



An
Bord
Pleanála

Inspector's Report

ABP-307655-20

Development	Demolition of existing structure and construction of 5 new dwellings.
Location	42 Beechpark Avenue, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW19A/0211
Applicant(s)	John Donnelly.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellants	John Donnelly.
Observer(s)	Daniel Gallagher & others.
Date of Site Inspection	14 th October 2020
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located at 42 Beechpark Avenue Castleknock, Co Dublin. It appears on historic mapping occupied by a dwelling called Poplar Cottage. It is one of two large sites occupied by single houses in an area where houses occupy much more compact sites. Residential development in the vicinity occurs as frontage development along Beechpark Avenue (no. 40 is to the south and no. 44 to the north), and on spur roads from that main road; and similarly along Auburn Avenue which is a north-south road to the east, and along spur roads from that main road, including the estate: The Pines. Beechpark Avenue runs between Castleknock Village and the old Navan Road.
 - 1.1.1. The site is located east of the road and is occupied by a single storey bungalow set back c. 26m from the carriageway on Beechpark Avenue. The road frontage is relatively narrow and the site, which is of considerable depth, widens as it extends back from the road. The sewers serving this house drain through private lands to the rear of the site, not to the public road to the front. The existing rear garden is bounded by thick, mature hedgerows including evergreen trees, which screen the site from sites adjoining to the north, south and east. A taller, dormer style bungalow is located on a site of similar size to the north, with side windows facing towards the subject site. To the south, adjoining the western half of the site, is a two storey detached house, that forms part of a row of houses fronting onto Beechpark Avenue. It has gable windows facing towards the subject site. Two storey houses at The Pines estate adjoin the site to the south /southeast.
 - 1.1.2. Housing in the area predominantly comprises two-storey detached and semi-detached houses.
- 1.2. The site is given as 0.169ha.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the proposed demolition of the existing structures and the construction of 5 new dwellings, and includes:

- (i) Demolition of existing detached bungalow (130 sq.m) and garage (25sqm),
- (ii) Construction of 5 no. dwellings comprising of 1 no. detached, two storey, five bedroom dwelling (house type A, facing Beechpark Avenue) and 4 no. semi-detached, two storey, three -bedroom dwellings (house type B, to the rear of the site). Each dwelling will be provided with 2 no. car parking spaces (10 no. in total) and private amenity open spaces in the form of private gardens (65 sq.m to 89 sq.m) to the rear, and
- (iii) The development will also include landscaping, boundary treatments and all ancillary site development works necessary to facilitate the development.

In relation to piped water / wastewater services it is stated on the site layout, where no pipework is indicated, that 'drainage for proposed dwellings to be confirmed on site prior to construction. Foul & surface water to be drained on separate systems.' The layout shows water butts to the rear of each house.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided, 22-Jun-2020, to refuse permission for the reason:

The proposed development would seriously injure the amenities of property in the vicinity by way of overbearing and depreciate the values of these properties, be visually incongruous and represent overdevelopment of the site. The proposal is therefore contrary to Objective DMS39 and the RS land use zoning objective of the Fingal Development Plan 2017-2023, which seeks to protect and improve residential amenity. The proposal would create an undesirable precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

3.2.2. There are two planning reports on the file, the first recommending a further information request includes:

- Reference to extensive planning history,
- Reference to policy,
- Reference to reports,
- Recommending a further information request, which issued.

3.3. Other Technical Reports

3.3.1. Parks and Green Infrastructure Division

- Applicant proposes to retain existing trees and hedgerow along the eastern boundary but has not addressed how they will be retained and protected during construction. Further information required (per items 6 & 7 of the request which issued). The applicant is required to provide a minimum of 10% of the site as public open space (169m²) the applicant is required to make up this shortfall by way of a financial contribution in accordance with Section 48 of the Planning and Development Act.

3.3.2. Transportation Planning Section

- 50km/hr speed limit.
- Parking – DM standards. In curtilage parking could be achieved with minor adjustments.
- Sightline drawing not provided. The proposed access would be bounded by high hedgerows. Sightline per Design Manual for Urban Roads and Streets x 2.4m.
- 1.8m footpath.
- Pedestrian priority across the entrance.

3.3.3. A further information request issued 12th February 2020 on 9 points:

1 Potentially overbearing on adjoining properties and inviting redesign.

2 a) show adjacent development on all sides in site layout; b) fails to comply with objective DMS 29, revise.

3 Submit cross section showing southern pair of semi-d's, site boundaries and house numbers 89 and 90 The Pines.

4 Indicate the nature and dimensions of the proposed boundary between the 2 pairs of semi-detached houses.

5 Submit a daylight and shadow analysis to demonstrate adequate level of amenity. The proposed gardens to the rear of the semi- detached houses are to comply with objective DMS 30 with the existing trees to the eastern boundary in situ.

6 Submit a complete tree and hedgerow survey including an Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837:2012, Trees in Relation to Design, Demolition and Constructions - Recommendations.

7 Submit a landscape plan.

8 Submit a sightline drawing.

9 Submit an alternative internal layout that provides footpath connectivity to all residential units or a shared surface for the proposed development.

3.3.4. A response to the further information request 22nd May 2020 includes:

- A Planning Report,
- Arboricultural Report: Tree Survey, Arboricultural Impact Assessment & Arboricultural Method Statement, and
- Revised drawings.

3.3.5. The Arboricultural Report - the main items to note include:

- Most of the trees on site are to be removed including two sycamore trees to the front and a eucalyptus to the rear of the house. An overhanging branch of a yew tree from an adjoining site requires trimming. To protect tree roots in an adjoining site a no-dig driveway within the root protection zone of T599 will be constructed using a cellular confinement system, described in the Arboricultural Method Statement. The loss of the sycamores will have a minor impact on the character and appearance of the local area. To mitigate the loss a landscape proposal that includes new high-quality tree planting is required and proposed. If the provision of underground

services is likely to damage tree roots, the advice of the arboricultural consultant must be sought.

- 3.3.6. The Planning Report includes response to items in the further information request, including proposing two design options: 1 removing the gap between the pairs of semidetached dwellings and providing the 4 units in the form of a terrace, and 2 omitting a dwelling and increasing the size of dwellings in lieu. Option 1 would provide a separation distance from the side boundaries of 2.1m. Option 2 would provide separation distances from the side boundaries of 2.4m south and 2.3m north and a distance of 2.3m between the proposed blocks. Option 1 is the applicant's preferred option.
- 3.3.7. The Daylight Analysis and Overshadowing report, which provides a comparison between the existing site and the proposed option 1, states that each dwelling has been afforded sufficient daylight and achieves a high level of amenity.
- 3.3.8. Sightline drawings; the removal of two sycamores will allow sightlines to be achieved. Footpath connectivity is provided to all units.
- 3.3.9. Daylight Analysis and Overshadowing – existing and proposed. Conclusion: the neighbouring rear gardens north east of the proposed development were investigated for overshadowing. The impacts illustrate the existing and proposed scenarios. There will be no additional overshadowing. The removal of some trees will help the neighbouring properties receive more light throughout the year.

3.4. Further Reports

- 3.4.1. Conservation Officer - Not a protected structure, not within an Architectural Conservation Area and so no architectural heritage matters appear to apply.
- 3.4.2. Water Services Department – the applicant is requested to submit a surface water drainage proposal, including design calculations, following the principles of SuDS and in compliance with the principles outlined in the GDSDS Regional Drainage policies Volume 2 New Development, Aug 2005. No surface water / rainwater is to discharge into the foul water system under any circumstances. All surface water drainage must be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.
- 3.4.3. The second planning reports recommending refusal includes:

Conclusion - there is extensive planning history attached to the subject site. The prevailing decisions are refusals of permission for overdevelopment. Permission was granted for a development of 4 houses under planning ref FW10A/0104. The proposal included the retention of existing boundary planting and presented a 4.75m separation distance from the 2 storey element of the house to the southern property with the existing hedgerow retained within this buffer. The current proposal seeks to remove the hedgerow and proposes a separation distance of 1.8m from the property boundary to the south. Notwithstanding that planning policy supports densification of residential development on infill sites, taking account to the site shape, size and the built context, the current proposal is considered to exceed the development capacity of the site.

3.5. Prescribed Bodies

3.5.1. Irish Water - 3rd Feb

Further information – 1) Applicant to submit water supply layout drawing and details.
2) Applicant to submit foul drainage layout and details, including pipe size, gradient and levels, up to the proposed connection into the IW network. IW standard details document IW-CDS-5030-01 and IW Code of Practice IW-CDS-5030-03 apply.

3.5.2. Irish Water – 28th May

Irish Water has reviewed the Further Information in regard to development works at 42 Beechpark Avenue, Castleknock, Dublin 15 and has the following observation;

Irish Water requested that Fingal County Council seek further information for this proposal as follows;

1. Applicant to submit water supply layout drawing and details.
2. Applicant to submit foul drainage layout and details, including pipe size, gradient and levels, up to the proposed connection into the IW network. IW standard details document IW-CDS-5030-01 and IW Code of Practice IW-CDS-5030-03 apply.

Irish Water has not had engagement from the applicant in respect of these clarifications and no assessment of feasibility in respect of connection has been carried out by Irish Water.

Therefore, Irish Water requests that any grant of permission be conditioned as follows:

1. Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
2. All development shall be carried out in compliance with Irish Water Standards codes and practices.
3. Any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.

Reason: In the interests of public health and provision of adequate water supply and drainage provision.

3.6. Third Party Observations

3.6.1. A total of 3 no. third party submission, one with numerous signatures, were received and considered by the Planning Authority. The issues raised can be summarised as follows:

- Negative impact on sunlight and daylight.
- Overlooking of private open space.
- Construction noise.
- Proximity to boundary and structures.
- Removal of hedgerow.
- Security.
- Density.
- A new wall should be provided to the east, with associated planting; in lieu of hedge retention.
- Overdevelopment of area.

4.0 Planning History

PL06F. 238712, Reg. Ref. F08A/0043 – permission refused on foot of appeal against refusal decision, for demolition of existing bungalow and garage and construction of 6 houses. The reason for refusal referred to over-development of the site.

PL06F.231497, F06A/1446 permission refused on foot of appeal against refusal decision, for demolition of existing bungalow and garage and construction of 7 dwellings, comprising 2 x 4 bed, 2 storey semi-detached with dormer room, 5 x 4 bed, 2 storey terraced with dormer room; total floor area c 1,055m²:

Reason: scale, proximity of the proposed houses to the site boundaries and to existing dwellings, the pattern of development in the vicinity, and overdevelopment.

92A/1839 permission granted for construction of extensions to house, garage and revised entrance.

Adjoining site

PL 06F.241571 FW12B/006 appeal against the PAs decision to grant permission for the demolition of lean-to kitchen extension and garden shed, construction of a single storey extension consisting of en-suite bedroom, kitchen, living/dining area and garden shed, all at 40 Woodview Park, Castleknock, Dublin; granted by the Board in accordance with conditions, including: no 2 The parapet at the northern boundary to the proposed extension shall not exceed a height of 3.2 metres above ground level as shown on drawing number 2012-904, submitted with the application. Any parapet intersecting with the northern parapet will be kept to this maximum height for a distance of one metre back from the boundary.

5.0 Policy Context

5.1. Development Plan

The Fingal Development Plan 2017-2023 is the operative plan, relevant provisions include:

Zoned residential - Objective: Provide for residential development and protect and improve residential amenity. Vision: Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

Objective DMS24 - Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3 (size standards).

Objective DMS29

Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

Objective DMS39

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.

Objective DMS40 - New corner site development shall have regard to:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- The existing building line and respond to the roof profile of adjoining dwellings.
- The character of adjacent dwellings and create a sense of harmony.
- The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.

Objective SS15 Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.

Objective SS16 Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.

Objective PM39 - Ensure consolidated development in Fingal by facilitating residential development in existing urban and village locations.

5.2. National Development Plan

- 5.2.1. The Government's long-term strategic planning framework which will guide national, regional and local planning and investment decisions over the next 25 years.

In relation to housing it states that well designed and located higher density housing will assist fast-growing urban areas to achieve much needed scale; medium-sized urban areas to find a route to quality in a new competitive framework; all urban areas to increase vibrancy and vitality; and increased efficiency and sustainability in the use of energy and public infrastructure.

To avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas.

NPO 35 - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3. Fingal County Council Development Contribution Scheme 2016 – 2020

This includes:

Level of Contribution

(b) The Fingal Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a

particular development. This contribution in lieu of open space will be levied at the following rates;

1. Class I Open Space - €100,000 per acre to purchase land based on the value of amenity land, plus €100,000 per acre for development costs.
2. Class II Open Space - €250,000 per acre to purchase land in residential areas, plus €100,000 per acre for development costs.

These rates may be reviewed by the Council from time to time having regard to market conditions. The contributions collected will be used for the provision of open spaces, recreational and community facilities and amenities and landscaping works – see Appendix 2.

5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura site is South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), located c8 km straight line distance to the east of the subject site.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. The appeal by Hughes Planning and Development Consultants Ltd, on behalf of the applicant, against the planning authority's decision to refuse permission, includes:
 - It is an infill proposal, residentially zoned, serviced, and supports the consolidation of Fingal, is compliant with development plan objectives: SS15, PM39; and national framework plan objectives, particularly: NPO 35.

- It has been designed with a high standard of residential amenity, while safeguarding the residential amenity of adjoining residents.
- The form and scale is consistent with the character of the area.
- The development is consistent with the development plan quantitative standards.
- It complies with the RSES.
- It will contribute to achieving the target of at least 40% of all new housing to be delivered within the existing built up areas of towns and villages, in Project Ireland 2040.
- It will not give rise to any undue impacts on adjacent residential amenities.

6.2. Planning Authority Response

The planning authority has not responded to the grounds of appeal.

6.3. Observations

An observation has been received from Daniel Gallagher, Michael O'Brien & John O'Hehir, 90, 89 and 91 The Pines, which includes:

- The requirements of the FI information request were not fulfilled. Both alternatives represent overdevelopment.
- The southern gable of plot 4/5 - 8.51m high and 13.11m in depth, running across the full width of the rear garden of 90 The Pines is only 11.8m approx. from the rear kitchen & dining room windows of the house. It is 110 sqm and would be massive, overbearing and inappropriate.
- It will devalue properties.
- Inaccurate drawings – the measurement of 2.4m in option 2 (2.3m for option 2) is not taken at the narrowest point to the boundary wall, but at the corner of the house. Rather than increasing from 1.8m to 2.4m as claimed, the increase is closer to 0.1m.

- Overdevelopment, undesirable precedent, shoehorning into existing mature garden with inevitable loss of very mature trees and hedges would be a travesty.
- It would injure their enjoyment of their properties and gardens in a semi-rural environment.

6.3.1. An observation has been received from Mrs Brigid Gallagher, 90 The Pines, which includes:

- The appeal was not published or made available until the 12 August which allowed insufficient time to respond in kind.
- The appeal relies heavily on the previous grants of permission by An Bord Pleanála without highlighting the very significant differences which are fundamental to their concerns. Under the 2011 grant the existing shrubbery was to be retained and the distance between the nearest house and theirs was 4.75m whereas it is now proposed to be 0.8m in respect of option 1, and 1.8m under the second revised option.
- The appeal submission, that the windows facing their home are not to primary living areas / bedrooms, will ensure the privacy of the owners of unit 5, but not theirs. The large side window stares directly across into two of the observer's rear bedrooms, their screen-doored kitchen and their dining room table.
- The appeal does not refer to the existing sheds and their relationship with the laneway to the southern house.
- The density is out of character with the area.
- Comments on the appeal submissions are made.

7.0 **Assessment**

7.1. The issues which arise in relation to this appeal are: appropriate assessment, residential amenity, alternative proposals and drainage services and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.3. Residential Amenity

- 7.3.1. This large site, occupied by a single bungalow, in an area characterised by denser, suburban type development provides an attractive green backdrop to adjoining properties.
- 7.3.2. The proposed development complies with minimum development plan standards for residential provision and private open space. It should be noted in relation to objective DMS29: to 'ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace unit', that the distance to the site boundary in option 1 is indicated as a minimum of 1.8m. This boundary does not adjoin a building flank but forms the rear boundary of the adjoining houses at site no's 89 and 90 The Pines. It should also be noted that for the detached dwelling the distance to the site boundary is given as a minimum 0.8m, with the distance to the adjoining dwelling, 4.5m.
- 7.3.3. The proposal has been examined with regard to shadowing and the examination took account of the existing trees on the site such that no significant overshadowing was found to occur.
- 7.3.4. In the course of the application a number of options for the blocks to the rear of the site were examined. The original submission proposed two pairs of semi-detached houses separated by a 1.6m gap, and with distances to flank boundaries of 0.8m. In response to a request for further information revised proposals were submitted. Option 2 proposed to omit a dwelling leaving one pair of semi-detached houses and single dwelling. The remaining site width was allocated to space between the blocks, of 2.3m and spaces between the flanks and side boundaries (measured at the front building line) of 2.3m and 2.4m (narrowing westwards). Another revised proposal termed Option 1 was a terrace of 4 houses. The former gap of 1.6m between the

semi-detached pairs was allocated to increasing the distance to side boundaries in this option. Notice of receipt of the further information was published.

- 7.3.5. In each of the proposed layouts the house designs ensure that adjoining properties are protected from direct overlooking by the placement of windows. There will be no undue impact from overshadowing. Loss of amenity to adjacent dwellings, from the removal of the thick, wide hedgerow, will be mitigated to some extent by replacement planting and through the provision of boundary walls.
- 7.3.6. Observers refer to overbearing impact. The proposed blocks would alter the outlook for surrounding residential properties, not to the extent however that the development would result in an overbearing impact.
- 7.3.7. In my opinion residential amenity should not be a reason to refuse permission.

7.4. Alternative Proposals

- 7.4.1. As pointed out in the grounds of appeal the National Development Plan looks for increased residential densities in urban areas. This is such an urban area, rather than a semi-rural environment as described in one of the observations. It is provided with physical infrastructure and is accessible to services, and public transport. It is important therefore to achieve sustainable levels of development, subject to protection of amenities.
- 7.4.2. I agree with the grounds of appeal that the development plan supports higher density.
- 7.4.3. In the proposal for two pairs of semi-detached houses the space between the blocks does not comply with the development plan standards. Of the remaining proposals, the layout which achieves the most appropriate density is, in my opinion, the proposed terrace of 4 houses.
- 7.4.4. No proposals have been made in relation to the existing piped drainage services which run towards the rear of the site over which the proposed rear block would be located and this matter would need to be resolved before any development could take place.
- 7.4.5. The provision of piped drainage services is referred to under a separate heading in this report.

7.5. Drainage Services

- 7.5.1. The information available on the file in relation to wastewater and surface water disposal is deficient. As noted earlier, no pipework is indicated on the site layout, rather it is stated that 'drainage for proposed dwellings to be confirmed on site prior to construction. Foul & surface water to be drained on separate systems.'
- 7.5.2. The further information request which issued did not include a request for such information. Irish Water and the Water Services Department required additional information.
- 7.5.3. The Board may consider that these matters should be dealt with prior to a decision on this application/appeal. Should the Board be minded to grant permission conditions, requiring prior agreement to the servicing arrangements, should be attached.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

The proposed provision of two storey dwellings in an area characterised by two storey residential development, would accord with local and national policy to achieve increased residential densities in urban areas, to avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands; the proposed dwellings would be provided with adequate residential amenities, would not unduly impact on the amenities of adjoining residential properties and, subject to the following conditions, would be accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received on the 14th May 2020 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>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Prior to the commencement of development the applicant shall submit detailed surface water drainage proposals, for the written agreement of the planning authority, including design calculations, following the principles of SuDS and in compliance with the principles outlined in the GDSDS Regional Drainage policies Volume 2 New Development, Aug 2005.</p> <p>All surface water drainage must be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.</p> <p>Reason: In the interest of orderly development.</p>

4.	<p>Prior to the commencement of development the applicant shall submit: a) water supply layout drawing and details; and b) foul drainage layout and details, including pipe size, gradient and levels, up to the proposed connection into the IW network, for the written agreement of the planning authority. IW standard details documents IW-CDS-5030-01 and IW Code of Practice IW-CDS-5030-03 apply.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.</p> <p>Reason: In the interests of public health and provision of adequate water supply and drainage provision.</p>
6.	<p>The development shall be carried out in compliance with Irish Water standards codes and practices.</p> <p>Reason: In the interests of public health and provision of adequate water supply and drainage provision.</p>
7.	<p>Any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.</p> <p>Reason: In the interests of public health and provision of adequate water supply and drainage provision.</p>

8.	<p>Prior to the commencement of development the applicant shall submit detailed landscaping proposals for the written agreement of the planning authority.</p> <p>Reason: In the interest of amenity.</p>
9.	<p>Details of external finishes, external lighting, and of all boundary treatments, shall be submitted for the written agreement of the Planning Authority prior to commencement of works, no alterations to same will be permitted in the absence of prior written consent of the Planning Authority.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
10.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p>

	<p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
11.	<p>Prior to commencement of the development and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working and noise management measures.</p> <p>Reason: In the interest of orderly development.</p>
12.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>

13.	<p>During site clearance, excavated materials shall be damped down or otherwise treated to prevent the emission of dust from the site. All stockpiles shall be planned and sited to minimise the potential for dust nuisance.</p> <p>Reason: In order to safeguard the amenities of adjoining premises, residential amenity, and the general surroundings.</p>
14.	<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>
15.	<p>During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
16.	<p>Proposals for a development name, and for unit identification and numbering and associated signage shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning</p>

	<p>authority, and shall be in both Irish and English. Thereafter, the name and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
17.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank, to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting sewers and drains, and also to secure the satisfactory completion of services/infrastructure until taken in charge by a Management Company or by the local authority, of roads, open spaces, car parking spaces, public lighting sewers and drains. 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.</p> <p>Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.</p>
18.	<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, 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</p>

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.

Planning Inspector

21 October 2019

Appendices

Appendix 1 Photographs

Appendix 2 Fingal County Development Plan 2017-2023, extract.

Appendix 3 The Fingal County Council Development Contribution Scheme 2016 - 2020, extract.