



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306597-20

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<b>Development</b>	Demolition of workshop and shed and construction of 2 semi-detached dwellings and construction of 1 detached dwelling
<b>Location</b>	Site to the rear of Nos., 404,406,408,410, Clogher Road, Crumlin, DUBLIN 12
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4485/19
<b>Applicant(s)</b>	Paul & Mary Tully
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	(1) Gary Delaney & Denise Doorly (2) Grainne & Thomas Barrett (3) Sean Bodie

**Date of Site Inspection**

13<sup>th</sup> May 2020

**Inspector**

Colin McBride

## 1.0 Site Location and Description

- 1.1 The application site is on the eastern side of Clogher Road, Crumlin, relatively close to the junction with Parnell Road, and the Grand Canal is to the north of this. The 705sq.m site has a gated access onto Clogher Road, and comprises lands to the rear of existing dwellings at nos.404,406,408 and 410 Clogher Road. The site comprises a yard area and three single storey sheds currently in use as steelwork fabrications. It is currently in operation and signage has been erected on the side of no. 408 'Monarch Steel Works Ltd, Gates & Railings'.
- 1.2 There are lands zoned for community uses i.e. lands associated with Our Lady's Hospice, Harold's Cross are located to the rear (east) of the site. The sheds adjoin the boundary wall of the Hospice site and the top of them can be seen to the west from the landscaped grounds.

## 2.0 Proposed Development

- 2.1. Permission for a development consisting of (i) demolition of existing workshop building and shed with a total floor area of 137.3sqm (ii) construction of 2 no. two-storey, two-bedroom, contemporary style, semi-detached dwellings with a flat roof and 4 no. rooflights, and construction of 1 no. two-storey, three bedroom, contemporary style, detached dwelling with a flat roof and 2 no. rooflights: (iii) formation of a new shared vehicular entrance on Clogher Road; (iv) Inclusion of designated bin area serving the development (v) 4 no. on-curtilage car parking spaces; private amenity space, boundary treatment, landscaping, SuDs drainage and all ancillary works necessary to facilitate the development.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted subject to 13 conditions. Of note are the following conditions...

Condition no. 6: No more than two dwellings permitted. Amendments to House C including reduced footprint, angling of a bedroom window, details of boundary treatment adjoining no. 412. 2 no. semi-detached dwellings to be replaced with 1 no. dwelling.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Planning Report (16/01/20): The principle of the proposed development was considered acceptable, however it was considered a lesser number of dwellings (2) was acceptable subject to amendments to be agreed prior to the commencement of development. A grant of permission was recommended based on the following conditions.

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

Drainage Division (18/12/19): No objection subject to conditions.

Transportation Planning Division (14/01/20): No objection subject to conditions.

## **3.3. Prescribed Bodies**

3.3.1 None.

## **3.4. Third Party Observations**

3.4.1 A number of submissions were received. The issues raised can be summarised as follows...

- Piecemeal backland development, poor quality development, adverse impact on adjoining amenities (overlooking/overshadowing), planning history, boundary treatment, unauthorised development, traffic safety, security issues, validation issues, drainage concerns.

## 4.0 Planning History

4.1 PL29S.248167: Permission refused for demolition of existing industrial sheds and the erection of 2no. two-storey detached houses, 4 car parking spaces, re-instatement of driveway. Refused based on one reason...

1. Having regard to the two storied nature, density and layout of the proposed development, it is considered that the proposed development of two dwelling houses to the rear of numbers 404, 406, 408 and 410 Clogher Road would constitute undesirable piecemeal backland development which would seriously injure the amenities of the area, would result in substandard private open space for these existing properties, would represent overdevelopment and would set an undesirable precedent for further such backland development in the rear gardens of these properties. The development proposed would, therefore, be contrary to Section 16.10.2 (Residential Quality Standards - Houses - private open space) and Section 16.10.8 (Backland Development) of the Dublin City Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

4.2 2293/16: Permission refused for the demolition of 194sq.m of existing industrial sheds, change of use from steelwork fabricators premises to residential, namely the erection of one two storey detached and two storey semi-detached houses, four car parking spaces and re-instatement of driveway and crossover and associated works. This was refused for reasons including sub-standard development, overshadowing and poor aspect would be seriously injurious to the residential amenity of existing and future residents and contrary to the proper planning and sustainable development of the area.

4.3 2877/15: Permission refused for a similar type development to the above on the subject site. This was refused for reasons including would be seriously injurious to the amenities of adjoining properties and would inhibit the future development

potential of the neighbouring site to the east and contrary to planning policy in the DCDP 2011-2017.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development Plan is the Dublin City Council Development Plan 2016-2022. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'. The lands to the east are within the Z15 zoning with a stated objective 'to protect and provide for institutional and community uses'.

Section 2.3.3 refers to 'Promoting Quality Homes' and includes: The provision of quality housing that is suitable for citizens throughout their lives and adaptable to people's changing circumstances is fundamental to creating a compact city with sustainable neighbourhoods.

Section 5.5 refers to National and Regional Housing Strategy.

Policy QH1 seeks: To have regard to the DECLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007); 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009).

Section 5.5.2 seeks to provide for Sustainable Residential Areas. This includes Policy QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

Chapter 16 provides the 'Development Standards' and regard is had in particular in this case to the following Sections:

Section 16.2.2.2 refers to Infill Development and this includes: To ensure that infill development respects and complements the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape.

Section 16.2.2.4 refers to Boundary Walls and Railings.

Section 16.4 has regard to the Density Standards 16.5 to Plot Ratio standards and 16.6 to Site Coverage.

Residential Quality Standards for houses are referred to in Sections 16.10.2 and 16.10.3. Section 16.10.4 refers to Making Sustainable neighbourhoods.

16.10.8 refers to concerns with Backland Development and 16.10.10 to criteria relevant to Infill Housing.

16.38 and Table 16.1 refer to Car Parking Standards.

## **5.2. Natural Heritage Designations**

5.2.1 None in the vicinity.

## **5.3. EIA Screening**

5.3.1 Having regard to the nature and scale the development which consists of the construction of three no. dwellings and associated site works 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

6.1.1 A third party appeal has been lodged by Gary Delaney & Denise Doorly, 412 Clogher Road, Crumlin, Dublin 12. The grounds of appeal are follows...

- Existing unauthorised development has not been dealt with adequately and the site should be reinstated as rear gardens. The proposal to regularise the planning status of the site by granting permission for dwellings is inappropriate and it is unlikely permission would be granted for the proposal were the unauthorised works not in place.
- Overdevelopment of the site and adverse impact on adjoining amenities with the previous refusal under ref no. PL29S. 248167 noted.
- The alterations required by condition no. 6 will compromise the development and illustrate the restrictive nature of the site and lack of suitability for the proposed/approved development. The boundary treatment adjacent no. 412 will have to be within the appeal site and not encroach onto the appellants' property.
- Concern is expressed regarding overspill of parking onto the footpath.
- The proposal allows a public access that would compromise existing security of the adjoining premises.
- The Planning report reference to case no. 3974/17 on Parnell Road as a justification for permitting development at this location is inappropriate with such not a comparable development.
- The appellants raise concerns about condition no. 6 in which boundary treatment adjacent no. 412 is to be submitted and agreed. The lack of control over such an issue with it noted that the appellants have been in mediation with the owner of the site to deal with the boundary issue. It is noted there is an existing hedgerow on the appellants' property that must not be impacted.



- There are discrepancies in the drawings submitted with a section of wall between no. 410 and 412 missing but such not indicated on the drawings submitted. Any development proposal should deal with boundary treatment between no. 412 and 410 as well.
- Any boundary provided must be of good and robust standard and must be delivered first with a condition on the sequence of construction appropriate to ensure such.
- In the event of a grant of permission the appellants wish that the proposal is reduced to one dwelling and adequate conditions are imposed regarding boundary treatment and its sequence of delivery.

6.1.2 A third party appeal has been lodged by Grainne & Thomas Barrett, 416 Clogher Road, Crumlin, Dublin 12. The grounds of appeal are as follows...

- Inappropriate handling of unauthorised development on site and enforcement. Proposal would not be considered in the event unauthorised development had taken place and the site was retained as part of the gardens of no.s 408 and 410. The unauthorised development means the site is being considered as an infill site which would not be the case prior to to the unauthorised development on site.
- Security and safety concerns due to improved access to the rear of adjoining properties.
- Validation issues in that Question 9 of the Planning Application form was not answered correctly with proposal entailing change of use or demolition of part of habitable dwelling (no. 408 and 410).
- The use of the access point onto Clogher Road would compromise health and safety of pedestrians. The proposal would exacerbate ongoing parking issues at the vehicular access.

6.1.3 A third party appeal has been lodged by Sean Bodie, 402 Clogher Road, Crumlin, Dublin 12. The grounds of appeal are as follows...

- Planning history and previous refusal on site are still relevant and the proposal fails to address such issues and also proposed one more unit than the previous proposal.
- The applicant has failed to provide details of legal interest in the site.
- Existing unauthorised development on site influences the consideration of the proposed development and such would not be considered if the site was still part of the rear gardens of no.s 408 and 410.
- The proposal would constitute a poor standard of development with an inappropriate outlook due to measures to prevent overlooking. Internal layout is inappropriate in terms of dimensions and the standards set down under Quality Housing for Sustainable Communities-Best Practice Guidelines for delivering Homes Sustaining Communities (2007).
- The level of parking proposed is inadequate with a lack of visitor parking and the possibility of increased on street parking. The proposal does not indicate location of cycle parking on the site layout.
- Inadequate proposal for bin storage.
- The site coverage is too low based on the development plan standards and the approved development includes omission of a dwelling reducing it further and illustrating the development is representative of piecemeal development.
- The proposal would be contrary development plan zoning policy due to adverse impact on residential amenities, contrary policy on infill housing.
- The level of revision required under condition no. 6 is significant and would have merited a further information request and restrict public comment.
- The proposal would have an adverse impact in adjoining residential amenity due to an overbearing impact, resulting overlooking, overshadowing and adverse impact on visual amenity. The proposal would devalue property in the vicinity.

## 6.2. Applicant Response

6.2.1 A response has been submitted by AKM Design on behalf of the applicants', Paul & Mary Tully.

- The applicants have sufficient legal interest in the site to make the application.
- It is noted that the proposal is not sub-standard accommodation and that the minor infringements of the Quality Housing for Sustainable Communities guidelines can be achieved with minor adjustment.
- The level of parking provided is sufficient and the site is serviced by public transport infrastructure.
- There is side access to gardens that would facilitate adequate bin storage.
- The site coverage is marginally lower than Development Plan guidance and in keeping with the character of the area.
- The proposal is fully compliant with Development Plan standards with sufficient level of open space for each dwelling.
- The proposed development would comply with development plan policy for infill dwellings and does not display the characteristics of backland development.
- The proposal would be acceptable in the context of adjoining residential amenity, would not have an overbearing impact and are designed to prevent overlooking or adjoining properties. The design of the dwellings have adequate regard to impact on light levels to adjoining properties.
- The visual impact of the proposal would be acceptable in context of its urban location and would have an acceptable visual impact in the area.
- In relation to condition no. 6 the applicants note that the changes in terms reduction of the number of dwellings and alterations to the dwellings required by this condition is not justified with the design and scale of development proposed having adequate regard to the proper planning and sustainable development of the area.

- Adequate construction management will ensure protection of the amenities of adjoining properties.

### 6.3. **Planning Authority Response**

6.3.1 No response.

### 6.4 **Further Responses**

6.4.1 Response by the appellant Gary Delaney.

- The enforcement case on site is of importance and the decision to grant permission is an attempt to remedy failure to carry out adequate enforcement on site. The appellant notes that the issue regarding enforcement will be referred to the Office of the Planning Regulator once the appeal process is concluded and the Board is being made aware of this fact.

### 6.5 **Observations**

6.5.1 None.

## 7.0 **Assessment**

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/development plan/national policy

Quality of design/residential amenity/development control objectives/density

Design, scale, and visual impact

Adjoining amenities

Car parking/traffic

Other Issues

Appropriate Assessment

7.2 Principle of the proposed development/development plan/national policy:

- 7.2.1 The proposal entails the construction of 3 no. dwellings on a site zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'. The provision of residential development is consistent with the zoning objective of the site and established uses on adjoining sites.
- 7.2.2 The appeal site is currently in use as a steels works and it is noted in the appeal submissions that such is an unauthorised use that has been subject to enforcement by the Planning Authority. The site appears to have been previously part of the rear gardens of no.s 408 and 410. The appeal submission raises concerns regarding the ineffectiveness of enforcement action taken and the fact that were the site to have remained in residential use and part of the rear gardens of existing dwellings then consideration would not given to the proposed development.
- 7.2.3 Section 16.10.8 of the DCDP 2011-2017 refers to Backland Development. This includes: *The development of individual backland sites can conflict with the established pattern and character of development in an area. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening.* It does not however rule out well integrated backland development and also includes: *Applications for backland development will be considered on their own merits.*

The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009). Section 5.9 of these Guidelines refers to infill residential development and includes: *Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships.* These also provide: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*

Therefore, while the principle of an infill and perhaps backland development can be supported within the residential land use zoning, it needs to be ascertained whether

the proposed development of 3 no. two storey houses on the subject site would be sustainable on this site area and would not constitute undesirable piecemeal backland development and be detrimental to the amenities of adjoining residential properties or the character of the area. Regard is had to these issues in the Assessment below.

7.3 Quality of design/residential amenity/development control objectives/density:

7.3.1 The proposal was for 3 no. (2 no. two-bed and 1 no. three-bed) dwellings with the proposal approved subject to amendments including the omission of one dwelling. The proposed development has a density of 4 units per hectare, which is not a high density and is similar to the density of the existing dwellings in the vicinity. The density would be low in the context of a new housing development within Dublin City and on site in close proximity to the city, its context as an infill site and in close proximity to existing residential development is a factor. I would consider that the density of development is appropriate.

7.3.2 Each dwelling has private open space to rear and in each case such is in excess of the development plan requirement of a minimum 48sqm for a two bed unit and 60sqm for a three-bed unit. Such open space is well defined and accessible to each unit. Development standards for dwellings are based on the Quality Housing for Sustainable Communities-Best Practice Guidelines for delivering Homes Sustaining Communities (2007). In terms of gross floor area each dwelling is above the target gross floor area under the guidelines. One of the appeal submissions notes concern regarding the overall quality of the proposed residential units noting that the aggregate living area in the 2 bed houses and the aggregate bedroom area in the 3 bed unit are below the standards stated in the guidelines. The applicant has noted that these standards can be achieved with minor modification of the layout and the proposed dwellings are in excess of the floor area required by the standards. I would consider that the deviation from the standards are relatively minor and that the dwellings proposed are of a reasonable standard in terms of the amenities of future occupants. I would refer to the section on traffic/access/parking in relation to car parking provision. I would consider the quality of the residential units proposed is

satisfactory and in accordance with the Development Management standards set down under the City Development Plan.

7.4 Design, scale, and visual impact:

7.4.2 The appeal site is an infill site made up of the area formerly part of the gardens of no.s 408 and 410. The dwellings along Clogher road are two-storey dwellings organised in terraced blocks of 4 no. dwellings with the end dwellings having wider gardens. The proposed dwellings are two-storey dwellings with a flat roof and a ridge height of 6.7m. The dwellings are located away from the public road and will not be high visible in the surrounding area due to being lower in ridge height than the existing dwellings in the area and being obscured from view by such existing dwellings. I am satisfied that the overall visual impact of the proposed development in the area is satisfactory.

7.5 Adjoining Amenities:

7.5.1 The proposal is for three no. dwellings with 2 no. dwellings orientated north east and south west (A and B) with their north western gable adjoining the rear garden boundary of no.s 408 and 406. House C is orientated north west and south east and has its north eastern gable adjoining the side boundary of the garden serving no. 412. In granting permission the Council have required that House C be relocated further south west and House A and B be replaced by a single dwelling. The third party appeal submissions note that the proposal is contrary to the pattern of development and would be detrimental to the residential amenities of adjoining properties through overlooking.

7.5.2 House A and B is located adjacent the rear boundaries of no. 408 and 406. There are no windows on the elevation adjoining the boundary to the rear of the existing dwelling and the height of the proposed dwellings would not excessive in scale given their flat roof profiles. As noted above the orientation of houses A and B is north east and south west. The windows at first floor level serve bedrooms and are recessed with use of wooden screens, which reduce impact in terms of overlooking. The rear elevation of A and B is also set back a sufficient distance from the side

boundary of the rear garden of no. 402, which is located to the south west of the site. The front elevation of house A and B are orientated onto the car parking area/circulation space and the first floor windows feature the wooden screens to reduce overlooking and maintain privacy. I would consider that the design, scale and orientation of house A and B is satisfactory in the context of the amenities of adjoining properties and would not have an overbearing impact or result in an unacceptable level of overshadowing or overlooking. The proposal is a deviation from the pattern of development, however I would consider that the existing dwellings at this location lend themselves to such a development in that they feature long back gardens and there is scope to access such from the public road. I would question the logic of replacing two no. dwellings with one as per the decision and would recommend that permission be granted for Houses A and B as proposed.

7.5.3 In the case of House C it is orientated north west and south east and has its north eastern gable adjoining the side boundary of the garden serving no. 412. As noted earlier the rear gardens of the dwellings at this location are quite long and do lend themselves to the provision of a more in-depth pattern of development. In the case of House C it is notable that the rear gardens get longer moving in a north eastern direction along Clogher Road and the applicant suggests that there is scope for a continuation of the pattern of development set by House C. I would consider that impact of House C on adjoining properties is acceptable in its original form. No. 412 has a very long garden and House C is located a significant distance away from the rear elevation of the existing dwelling. I would note that the windows at first floor level are located mainly on the south western elevation with no windows on the north eastern elevation. There is a window on the northern western elevation at first level, however the level of separation between it and the rear elevation of the existing dwellings is 23.26m and above the 22m standard required under Development Plan policy (opposing first floor windows). It is notable that in permitting the proposed development the decision requires alterations of House C including its relocation further south. I would be of the view that the proposal as sought is an appropriate form and scale of development at this location and would be acceptable in the context of residential amenities of adjoining properties and that no alteration is required to the design sought. I am satisfied that design and scale of



the proposed development has adequate regard to the amenities of adjoining properties and that the development does provide a template for the further development at this location.

7.5.4 In relation to the existing gap in boundary treatment between the appeal site and no. 412, I would consider it appropriate that a solid boundary be provided at this point. There is existing hedgerow along this boundary within the curtilage of no. 412. I would recommend the provision of a 1.8m high wooden fence with details to be submitted and agreed in writing with the Planning Authority. The appellants at number 412 also note the gap in the boundary wall between no. 410 and 412 and that this should be rectified as part of this application. In this regard I would note that this boundary and no. 410 are not within the appeal site.

7.5.5 The lands to the east of the site are associated with Our Lady's Hospice with a green area located adjacent the boundary with the site. I am satisfied that the proposal would have no impact on the amenities of the adjoining community use or compromise future development potential on such lands.

7.6 Traffic/access/parking:

7.6.1 The appeal site has road frontage and vehicular access onto Clogher Road. The proposal is for 3 no. dwellings. Parking on site consists of 3 no. communal spaces and one off-street car parking space serving dwelling House C. In granting permission the scheme has been reduced to 2 no. dwellings and maximum of 3 no. car parking spaces to be provided. The appeal site is in Area 3 for the purposes of parking standards within which the requirement is 1.5 car parking spaces per residential unit (Table 16.1). This gives a requirement of 4.5 spaces for the 3 no. dwellings proposed. The proposal in its original form provides for 4 no. parking spaces for 3 no. dwellings. I would note the standards under Table 16.1 are maximum standards and not minimum standards. I would consider that this is sufficient number of car parking spaces to serve a development located in an area that is within walking distance of public transport infrastructure and is a short distance from the city centre (located just south of the Grand Canal). I would note

that there is scope to provide an additional space if considered necessary. It is notable that approved development is for 2 no. dwellings with the number of parking spaces to be provided being 3 no. spaces. I am satisfied that the level of parking proposed is sufficient to cater for the proposed/approved development on site.

7.6.2 The proposal entails vehicular access off Clogher Road with an existing vehicular access serving the steel fabrication works on site. Regardless of the status of the existing use on site and the vehicular entrance, the appeal site, which was formerly part of the gardens of no.s 408 and 410 is such that there is gap in the streetscape that facilitates access to the public road. I would consider that the level of visibility available at the proposed vehicular entrance is off a good standard and the existing footpath to the front of the site is generous in depth. I am satisfied that the nature of the proposed development and the level of traffic likely to be generated can be catered for without creating a traffic hazard.

7.7 Other Issues:

7.7.1 The issue of enforcement is noted and unauthorised development on site. In regards to enforcement, the Board has no function or power in this regard and such falls to the Planning Authority to deal with these matters. The proposal is being dealt with on its merits and consideration of whether it is acceptable in the context of the proper planning and sustainable development of the area. The previous sections of this report deal this matter.

7.7.2 I am satisfied that the applicant has sufficient legal control over the site to make the application.

7.8 Appropriate Assessment:

7.8.1 Having regard to the nature and scale of the proposal, no appropriate assessment issues arise and it is not considered that the proposal 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:

- (a) The provision of the Dublin City Council Development Plan 2016-2022,
- (b) The existing pattern of development at this location,
- (c) The design, scale and layout of the proposed development, and
- (d) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties and be satisfactory in the context of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 interests of clarity.

2. Prior to the commencement of development the applicant shall provide for a 1.8m high wooden fence along the north eastern boundary of the site and along the rear garden of no. 412. The applicant shall ensure that appropriate measures are provided to ensure protection of existing vegetation along the boundary of no. 412. The details of the fencing shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason In the interests of orderly development.

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

Reason: In the interests of visual amenity.

4. The streets and footpaths within the development shall comply with the requirement and specifications of the Design Manual for Urban Roads and Streets (DMURS) issue in 2013.

Reason: In order to comply with the guidance give in the Design Manual for Urban Road and Streets.

5. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

8. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

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

Reason: In the interest of public safety and the amenities of the area.

10. 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.

11. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of residential amenity and orderly development.

12. 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.

13. 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.

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.

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Colin McBride  
Planning Inspector

25<sup>th</sup> May 2020