



An
Bord
Pleanála

Inspector's Report ABP 305876-19

Development	Construction of 4 dwellings.
Location	Channel Road/Sundrive Road, Rush, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0385
Applicant	Hatley Homes Development Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Hatley Homes Development Limited
Observer(s)	None
Date of Site Inspection	13 th March 2020.
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site (0.33 ha) comprises an undeveloped, rectangular shaped site which front onto the Channel Road along its northern boundary and the Sundrive Road along its southern boundary. Lands adjoining the site to the east contain 3 no. dwellings and adjoining lands to the west contain 2 no. dwellings, all varying in form and design. The site is relatively level and its surface is laid with tarmacadam, currently overgrown with weeds and vegetation. A concrete post and metal fence traverses the centre of the site, from north to south. The eastern and western boundaries are defined with block walls c. 2m high for the most part. The southern roadside boundary is defined with a hedgerow and a vehicular entrance and the northern boundary is defined with a decorative metal rail over a low-rise brick wall and vehicular entrance. The pattern of development in the immediate surrounding area is mostly residential with dwellings of varying form and design.

2.0 Proposed Development

- 2.1.1. Application as lodged on the 23rd August 2019 - Permission sought for the following;
- Construction of 4 no. detached two-storey dwellings.
 - The stated floor area of the proposed dwellings are as follows;
 - House Type A (2 no. 4 Bedroom dwellings fronting onto Channel Road): 312 sq.m.
 - House Type B (2 no. 4 Bedroom dwellings fronting onto Sundrive Road): 224 sq.m.
 - Provision of 2 no. vehicular entrances from both the Channel Road and Sundrive Road, serving each proposed dwelling respectively.
 - Provision of 2 no. in-curtilage car parking per dwelling.
 - Removal of tarmacadam surface on the site.
 - Connection to mains foul drainage public network and other services via Channel Road.
 - Associated site works.

The Planning Statement submitted states that the proposal is based on outline planning permission granted previously by Fingal County Council under P.A. Ref. F16A/0532.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council refused permission for the proposed development. The 2 no. reasons for refusal were as follows;

1. The site is located within the 'RU' zoning objective under the Fingal Development Plan, 2017 – 2023, the objective of which is to 'protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage' and in a 'Rural Area under Strong Urban Influence' in the 'Sustainable Rural Housing Guidelines for Planning Authorities' (DoEHLG, 2005). Furthermore, it is national policy in such areas under urban influence, as set out in National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban influence. Having regard to the documentation submitted with the application, the applicant has not demonstrated their eligibility to be considered for dwellings in the rural area of Fingal. The proposed development would contravene materially the rural settlement strategy of the Fingal Development Plan 2017-2023 including Objectives RF43 and RF44, would be contrary to the Ministerial Guidelines and to the over-arching national policy in the National Planning Framework and the proper planning and sustainable development of the area.
2. The proposed development of 4 dwellings would lead to a suburban pattern of development in the form of a multiple unit housing estate in a rural area and would therefore contravene materially Green Infrastructure Map Based

Objective 21, the 'RU' Rural land use zoning objective pertaining to the site and the Fingal Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for the Planning Authority's decision. Includes:

- The 'Rural Settlement Strategy', as it applies to the South Shore area of Rush (Objective RH43) allows for applicants who reside (or have resided) within the South Shore area of Rush or within the confines of Rush development boundary for a minimum period of 10 years to be considered for a dwelling within the rural zones area of the South Shore.
- The applicant is of the view that the Rural Settlement Strategy should not apply to this application on the basis that the subject site was previously used for commercial purposes and retains the tarmacadam surfacing from previous car parking usage which was ancillary to the former commercial use associated with the site.
- The applicant has not submitted any documentary evidence demonstrating compliance with the 'Rural Settlement Strategy'. The proposed development would therefore not be in compliance with Objective RF43 of the Development Plan.
- The Green Infrastructure Map Based Objective 21 seeks to 'exclude multiple unit housing estates in the South Shore Area of Rush'. Given that the proposed development is for 4 no. dwellings, it is considered that the proposal would lead to a suburban pattern of development in a rural area and would accordingly materially contravene materially the 'RU' rural land zoning objective pertaining to the site.
- In terms of overlooking, the first-floor side window opes would result in overlooking of adjoining property. It is noted however that these bedrooms are also served by windows on either the front or rear elevations of the dwellings. In the event of a grant of permission, a Condition could be imposed requiring the omission of these side window opes, to prevent overlooking.

- In relation to proposed Type A House, the east and west elevations are incorrectly labelled on the elevation drawing submitted, Dwg. No. P.03. The north and south elevations of House Type B are also incorrectly labelled on elevation drawing No. P04.
- The proposed development would not negatively impact on the visual amenity of the area.
- The proposed development complies with Development Plan standards with regards internal space and private amenity space and separation distances from neighbouring dwellings.
- The proposed 2 no. in-curtilage car parking spaces provided for each dwelling is acceptable.
- Sightlines at the proposed new entrances are acceptable.

3.2.2. Other Technical Reports

Transportation Planning Section:

No objection subject to Conditions requiring (interalia) the following;

1. The front boundary of each of the sites fronting onto Sundrive Road shall be set back as detailed on Drawing No. P100 to allow for road widening and the provision of a future footpath.
2. The dividing boundary walls between the driveways shall not exceed a height of 0.9 metres over the last 3m adjacent to the public carriageway.

Water Services Department: No objection subject to Conditions.

Parks Division: No objection subject to Conditions.

Irish Water: No objection subject to Conditions.

4.0 Planning History

P.A. Ref. F16A/0532 Outline Permission granted in March 2017 for the construction of 4 no. dwellings and associated site works, with vehicular access for 2 no. dwellings

from Channel Road, and vehicular access for 2 no. dwellings from Sundrive Road respectively.

P.A. Ref. F13A/0092 Permission granted in 2013 to Rush National School for the construction of a 2-storey temporary pre-fabricated school building (2580sq.m.) for the duration of construction of their new school building.

5.0 Policy and Context

Fingal County Development Plan 2017-2023

Zoning: The site is zoned objective 'RU' which seeks 'Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'.

Specific Objectives There is a specific objective along the northern boundary of the site to provide an 'cycle / pedestrian route' – as listed under Specific Objectives on Sheet No. 6B.

The site is designated a Highly Sensitive Landscape – listed under Specific Objectives on Sheet No. 14 - Green Infrastructure 1.

The South Shore Area of Rush is subject to a Green Infrastructure Mapped Objective GIM 21 which seeks to 'exclude multiple unit housing estates in the South Shore area of Rush – as mapped on Sheet No. 14.

Chapter 4 Rush Development Plan Objectives

Section 5.2 Fingal's Rural Settlement Strategy – relevant objectives include;

Objective RF43 Consider planning applications for a house located within the South Shore area of Rush from persons who have been resident for a minimum of ten years within the South Shore area or within

the development boundary of Rush or within one kilometre by road of either of these areas, subject to sustainable planning and consideration of climate change impacts.

Objective RF44 Consider planning applications for a house located within the South Shore area of Rush from a mother, father, son or daughter of a resident who qualifies under Objective RF43, and subject to sustainable planning and consideration of climate change impacts.

Objective RF45 Require that any house which is granted planning permission in the South Shore area will be subject to an occupancy requirement whereby the house must be first occupied as a place of permanent residence by the applicant and/or members of his/her immediate family for a minimum period of seven years.

Section 12.6 **Design Criteria for Housing in the Countryside** – relevant policies include;

Objective DMS49 Ensure that new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design. A full analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape will be required in support of applications for planning permission.

Table 12.4 **Design Guidelines for Rural Dwellings**

Chapter 12 **Development Management Standards**

Section 12.4 **Design Criteria for Residential Development**

Objective PM44 Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Table 12.8 **Car Parking Standards**

5.1. Natural Heritage Designations

The site is located 0.8km to the north of the Rogerstown Estuary SPA (Site Code: 004015) and SAC (Site Code: 000208).

6.0 Environmental Impact Assessment - Preliminary Examination

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

7.0 The Appeal

7.1. Grounds of Appeal

A first-party appeal was received from Corr & Associates Spatial Planning Consultants representing the applicant Hatley Homes Development Limited, against the decision made by the Planning Authority to refuse permission for the proposed development.

The main grounds of appeal are summarised under the headings below;

7.2. Planning Authority's Reason for Refusal No. 1 - re. Zoning

- The proposed development, due to its layout, design, scale, height and mass will provide for the regeneration of brownfield lands whilst making the most sustainable use of land and existing infrastructure in accordance with national, regional and local policies and objectives including;
 - National Strategic Outcome 1 (Compact Growth) of the National Planning Framework - the aim of which is to deliver a greater proportion of residential development within existing built-up area of cities, towns and villages, to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

- Regional Strategic Outcome (RSO 2) in the Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES EMRA) which identifies the need to achieve ambitious targets for compact growth in urban areas.
 - The proposal is consistent with the Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (May 2009), which promotes higher residential densities on residential zoned land in particular locations including brownfield sites, subject to good design, the provision of a good quality living environment for future occupants and the protection of the amenities of adjoining property.
- The subject site is a brownfield site which was previously in use as a bar / restaurant car park – photographs submitted demonstrating same. The proposed development will comply with the above-mentioned NPF requirements to delivery greater densities through the re-use of a brownfield land.
 - The subject site is in the Rogertown area. This is an existing settlement where its residential character is well-presented and recognised in the Fingal Development Plan.
 - The proposed development is considered to be of an appropriate density, in keeping with the residential character of the area.
 - The Fingal County Development Plan 2017-2023 states that in the South Shore area ‘the pattern of development is essentially residential’.
 - The proposed development represents an invaluable opportunity to offer a good quality living environment for future occupants, particularly given its location on a consolidated residential area within walking distance of Rush main street whilst protecting amenities of adjoining properties.
 - The proposed development would provide for higher residential density at a site which is currently unused and vacant.
 - Should the site be developed in the form of single one-off housing rather than 4 no. dwellings, such development would fail to make optimum use of land, natural resources and existing social amenities and transport infrastructure within the direct vicinity of the subject site. Furthermore, the proposal would not deliver higher

residential density at a currently underused brownfield site as described in the above-mentioned national policies and objectives.

- The applicant requests the Board to grant permission for the proposed development in accordance with the provisions set out in Section 37 subsection 2 (a), (b) (ii) (iii) (iv) of the Planning and Development Act 2000 (as amended) by reason of the following;
 - The development and zoning objectives in the Fingal County Development Plan 2017-2023 included under Reason (1) to refuse this proposal, may be in conflict with the principles set forth in the national and regional development objectives to provide for sustainable development and compact growth.
 - The current zoning objective for the subject lands may be contributing negatively to the efficient utilisation of existing transport and social infrastructure, and consequently its effect on public finances and the environment (further urban sprawl).
 - The current zoning and local policy objective that applies to the subject lands prevents sustainable and compact growth to be achieved at a rural settlement and a moderate growth town like Rush and in the location of the proposed development within the immediate context of Rush main street.
 - The nature, scale and massing of the proposed development demonstrates that the proposal will provide for higher residential density at a site which is currently derelict and under-used, and it will make an efficient utilisation of existing transport and social infrastructure.

7.3. Planning Authority's Reason for Refusal No. 2 – re. Multiple Unit Housing Estate

- The nature, scale and massing of the proposed development, comprising 4 no. dwellings, should not be assessed under the Specific Local Objective GIM 21 which excludes multiple unit housing estates in the South Shore area of Rush.
- Under Section 1 (Interpretation) of the Multi-Unit Developments Act, 2011 a 'multi-unit development' is defined as;

(a) units intended where amenities, facilities and services are to be shared, and
(b) subject to section 2 (1), the development contains not less than 5 residential units.

- The number, design and scale of the proposed houses do not fall within the definition of a multi-unit housing estate under the MUD 2011 Act.
- The proposed development contains less than 5 units, will not share services like a conventional multi-unit housing estate, and will not include the development of common areas or the involvement of a management company among other characteristics of a multi-unit development.
- The proposed development, therefore, does not contravene materially the Green Infrastructure Map-Based Objective 21 and this local objective is not relevant in the context of the assessment and planning evaluation of the proposed development.

7.4. Planning Authority Response

- The Planning Authority remains of the opinion that the proposed development would contravene materially the rural settlement strategy of the Fingal Development Plan 2017 – 2023 including Objectives RF43 and RF44.
- It is considered that the proposal does constitute a multiple unit housing estate in a rural area by reason of its suburban pattern of development which would contravene materially Green Infrastructure Map Based Objective 21 and the “RU” rural land use zoning objective pertaining to the site.
- An Bord Pleanála is requested to uphold the decision of the Planning Authority.

7.5. Observations

None

8.0 Assessment

- 8.1. I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority were satisfied that the layout and design of the proposed development accords with the Development Plan residential standards. I am satisfied that subject to Conditions, the layout and design of the proposed development would

not detract from the visual or residential amenity of the surrounding area and would be acceptable in terms of traffic safety and convenience. I consider, therefore, that the main issues for consideration in this appeal are the 2 no. reasons for refusal as cited by the Planning Authority. These are addressed under the headings below;

8.2. Planning Authority's Reason for Refusal No. 1 – re. Zoning

8.2.1. The Planning Authority refused permission for the proposed development on the grounds that;

- The site is located on lands zoned 'RU', whereby its objective is to 'protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'.
- The site is located in a 'Rural Area under Strong Urban Influence', as set out in the in the 'Sustainable Rural Housing Guidelines for Planning Authorities' (2005)
- The applicant has not demonstrated their eligibility to be considered for dwellings in this rural area of Fingal.
- The proposed development would contravene materially the rural settlement strategy of the Fingal Development Plan 2017-2023 including Objectives RF43 and RF44.

8.2.2. The applicant's Grounds of Appeal in response to this reason for refusal are set out in Section 7.2 above.

8.2.3. The proposed development provides for the construction of 4 no. 2 storey detached dwellings on what appears to be a vacant / brownfield / infill site. The ground surface of the site is laid with tarmacadam, currently overgrown with weeds and vegetation. The applicant states in the Grounds of Appeal that the site was previously in use as a car park ancillary to a bar / restaurant known as 'The Good Old Days', with a photograph and copy of a newspaper cutting submitted demonstrating same. Having searched the planning history database of Fingal County Council I could find no evidence of a pub / restaurant with ancillary car park at this location. However, a search of Google Maps Street View shows that in 2009 the ground of the site was hard surfaced, vacant in use and was not overgrown with weeds and vegetation at this time.

8.2.4. As detailed in Section 5.0 above, the site is zoned objective 'RU' which seeks to 'protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'. Chapter 4 of the Fingal County Development, titled 'Urban Fingal' has a subsection titled 'The South Shore' which states that the pattern of development in the South Shore area of Rush is 'essentially residential, with some significant vacant sites'. Under this section, the Development Plan states that 'recognising the...residential land use within this area, and the availability of water services infrastructure, the Settlement Strategy for housing in the open countryside will be more flexible within the area demarcated on the Development Plan maps'. Sheet 6B of the Development Plan shows that the site is located within the Development Plan Map for Rush. This section states that the Settlement Strategy for the South Shore area is set out in Chapter 5 of the Development Plan.

8.2.5. Chapter 5 of the Development Plan, titled 'Rural Fingal' has a subsection titled 'South Shore Area of Rush', which states the following;

- The pattern of development is increasingly residential, with some significant vacant sites.
- Recognising the...residential land uses within this area, and the availability of water services infrastructure, the settlement strategy for housing in the open countryside will be more flexible within the area demarcated on the Plan maps.

Under this Section, Objectives RF43 – RF47 set out housing needs criteria for a rural house in the South Shore area, as detailed in Section 5.0 above.

8.2.6. Whilst I acknowledge that the rural housing requirements of Objectives RF43 – RF47 should be applied to 'RU' zoned lands, given a) the established brownfield / infill / vacant context of the site and b) the residential pattern of development on adjoining lands and the surrounding South Shore area (as stated in the Development Plan), it is my view that the rural housing requirements of Objectives RF43 – RF47 should not be applied in this instance. As stated in the Development Plan, the settlement strategy for housing in the South Shore should be flexible. Nonetheless, I acknowledge that permission for such development would materially contravene the 'RU' zoning objective of the site, whereby dwellings on such zoned lands require compliance with the requirements of relevant objectives of the Fingal Rural Settlement Strategy. With

this regard, I refer the Board to Section 37 Subsection 2 (a) & (b) of the Planning and Development Act 2000 (as amended) which states that;

“(a) Subject to paragraph (b), the Board may in determining an appeal under this

section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to F290[regional spatial and economic strategy] for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan”.

Having regard to the provisions above, it is my view that permission for proposed development should be granted in accordance with sub-sections (iii) and (iv), by reason of the following;

8.2.7. Re. Subsection (iii) – It is my view that the proposal would provide an acceptable form of development on an under-utilised infill / brownfield / vacant site. Such development would be consistent with National Policy Objective 3a of the National Planning

Framework which seeks to 'deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements'. Furthermore, the proposed development would be consistent with the vision and strategy of the NPF which seeks the following;

- Make better use of under-utilised land, including 'infill' and 'brownfield' sites with higher housing, better serviced by existing facilities and public transport.
- Reuse of previously developed, 'brownfield' land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings.

Re. Subsection (iv) – It is my view that permission for the proposed development should be granted having regard to the pattern of development in the surrounding area. As stated in the Development Plan, the South Shore area is 'essentially residential'. The Development Plan provides for the construction of 4 no. dwellings on what is essentially an infill / vacant site located between 2 no. dwellings on adjoining lands to the west and 3 no. dwellings to the east. I consider that the proposed development would not be out character with the residential pattern of development in the surrounding area.

8.2.8. In consideration of the above, I recommend that the appeal should succeed in relation to the Planning Authority's first reason for refusal.

8.3. Planning Authority's Reason for Refusal No. 2 – re. Multiple Unit Housing Estate

8.3.1. The Planning Authority refused permission for the proposed development on the grounds that the proposed development of 4 dwellings would lead to a suburban pattern of development in the form of a multiple unit housing estate in a rural area and would therefore contravene materially Green Infrastructure Map Based Objective 21, the 'RU' Rural land use zoning objective pertaining to the site and the Fingal Development Plan 2017-2023.

The South Shore Area of Rush is subject to a Green Infrastructure Mapped Objective GIM 21 which seeks to exclude multiple unit housing estates in the South Shore area of Rush – as mapped on Sheet No. 14. The Development Plan does not provide a definition of a multiple unit housing estate. Under Section 1(b) of the Multi-Unit Developments Act (2011) a 'multi-unit development' is defined as a development that

contains not less than 5 residential units. Given that the proposed development comprises the development of 4 no. units, it is my view that the proposed development does not comprise a 'multi-unit development' as defined in the Multi-Unit Developments Act (2011). The proposed development, therefore, would not materially contravene Green Infrastructure Mapped Objective GIM 21 of the Fingal County Development Plan. The layout and scale of the proposed development is consistent with the pattern of residential development in the area. For this reason, I recommend that the appeal should succeed in relation to the Planning Authority's second reason for refusal.

8.4. Screening for Appropriate Assessment

The proposed development will connect to the existing foul sewer along the Channel Road and will provide soakaways to the rear of the sites, installed in accordance with BRE Digest 365. It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Rogerstown Estuary SPA (Site Code: 004015) and SAC (Site Code: 000208) or any other European site. A Stage 2 Appropriate Assessment (and submission of a NIS) is therefore not required.

9.0 Recommendation

9.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

10.0 Reasons and Considerations

10.1. Having regard to the scale, form and design of the proposed dwelling and the pattern of development in the surrounding area, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact on the visual amenity of the surrounding area or the residential amenity of neighbouring property and would be acceptable in terms of traffic safety. In

accordance with the provisions of Section 37A Subsections 2 (a), (b) and (c) of the Planning and Development Act 2000 (as amended), it is considered that the proposed development would contribute to an objective of the National Planning Framework and would be consistent with the pattern of development in the surrounding area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement, the applicant / developer shall submit for the written agreement of the Planning Authority revised drawings detailing the following;</p> <ul style="list-style-type: none"> (i) The omission of first floor window opes on the side elevations of the proposed dwellings serving bedrooms. (ii) The provision of permanently fitted obscure glazing to landing / stairwell window opes on the side elevations of the proposed dwellings. (iii) Revised elevation drawings accurately labelling the orientation of their side elevations and a revised layout plan accurately detailing the layout/position of all dwellings on adjoining lands. <p>Reason: In the interest of residential amenity.</p>

3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
4.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of public health.</p>
5.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of traffic safety and residential amenity.</p>
6.	<p>(a) The front boundary of each of the sites fronting onto Sundrive Road shall be set back as detailed on Drawing No. P100 to allow for road widening and the provision of a future footpath.</p> <p>(b) The dividing / boundary walls between the driveways shall not exceed a height of 0.9 metres over the last 3 metres adjacent to the public carriageway.</p> <p>(c) The construction details of the road widening shall be agreed on site with the Planning Authority prior to commencement of works.</p> <p>(d) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary on Sundrive Road at the developer's expense.</p> <p>(e) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm, which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.</p> <p>(f) The footpath and kerb on Channel Road shall be dished at the developer's expense to the satisfaction of the Planning Authority.</p>

	<p>(g) All the above works shall be carried out at the developer's expense according to the specifications and conditions of the Planning Authority.</p> <p>Reason: In the interest of traffic safety.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
10.	<p>Proposals for a house name and/or numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house names and/or numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.</p>

	<p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
11.	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>

Brendan Coyne
 Planning Inspector

30th March 2020

