



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308084-20

<b>Development</b>	Permission for the demolition of existing single storey garage and construction of two storey four bedroom mews dwelling with attic accommodation.
<b>Location</b>	74 Bushes Lane, Rathgar, Dublin 6.
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2866/20
<b>Applicant(s)</b>	James Dunne
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	James Dunne
<b>Observer(s)</b>	1) Martin O'Rourke 2) Rathgar Residents Association 3) Ray Donovan & Others
<b>Date of Site Inspection</b>	11 <sup>th</sup> November 2020
<b>Inspector</b>	Mary Crowley

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations .....	9
5.3. EIA Screening .....	9
6.0 The Appeal .....	10
6.1. Grounds of Appeal .....	10
6.2. Planning Authority Response .....	11
6.3. Observations .....	11
6.4. Further Responses.....	12
7.0 Assessment .....	12
7.4. Principle .....	12
7.5. Visual Impact.....	13
7.6. Residential Amenity .....	15
7.7. Appropriate Assessment .....	16
7.8. Other Issues.....	16

8.0 Recommendation..... 17

9.0 Reasons and Considerations..... 17

10.0 Conditions ..... 18

## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 153 sqm is located on the western side of Bushes Lane, an established mews lane to the west of Rathgar Village. The site was previously part of the rear garden of No.74 Kenilworth Square East (a Protected Structure RPS 4169), but now contains a single storey garage building, most recently in use as a motor repair garage, with a small external yard to the rear. There are mews dwellings of various designs and setbacks along this side of Bushes Lane. No. 74 Kenilworth Square East is a three-storey period terraced dwelling with a three storey rear projection of limited depth. The immediate area is also located within the residential conservation area and the buildings forming the terrace to the west onto Kenilworth Square are protected structures.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

- 2.1. The development comprises;
  - the demolition of existing single storey garage (110 sqm) on site;
  - the construction of a two storey four bedroom mews dwelling with attic accommodation (226 sqm) with pitched & flat roof, including; rooflights to flat roof, first floor balcony to rear, attic floor terrace to rear, first-floor courtyard to side, 1 no. ground floor vehicular parking space accessed off Bushes Lane, pedestrian entrance off Bushes Lane, private amenity space at ground floor to rear,
  - and all associated landscaping, boundary treatments and site works to facilitate the development

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Dublin City Council issued a notification of decision to refuse permission for the following three reasons summarised as follows:

- 1) Proposed development would appear over dominant in relation to the context of the mews lane and harmful to the setting of adjacent protected structures.
- 2) Proposed building would result in an unacceptable impact on the amenity of neighbouring occupiers by virtue of creating an overbearing effect and loss of privacy due to overlooking.
- 3) Proposed development would fail to provide adequate private amenity space.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- **Case Planner** - Recommended that permission be refused subject to conditions. The notification of decision issued by Dublin City Council reflects this recommendation.

#### 3.2.2. Other Technical Reports

- **Drainage** – No objection subject to conditions outlined in the report.
- **Transportation** – Sought further information in relation to setting back the front building line in line with properties directly adjoining to the north and south.

### 3.3. Prescribed Bodies

#### 3.3.1. None

### 3.4. Third Party Observations

- 3.4.1. There are 3 no observations recorded on the planning file from (1) Ray Donovan, (2) Rathgar Residents Association and (3) Martin O'Rourke. The issues raised relate to overbearing nature of the proposal, overdevelopment, loss of privacy and daylighting, impact on protected structures and setting of lane, height, amenity space for proposed dwelling is below requirements, proposal at variance with other mews dwellings on lane which are two storeys with pitched roof, distance between opposing windows to No. 74 Kenilworth Square is less than 22m, design and materials out of character with No.74 Kenilworth Square, Inadequate description on site notice and no provision for bin storage in dwelling

## 4.0 Planning History

4.1. There is no evidence of any previous planning application or subsequent appeal on this site. DCC have provided the following planning history for the adjoining site summarised as follows:

- **Reg Ref 2810/17** – DCC granted permission for a 2-storey mews to the rear of No 71 Kenilworth Square subject to 11 no generally standard conditions.

4.2. It is noted that there was a previous appeal for a similar development at No 60 Kenilworth Square to the south that may be summarised as follows:

- **ABP-300364-17 (Reg Ref 3850/17)** – DCC granted permission for two three-storey, three-bedroom mews houses with roof terrace, to the rear garden of 60 Kenilworth Square (a protected structure) subject to conditions. Following a third party appeal the Board granted permission subject to 7 no conditions.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative plan for the area is the **Dublin City Development Plan 2016-2022**. The site is within an area zoned **Z2 Residential Neighbourhoods (Conservation Areas)** where the land use zoning objective is “*to protect and/or improve the amenities of residential conservation areas*”. The subject site is to the rear of a protected structure and within a residential conservation area.

5.1.2. Relevant Sections and Policy from Development Plan 2016-2022 are as follows:

**Section 14.8.2 Residential Neighbourhoods (Conservation Areas)** – Zone Z2. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such area, both protected and nonprotected.

### **Chapter 11: Built Heritage and Culture**

- **Policy CHC1** - *To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.*

- **Policy CHC2** - *To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest*
- **Policy CHC4** - *To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.*
- **Policy CHC5** - *To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas. The City Council will resist the total or substantial loss of:*
  - *Protected structures in all but exceptional circumstances (and will require the strongest justification, including professional input with specialist knowledge so that all options receive serious consideration).*
  - *Non-protected structures which are considered to make a positive contribution to the character and appearance of an Architectural Conservation Area, unless it can be demonstrated that the public benefits of the proposals outweigh the case for retention of the building.*

## **Chapter 16, Development Standards**

- **Section 16.2.1 Design Principles** - All development will be expected to incorporate exemplary standards of high-quality sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods. In the appropriate context, imaginative contemporary architecture is encouraged, provided that it respects Dublin's heritage and local distinctiveness and enriches its city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance.

**Section 16.10.16 Mews Dwelling** - This section sets out criteria for assessment of proposed mews dwellings, which are set out below:

- a) *Dublin City Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals.*
- b) *Stone/brick coach houses on mews laneways are of national importance. Dublin City Council recognises the increasing rarity of stone/brick coach houses and the need to retain and conserve all of the surviving examples, particularly in relation to their form, profile and building line as well as any original features remaining. Proposals to demolish such buildings will generally not be accepted.*
- c) *Development will generally be confined to two-storey buildings. In certain circumstances, three-storey mews developments incorporating apartments will be acceptable, where the proposed mews building is subordinate in height and scale to the main building, where there is sufficient depth between the main building and the proposed mews building to ensure privacy, where an acceptable level of open space is provided and where the laneway is suitable for the resulting traffic conditions and where the apartment units are of sufficient size to provide for a high quality residential environment. This is in line with national policy to promote increased residential densities in proximity to the city centre.*
- d) *Mews buildings may be permitted in the form of terraces, but flat blocks are not generally considered suitable in mews laneway locations.*
- e) *New buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. The design of such proposals should represent an innovative architectural response to the site and should be informed by established building lines and plot width. Depending on the context of the location, mews buildings may be required to incorporate gable-ended pitched roofs.*
- f) *The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The provision of rear access to the main frontage premises shall be sought where possible.*
- g) *All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. One off-street car space should be provided for each mews building, subject to conservation and access criteria.*



- h) New mews development should not inhibit vehicular access to car parking space at the rear for the benefit of the main frontage premises, where this space exists at present. This provision will not apply where the objective to eliminate existing unauthorised and excessive off-street car parking is being sought.*
- i) Potential mews laneways must have a minimum carriageway of 4.8 m in width (5.5 m where no verges or footpaths are provided). All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided.*
- j) Private open space shall be provided to the rear of the mews building and shall be landscaped so as to provide for a quality residential environment. The depth of this open space for the full width of the site will not generally be less than 7.5 m unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5m standard is provided, the 10 sq.m of private open space per bedspace standard may be relaxed.*
- k) If the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for multiple dwellings and for mews development.*
- l) The distance between the opposing windows of mews dwellings and of the main houses shall be generally a minimum of 22m. This requirement may be relaxed due to site constraints. In such cases, innovative and high-quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling.*

#### **Appendix 24: Protected Structures and Buildings in Conservation Areas**

### **5.2. Natural Heritage Designations**

- 5.2.1. The site is not located within a designated Natura 2000 site.

### **5.3. EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development comprising a residential development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environment 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 first party appeal against the decision to refuse permission was prepared and submitted by Hughes Planning & Development consultants and may be summarised as follows:

#### **6.1.2. Refusal Reason No 1**

- The design and materials of the proposed dwelling will complement the existing buildings in the surrounding area.
- The development involves the demolition of an exiting single storey garage. The garage is a recent construct of no importance and its demolition is considered appropriate in this instance.
- The laneway leading to the site is of sufficient size to accommodate traffic, while providing for a high quality residential environemnt.
- The proposed development will not be in the form of flat blocks (multi-unit apartment blocks) and is therefore considered to be appropriate for the site.
- The mews is fit for purpose in terms of providing a high quality of internal accommodation and external amenity space. Building height and contemporary roof profiles allow the mews dwelling to appear subordinate to the dwelling feature on 74 Kenilworth Square.
- The site will not be amalgamated with other land or subdivided to create one or more mews dwelling.
- The proposal includes 1 no car parking space in an off-street garage.
- The development will not cause the loss of access to rear car parking to the dwelling on the original host property at No 74 Kenilworth Square.
- The mews will be a single occupancy and the proposed private open space is appropriate for such a dwelling.

- Reference is made to positive planning precedents in the area. Reg Ref 2810/17, 0407/02 and 4644/19.

#### 6.1.3. **Refusal Reason No 2**

- The proposed mews will have a minimum separation distance of 19.4m from the rear opposing first floor window at No 74 Kenilworth Square. This is considered to be minor and is consistent with the surrounding built form ensuring a suitable level of privacy for future residents and that of No 74 Kenilworth Square.
- In terms of overshadowing the existing building currently casts shadows onto the large garden associated with 75 Kenilworth Square. It is not anticipated that the proposed dwelling will cause an unreasonable increase to the level of shadowing currently experienced. Any overshadowing from the proposed dwelling will be confined to a small part of the large garden serving No 75 Kenilworth Square.

6.1.4. **Refusal Reason No 3** – The proposed dwelling provides future residents with ample high quality private amenity space to serve future residents comprising 61.5sqm private amenity space in the form of 35.3sqm west facing garden at ground floor level, a 7.5sqm west facing balcony at first floor level, 8.4sqm central courtyard at first floor and a 10.3sqm south facing terrace at attic level.

6.1.5. **Alternative Design** – The applicant is seeking planning permission for the proposal as originally submitted to DCC on 15<sup>th</sup> June 2010. However, in response to the decision to refuse permission the applicants have submitted an alternative design option that seeks to overcome the reasons for refusal. The alternative revisions include (drawings attached). The stated floor area of the amended scheme is 165 m<sup>2</sup>.

## 6.2. **Planning Authority Response**

6.2.1. None

## 6.3. **Observations**

6.3.1. There are 3 no observations recorded on the appeal file from (1) Martin O'Rourke, (2) Rathgar Residents Association and (3) Ray Donovan & Others. The issues raised relate to height, excessive scale, overdevelopment, impact on adjoining residential amenities, overlooking, out of character, loss of sunlight to adjoining properties, proximity to protected structures on Kenilworth Square, site is within an Architectural

Conservation Area, scheme is at variance with the mews development standards set out in the Development Plan and no provision for bin storage,

#### 6.4. Further Responses

6.4.1. There are no further responses recorded on the appeal file.

### 7.0 Assessment

7.1. This assessment is based on the plans and particulars submitted to Dublin City Council on the 15<sup>th</sup> June 2020 as amended by plans and particulars submitted to An Bord Pleanála on 2<sup>nd</sup> September 2020.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Visual Impact
- Residential Amenity
- Appropriate Assessment
- Other Issues

#### 7.3. Principle

7.3.1. Under the provisions of the Dublin City Development Plan 2016 – 2022 the site is wholly contained within an area zoned Sustainable Residential Conservation Area – Zone Z2 where the land use zoning objective is “*to protect and / or improve the amenities of residential conservation areas*” and where residential development is a permissible use. Accordingly, the principle of the development of a mews house at this location is acceptable in principle.

7.3.2. It is also intended to demolish the existing single storey commercial property on site. The building, while modest in appearance does not display any obvious architectural or historic merit and its scale and elevational treatment is at odds with the general

scale and character of the area. Further the building does not appear to be an exemplar of a building type, plan form, style or styles of any period nor is there anything to suggest that the interior is of any special interest. Overall, I do not consider that the building has any significant architectural merit or associated features that contribute to such an extent that its retention would be warranted. Its demolition is therefore acceptable.

#### **7.4. Visual Impact**

- 7.4.1. DCC in their first reason for refusal stated that the proposed development would appear over dominant in relation to the context of the mews lane and harmful to the setting of adjacent protected structures.
- 7.4.2. As observed on day of site inspection the character of Bushes Lane comprises a number of different elements including the arrangement and juxtaposition of buildings, the architectural style, form, scale and height of buildings together with materials and colour.
- 7.4.3. The development as originally submitted to DCC comprised of a two storey four bedroom mews dwelling with attic accommodation, first floor balcony to the rear and attic floor terrace to roof has had little regard for its contexts and the obvious constraints associated with the site. I agree with the conclusions of DCC that the scheme in terms of scale and rear elevated treatment would form a dominant feature that would be visually harmful to adjoining properties along Bushes Lane and those of the protected structures to the rear of the property along Kenilworth Square East.
- 7.4.4. Having regard to the amended plans submitted with the appeal whereby the attic level has been omitted and the proposed dwelling scaled back to a 2-storey 3-bedroom dwelling, the first-floor rear balcony omitted, the west facing first floor windows having been simplified, previously proposed first floor terrace moved to the front of the building, the rear garden area increased in size and a different roof type adopted I consider that the scheme now before the Board demonstrates a more appropriate response for this location in terms of design and scale.
- 7.4.5. However, in order to give full consideration to the amended proposal I refer to Section 16.10.16 Mews Dwelling of the Development Plan that sets out criteria for assessment of proposed mews dwellings. These are outlined in full in Section 5.1 above. I have

considered these criteria and I would set out the following. Matters pertaining to residential amenity, traffic impact and car parking are discussed separately below.

- While a unified approach framework is the preferred alternative to individual development proposals of residential mews it is noted that there has been a significant number of individual mews development in the area and adjoining the appeal site and therefore this single site application is acceptable.
- This development does not affect the existing older “coach house style” structures on Bushes Lane. The development involves the demolition of an existing single storey garage. The garage is a recent construct of no importance and its demolition is considered appropriate in this instance.
- The proposed development will not be in the form of flat blocks (multi-unit apartment blocks). There are no submitted proposals to amalgamate or subdivide the site to create one or more mews dwellings.
- The amended scheme is confined to two storeys, is subordinate in height and scale to the main building and is acceptable in terms of design, scale, massing, height, building depth, roof treatment and materials. The design and materials of the proposed dwelling, as amended will complement the existing buildings in the surrounding area.
- Further there are buildings of a similar height and scale along Bushes Lane so the proposed dwelling will sit comfortably within the streetscape and will not overwhelm adjacent properties or those of the Protected Structures to the west fronting onto Kenilworth Square East.

7.4.6. The scheme as originally submitted to DCC would appear incongruent and dominant in relation to the scale of this mews lane and adjoining protected structures. However the amended proposal to provide a 3 bed two storey dwelling would be acceptable in terms of scale, mass and height and that it would not appear over dominant in relation to the context of the mews lane or harmful to the setting of adjacent protected structures. Further, I am satisfied that the amended proposal complies with the relevant requirements of Section 16.10.16 of the Development Plan and that to permit same would not contravene the zoning objective for the site. Recommended that permission be granted for the amended scheme.

## 7.5. Residential Amenity

- 7.5.1. DCC in their second and third reason for refusal stated that the proposed building would result in an unacceptable impact on the amenity of neighbouring occupiers by virtue of creating an overbearing effect and loss of privacy due to overlooking and that the proposed development would fail to provide adequate private amenity space.
- 7.5.2. I agree with DCC that the proposed scheme as submitted to DCC in June 2020 in terms of scale, mass and form together with the inclusion of a balcony and roof terrace and large window openings to the rear elevation would result in an unacceptable impact on the amenity of neighbouring occupiers by virtue of creating an overbearing effect and loss of privacy due to overlooking. However, the amended scheme before the Board whereby the attic level has been omitted, resulting in the proposed dwelling being scaled back to a 2-storey 3-bedroom dwelling and together with the removal of the first-floor rear balcony, will ensure that the scheme if permitted, would not form an unduly overbearing or dominant element when viewed from the adjoining properties or surrounding areas and will ensure the residential amenities of adjoining properties are protected.
- 7.5.3. With regard to loss of privacy the amended mews will have a separation distance of 19.85m from the rear opposing first-floor windows at No 74 Kenilworth Square. While this is a variation from the requirements of the development plan (22m) it is considered appropriate in this instance as it is consistent with the surrounding built form to the south of the appeal site. Taken together with the rear elevational amendments as outlined will ensure a suitable level of privacy for future residents and that of No 74 Kenilworth Square.
- 7.5.4. With regard to private open space Section 16.10.2 of the Development Plan requires a minimum of 10sqm per bedspace. It also states that generally up to 60 – 70sqm of rear garden is considered sufficient. The amended proposal provides for 39sqm of rear private open space together with a 12sqm terrace at first floor level to the front. Given the restricted nature of the site together with its location I am satisfied that the proposed private open space provided with the amended scheme is satisfactory.
- 7.5.5. As stated, the scheme as originally submitted to DCC would result in an unacceptable impact on the residential amenity of neighbouring properties. However the scheme in terms of amended design, scale, form and positioning of the proposed mews house

strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings, that it will not result in any significant over shadowing of adjoining properties or any unreasonable loss of natural light or overlooking to neighbouring residential properties. Recommended that permission is granted for the amended scheme.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the development and its distance to the nearest 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.

## 7.7. **Other Issues**

- 7.7.1. **Traffic & Car Parking** – I note the report of the DCC Transportation Department where further information was sought in relation to setting back the front building line in line with properties directly adjoining to the north and south in order to allow for additional space on the carriageway for pedestrians, cyclists and the accommodation of servicing and waste collection.
- 7.7.2. Both the original proposal and the amended scheme maintains a similar footprint and building line of the existing garage on site and provides for the storage of two bins in the car port. Given the location of the site in an established mews lane where there is no existing footpath and where there are sections of controlled parking in the form of clearways, double yellow lines and pay and display / permit scheme together with the requirements to maximise private open space within the confines of the site I consider that the location of the proposed front building line to be acceptable. Further, I am satisfied that the proposed development provides for a safe means of access to and from the site which will not result in the creation of a traffic hazard and that the proposed development would function satisfactorily from a traffic point of view.
- 7.7.3. With regard to car parking it is noted that residential development in areas designated as Zone 3 require 1.5 car parking spaces. The scheme provides 1 no car parking space in an off-street garage. The proposal was considered acceptable to DCC Transportation Department. I agree with DCC and consider the proposal appropriate



in this instance particularly given the close proximity of the site to the public transport (Dublin Bus routes).

7.7.4. **Development Contributions** – I refer to the Dublin City Council Development Contribution Scheme 2020-2023. Section 12 outlines development that will be liable for a reduced rate of development contributions under the Scheme. Under this section it is stated that *where an applicant is granted permission to demolish in part or in full an existing building and replace with another, then the development contribution payable is to be charged on the net additional floorspace created*. The area to be demolished is 110m<sup>2</sup>. The floor area of the amended scheme is 165 m<sup>2</sup>. Having regard to the net additional floor area it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

## 8.0 Recommendation

8.1. It is recommended that permission be **GRANTED** subject to the reasons and considerations set out below

## 9.0 Reasons and Considerations

9.1. Having regard to the pattern of development in the vicinity, including a variety of mews houses of differing external appearance along the western side of Bushes Lane, the policy and objective provisions set out in the Dublin City Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the proposed development (as amended), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not detract from the character or setting of the adjacent Protected Structure. The proposed development would, therefore, be in 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 on the 15<sup>th</sup> June 2020 as amended by the further plans and particulars received by An Bord Pleanála on the 2<sup>nd</sup> September 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><b>Reason:</b> In the interest of clarity</p>
2.	<p>The roof area of the ground floor rear projection shall not be used as a balcony, roof (terrace) garden or similar amenity area.</p> <p><b>Reason:</b> In the interests of residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<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><b>Reason:</b> In the interest of public health.</p>
5.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health</p>
6.	<p>The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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</p>

	<p>exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of adjoining property in the vicinity</p>
7.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
8.	<p>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. 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.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety</p>
9.	<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><b>Reason:</b> In the interest of sustainable waste management.</p>
10.	<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 the commencement of development or in such phased payments as</p>

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

---

**Mary Crowley**

**Senior Planning Inspector**

**24<sup>th</sup> November 2020**