



An
Bord
Pleanála

Inspector's Report ABP 305227-19.

Development	Detached two-storey house and 3 no. two-storey terrace houses with access via Castle Cove, supermarket carpark.
Location	Greenfield site at rear of 44-45 Castle Street, Dalkey, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D19A/0070
Applicant	Michael Good
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	Jane O'Connor
Observers	none
Date of Site Inspection	6/12/19
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The subject site is located in the centre of Dalkey village which is a designated Heritage Town. It is situated to the southern side of the main street, Castle Street to the rear of no's 44-45.
- 1.2. The appeal site has a stated area of 0.0959 hectares it comprises a rectangular area which is the plot of the rear of no's 44-45. A section of the site spurs to the east of the main area. This comprises the courtyard area at Castle Cove which serves five dwellings.
- 1.3. The ground floor of no. 43 Castle Street contains a passage way which provides vehicular access to a yard. This yard provides access to the appeal site and a number of other properties to the east. The site is bounded by residential properties to the south, east and west. A section of the eastern boundary adjoins the garden of Dalkey library.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a detached two-storey house and 3 no. two-storey terrace houses with access via Castle Cove, supermarket carpark.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 21 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Further Information was sought in relation to the following;
 - (1) Provide revised plans and elevations addressing the extent, bulk and mass of the proposed side gable of the end of terrace dwelling and overbearing and visual impact.
 - (2)

- a. Submit detailed drawings indicating that the proposed internal access roadway and footpaths and the existing internal access roadway/footpaths within Castle Cove are designed to meet DLRCC 'Taking in Charge Policy Document'.
- b. The proposed resident controlled automatic bollards at the entry point from 'Supervalu' car park to the proposed residential development via Castle Cove, should be omitted.
- c. Submit details of proposed lighting including a Lux Contour diagram.
- d. Submit a Construction management plan.

(3)

- a. In relation to drainage the applicant is advised to infiltration circa 50% of the surface water generated by roofs and pavements. Submit revised plans addressing this.
 - b. The use of water butts is not justified. The applicant shall submit revised plans to address this.
 - c. The use of soakaways is not appropriate. The applicant shall submit revised plans to address this.
 - d. The applicant is requested to conduct an infiltration test and report prepared by a Chartered Engineer. In the event the test provides an undesirable result, the applicant shall propose alternative SuDS measures.
 - e. It is advised that surface water discharge to the combined or foul sewer is not recommended by the Council.
- Following the submission of a response in respect of the further information the Planning Authority recommended a grant of permission.

3.2.2. Other Technical Reports

Transportation Planning – Report dated 23/7/17 – No objection subject to conditions.

Drainage Planning – Report dated 12/7/19 – No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water – No objection

3.4. **Third Party Observations**

The Planning Authority received 8 no. submissions/observations in relation to the application. The main issues raised refer to the design of the scheme, existing right of way, impact upon residential amenity, access and parking, drainage and matters concerning boundary treatment and planting.

4.0 **Planning History**

- None relevant

5.0 **Policy Context**

5.1. **Dún Laoghaire–Rathdown Development Plan 2016-2022**

- 5.1.1. The subject site at rear of 44-45 Castle Street, Dalkey Co. Dublin is located on Map 4 of the Dun Laoghaire Rathdown Development Plan 2016-2022 and is identified as being Zoned Objective NC ‘to protect, provide for and/or improve mixed-use, neighbourhood centre facilities’.
- 5.1.2. The site is located within the ‘Dalkey Architectural Conservation Area’ (ACA) and a Statement of Character has been prepared setting out the character of the area and any relevant planning requirements.
- 5.1.3. The site is located within an ‘Archaeological Zone of Interest’ – no. 023-023 refers and includes ‘Historic Town’, Church, Castle, Graveslab, Holy Well, Cross and Town Defences.
- 5.1.4. Chapter 8 – Principle of Development
- 5.1.5. Section 8.2.3 – refers to Residential Development

5.2. **Natural Heritage Designations**

None.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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

A third party appeal was submitted by Marston Planning Consultancy on behalf of Jane O'Connor. The issues raised can be summarised as follows;

- Jane O'Connor is the owner of 42 and 42A Castle Street, Dalkey, Co. Dublin.
- It is highlighted that the gate opening into the application site from the north and from the right of way is not 3m wide as indicated by the applicant. The gate is 3.9m wide which is the width of Jane O'Connor's legal right of way.
- It is stated that the right of way extends the full structural width of the gate opening which is 3.9m wide and extends to the southern width of the appellant's property.
- The applicant did not accurately indicate the width of the legal right of way on the drawings submitted.
- It is submitted that the appellant's rear boundary wall door is incorrectly indicated on the drawings submitted with the application and further information.
- It is noted that the main part of the application site is largely overgrown and unused apart from the area where the appellant's right of way extends across the rear boundary.
- The door within the appellant's rear boundary wall has access onto and through the proposed rear garden of unit no. 3.

- Note 1 attached to the decision to grant permission by the Planning Authority states that the applicant in the event of encroachment of an adjoining property will require the consent of the adjoining landowner and that in the event of this agreement not being obtained then the proposed development shall be modified only insofar as is required to do so.
- It is stated that this is not adequate or acceptable in order to maintain the appellant's legal right of way.
- The grounds of appeal primarily relate to unit no. 3 of the proposed development and the impact on the appellant's right of way.
- The appellant also has concerns in respect of the suitability of the supermarket site to gain access to the application site.
- It is highlighted that as per the drawing submitted with the further information that no window is proposed to serve the single bedroom at the north-eastern corner of unit no. 3. This is unacceptable in relation to Building Regulations.
- It is submitted that the applicant has failed to accurately indicate the right of way on the submitted drawings and that the Planning Authority did not have the full facts before them in making the decision.
- The appellant's right of way is 3.9m wide by 7.5m in length within the application site. The maintenance of the right of way would require the private open space serving unit no. 3 being reduced by circa 29.26sq m. The rear garden area remaining would be 31.74sq m. Section 8.2.8.4 of the Development Plan refers to private open space. The minimum requirement for a two-bedroom house is 48sq m.
- It is submitted that the applicant has not put forward any reasonable method of upholding the appellant's right of way.
- In relation to the proposed car parking provision within the scheme, 8 no. spaces as proposed is in accordance with the standards set out in Table 8.2.3 of the Development Plan. The proximity of Dalkey Dart station located circa 220m walking distance from the site is noted. Therefore, the potential for a reduction to below normal standards would be appropriate. In the interests of promoting the use of sustainable transport and non-car based transport the

level of car parking proposed in this instance is excessive and contrary to local, regional and national policy which seeks to encourage the use of non-car based travel.

- The proposed floor area of terrace houses no. 1, 2 and 3 is 90sq m this falls short of the 92sq m advised for a two-storey, 5 person house in 'Quality Housing for Sustainable Communities' (DOEHLG) 2007.
- The proposed development will include the creation of a new walled gardens to the front of each house within Castle Cove. The new front boundary walls will abut this new roadway. It is submitted that there is clear potential for the proposal to result in a traffic hazard with potential conflicts between pedestrians and vehicles.
- Access is onto a commercial car park serving the Supervalu supermarket. There is potential for additional vehicular movements into the development at times when the car park is full. It is submitted that the proposal has the potential to result in a traffic hazard.
- Should the Board decide to grant permission the appellant requests that house unit no. 3 is omitted by condition.
- The proposed development will set an undesirable precedent if permission is granted for house no. 3.
- It is requested that the Board overturn the decision of the Planning Authority and refuse permission for the reasons set out in the appeal.

6.2. Applicant Response

A response to the third party appeal has been submitted from Paul O'Toole Architects on behalf of the applicant Michael Good.

- The grounds of appeal primarily refer to the extent of the Right of Way over the applicant's property that the appellant enjoys.
- It is confirmed that there is no argument that this access exists.

- Drawing no: (17-24-10) highlights in yellow the Right of Way running the length of no. 42's rear boundary wall and connecting with a proposed pedestrian gate onto the laneway connecting to Castle Street.
- The applicant's agent acknowledges that the location of the gate from the rear garden of no. 42 Castle Street is inaccurately positioned on the drawing. The precise position within the boundary wall however, is not critical because the yellow strip demarcating the Right of Way extends the full length of the wall.
- The proposal indicates that this undisputed access could be maintained, through the appellant's existing pedestrian gate along the edge of the rear garden of house no. 3 and through a new pedestrian gate onto the laneway. Therefore, the passage from no. 42 to the laneway would not only be preserved but improved as the ground conditions would be landscaped and more easily traversed than present.
- The Statutory Declaration of Eileen Higginbotham states "that the White family exercised a pedestrian right of way from the said laneway to the rear gate".
- The first party submit that the appellant will continue to enjoy this pedestrian access albeit across a landscaped garden and through a new pedestrian gate rather than over a rough field and poorly maintained set of gates.
- The appeal response refers to a letter from Orpen Franks Solicitors outlining their legal opinion on the matter.
- The letter issued by Orpen Franks Solicitors to Paul O'Toole Architects states that it seems to be acknowledged that Jane O'Connor who recently acquired no. 42 Castle Street, Dalkey enjoys a right of way from the rear of her property over a portion of the property in the ownership of Michael Good. The nature and extent of the Right of Way is in dispute.
- Jane O'Connor has made an application to the Property Registration Authority for first registration of her title including the right of way as delineated on the map submitted with appendix 1 of the appeal. The Property Registration Authority will contact Mr. Good as an interested party and will be provided an opportunity to dispute her right to register the right of way as delineated on the map.

- In the absence of an agreement there remains the possibility that the dispute could end up before the Circuit or High Court for a resolution.
- In relation to the appeal it primarily refers to matter of the right of way and the potential that it will be interfered with.
- The letter from Orpen Franks advises that the dispute regarding the right of way is purely a legal issue and not a planning issue.
- It is acknowledged that the additional information drawings inadvertently omitted a bedroom window in terrace house no. 3. This was an error which occurred during the modification made to the area at additional information stage. A copy of the floor plan and elevation with the window in place has been submitted with the appeal.
- In relation to access and car parking the Council's Roads Department were satisfied with the car parking provision and the details of the roadway across Castle Cove. The Planning Department were satisfied that the floor area of the terraced houses was adequate.
- It is submitted that the proposal would represent a distinct planning gain.

6.3. **Planning Authority Response**

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

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and in the observations submitted. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Design and impact on residential amenity.
- Access and parking
- Legal issues

- Appropriate assessment

7.1. Design and impact on residential amenity

- 7.1.1. The proposed development comprises a small infill scheme within a site zoned neighbourhood centre. The infill nature of the appeal site means any development should fully respect the character and context of the area. The proposed design and scale of the dwellings are in keeping with the surrounding residential development. The scheme is contemporary in design the terrace dwellings feature a slanted mono-pitch roof design with zinc cladding to the front elevation. The proposed detached dwelling d to the southern end of the site is also of contemporary design. I note that the elevational treatment has been specifically designed to ensure no undue overlooking of the neighbouring dwellings. The south elevation includes first floor rear bedroom windows with screen louvres, having regard to the provision of this design feature, I consider that the proposed windows would not cause any undue overlooking of neighbouring property.
- 7.1.2. Having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the new dwellings, the relative separation distances to the existing dwellings to the north, south, east and west and design of the proposed dwellings that it would not result in any undue overlooking of the neighbouring residential properties.
- 7.1.3. In terms of the private open space provision, each of the 3 no. terrace dwellings is served by a rear garden with an area of between 60sq m and 61sq m. The proposed detached dwelling which has 4 no. bedrooms has a rear garden with an area of 95sq m. Section 8.2.8.4 of the Development Plan sets out the standards for private open space. In the case of three bedroom houses a minimum of 60sq m is required and in the case of four bedroom houses a minimum of 75sq m is required. Having reviewed the site layout plans, I am satisfied that the areas of the gardens have been provided in accordance with the required standards set out in 8.2.8.4 of the County Plan.
- 7.1.4. The appeal refers specifically to house no. 3 and raises concern that the single bedroom at the north-eastern corner does not feature a window in the drawing submitted with the further information. In response to the matter the first party acknowledged that the drawings submitted with the further information inadvertently

omitted a bedroom window in terrace house no. 3. The appeal response submitted by the first party on 18th of September 2019, includes a copy of the first floor plan and north elevation of house no. 3 on drawing no. 17-24-04. The subject bedroom window is illustrated on the floor plan and elevation. Accordingly, this satisfactorily addresses the matter.

7.2. Access and parking

- 7.2.1. The proposed vehicular access is to be achieved by removing a section of wall at Castle Cove a scheme of 5 no. houses with courtyard access onto the car park. The appeal contends that the proposed vehicular access arrangements to serve the scheme are not appropriate as there is potential for the proposal to result in a traffic hazard with potential conflicts between pedestrians and vehicles. It is also suggested that there is potential for additional vehicular movements into the proposed development at times when the car park is full.
- 7.2.2. Following the submission of further information in relation to a number of matters referring to design details of the proposed internal access roadway and footpaths, proposed lighting and the omission of the proposed resident controlled automatic bollards at the entry point from 'Supervalu' car park to the proposed residential development via Castle Cove the Transportation Planning Section of the Council in their report dated 23/7/17 stated that they had no objections to the proposals subject to condition.
- 7.2.3. As detailed on the Site Plan, Drawing No. 17-24-01 it is proposed to remove part of the existing boundary wall along the western side of Castle Cove and build a new curved masonry wall. As indicted on the site plan it is proposed to remove the existing railings and low brick wall to the front of the dwellings at Castle Cove and replace them with new wall and railings set forward from the dwellings. This will provide adequate separation between the front of the existing properties and the proposed access to the new development. It is also proposed to remove the two bollards at the entrance between Castle Cove and the car park. While I note that originally the applicant proposed resident controlled automatic bollards at the entry point from 'Supervalu' car park to the proposed residential development via Castle Cove the Transportation Planning Section required that it be omitted in order to

provide unrestricted emergency access. This is in accordance with proper planning and best practice.

- 7.2.4. Contrary to the appellant's assertions I would consider that design and layout of the scheme would successfully integrate with the adjoining residential scheme at Castle Cove with the provision of good pedestrian and vehicular permeability and safe access in accordance with the provisions of DMURS.
- 7.2.5. Regarding the matter of car parking the appeal refers to the proximity of Dalkey Dart Station and the suitability of the location for a reduction in on-site car parking. Dalkey Dart Station is situated circa 200m to the south-east of the site. Car parking standards are set out under Table 8.2.3 of the Dún Laoghaire Rathdown Development Plan 2016 – 2022. Generally, 1 no. car parking space is required for all one bed and two – bedroom dwellings and 2 spaces are required per three bed dwelling or larger. The proposed scheme comprises a detached dwelling containing four bedrooms and 3 no. terraced dwellings each containing three bedrooms. As indicated on Drawing no: 17-24-01– 'Site Plan' 8 no. car parking spaces are proposed in a communal area to the frontage of the proposed dwellings. This includes one car parking space for use by persons with a disability. The car parking provision is therefore in accordance with Table 8.2.3 of the Development Plan. While I note the proximity of the Dart Station, I consider the proposed car parking is appropriate as it provides two spaces per dwelling which can facilitate either resident or visitor use. In relation to bicycle parking, two Sheffield stands are proposed which would provide 4 no. cycle parking spaces with one per dwelling.
- 7.2.6. Accordingly, I am satisfied with the proposed car parking provision and vehicular and pedestrian access arrangements.

7.3. Legal issues

- 7.3.1. The appeal primarily refers to a Right of Way and the potential that it will be interfered with. The appellant Jane O'Connor submits that the applicant did not accurately indicate the width of her legal right of way within the subject site on the drawings submitted. It is set out in the appeal that the gate opening into the application site from the north and from the right of way is 3.9m wide and not 3m as indicated by the applicant. Therefore, she states that the Planning Authority did not

have the full facts before them in making the decision. The appellant also submits that the applicant has not put forward any reasonable method of upholding her right of way which is 3.9m wide by 7.5m in length within the application site.

- 7.3.2. In response to the matter the applicant's agent confirms that there is no argument that this Right of Way exists. They also confirm that the location of the gate from the rear garden of no. 42 Castle Street is inaccurately positioned on the drawing. I note that the subject Right of Way is indicated on Drawing no: 17-24-10, titled 'Drainage and Right of Way detail at Castle Street' and Drawing no: 17-24-01, titled 'Site Plan' The Right of Way is highlight in yellow on both drawings and is indicated as extending along the boundary between the application site and the rear yard of no. 42 Castle Street, the appellant's property.
- 7.3.3. The first party state that the precise location of the pedestrian gate is not pertinent as the Right of Way has been correctly indicated on the plans within the site and extending north along the laneway connecting to Castle Street. The first party also confirm that this access will be maintained through the appellant's existing pedestrian gate along the edge of the rear garden of house no. 3 and through a new pedestrian gate onto the laneway.
- 7.3.4. The appeal response from the first party was accompanied by a letter from Orpen Franks Solicitors outlining their legal opinion on the matter. They advised the applicant's agent Paul O'Toole Architects that the nature and extent of the Right of Way is in dispute and that in the absence of an agreement there remains the possibility that the dispute could end up before the Courts for a resolution.
- 7.3.5. Accordingly, having regard to the fact that there is a dispute in relation to the nature and extent of the Right of Way and the matters concerning it relate to Civil Law, I consider it is outside the remit of the Board to determine legal interests and/or obligations held by the applicant, in relation to such lands.
- 7.3.6. The Planning and Development Act 2000, as amended, requires that the applicants have sufficient legal interests in the lands to carry out the development. Furthermore, I note that it is not within the remit of the Board to determine legal interests and/or obligations held by the applicant, in relation to such lands. Section 34(13) of the Planning and Development Act, 2000, as amended, relates as follows: "A person shall not be entitled solely by reason of a permission or approval under this section

to carry out a development.” This subsection makes it clear that the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or licences which statutes or regulations or common law may necessitate.” Accordingly, I do not consider that these matters are reasonable and substantive grounds for refusal of the proposed development.

7.4. Appropriate assessment

- 7.4.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, the location of the site in a serviced suburban area and the separation distance 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 or projects on a European site.

7.5. Other matters

- 7.5.1. The appeal site is located within the zone of potential of Recorded (RMP No. 023-023) which refers to ‘Historic Town’, Church, Castle, Graveslab, Holy Well, Cross and Town Defences. Should the Board decide to grant permission, I would recommend that attachment of a condition requiring archaeological appraisal of the site.

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the zoning provisions for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1st of July 2019 and by the further plans and particulars received by An Bord Pleanála on the 18th day of September, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5.

- (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety.

- 6. Site development and building works shall be carried out only between the hours of 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 hours 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 amenities of property in the vicinity.

7. 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.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

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

11. All of the houses shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

12. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting, including the lighting levels within open areas of the development.

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

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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

14. 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.

Siobhan Carroll
Planning Inspector

28th of January 2020