



An
Bord
Pleanála

Inspector's Report

ABP-307692-20

Development

(A) The demolition of existing single storey house and outbuilding, (B) permission for 8 no. 3 bedroom semi-detached two storey houses, (C) permission for 1 no. dormer type 4-bedroom house, (D) permission for garden storage shed in each garden and (E) new vehicular entrance and access drive way and all associated site drainage works. Revised by significant further information consisting of; revised site layout and change in house design

Location

Railpark, Maynooth, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

19/1110

Applicants

William Holmes & Maurice Cowhey

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal	Third Parties v Grant of Permission
Appellant(s)	1. Padraic & Laura Doyle 2. Sharon Lee
Observer(s)	Rose & Michael Dillane
Date of Site Inspection	29.09.2020
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located within the town of Maynooth in north east Co. Kildare, approx. 250 metres south east of the railway station.
- 1.2. The site is relatively narrow with a constrained shape. It is occupied by a single-storey house located centrally on site. The house is accessed by way of a narrow vehicular laneway which itself is located on a short cul-de-sac off the roadway serving the Castlebridge/Parklands residential developments. The laneway is along the eastern boundary of the front/northern area of the site with a field area occupying the remainder. The laneway ends at the house. Well maintained gardens associated with the house form the area to the side/east and rear/south of the house. There are trees and hedgerows along the boundaries and within the site. The rear area narrows to a point. Residential development is the primary land use in the immediate vicinity with the exception of a single-storey medical centre adjacent to the north west and public open space areas adjacent to the south and south east.
- 1.3. The site has a stated area of 0.4277 hectares.

2.0 Proposed Development

- 2.1. The proposed development is for permission for:
 - Demolition of the existing house and outbuildings,
 - Construction of 9 no. houses and sheds,
 - New vehicular entrance and driveway.
- 2.2. In addition to standard planning application plans and particulars the application was accompanied by a 'Planning Report', an 'Engineering Submission' and 'Landscape Notes'.
- 2.3. Further information was submitted in relation to, inter alia, a revised site layout plan, traffic calming outside the site boundary, revised house types for the four houses to the front of the site and the detached house to the rear, landscape details and swept path analyses. The response includes a 'Road Safety Audit Stage 1/2'. The application was re-advertised as significant further information.

2.4. The house to be demolished has a floor area of 68sqm and a height of 4.36 metres. The four proposed semi-detached dormer houses to the front of the site have a floor area of 111sqm with a height of 6.8 metres. The four proposed semi-detached two-storey houses in the centre of the site have floor areas of 109.2sqm-110.5sqm with a height of 8.458 metres. The proposed detached dormer house to the rear of the site has a floor area of 207sqm with a height of 6.8 metres. All houses share a similar architectural style and are externally finished in plaster with a small area of stone. The proposed sheds are 6.7sqm in area with heights of 3 metres and are externally clad in PVC.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 20 no. conditions including external finishes, naming and numbering of the development, landscaping, construction practices, surface water discharge, Irish Water agreement, public lighting, electric vehicle charging, open space, a bond and development contributions.

3.2. Planning Authority Reports

3.2.1. Two Planning Reports form the basis of the planning authority's decision. The second report concludes that, having regard to the documentation submitted, the nature of the development, the zoning, internal reports and submissions, the development adheres to the policies of the County Development Plan 2017-2023 and Maynooth Local Area Plan 2013-2019.

3.2.2. Other Technical Reports

Area Engineer – Further information required for a survey of road widths and any proposed alterations for access onto the main access road. (No report received based on the further information response).

Transportation Department – No objection subject to conditions, following the further information response.

Water Services Department – No objection subject to conditions.

Environment Section – No objection subject to conditions.

Housing Section – Observation made, following the further information response.

Chief Fire Officer – No objection subject to conditions, following the further information response.

3.3. **Prescribed Bodies**

Irish Water – No objection. Observations made.

3.4. **Third Party Observations**

3.4.1. Seven submissions were received from local residents. One submission states that a higher density development should be considered. The issues raised in the other six submissions are largely covered by the grounds of appeal and observation received with the exception of the following:

- Increase in noise pollution.
- Issues in relation to the planning application form, the submitted Planning Report and inconsistencies in drawings and documentation.
- No environmental impact statement submitted.
- Increased traffic at the Parklands/Straffan Road junction.
- Disturbance during the construction period.
- The detached house/House Type C/No. 9 should be removed because of impact on adjacent residential amenity.
- Removal/cutting back of hedging/proposed site boundaries.
- Two-storey houses are out of context in a cul-de-sac of detached bungalows.
- Impact on property boundaries during construction.
- No plan for maintenance or operation of the open space area to be gifted to the Council.

3.4.2. Five additional submissions were received from local residents on foot of the re-advertised public notices. The issues raised are largely covered by the grounds of appeal and observation received, and the submissions originally made, with the exception of the following:

- The detached house/House Type C/No. 9 has not been removed as requested in the further information request.
- A condition should be attached to any grant of permission to remove the detached house/House Type C/No. 9 and replace it with public open space.
- The open space to the south should remain within the site boundary and not be joined with the existing public open space.
- The applicants' response to the Urban Design Manual is essentially a marketing tool and is entirely subjective.
- It is clear that the house to the north east is most probably in line for development using the road network of the proposed development.
- Issues with the wording of the re-advertised public notices.

4.0 Planning History

4.1. There has been no previous planning application on site.

4.2. A certificate of exemption from Part V (S97C/2019/00072) was granted.

5.0 Policy Context

5.1. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

5.1.1. These guidelines are relevant to the subject application.

5.2. Kildare County Development Plan 2017-2023 (as varied)

- 5.2.1. Chapter 2 (Core Strategy), Chapter 3 (Settlement Strategy), Chapter 4 (Housing), Chapter 15 (Urban Design) and Chapter 17 (Development Management Standards) of Volume 1 are most relevant to this planning application.

5.3. Maynooth Local Area Plan 2013-2019

- 5.3.1. The site is in an area zoned 'B: Existing Residential & Infill' which has a zoning objective 'To protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services'. Dwellings are permitted in principle in this zoning as per Table 17 (Land Use Zoning Matrix). Housing policies and objectives are contained within Section 7.1 (Housing Units).
- 5.3.2. There is a protected structure, RPS No. B05-34 (No. 202 Railpark, a house), approx. 20 metres east of the entrance to the site.

5.4. Natural Heritage Designations

- 5.4.1. The closest Natura 2000 site is Rye Water Valley/Carton SAC approx. 1.4km to the north east. The closest heritage area is Royal Canal pNHA approx. 130 metres to the north.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced urban 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 stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by Padraic & Laura Doyle, 33 Parklands and Sharon Lee, 34 Parklands, Maynooth (adjacent to the east of the site). Both grounds of appeal have been prepared by the same agent and their content is very similar.

The main issues raised can be summarised as follows:

- The development materially contravenes the 'existing residential' policy objective of the Maynooth Local Area Plan as it does not protect and improve existing residential amenity in its current form and layout. House No. 9 is specifically referenced in this regard and it will have an overbearing impact on the appellants and its scale and mass is out of context with surrounding houses.
- Eight of the nine houses have no view of the public open space. The quality of open space is extremely poor, is considerably lower than the required 10% site area and is too small to be any use. The narrow tract on the western boundary is not open space.
- The area 'donated' to the Council will be added to an area that already experiences considerable anti-social behaviour as it is not overlooked by any houses. Houses to the west will now adjoin this area and increase the security impact on these houses. There is no planning benefit to the increase of this area. The Council's position in relation to passive surveillance is contradictory. The Council now argues that open space in place of House No. 9, as they recommended initially, could attract anti-social behaviour whereas the Council is agreeing to an increase in size of a public open space that has no passive surveillance.
- There is no mix or variety of house types in the development.
- The appellants disagree with the 'distinctiveness' or sense of place element of the development in terms of the positioning of houses overlooking roads and orientation of gardens. The development has been designed to accommodate one house for the applicants with the remaining site funding the build of this house.

- The density is excessive. Reference to government legislation does not justify poor design and loss of residential amenity for adjacent houses.
- The development does not reflect the current scale and pattern of development in the area and it is out of context with its surroundings.
- House No. 9 will have an adverse overbearing visual impact on the appellants' houses and residential amenity. The house is too large and too close to the appellants' property. No shadowing analysis has been submitted and it is believed significant summer shadow will occur.
- The appellants fully accept the site should accommodate residential development, but the design does not balance economic use of land and the context of its surroundings. A better quality development should be produced.

6.2. Applicants' Response

6.2.1. The main points made can be summarised as follows:

- A residential development would be fully compliant with the zoning objective. Five relevant Local Area Plan policies are set out. It is submitted the proposed development will not impede upon the residential amenity of existing houses.
- All streets and open spaces within the development will be overlooked. Three dual aspect houses are proposed. The Planning Officer was satisfied with the open space provision. The appellants argument about anti-social behaviour in the open space is an argument about the existing space rather than the extra open space.
- The houses will not cause undue overshadowing or overlooking of adjacent properties as set out in the Planning Officer's report.
- In terms of variety of house types, the number of house types on site was increased from three to five following the further information response.
- The appellants suggest that the National Planning Framework does not support high density in all cases. The Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas and this is applicable to all scales of settlement.

This development complies. The Framework also states planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives. The applicants consider the development is suitably designed.

- Section 4.5 of the County Development Plan states, as a general principle, higher densities should be located within walking distance of town centres and high capacity public transport facilities. Applicable policies and objectives are set out. Density parameters in this inner suburban/infill site are classified as 'site specific'. Given proximity to public transport corridors, the density of approx. 19 units per hectare is appropriate given the size and shape of the site.
- The scale and design of the development is appropriate. Units 1-4 were revised in the further information response to interact with Old Railpark Road and improve the streetscape. Single-storey and two-storey houses co-exist in developments in the surrounding area. Railpark and Parklands Square which adjoin the site consist solely of two-storey houses.
- All proposed and existing gardens will receive an adequate amount of sunlight throughout the day. Two maps are provided in this regard.

6.3. Planning Authority Response

- 6.3.1. Having regard to the design and layout of the development, it is considered that the proposed development will not seriously injure the amenities of the area or of properties in the vicinity and therefore would be in accordance with the proper planning and sustainable development in the area.

6.4. Observations

One observation has been received from Rose and Michael Dillane, Gleann Corbaire, Railpark (property adjacent to the north east). The issues raised are generally similar to those referenced in the grounds of appeal but also include:

- House Nos. 1-5 completely overwhelm the existing bungalow and invade its privacy. Nos. 1 and 2 are forward of the established building line and are

disconnected spatially from the proposed development. Their driveways are hazardous to the safe entry and exit of Gleann Corbaire.

- Inadequate visitor car parking provision. Additional traffic in the cul-de-sac will seriously injure the enjoyment of the existing houses.
- A valuation surveyor states the proposed development would devalue Gleann Corbaire by approx. €50,000.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Reports and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Site Layout
- House Design
- Impact on Adjacent Residential Amenity
- Appropriate Assessment

7.1. Zoning

7.1.1. The proposed development is located in an area zoned 'B: Existing Residential & Infill' under the Local Area Plan. Dwellings are permitted in principle in this zoning. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2. Site Layout

- 7.2.1. The general site layout is raised as a concern in the grounds of appeal and the observation in terms of density, passive surveillance, open space provision, the building line, orientation of houses and the general scale, pattern and quality of the development.

Density

- 7.2.2. The proposed development consists of nine houses on a 0.4277 hectare site, a density of approx. 21 units per hectare. Table 4.2 of the County Development Plan 2017-2023 and Table 12 of the Maynooth Local Area Plan 2013-2019 state that in 'inner suburban/infill' sites, which I consider appropriate to this development, general density parameters are 'site specific'. In the context of defined density parameters e.g. Table 12 gives a density parameter of 20-35 units per hectare at the outer edge of urban-rural transition, the proposed density is very low considering proximity to the train station, bus routes and the town centre. Therefore, I do not consider the development to have an excessive density in terms of the number of houses proposed.

General Layout

- 7.2.3. The site effectively comprises two separate areas: the undeveloped area in the north west and the access laneway to the existing house, the house itself and its curtilage. The central area of the site is very narrow and both the northern and southern areas are also relatively narrow. There is a medical centre adjacent to the north west boundary, areas zoned as public open space and amenity in the Local Area Plan adjacent to the west and south, housing developments to the south west and to the south east and east and a detached house to the north east whose owners/occupants have submitted the observation received. Therefore, the shape of the site and the nature of the adjoining land uses constrains the ability to increase the site area or significantly alter the layout from that proposed.
- 7.2.4. I do not consider the scale and pattern to be out of context with the area. While the houses and medical centre to the cul-de-sac are single-storey in scale the four units to the front of the site were revised to dormer units on foot of a further information request. From the contiguous elevation drawing submitted I consider these houses sit comfortably on the streetscape and are not visually incongruous. The four two-storey

semi-detached houses in the central area of the site reflect the type of housing directly adjacent in Parklands Square and Railpark. The proposed detached house to the rear is similar in design to the other proposed houses and is not visually obtrusive or incongruous.

Passive Surveillance

- 7.2.5. Three houses are dual aspect which gives an appropriate presence and surveillance of the internal access road and avoids presenting gable facades to the road (Nos. 2 and 3). The larger area of public open space (0.0279 hectares) is overlooked by two houses. Surveillance of the internal access road is very good while surveillance of the public open space area is poor compared to what would normally be expected.

Open Space Provision

- 7.2.6. There are two open space areas outlined within the development. The 0.0163 hectare area along the western boundary adjacent to the proposed visitor car parking spaces is of no value by virtue of its size, width and location. The 0.0279 hectare area is more usable but is only overlooked by two houses. Removing No. 9, as requested in the grounds of appeal, would significantly increase the size of the open space area but would result in it being at the end of a cul-de-sac and only being overlooked by one dual aspect house, as well as reducing the already low density.
- 7.2.7. Section 4(1)(c) (Amenity/quality of life issues) (a) (Public open space) of the Sustainable Residential Development Guidelines considers public open space to be a key element in defining the quality of the residential environment. Though only overlooked by two houses these are in close proximity to the space and overlook it from both the north and south. The guidelines state that in brownfield sites, public open space should generally be provided at a minimum 10% of the site area. The 0.0279 hectare open space area equates to approx. 6.5% of the 0.4277 hectare site so there is a deficiency. Notwithstanding, Section 4.21 of the guidelines state that it will be necessary for planning authorities to take a more flexible approach to quantitative open space standards and put greater emphasis on qualitative standards. Where residential developments are located in close proximity to the facilities of, for example, town centres or public parks, a relaxation of standards could be considered. National Policy Objective 13 of the National Planning Framework states that in urban areas planning standards will be subject to a range of tolerance to achieve stated outcomes

provided public safety is not compromised and the environment is suitably protected. In this case the site shape significantly impacts on the ability to provide 10% open space and removing a house to increase the public open space would reduce the already low density in a location in proximity to public transport corridors and the town centre.

- 7.2.8. The applicants propose to transfer 0.0197 hectares to the Council to be incorporated into the existing open space area adjacent to the south. This open space area is a space which accommodates pedestrian and cycle connectivity from the Parklands, Railpark and Rockfield developments. It has no passive surveillance. No connection to this area from the site is proposed because of the position of No. 9. This 0.0197 hectare area would be of limited value in terms of public amenity as it will only slightly increase the public open space area and it would not result in any passive surveillance of the area. The planning authority have accepted the transfer of this area. Condition No. 18 of the planning authority decision requires this area to be grassed and seeded and the boundary wall constructed prior to any other works and I consider this condition to be reasonable.

Building Line

- 7.2.9. The observation received refers to the breaking of the established building line. However, I do not consider that there is any established building line. Of the three existing buildings fronting onto the cul-de-sac, two have building lines of approx. 6-8 metres from the cul-de-sac and the adjacent house to the north east (Gleann Corbaire) has a building line of approx. 30 metres. The existing house on site to be demolished is set back approx. 90 metres from the cul-de-sac. I do not consider an established building line would be broken.

Conclusion

- 7.2.10. The overall site comprises a vacant site and a brownfield site in an inner urban area within easy walking distance of public transport corridors and the town centre. This is the type of location where national policy requires increased densities. Given the location, the proposed density is very low. However, the shape of the site results in a limited scope in terms of layout. Therefore, having regard to the constraints of the site, I consider that the layout is acceptable in terms of density, passive surveillance, open space provision and the building line.

7.3. House Design

- 7.3.1. There is a mix of house types in the immediate vicinity along the cul-de-sac and adjacent to the site in Parklands Square and Railpark. The proposed houses are semi-detached dormer and semi-detached two-storey houses and a detached dormer house. They all exhibit a consistency in architectural design and external finishes. I consider the houses to be acceptable in terms of design and are not out of character in height or scale with the existing pattern of development in the vicinity.

7.4. Impact on Adjacent Residential Amenity

- 7.4.1. Impact on amenity of properties in Parklands Square and on the cul-de-sac have been cited in the grounds of appeal and observation.

Overlooking

- 7.4.2. House Nos. 1 and 4 are adjacent to Gleann Corbaire, the single-storey house to the north east of the site. There are two side rooflights at first floor level serving an ensuite and a bathroom on the side facing Gleann Corbaire. The rear elevations of each unit directly face each other with a 22 metres separation distance provided. The building line of Gleann Corbaire is within this 22 metres separation. There would be an oblique view of the front area of Gleann Corbaire from the first floor rear bedroom window of No. 2 but I do not consider that No. 4 would result in any undue overlooking to the rear of the house because the rear building line of No. 4 is so close to the rear building line of Gleann Corbaire. Nos. 2 and 3 address the cul-de-sac and the internal circulation road and overlook the side of the medical centre. Condition No. 2 of the planning authority decision requires submission of revised drawings for Unit Nos. 3 and 4 but I consider that the drawing submitted with the further information response adequately identifies the internal layout and elevations of these two units.
- 7.4.3. An opaque landing window is provided at first floor level to the side of No. 5 overlooking Gleann Corbaire. The front elevations of Nos. 5-8 overlook the internal circulation road. No. 8 is a dual aspect house which also provides passive surveillance to the public open space area. 11 metres separation distance has been indicated to the rear/east boundary with Parklands Square and I consider this distance to be adequate.

- 7.4.4. No. 9 is specifically cited in the grounds of appeal. The front elevation of this house addresses the main body of the development site and the public open space area. There are two rooflights at first floor level to the front elevation serving a gallery. There is one rooflight serving the landing at first floor level to the side facing Railpark, and three rooflights at first floor level on the side facing Parklands Square serving the landing, a wardrobe and an en-suite. I do not consider undue overlooking would occur from these rooflights. There are three windows serving bedrooms on the rear elevation at first floor level, and two rooflights serving en-suites. Though there may be oblique overlooking of adjacent properties to either side there is no direct overlooking.
- 7.4.5. I do not consider the proposed development would result in undue overlooking impact to adjacent property.

Overshadowing

- 7.4.6. The grounds of appeal consider the proposed development, specifically No. 9, will result in significant shadowing impact and notes that no shadow analysis was submitted with the application. An analysis was submitted in the applicants' response to the grounds of appeal, but I consider that it contains negligible information.
- 7.4.7. Notwithstanding, having regard to the height of the houses proposed, the separation distances and the footprints of proposed and existing houses and gardens I do not consider there would be a significant adverse impact on adjacent properties as a result of shadowing.

Overbearing

- 7.4.8. The site is an underdeveloped brownfield site in close proximity to Maynooth town centre. National policy requires sites such as these to be appropriately developed. A significant change to the receiving environment is an inevitable consequence of site development. The type of houses proposed are dormer and two-storey in scale which is not substantial, and which is consistent with the type of development in the immediate vicinity. While the development will result in a change when viewed from adjacent properties, I do not consider it can be considered unduly overbearing given the context of the site location.

Traffic

- 7.4.9. The observation received considers the driveway for Unit 1 will cause a traffic hazard and the increase in volume of traffic will adversely impact the existing residents' enjoyment of the cul-de-sac. Other submissions made refer to increased traffic congestion at the Straffan Road junction.
- 7.4.10. I do not consider that the driveway/car parking area for No. 1 would create any traffic hazard on this cul-de-sac in a low-speed environment. In terms of increased traffic on the cul-de-sac, as noted in Section 7.4.8 this is an underdeveloped area of land in close proximity to Maynooth town centre and public transport corridors and is the type of site national policy considers appropriate for development. Increased traffic is an inevitable consequence of this type of redevelopment. The location of the junction of the proposed access with the cul-de-sac was altered by way of the further information response. The development is only for nine houses which is not a significant development in the context of the wider residential area that accesses Straffan Road by way of the road junction to the north west. I do not consider the increased traffic from the proposed development would have a significant impact on congestion on the cul-de-sac or the Straffan Road junction.

Property Values

- 7.4.11. The observation states that the value of Gleann Corbaire will fall by approx. €50,000 as a result of the proposed development and these concerns are noted. However, having regard to the overall assessment set out above, national policy and the zoning of the site I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that it would adversely affect the value of property in the vicinity.

Conclusion

- 7.4.12. Having regard to the foregoing, I consider that the proposed development would not have an undue adverse impact on the amenity of adjacent residential property as a result of overlooking, shadowing or overbearing impact, as a result of traffic or in terms of devaluation of property.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from and with no hydrological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Maynooth Local Area Plan 2013-2019, the Kildare County Development Plan 2017-2023 and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009, and the nature, layout and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of zoning, layout and design, would be of an appropriate density and would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 25.05.2020 and 05.06.2020, 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.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

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

Reason: In the interest of public health.

5. (a) Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

(b) 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:

(i) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,

(ii) location of areas for construction site offices and staff facilities,

(iii) details of site security fencing and hoardings,

(iv) details of on-site car parking facilities for site workers during the course of construction,

(v) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of any abnormal loads to the site,

(vi) measures to obviate queuing of construction traffic on the adjoining road network,

(vii) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,

(viii) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,

(ix) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,

(x) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,

(xi) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and

(xii) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

6. Road safety improvement works outside the site boundary shall be completed, at the developer's expense and to the satisfaction of the planning authority, prior to first occupancy of the proposed development.

Reason: In the interest of pedestrian and road safety.

7. (a) The landscaping scheme as submitted to the planning authority on 25.05.2020 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(b) Details of boundary treatments at the perimeter of the site, including heights, materials and finishes shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of residential and visual amenity.

8. (a) Prior to commencement of development, all trees and hedging which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk

of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

9. The open space area to the south of No. 9 shall be soiled, seeded and landscaped and the boundary wall to the rear of No. 9 shall be fully completed, capped and rendered on both sides, prior to the commencement of construction elsewhere on site.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

10. The proposed sheds shall be used solely for uses incidental to the residential enjoyment of the house on site and shall not be used for habitable purposes or any commercial purpose.

Reason: In the interest of the amenity of property in the vicinity and the proper planning and sustainable development of the area.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based

on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs and signage shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

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

Reason: In the interests of amenity and public safety.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

15. Ducting shall be provided at all proposed residential units to facilitate the installation of electric vehicle charging points.

Reason: In the interest of sustainable transport.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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.

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

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

Anthony Kelly
Planning Inspector
05.11.2020