



An  
Bord  
Pleanála

## Inspector's Report ABP 308567-20

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<b>Development</b>	Construction of a detached dwelling house.
<b>Location</b>	3, Drumnigh Wood, Portmarnock, Co. Dublin, D13 FX07.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20A/0409
<b>Applicant(s)</b>	Rory and Denise O'Driscoll
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Rory and Denise O'Driscoll
<b>Observer(s)</b>	Patricia and Martin Hubble
<b>Date of Site Inspection</b>	19 <sup>th</sup> March 2021
<b>Inspector</b>	Brendan Coyne

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## **1.0 Site Location and Description**

1.1. The site (0.03 ha) comprises the side garden to the western side of No. 3 Drumnigh Wood in Portmarnock, Co. Dublin. The existing dwelling No. 3 Drumnigh Wood is a large detached two-storey dormer type dwelling. The dwelling has a pitched roof profile with dormer windows on its front roof slope and its elevation finishes are rendered. A detached single storey garage is located to its eastern side. The western side elevation of the dwelling contains window openings at ground and first floor level and a single storey conservatory extends to the rear at its western side. The appeal site as outlined in red is largely under lawn with a tall mature hedge separating the front and rear garden. The western side boundary is defined with a timber fence c. 1.8m high towards the rear and mature hedging towards the front. The rear northern boundary is defined with a timber fence c. 1.8m high with tall mature trees located behind it on lands to the north. The ground level of the site is relatively level. Lands adjoining the site to the west contains a large detached two-storey dwelling with a detached single storey garage located to its rear adjoining the western boundary of the appeal site. Land adjoining the site to the north contains a detached residential dwelling known as 'Innishannon' with its attendant grounds.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following;
- Construction of a detached two storey 5-bedroom dwelling,
  - New vehicular access from Drumnigh Wood,
  - Associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Fingal County Council REFUSED permission for the proposed development. The reasons for refusal were as follows;

1. The proposed infill dwelling by virtue of its design, scale and mass lacks architectural merit and would be visually incongruous and wholly out of character with the existing pattern of development and together with the disproportionate separation of the site and restricted separation distances from the side boundaries all contribute to represent overdevelopment of a restricted site and would be contrary to Objective DMS39 and Objective DMS40 of the Fingal Development Plan 2017-2023 which sets out the parameters for the provision of appropriate infill / corner site development.
2. The proposed separation between the two dwellings is substandard and the development in its proposed form would materially contravene Objective DMS29 which seeks 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 units'.
3. Drumnigh Woods provides for a unique setting through its low-density nature and by way of large detached properties on equally large sites. To permit the proposed development would be unacceptable and by reason of the precedent it would set would erode the unique character which would materially contravene Objective DMS44 of the Fingal Development Plan 2017-2023 which seeks to 'Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character'.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report**

Basis for the Planning Authority's decision. Includes:

- The proposal is an acceptable form of development within the RS zoning objective of the site, subject to compliance with relevant policies and objectives of the Development Plan.
- Infill / corner development is supported in the Fingal Development Plan including Objectives DMS39 and DMS40.

- It is acknowledged however that not every large site is appropriate for subdivision for the provision of infill development as localised issues relative to each individual site can inhibit the development of a site for residential purposes.
- Notwithstanding the overall size of the site, the area of the proposed development appears constrained by virtue of its narrowness.
- The width of the site is significantly narrower than the adjoining row of dwellings. As a result, the site appears inconsistent and out of character with the area.
- The planning statement sets out that the applicants wish to downsize.
- The proposed development of a 5-bedroom house on a site constrained by its width results in a side elevation of significant debt and coupled with the flat roof profile to the side and rear lacks architectural merit which would render the proposed dwelling wholly out of character with the existing dwelling on the site and the overall pattern of development within the area.
- No details have been provided as to how the front boundary of the site would read in the context with adjacent sites to the east and west.
- Drumnigh Wood is a high-quality residential development with a low density and unique setting, comprising large detached dwellings with equally large sites. It is considered that the design of the dwellings and their setting are worthy of protection under objectives DMS44 of the Fingal Development Plan.
- The proposal would subdivide one of the larger plots typical of this area of Drumnigh Wood. There are a large number of such plots within the estate capable of subdivision.
- P.A. Ref. F07A/1514 is an approved infill development which appears to be the exception rather than the rule as no other precedent for infill dwellings are noted.
- Consideration must be given as to how the nature and unique setting of the area would be changed if such a pattern were to be repeated throughout.
- It is considered that if permitted the proposed development would set a precedent within this part of Drumnigh Wood which is characterised by larger plot sizes with low density housing. This would be detrimental to the established character of the

area and would by the precedent it would set, overtime erode the unique setting of this residential development.

- The proposed house would maintain a separation distance of c. 1.2m from both the side elevation of the existing dwelling No.3 Drumnigh Wood and the side boundary shared with No. 2 Drumnigh Wood. Such development would be contrary to Objective DMS29 of the Development Plan which seeks to ensure an appropriate separation distance is provided between the side walls of dwellings.
- The internal layout of the proposed dwelling generally accords with Table 12.1 of the Development Plan.
- The proposal would not adversely impact on the residential amenity of neighboring dwelling No. 2 by way of overshadowing.
- Adequate private amenity space would be maintained to the rear of both the existing and proposed new dwelling and thereby would be in accordance with Objective DMS87 of the Development Plan.
- The proposed development is not sympathetic to existing adjacent development and would be incongruous with the established pattern and character of development in the immediate area.

### 3.2.2. Other Technical Reports

**Transportation Section:** No objection subject to Conditions.

**Water Services Section:** No objection subject to Conditions.

**Parks Division:** No objection subject to Condition.

### 3.2.3. Prescribed Bodies

**Irish Water:** No objection subject to Conditions.

**Dublin Airport Authority:**

- The site is located within the Outer Public Safety Zone and Noise Zone B of Dublin Airport.

- Reference made to Objectives DA13, DA14 and DA07 of the Fingal County Development Plan 2017 – 2023.
- The Dublin Airport Authority request the following Further Information;
  1. The predicted noise environment of the site be fully assessed with consideration for future airport growth.
  2. The applicant demonstrate that internal noise levels appropriate for proposed habitable rooms can be achieved and maintained.
  3. Appropriate noise mitigation measures.

## 4.0 Planning History

None for subject site

### 4.1.1. Relevant applications in Drumnigh Wood

**P.A. Ref. F07A/1514** Permission GRANTED in 2008 for the construction of a two storey four bedroom house at site No. 20A Drumnigh Wood.

**P.A. Ref. F15A/0578 & ABP Ref. PL06F.246258** Permission REFUSED for the conversion of an existing detached single storey garage to a self-contained two bedroom residential unit at No. 89 Drumnigh Wood, Portmarnock, County Dublin. The Reasons for Refusal were as follows:

1. The pattern of development in the immediate adjoining area consists of established two-storey form detached and semi-detached houses with ancillary single storey garages located to the rear of the sites. The conversion of one of those garages to a residential unit would be out of character and inconsistent with the pattern of development in the immediate area and would result in a residential unit inappropriately positioned on a backland site which would seriously injure the amenities of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development comprising the conversion of a detached single storey garage to use as a residential unit would, by reason of its self-contained design,

independent access arrangements and lack of physical connection to the existing dwelling on site, be contrary to Objective RD25 of the Fingal County Development Plan 2011-2017. This objective is considered to be reasonable. The proposed development would result in the creation of an independent residential unit on this site which would be contrary to the stated planning policy and objectives of the planning authority in relation to 'Family Flats' as set out in the Development Plan and would set an undesirable precedent for similar development on residentially zoned lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### 4.1.2. **Adjoining site to the north**

**P.A. Ref. F17A/0556 and ABP Ref. PL06F.301635** Permission GRANTED in 2019 to Mybalroan Limited for the demolition of the existing house and single storey outbuildings and the construction of 30 no. houses and all associated works.

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

**Fingal County Development Plan 2017-2023** is the statutory plan for the area. The following provisions are considered relevant:

**Zoning:** The site is zoned objective 'RS' which seeks 'to provide for residential development and protect and improve residential amenity'. Residential use is 'permitted in principle' under this zoning objective.

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

**Objective PM40** 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 PM44** Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

**Objective PM45** Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

**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.

**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 DMS30** Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

**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 DMS44** Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.

**Objective DMS85** Ensure private open spaces for all residential unit types are not unduly overshadowed.

**Objective DMS86** Ensure boundary treatment associated with private open spaces for all residential unit types is designed to protect residential amenity and visual amenity.

**Objective DMS87** Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house.

**Table 12.8** Car Parking Standards

- Objective DA07** Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.
- Objective DA13** Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.
- Objective DA14** Review Public Safety Zones associated with Dublin Airport and implement the policies to be determined by the Government in relation to these Public Safety Zones.

## 5.2. National Guidelines

National Planning Framework – Project Ireland 2040

## 5.3. Natural Heritage Designations

- 5.3.1. The site is located c. 1 km to the west of the Baldoyle Bay SPA (Site Code 004016) and Baldoyle Bay SAC (Site Code 000199).

## 5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and its location within a fully serviced urban environment, it is considered that 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

A first-party appeal was received from the applicants Rory and Denise O'Driscoll, against the decision made by the Planning Authority to refuse permission for the proposed development. The main grounds of appeal are summarised below.

- In making the planning application for the proposed dwelling, the applicants researched infill development within the housing estate of Drumnigh Wood.
- Permission was previously granted under P.A. Ref. F07A/1514 for an infill development comprising a two storey four bedroom house at site 20A Drumnigh Wood.
- This this creates a precedent for the proposed house on an infill site.

### 6.2. Planning Authority Response

The Planning Authority's response is as follows;

- The proposed development was assessed against the policies and objectives of the Fingal Development Plan 2017 – 2023 and was assessed having regard to its impact on neighbouring property and the character of the area.
- Notwithstanding the overall size of the site, the narrow width of the site for the proposed dwelling would be out of character with the pattern of development in the area. Such development would have a negative impact on the character of the area.
- The proposed development does accord with relevant policies and objectives of the Fingal Development Plan.
- The development if permitted would set an undesirable precedent for other similar development.
- An Bord Pleanála is requested to uphold the decision of the Planning Authority.
- In the event that the appeal is successful provisions should be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

### 6.3. Observations

A third-party observation was received from Patricia and Martin Hubble of No. 2 Drumnigh Wood, which adjoins the site to the west. Issues raised are summarised as follows;

- Overlooking
- Overshadowing
- Visual impact – congested appearance.
- Traffic safety – the proposal would create additional traffic on an angled cul-de-sac which is already congested from two family homes.
- The additional traffic would result in more noise disturbance and safety concerns.

## 7.0 Assessment

I have reviewed the proposed development and the correspondence on the file. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. The main issues for consideration are the reasons for refusal, as cited by the Planning Authority. These can be addressed under the heading 'Scale, Design and Visual Impact'. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The issue for consideration is addressed below.

### 7.1. Scale, Design and Visual Impact

- 7.1.1. The Planning Authority refused permission for the proposed dwelling on the grounds that its design, scale and mass lacks architectural merit, would be visually incongruous and wholly out of character with the pattern of development in Drumnigh Wood. The Planning Authority consider the separation distances between the proposal and the side boundaries would represent overdevelopment of a restricted site and would be contrary to Objectives DMS29, DMS39 and DMS40 of the Fingal Development Plan 2017 - 2023. The Planning Authority considers Drumnigh Wood provides a unique setting by way of its low-density, large, detached housing on equally large sites. The

proposed dwelling was refused permission on the grounds that it would erode the unique character of Drumnigh Wood, and the precedent it would set would be contrary to Objective DMS44 of the Development Plan.

- 7.1.2. The applicants contest the Planning Authority's reasons for refusal, as detailed in Section 6.1 above. In summary, the applicants put forward that similar precedent for the proposed development has already been established in Drumnigh Wood whereby the Planning Authority granted permission for an infill development comprising a two storey four bedroom house at site No. 20A Drumnigh Wood, as permitted under P.A. Ref. F07A/1514.
- 7.1.3. The overall site as outlined in blue has a width of c. 43.2m and the site of the proposed dwelling as outlined in red has a width of c.10m. The proposed dwelling has a front elevation width of c. 7.59m. The existing dwelling No. 3 Drumnigh Wood has a front elevation width of c. 44.6m and neighbouring house No. 2 Drumnigh Wood has a width of c. 24.4m. The proposed site plan shows that the proposal would maintain a separation distance of 1.2m from both its eastern and western side boundaries. Given that the proposal would maintain a setback of c. 7.1m from the eastern side elevation of No. 2 Drumnigh Wood and c. 1.8m from the western side elevation of No. 3 and having regard to the large garden to the eastern side of No. 3, it is my view that adequate access would be maintained to the side and rear of the proposed dwelling and existing dwellings Nos. 2 and 3 Drumnigh Wood. Thereby, strict compliance with Objective DMS29 of the Development Plan requiring a 2.3m separation distance between side walls is not required in this instance.
- 7.1.4. The proposal has a total depth of 17.2m at both ground and first floor level. The rear / northern building line of the proposal would align with the rear building line of the single storey conservatory to rear of No. 3 Drumnigh Wood and would be set back slightly behind (c. 0.2m) the rear building line of No. 2 Drumnigh Wood. The front building line of the proposal would approximate with the front building line of No. 3. The roof ridge height of the proposed dwelling at 6.8m aligns with the roof ridgeline of No. 3 Drumnigh Wood and is lower than the roof ridge height of No 2 Drumnigh Wood at c. 8m.

The proposal presents as a 1.5 storey dormer type dwelling when viewed from the front with 2 no. dormer windows on its front roof slope. This reflects the form and design of No. 3 which likewise presents as a 1.5 storey dwelling with dormer windows

and a gable element to its front elevation. The elevation finishes are stated as comprising rendered finish with blue / black slates to match the existing dwelling. This is considered acceptable.

- 7.1.5. When viewed from the side the proposal presents as a 2 storey dwelling with a flat roof section c. 8.7m long and a roof ridge height of c. 5.4m. There are no window opes on its western side elevation at first floor level, thereby overlooking of neighbouring dwelling No. 2 Drumnigh Wood is not an issue. The mature trees and fencing along the boundary shared with No. 2 Drumnigh Wood would prevent overlooking from window opes at ground floor level. There is 1 no. window ope on the eastern side elevation of the proposal at first floor level, serving a landing / stairwell window ope. In order to prevent overlooking of the side elevation window opes of No. 3 Drumnigh Wood, this window ope should be glazed with obscure glass. This can be dealt with by way of Condition in the event of a grant of permission.
- 7.1.6. The internal floor area of the proposed dwelling at 226 sq.m. accords with the provisions of Objective DMS24 and Table 12.1 of the Fingal Development Plan which requires 110 sq.m. for a 4 bedroom / 7 person two storey house. No standard is given for a 5 bedroom dwelling. The private amenity space to serve the proposed dwelling (c. 129 sq.m.) and existing dwelling No. 3 (in excess of 450 sq.m.) would comply with the minimum private amenity space standards as set out in Objective DMS87 of the Development Plan.
- 7.1.7. The observation received expresses concern with regard overshadowing. Section 12.4 of the Fingal County Development Plan refers to 'Daylight, Sunlight and Overshadowing' and seeks to ensure that daylight and sunlight levels for residential dwellings, as a minimum, are in accordance with Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011) and British Standard (B.S.). 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting. Having regard to a) Sections 2.2 and 3.2 of the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011) guidelines, b) the north/south orientation of the existing dwelling No.3 and c) the height of the proposed dwelling and its separation distance from No. 2 Drumnigh Wood, it is my view that the proposed dwelling would not result in a significant loss of daylight or sunlight to the existing dwellings Nos. 2 and 3 Drumnigh Wood. While the proposal would result in loss of sunlight to the west facing elevation of No. 3 and its window opes thereon, given the extensive south facing

elevation of this dwelling, I am satisfied that this dwelling would receive in excess of 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between the 21st September and 21st March, in accordance with the recommendations of Section 3.2 of the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.E. 2011). The proposal would not cause significant additional overshadowing of the private amenity space to the rear of Nos. 2 and 3 Drumnigh Wood.

7.1.8. Having reviewed the drawings submitted, I am satisfied that the proposed infill development would respect the height and massing of Nos. 2 and 3 Drumnigh Wood and thereby would not be contrary to Objective DMS39 of the Development Plan. The form and design of the proposed dwelling would harmonise with existing dwelling No. 3 Drumnigh Wood and would not detract from the character or visual amenity of Drumnigh Wood. Such development would not be contrary to Objective DMS40 of the Development Plan. I am satisfied that the proposal would not significantly impact on the residential amenity of neighbouring property by way of overlooking or overshadowing, subject to appropriate Condition.

7.1.9. While I acknowledge the proposed infill development would be a deviation from the pattern of large houses and gardens in Drumnigh Wood, it is my view that such infill development would consolidate residential development within these 'RS' zoned lands and thereby would be consistent with Objectives PM39 and PM44 of the Development Plan. Such development would be in accordance with National Policy Objective 35 of the National Planning Framework which seeks to increase residential density in settlements through a range of measures including infill development. On this basis, I recommend that the appeal should succeed in relation to the Planning Authority's reasons for refusal and that the proposed development should be granted permission.

## **7.2. Screening for Appropriate Assessment**

Having regard to nature and scale of the proposed development to provide one additional house in a fully serviced and zoned residential area and the nature of the receiving environment and the lack of connections to the nearest European sites: Baldoyle Bay SPA (Site Code 004016) and Baldoyle Bay SAC (Site Code 000199), 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 permission be granted subject to conditions, for the reasons and considerations below.

## 9.0 Reasons and Considerations

Having regard to the residential land use zoning of the site, the pattern of development in the area, the size of the site and the layout and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact on the residential amenity of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. <b>Reason:</b> In the interest of clarity.
2.	The first-floor window ope on the eastern side elevation of the proposed dwelling shall be permanently fitted with obscure glazing. <b>Reason:</b> To prevent overlooking of adjoining residential property.

3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> To ensure adequate servicing of the development, and to prevent pollution.</p>
4.	<p>The applicant or developer shall enter into a water connection agreement with Irish Water prior to the commencement of this development.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>(i) Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority drawings detailing the proposed vehicular access including proposed boundary treatment to both the front and sides of the dwelling.</p> <p>(ii) The boundary wall located to the front of the dwelling shall not exceed a height of 900mm.</p> <p>(iii) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm, which would interfere with or obstruct (or could obstruct over time) the required visibility envelopes.</p> <p>(iv) Any entrance gates shall open inwards towards the site and not outwards onto the public road.</p> <p>(v) All underground or overhead services and poles shall be relocated, as may be necessary, to suitable locations at the applicant / developer's expense.</p> <p>(vi) All works shall be carried out at the developer's expense and to the requirements of the planning authority.</p> <p><b>Reason:</b> In the interest of traffic and pedestrian safety.</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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>

7.	<p>(i) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant / developers own expense.</p> <p>(ii) The applicant or developer shall be responsible for the full cost of repair in respect of any damage cause to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of the planning authority or pay the Council the cost of making good any such damage upon requirement by the Council</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
8.	<p>All public service cables to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
9.	<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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</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 commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation</p>

<p>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.</p> <p><b>Reason:</b> 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.</p>
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Brendan Coyne  
Planning Inspector

31<sup>st</sup> March 2021