared following the decided proposed layout of the development. By this I mean, that the development came before any consideration of the existing trees and hedgerows that are, albeit overgrown, already on the site. In terms of landscaping and layout, I find this a pity. As a minimum, I recommend that proposed house no. 12 either be omitted in order to protect and retain the Category B tree, no 21 or be replaced by a house type 2, which would also facilitate the retention of the tree as part of the development.

Notwithstanding my comments above, the Board will note the landscaping plan presented in support of the proposed development, together with the proposals for the public open space. Overall, and given the zoning afforded to the site, I am satisfied that the development can be accommodated on the site without significant alteration to the existing established character of the area, subject to the full implementation of the landscaping plan in accordance with the requirements of the Parks Department of South Dublin County Council and the replacement of house no. 12 with a type 2 house and the retention of tree no. 21.

In terms of the proposed house designs, I note the concerns of the third party. However, I would not agree that the scale of the development as proposed is in any way excessively out of proportion with the existing houses in Ardeevin Avenue. I have no objection to the design as proposed.

7.9.3. Ecology

An Ecological Impact Assessment was submitted by the applicant following a request for further information. The Heritage Officer raised concerns regarding the potential for the site to support species including bats and badgers. As part of the

¹ I refer the Board to the Arboricultural Report, dated April 2019 and submitted to the PA on the 18th of April 2019. Page 6 of the report refers to the loss of a Category B tree identified as tree Nos. 12. This should be tree Nos. 21 – the tree being located in the south eastern area of the site and to be removed to accommodate proposed house no. 12.

EclA, the applicant also undertook a survey of invasive species. A multi-disciplinary walkover survey and bat survey were carried out on the 22nd of October, 2018, while a badger and invasive species survey was carried out on the 18th of February, 2019.

Habitats:

The results of the survey found that the site is dominated by grassland with a scatter of immature oak trees. The boundaries of the site were found to comprise a mix of immature tree lines with areas of scrub. Species diversity was found to be low at the site and no invasive species were identified within the boundary of the site. The EclA concludes that the impact of the development in terms of habitat will be permanent and slightly negative, noting that the linear landscape features and a number of trees will be retained. Any residual impact is considered to have a permanent imperceptible negative effect.

Fauna:

A number of common birds were recorded within the boundaries of the site, primarily observed within or along the treelines. The EclA concludes that the impact of the development in terms of fauna will be temporary and any residual impact is considered to be reduced to imperceptible during the construction phase. Having regard to the context and location of the subject site, it is considered that the operational phase is unlikely to result in any significant increase in disturbance to local faunal populations.

Mammals:

No mammals were recorded during the field survey and no evidence of mammals using the site was present. A dedicated badger survey was undertaken but no evidence of setts, latrines, trails or badger prints were recorded. The survey found no evidence of any protected fauna at the site.

Bats:

No bats were detected during the survey of the site. The EclA concludes that no significant impacts on bats are anticipated as a result of the development as the treelines were assessed as low suitability for foraging and commuting bats. The assessment notes that there will be no loss of linear landscape features and a number of trees will be retained. No residual impacts are anticipated. The Board will

note that the Heritage Officer of SDCC considers that the bat survey was carried out outside the bat season and is therefore insufficient and should be redone. It is further required that lighting to safeguard bat species be installed. In this regard, I am satisfied that the matter could be appropriately dealt with by way of condition of permission.

Other:

The EclA also considers the proposed development and potential impacts on water quality and designated sites. There are no water courses in proximity to the subject site and the closest European Site is located 2.5km from the site. The assessment concludes that the development is unlikely to result in any significant water pollution impacts and no indirect effects on any European Site.

In conclusion, I accept the conclusion of the EclA that the development is unlikely to give rise to any significant effects on ecology.

7.9.4. Part V

In terms of compliance with Part V, the applicant proposes to transfer two 2-bed houses in order to satisfy their obligations with regard to Part V under Section 96(3)(b)(iv) of the Planning & Development Act, 2000 as amended. I have no objections in this regard, and an appropriate condition should be attached to any grant of planning permission.

7.9.5. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.10. Appropriate Assessment

- 7.10.1. The site is not located within any designated site. The site is located at a distance of approximately 2.6km from the nearest SAC, Rye Water Valley / Carton SAC, Site Code 001398 (pNHA Site Code 001398). The closest pNHA is the Liffey Valley pNHA, Site Code 000128, located approximately 380m to the north of the site. The Royal Canal pNHA, Site Code 002103 is located approximately 2km to the north while the Grand Canal pNHA, Site Code 002104 lies approximately 2.5km to the

south of the site. The applicant has submitted an AA screening report which concludes that there would be no risk of significant negative effects on any European Site as a result of the proposed development, either alone or in combination with other plans or projects. The planning report on file concludes that appropriate assessment is not required.

7.10.2. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission be **Granted** for the proposed development for the following stated reason.

9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the South Dublin County Development Plan 2016, as varied, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience. 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 18th day of April, 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. The proposed development shall be amended as follows:
 - (a) House number 12 shall be amended to provide for a Type 2 design and the existing tree, no. 21 shall be retained.
 - (b) The hedge along the north wester boundary of the site shall be retained in full.
 - (c) The north western boundary of the site shall comprise a 2m high block wall, capped and rendered on both sides.
 - (d) The rear gardens depths of houses 23, 24 and 25 shall be a minimum of 10m in depth, measured from the inside of the new block wall boundary.
 - (e) The existing trees along the north and north east of the site shall be retained and protected during the construction phase, and shall be incorporated into the overall design of the development.
 - (f) Public Lighting for the development shall be designed to safeguard bat species and shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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.

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 interest of clarity, public safety and residential amenity.

3. The boundary treatments for the development shall be in accordance with the information submitted in support of the development, save where amendments are required by condition 2 above. Full details of said boundaries shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on site.

Reason: In the interests of visual amenity and the protection of residential amenities.

4. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority, and the Parks and Landscape Services Parks Superintendent of South Dublin County Council, prior to commencement of development. This plan shall include for protection of trees and hedgerows on and adjacent to the site and shall comply with the requirements of the Planning Authority with regard to a post completion tree survey.

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 the protection of trees and landscape features and the implementation of an approved landscape design.

5. External finishes including all materials, colours and textures shall be in accordance with the details submitted to, the planning authority, unless otherwise agreed prior to commencement of development.

Reason: In the interest of visual amenity.

6. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development. 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.

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. Proposals for a development/estate 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 signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

9. Site development and building works shall be carried only out between 0800 hours and 1800 hours Mondays to Fridays excluding bank holidays and between 0800 hours and 1300 hours on Saturdays. Deviation from these

times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of protecting the residential amenities

10. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

11. The areas of open space shown on the lodged plans shall be reserved for such use and, other than the play area, shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. The play area shall be developed in accordance with details to be submitted to, and agreed in writing with the planning authority prior to commencement of development. All of this work, including the play areas, shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces and play area shall be vested in the planning authority, at no cost to the authority,

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. All trees shown shall be retained on the site and shall be adequately protected during the period of construction in accordance with BS: 5837. Such measures shall include a protection fence which shall be erected beyond the

branch spread, and no construction work or storage shall be carried out within the protective barrier.

Reason: In the interest of visual amenity and of protecting the residential amenities of adjoining properties.

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

Reason: In the interests of clarity, orderly development and amenity.

14. 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. All existing overground cables within and bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

Reason: In the interest of visual and residential amenity, and of sustainable development.

15. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

16. Having regard to the prior use of the site as a dumping ground for construction waste, and the potential for contamination, the developer shall, prior to the commencement of any development on site, engage the services of an appropriately qualified environmental consultant with experience in the field of land contamination, to carry out site investigations, risk assessment, prepare a report and recommend remedial measures where appropriate. This report shall be submitted to the planning authority prior to the commencement of any development on site.

Reason: In the interests of environmental protection and sustainable development.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

18. 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 until taken in charge, of the development.

19. 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.

A. Considine
Planning Inspector
13th September 2019