



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305309-19

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<b>Development</b>	Demolition of dwelling and associated outbuildings and construction of 5 houses and 9 apartments.
<b>Location</b>	Lands at Old Meadow, Priory Avenue/Grove Avenue, Blackrock, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19A/0201
<b>Applicant(s)</b>	Hanobu Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. Martin and Irene Browne 2. Davis and Dee Colgan 3. Niall Anderton 4. JV and Kay Marren 5. Frank Guilfoyle

6. William and Linda McEnroe

7. Maureen Dolan

**Observer(s)**

None

**Date of Site Inspection**

14<sup>th</sup> November 2019

**Inspector**

Emer Doyle

## 1.0 Site Location and Description

- 1.1.1. The subject site has an area of 0.2543 hectares and is located on the southern side of Priory Avenue at the junction of Priory Avenue and Grove Avenue, Blackrock, Co. Dublin.
- 1.1.2. The site currently accommodates a part three storey, part single storey detached dwelling. The existing house 'Old Meadow' is a mid 20<sup>th</sup> century traditional block/brick house and is located in the centre of the site at approximately a 45 degree angle to the road.
- 1.1.3. The surrounding area is generally characterised by detached dwellings of varying architectural styles on substantial sites. The site is located c. 650km from the N11 QBC.

## 2.0 Proposed Development

2.1. Permission is sought for the following:

- Demolition of two-storey detached dwelling
- Construction of 5 No. terraced three bedroom, three storey pitched roof dwellings
- Construction of 9 No. apartments in a four storey building (consisting of 2 No. one bed units, 6 No. two bed units and 1 No. three bed penthouse)
- 20 No. surface car parking spaces and private amenity open space to each dwelling and landscaped amenity open space for apartments
- Extinguishment of existing vehicular and pedestrian entrance on Grove Avenue
- Provision of a new public footpath on Grove Avenue
- All associated works together with landscaping

A Further Information Request was issued by the Planning Authority dated the 17<sup>th</sup> day of May 2019.

- The main details/ revisions submitted to the Planning Authority dated the 15<sup>th</sup> day of July 2019 are as follows:
- Revised notices
- Redesign of House No. 1 providing for a reduction in scale of the 2<sup>nd</sup> floor level and the relocation of the bedroom to the front of the house
- Redesign of Apartment No. 7 relocating the terrace to the northern side of the building and associated elevational changes
- Redesign of balconies in Apartments Nos. 8 and 11 to provide two balconies totalling 10m<sup>2</sup>
- Redesign of rear gardens of Units 1-5 to increase the rear garden area
- Details of finishes submitted
- Alterations to road and footpath
- Photomontages
- Revised landscaping plan and report
- Identification of all trees together with assessment and revised arboricultural report
- Alterations to surface of car parking area to cellular grassed paving
- Quality Audit
- Waste Management Operational Plan
- Construction and Demolition Waste Management Plan
- Environmental Management Construction Plan

## 3.0 Planning Authority Decision

### 3.1. Decision

- Permission granted by Planning Authority subject to 23 No. conditions. Noteworthy conditions include the following:
- Condition No. 4: Materials and finishes of the proposed scheme shall be in accordance with Drawing No. XTD-474 AI-500 (Selected Materials - Samples).
- Condition No. 9: Prior to commencement of development the applicant shall submit a revised detailed layout plan drawing showing a minimum of 9 'Sheffield' bicycle stands (18 bicycle parking spaces) for residents and visitors of the proposed development. The above shall be shown to be covered, secure and correctly designed in accordance with the Dun Laoghaire Rathdown County Council – Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018).
- Condition No. 11: The applicant shall submit a revised landscape plan which incorporates additional native canopy tree planting within the pocket of open space to the east of the Car Park Space No. 18 and to the east of the ground floor terrace of Apartment No. 6.
- Condition No. 17: No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The initial planning report dated the 14<sup>th</sup> of May 2019 noted the objections submitted and required Further Information in relation to a number of items. It was considered that subject to a carefully considered architectural response,

a higher density of development was acceptable in principle. The second report dated the 8<sup>th</sup> of August 2019 recommended permission subject to conditions.

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

**Drainage Department:** No objection subject to conditions.

**Transportation Department:** The first report dated the 30<sup>th</sup> of April 2019 required Further Information. The second report dated 29<sup>th</sup> of July 2019 recommended permission subject to conditions.

**Housing Department:** No objection subject to conditions.

**Parks and Landscape Services:** Report dated 24<sup>th</sup> April 2019 recommended refusal.

**Public Lighting Section:** Report recommended permission subject to conditions.

**Waste Section:** The first report required Further Information.

### 3.3. **Prescribed Bodies**

Irish Water- No objection.

### 3.4. **Third Party Observations**

- 3.4.1. A total of 18 No. observations were submitted to the Planning Authority. The issues raised are similar to those set out in the third party appeals.

## 4.0 Planning History

No recent history on site.

### **ABP Ref. 301796/ PA Ref. 18A/0223**

Permission refused by PA and by ABP on appeal for conservation work to Dal Riada House (protected structure) and erection of 9 No. two storey houses.

### **PA Ref D17A/0450**

Permission refused for works to Dal Riada House and for 8 No. two storey/dormer houses because of (a) impact on a protected structure and (b) lack of clarity in relation to works to the protected structure.

## 5.0 Policy Context

### 5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".

National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".

National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

## 5.2. Section 28 Ministerial Guidelines

5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Urban Development and Building Heights’ Guidelines for Planning Authorities
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’

## 5.3. Development Plan

5.3.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016 – 2022. The subject site is zoned A: “To protect and/or improve residential amenity.”

Relevant policies and objectives include:

Section 8.2.3.4 (vii) Infill: “New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”

Section 8.2.3.4 (xiv) Applications for replacement dwellings shall also have regard to Policies AR5 and AR8 (Sections 6.1.3.5 and 6.1.3.8). In this regard, the retention and reuse of an existing structure will be encouraged over replacing a dwelling.

Section 2.1.3.4 Existing Housing Stock Densification: “Encourage densification of the existing suburbs in order to help retain population levels – by ‘infill housing. Infill

housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc. In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”

Policy RES 3: It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

Where a site is located within 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities of 50 units per hectare will be encouraged.

Section 8.2.3.2 of the Plan set out quantitative standards for residential development.

Section 8.2.8.4 sets out standards for private open space.

#### **5.4. Natural Heritage Designations**

5.4.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 1.3km east of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 1.3km east of the site.

#### **5.5. EIA Screening**

5.5.1. Having regard to nature of the development comprising a small infill residential scheme and the urban location of the site 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**

The grounds of appeal can be summarized as follows:

- Overdevelopment of the site and poor precedent for the area.
- Concerns regarding scale, height, design and over development of site.
- Lack of adequate open space and children's play areas.
- Density excessive and out of character with the area.
- Concerns regarding tree loss.
- Concerns regarding traffic safety and insufficient parking on site.
- Concerns regarding overlooking and loss of light.
- Changes made in revised drawings submitted at Further Information stage are inadequate to address the concerns in relation to overlooking and impact on residential amenities.

### **6.2. Applicant Response**

The response submitted on behalf of the applicant can be summarised as follows:

- The density proposed is appropriate for the site.
- The applicant addressed all the concerns raised by the Transportation Department.
- The proposed development would improve traffic safety by removing landscaping which is impeding traffic and by the provision of a 2.3m wide footpath.

- Reduced car parking standards are required by the National Guidelines on Apartments and the site is located within 650m of the QBC on Stillorgan Road.
- The trees along the site boundary to Grove Avenue are in very poor condition. It is proposed that the trees along the southern and western boundaries will be retained.
- The quantum of open space exceeds the combined requirements of the Development Plan for dwellings and the Apartment Guidelines.
- It is not considered that there would be overlooking or overshadowing. A layout has been submitted which indicates the distances from 'Cornerways' and 'Kab-ri-Yan'.
- It is considered that the photomontages demonstrate that the proposal would assimilate into the existing environment.

### 6.3. Planning Authority Response

- The grounds of appeal do not raise any new matters, so no additional comment is made.

### 6.4. Observations

- None.

## 7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be summarised as follows:

- Density
- Design and Impact on the Character of the Area
- Traffic Safety and Parking
- Impact on Residential Amenities
- Other Matters
- Appropriate Assessment

## 7.2. Density

- 7.2.1. This is a serviced zoned site in a designated development area. A total of 14 No. units are sought on a site of 0.2543 hectares which equates to a density of c. 55 units per hectare.
- 7.2.2. I note that the apartments comply with the apartment design standards set out in the 'Sustainable Urban Housing: Design Standards for New Apartments Planning Guidelines'.
- 7.2.3. The site is located c. 650m from the N11 QBC. The proposal seeks to widen the housing mix in the area and would improve the extent to which it meets the various housing needs of the community. The density is considered to be appropriate for the site and in compliance with the relevant section 28 ministerial guidelines.

## 7.3. Design and Impact on the Character of the Area

- 7.3.1. The site is located at a prominent location at the junction of Grove Avenue and Priory Avenue. The immediate surrounds of the site have a sylvan character and mainly comprises of large detached houses on large and well landscaped mature sites. A key concern raised in the appeals is that the proposed development would be unsuitable for this location and is excessive in height, visually overbearing and discordant, and out of character with existing development in the area.
- 7.3.2. I refer the Board to the photomontages submitted to the Planning Authority dated the 15<sup>th</sup> of July 2019. In my view, these give a realistic view of the existing site and surrounds together with the development proposed.
- 7.3.3. A key objective of the NPF is to encourage greatly increased levels of residential development in our urban centres and significant increases in building heights and overall density of development. The section 28 guidelines 'Urban Development and Building Heights' also encourage higher buildings in certain sites well served by public transport provided that the increased height can be successfully integrated into the area and respond to the scale of adjoining developments. Regarding the matters of building height and adherence to existing pattern of residential development in the area as raised in the appeals, Ministerial policy as set out in 'Urban Development and Building Heights' Guidelines for Planning Authorities

advises that the constant expansion of low-density suburban development around our cities and towns cannot continue. Section 3.4 of the Guidelines refers to Building height in suburban/edge locations (City and Town) and it advises that for newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, should now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). The Guidelines advise that such developments also address the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more bedroom homes across a variety of building typology and tenure options, enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation.

Accordingly, having regard to the provisions of the Ministerial Guidelines in relation to Building Heights, I would accept that the principle of an apartment building and terraced housing units can be considered at this location subject to all other relevant planning considerations being satisfactorily addressed.

- 7.3.4. In my view, the proposed design has been carefully thought out and responds to the corner location of the site, the site context, the site conditions and surrounding developments. I note that the planner's report is generally satisfied that the proposed design is of a high standard and quality and I concur with this view. The revised drawings submitted to the Planning Authority dated the 15th of July 2019 reduce the scale of unit 1 at second floor level and I consider that this alteration aids the development to integrate into the Grove Avenue streetscape at this location. The apartment building is part 3 storey/ part 4 storey and the graduation in height is considered to tie in with the site context and existing development in the area. Overall, I am satisfied that the design has been carefully considered and can be assimilated into the streetscape at both Priory Avenue and Grove Avenue and make a positive contribution to the public realm at this location.

#### **7.4. Traffic Safety and Parking**

- 7.4.1. The main concerns raised in the appeals relate to traffic safety and the adequacy of car parking.

- 7.4.2. Revised details were submitted in response to issues raised in the Transportation Report by the Planning Authority dated the 30<sup>th</sup> of April 2019. These include the widening of Grove Avenue to 5.5m and the provision of a footpath of 2.3m at this location. It is proposed to close the existing vehicular access on Priory Avenue and provide a pedestrian access at this location. The revisions also proposed for the relocation to the public lighting pole at Grove Avenue/ Priory Avenue Section together with the consent of the Council for these works.
- 7.4.3. The main concern in relation to traffic safety was that the existing roads and junction are very busy with traffic and there had been accidents and near misses at this location. The appeal response includes a screenshot from the Road Safety Authority accident database which records a single minor car accident in 2012. As such, it is considered that the concerns in relation to traffic are not evidence based.
- 7.4.4. I am of the view that the development proposed is modest in scale and the levels of traffic would not significantly increase at this location. I consider that the widened roadway and widened footpath will be of benefit to all road users in the area and as such would result in a planning gain for the area. Having inspected the site and road network in the vicinity I would consider that it is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.
- 7.4.5. Table 8.2.3 of the Dún Laoghaire Rathdown Development Plan 2016 – 2022 sets out the car parking standards for residential schemes. Generally, 1 no. car parking space is required for all one bed units, 1.5 spaces per two bed unit, and 2 spaces per three bed unit. The proposed scheme comprises a total of no. 9 apartments with 2 No. one bed units, 6 No. two bed units and 1 No. three bed unit together with 5 No. 3 bed houses. Therefore, based on the development plan standards 2 no. spaces would be required for the one bed units, 9 no. spaces for the two bed units and 12 no. spaces for the 3 bed apartment and 5 no. houses. Accordingly, a total of 23 car parking spaces would be required in accordance with Table 8.2.3 of the Development Plan. A total of 20 no. surface car parking spaces are proposed. There would therefore be a shortfall of 3 no. spaces based on the Development Plan standards.

- 7.4.6. 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' advise for accessible urban locations where apartments are proposed and that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Suitable locations for such a reduction in car parking includes locations which are within 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.
- 7.4.7. Whilst the report from the Transportation Section dated the 30<sup>th</sup> day of April 2019 states that it 'would not be in favour of such a proposed reduction in parking', the planner's report dated the 14<sup>th</sup> day of May 2019 notes the Apartment Guidelines and the location of the site in close proximity to the Stillorgan QBC and considers that the car parking provision is acceptable.
- 7.4.8. I would concur with the report of the Planning Section and consider that the car parking proposed is adequate and the location of the site in proximity to a QBC means that it is an appropriate location for a reduction in car parking standards.

## 7.5. **Impact on Residential Amenities**

- 7.5.1. The main concerns raised in the third party appeals in relation to residential amenity relate to overdevelopment of the site, overlooking and overshadowing.
- 7.5.2. I have already considered the matter of density and consider that whilst it is very different from the prevailing density in the area, it is appropriate for the location having regard to the proximity of the site to the QBC and the corner location of the site which provides more scope for development than an infill site.
- 7.5.3. I refer the Board to the revised drawings submitted dated the 15<sup>th</sup> of July 2019 which provide for an increased rear garden area for the 5 No. houses and redesign the second floor of unit 1 so that it aligns with the rear building line to the south of the site. It is also proposed that the first and second floors windows will have opaque glazing at this location. I also refer the Board to Drawing No. XT-D-474 PL-700 submitted with the appeal which indicates the dimensions between the site and the nearest adjoining houses to the west and north west with distances ranging from

19.6m to 39.7m. I also note that there is substantial hedgerow and trees on the western boundary which it is proposed to retain between 'Kab-ri-Yan' and the site and the Priory Avenue roadway is located between the site and 'Cornerways'.

- 7.5.4. Whilst I accept that the type of development proposed is very different to what exists on the site at present, in my view the separation distances are generous and there is no overlooking of directly opposing windows from the scheme to adjoining residences.
- 7.5.5. In relation to the matter of overshadowing, Shadow Diagrams were submitted to the Planning Authority dated the 25<sup>th</sup> day of March 2019. Having reviewed the shadow diagrams for the 21<sup>st</sup> day of March, I note that whilst there would be some early morning marginal overshadowing at 9AM, it would be gone by 12PM. As such, I am satisfied that the proposed development would not unduly impact the amenities of adjoining properties in terms of overshadowing.
- 7.5.6. Overall, I am satisfied that the revised drawings would not result in any undue overlooking or overshadowing of residential properties in the area.

## 7.6. **Other Matters**

- 7.6.1. Regarding open space provision, the report of the Council's Parks and Landscape Services considered that the quantum of communal open space proposed was not satisfactory. Section 8.2.8.2 of 2016-2022 County Development Plan states that 'For all developments with a residential component (5+ units) the requirement of 15 sq. metres to 20 sq. metres of public/ communal open space is required per person based on the number of residential/ housing units. For calculation purposes, open space requirements are based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms'. The Development Plan requirements are therefore calculated as a minimum of c.660 sq.m of communal open space.
- 7.6.2. As set out in Appendix 1 of the Apartment Guidelines, the minimum required area for public communal amenity space is 5sq.m per one bedroom unit, 6-7sq.m per two bedroom unit, and 9 sq.m per three bedroom unit. The requirement based on the mix of 5 No. dwellings using the Development Plan requirements is 300 sq.m whilst

the 9 No. apartments require 61 sq. m using the Apartment Guidelines. Therefore the minimal communal open space required for the scheme is 361 sq. m. The total area of communal open space stated on the drawings submitted is 561 sq. m. I note that a revised landscaping plan was submitted to the Planning Authority dated the 15<sup>th</sup> of July 2019 which provides for hard and soft landscaping of this area together with a small children's play area – Drawing No. 254-DD-01. Accordingly, I am satisfied that communal open space proposals are acceptable.

7.6.3. Having reviewed the site layout plans and floor plans, I am satisfied that the areas of the balconies and terraces as revised dated the 15<sup>th</sup> of July 2019 have been provided in accordance with the required standards set out in Appendix 1 of the Apartment Guidelines and table 8.25 of the development plan which refers to minimum private open space standards.

7.6.4. I note that Drawing No. 19022\_TPP provides for a tree protection fence along substantial parts of the western and southern boundaries. The appeal response states that there is no objection to a condition by the Board in relation to the retention of these trees. I also note that condition No. 11 of the Planning Authority required revisions to the landscaping plan to provide additional native canopy tree planting within the pocket of open space to the east of car park space No. 18 and to the east of the ground floor terrace of Apartment No. 6. I consider that such a condition would be appropriate should the Board be minded to grant permission.

## 7.7. **Appropriate Assessment**

7.7.1. Having regard to the nature and scale of the development which consists of a residential infill development in a fully serviced urban location, 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.

## 8.0 **Recommendation**

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

## 9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan, 2016 – 2022, and the overall scale, design and height of the proposed development, 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 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 and on the 15<sup>th</sup> day of July 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. 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.

3. The site access arrangements and the internal road network serving the proposed development, including parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future

electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points.

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

4. 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.

5. Details of all boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development on the site.

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

6. (a) Prior to commencement of development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

(b) The applicant shall submit a revised landscaping plan which provides for additional native canopy tree planting to the east of car parking space No. 18 and to the east of apartment No. 6.

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

7. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist to act as consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to

ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the Arboricultural Method Statement and Tree Protection Plan in the submitted tree report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

**Reason:** To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

8. 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 over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

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

9. Proposals for the development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed scheme. 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 interests of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

10. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. 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, noise management measures and off-site disposal of construction/demolition waste.

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

12. 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 (which shall not be within the areas designated for tree protection) and for storage of deliveries to the site.

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

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these

facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interests of residential amenity and proper waste management.

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

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

15. 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 96(4) and 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 97(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 for the area.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form

and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Emer Doyle  
Planning Inspector  
2<sup>nd</sup> of December 2019