



An
Bord
Pleanála

Inspector's Report

ABP-311313-21

Development	Demolition of workshop and construction of a terrace of 3 dwellings and all ancillary site works.
Location	Site adjacent and to the north of 72 Beach Road and bounding Cranfield Place, Sandymount, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3765/20
Applicant(s)	Hickory Property Development
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Anne Marie O'Connor Tom Shear
Observer(s)	1 Patricia Ward, Noleen Barnes, Maureen Smith, Norah Sweetman, Rosemarie Carr 2 Barry & Denis Fogarty

Date of Site Inspection

28/06/2022

Inspector

Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site is located at the junction of Beach Road, Cranfield Place and Tritonville Avenue, in the inner suburban area of Sandymount, Dublin 4. The triangular site is located to the side of no. 72 Beach Road and to the south of the dwellings on Tritonville, with a narrow frontage on to Cranfield Place.
- 1.1.2. At some point the site comprised the side garden of no. 72m, but now is occupied by a series of vacant lean-to sheds accessed via iron gates leading on to Cranfield Place. With the exception of a long-standing commercial property in the side garden of no. 1 Tritonville Avenue, the wider area is predominantly residential.
- 1.1.3. The southern boundary of the site faces Beach Road, a busy traffic route undergoing some road works on the date of my site inspection. To the north of the site are no.s 1, 3 and 5 Tritonville Avenue. These two-storey red-brick dwellings in a cul-de-sac have short rear yards and on-street car parking.

2.0 Proposed Development

- 2.1.1. On the 19th November 2020, permission was sought for a development comprising the demolition of all structures on site (104sq.m.) and the construction of a terrace of three 3-storey dwellings.
- 2.1.2. The proposal was amended at FI stage to comprise a terrace of three dwellings with a second-floor pop-up and roof-gardens.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 12th August 2021 the Planning Authority issued a notification of their intention to grant permission subject to 13 no. standard conditions.

3.2. Planning Authority Reports

- 3.2.1. Drainage Division: Additional information required regarding SuDs compliance.
- 3.2.2. **Environmental Health:** No construction management plan submitted.
- 3.2.3. **Roads, Streets & Traffic:** FI required topographical survey regarding adjoining footpath and carriageway, traffic concerns from Unit C – setback in the building required, reduction of units and bin storage.

3.2.4. **Planning Report:** Notes the concerns of the traffic dept. Unit C falls marginally below the required aggregate bedroom and storage space minimum requirement but has 6sq.m. additional living space. Private open space is below required minimum but adjoining recreational / public open space noted. Regarding overlooking, the window on the corner of Cranfield Place should be omitted. Visual impact, massing and overbearing impact from Beach Road should be addressed. Recommendation to request Further Information.

3.3. **Prescribed Bodies**

None on file.

3.4. **Third Party Observations**

3.4.1. A number of submissions on the proposed development raised the following areas of concern: parking, visual impact, overlooking, over shadowing, inappropriate design, impact on traffic and impact on drainage.

3.5. **Request for Further Information**

3.5.1. On the 25th January 2021, the applicant was requested to address the following 6 no. items of FI

- 1 Visual implications
- 2 Issues raised by Transportation dept. including topographical survey, providing a setback on Cranfield Place, pedestrian entrance to Unit C, decrease in number of units proposed and adequate bin storage
- 3 Drainage Division requirements regarding SuDS and flood mitigation measures
- 4 Landscaping details
- 5 Further details of metal tile roof
- 6 EHO request for a construction management plan

3.5.2. On the 13th July 2021, the applicant responded to the FI request. The response notes that the omission of Unit C was not necessary as all of the requests of the Planning Authority could be addressed. Unit C has been reduced from a 4-person to a 3-person unit with a recessed access off Cranfield Place, amendments to bin and bike storage.

- 1 Upper dormer structures and high-level windows and false window inserts are omitted. Rear eaves reduced 5.85m to 5.725m, with a 2.7m boundary wall will not be overbearing. There are no windows above ground floor to the rear.
- 2 Topographical survey submitted, ESB pole will be relocated. Building line is set back along Cranfield Place and the layout of Unit C is amended. NO outward opening doors onto public space and increased bicycle parking for units.
- 3 Drainage Report and Flood Risk Assessment submitted.
- 4 Landscaping plans submitted.
- 5 Metal tile roof details submitted.
- 6 Construction Management Plan submitted.

3.6. Reports on File following submission of FI

- 3.6.1. **Drainage Division:** No objection subject to conditions.
- 3.6.2. **Transportation Planning:** No objection subject to conditions.
- 3.6.3. **Planning Report:** Applicant responded to each of the issues raised in the FI request. Recommendation to grant permission.

4.0 Planning History

- 4.1.1. None on the subject site.

5.0 Policy Context

- 5.1. The government published the **National Planning Framework** in February 2018. Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.
- 5.2. The **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas** were issued by the Minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of

amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 units/ha will be encouraged, and those below 30 units/ha will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.

5.3. Dublin City Development Plan

5.3.1. The 2022-2028 Dublin City Council development plan is due to be adopted in late 2022. Until that time, the operative plan is the 2016-2022 City Development Plan.

5.3.2. In the 2016-2022 plan, the site is zoned '**Z1 Sustainable Residential Neighbourhoods**' which has the stated objective "to protect, provide and improve residential amenities ". Within Z1 zones 'Residential' is a permissible use.

5.3.3. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. Applicable to the proposed development are the following:

- Indicative plot ratio for Z1 zones is 0.5 to 2.0,
- Indicative site coverage for the Z1 zone is 45-60%

5.3.4. Section **16.10.10** of the development plan refers to **Infill Housing**, stating that "Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed". Infill housing should:

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings
- Comply with the appropriate minimum habitable room sizes
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

5.3.5. Table 16.1 of the Dublin City Development Plan 2016-2022 sets out the maximum parking standard for houses as 1 space per dwelling in Parking Area 2.

5.4. **Natural Heritage Designations**

- 5.4.1. South Dublin Bay SAC (Code 000210) with conservation objectives relating to tidal, mudflats and sandflats.
- 5.4.2. South Dublin SPA (Codes 04024) relating to intertidal habitat.

5.5. **EIA Screening**

- 5.5.1. In regard to the nature and scale of the development in an urban area, 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. **Tom Shear, 5 Tritonville Avenue Grounds of Appeal**

- The subject site is to the rear of the appellants two-storey home. The proposed three-storey dwellings will remove the light that is necessary for the appellants work.
- No planning permission was sought for the change from a garden, to an ironworks or car spraying workshop.
- The rear wall is the original sea wall and is delicate. There is no information on its maintenance.
- The proposed dwellings are 9.65m high, with the ground floor 1m above the appellants ground floor will block all direct sunlight and natural light to the appellants dwelling and garden.
- The view from the rear of the appellants home will be a blank overbearing structure with roof terraces looking into their garden.
- No provision for car parking, in an area that is already at capacity from the schools.
- The proposed development does not comply with Building Regulations for disabled access.
- The buildings in the area have no foundations, being built on reclaimed land in a tidal zone. Spontaneous fires in the housing project across the road were

recorded. The site has recently been used for spray painting, with no protective measures.

- Two two-storey dwellings on the site would be welcomed.
- The proposed development is contrary to policy QH22 of the Dublin City Council development plan and is it not in keeping with surrounding dwellings.

6.2. **Anne Marie O'Connor, 3 Tritonville Avenue. Grounds of Appeal**

- The site is partly on the old beach line and partly on reclaimed land. A shed was erected on site some time after 1 October 1964 and used as a metal fabrication workshop.
- The authorised use is a domestic garden, as part of no. 72 Beach Road. There is insufficient private open space for the existing dwelling.
- The site layout plan excludes the rear boundary wall which was once the sea wall. The wall is random rubble and brick, supported by steel frames within the workshop. Photo submitted.
- The wall was possibly part of the Cranfield Swimming Baths in the 1840's. It has historic importance. The protection and preservation of the wall has not been addressed.
- The dwellings on Tritonville Avenue face 35⁰ west of north, not the 39⁰ west of north shown on the site plan.
- The proposed dwellings are 9.65m above the existing ground floor of no. 3 Tritonville Avenue. The right of light at no. 3 cannot be interfered with.
- The 1m difference in ground levels was only shown when a topographical survey was requested.
- The proposed 9.65m high development, 8.1m off the rear main wall of no. 3 will block all direct sunlight to the appellants rear windows between the last week in March and the last week in September each year – the only time no. 3 receives direct sunlight. This is unacceptable. Photo, plans and section submitted.
- Having regard to section 2.2 of the BRE Guidelines, the proposed development should be a minimum 22.5m from no. 3 Tritonville Avenue. The proposed

dwellings range in height from 9 to 10.4m. The ground and first floor windows of no. 3 will be severely impacted by the height and proximity of the proposed development.

- The proposed development does not comply with section 16.6 of the Dublin City Council development plan and removes the established right to light at no. 3 Tritonville Avenue.
- The proposed site coverage at 65% and plot ratio of 1.11 are inappropriate. The three storey blank wall will be overbearing and will result in a loss of residential amenity at no. 3 Tritonville Avenue.
- No car parking is proposed in an area at traffic saturation. The adjoining schools have no on-street parking. Photos submitted. Bicycle parking is not enough, is too tight and difficult to use.
- The proposed private open space is too narrow to be useable.
- Steps up to the dwelling is in contravention of Building Regulations and the Dublin City Council development plan.
- Trial holes in the area show evidence of tidal water movement in the sandy layers. The integrity of properties in the area must be protected at the applicants expense. The Grand Canal Tunnel impacted properties up to 250m away.
- The proposed development will impact the value of the appellants property.
- The nature of the land underneath the site is unknown. Previous uses could have lead to contamination. Investigations must be undertaken, which must not compromise the stability of surrounding structures.
- The proposed development is contrary to policy QH22, representing over development of the site.
- 13 no. objections to the proposal were submitted.
- The natural fall in the area is down to Cranfield and Tritonville Road. The site has a level of 2.7m-2.94mOD. Increasing the area of hard surfacing will reduce the area available for soakage, increasing flooding in the area.

- The existing ground level on site is 3-3.2mOD to 2.85mOD. The proposed FFL is 3.4mOD and the existing FL in no. 3 Tritonville Avenue is 2.4mOD. The 125mm reduction in building height is negligible.
- The ESB pole on site serves several of the dwellings on Tritonville Avenue.
- The applicant was requested to reduce the number of dwellings to 2 no. The applicant argument of viability is not a planning ground.
- The Board is requested to refuse permission.

6.3. Applicant Response to the Grounds of Appeal

- The dwellings on Tritonville Avenue have been extended at attic level, including no.s 3 and 5. The rear gardens of these dwellings are restricted in size.
- Permission has been granted for a large residential development at the adjoining Maxol site (ABP-302082-18), and there is a live application to the north of Sean Moore Park (Planning Authority reg. ref. PWSDZ3207/21).
- The subject site has not formed the garden of no. 72 Beach Road for over 50 no. years. The proposed development will have no impact on the level of amenity at no. 72.
- There are no works proposed to the boundary wall between the site and the appellants properties. There is no evidence of the wall requiring support, only a steel frame holding up the roof. The integrity of the wall will be maintained.
- The appellants houses are located to the south-west of the proposed development. The applicants daylight study demonstrates that the proposed development complies with the BRE Guidelines.
- The proposed development complies with the plot ratio and is slightly above the recommended site coverage guidance for Z1 sites. Section 16.6 of the development plan allows for higher site coverage where sites are close to public transport and will be comprehensively redeveloped.
- The difference in ground level is 0.77m and is due to the need to mitigate flood risk. Only the pop-up elements are 0.85m higher. The proposed dwellings were amended at FI stage to address concerns of overbearing impact. The height of the boundary wall is 2.2m, reduced from its current 2.7m.

- The proposed development will not generate additional parking as there is capacity in the immediate area. The dwellings will be advertised as being no-parking.
- The site is close to good public transport links, in Zone 2. The proposed development is supported by section 16.38 of the development plan, with secure bicycle parking and well served by public transport.
- The private open space of each unit is 23.8sq.m., 24.3sq.m. and 20.7sq.m. It is submitted that this is significantly larger than the surrounding dwellings.
- Technical Guidance Document M allows for the use of a step where flood considerations require.
- There are no grounds for concerns in relation to contamination of the site.
- The proposed development complies with Policy QH2 of the Dublin City Council development plan.
- A full flood risk assessment was undertaken, demonstrating a freeboard of 300mm above the 200-year coastal flood level of 3.07mOD. A range of flood resistance and resilience measures will be applied to each dwelling.
- The applicant has commenced an application for relocation of the ESB pole.
- The applicant has demonstrated that the subject site is capable of accommodating three units.
- The Board is requested to grant permission.

Daylight and Sunlight Assessment

- The proposed development meets the recommendations of the BRE guidelines.
- There will be a minor reduction in available daylight to two of the windows in the adjacent dwellings at no. 3 and 5 Tritonville Avenue facing the proposed development. The majority retain a VSC in excess of 27% or are not reduced below 80% of their former value.
- There will be no precipitable loss of light at no. 3 Tritonville Avenue.
- For APSH any reduction in the availability of sunlight will be minor.

- The proposed development meets the recommendations of the BRE guidelines for APSH, Gardens and Open Spaces.

6.4. Planning Authority Response

- 6.4.1. None on file.

6.5. Observations

6.5.1. **Patricia Ward, Noleen Barnes, Maureen Smith, Norah Sweetman, Rosemarie Carr, all of Tritonville Avenue,**

- The proposal is unacceptable due to the height, no direct sunlight to their rear patio gardens which are already dark.
- The stability of the original sea wall is maintained by steel, has no foundations and many gaps. No detail on how it will be maintained.
- There are three schools and much development creating blind corners for children and pedestrians. There will be nowhere safe or legal to park.
- Concerns of overshadowing. Two-storey development should be permitted.

6.6. Barry & Denis Fogarty

- Do not wish to object in principle, development on the site is inevitable.
- Measures must be taken to protect 1 Tritonville Avenue including pre-construction surveying. Access to the eastern elevation must be maintained.
- The proposed 1.8m high screen to the balcony is not sufficient.
- The proposed balconies are not essential, the proposed clerestory windows are easily repurposed and there will be overlooking of the property.
- Extra traffic will cause congestion, with limited parking.
- The proposed development is premature.

6.7. Further Responses

Tom Shear Response to the Observation of W. Doran

- Concurs with findings.

Tom Shera & Norah Sweetman Response to First Party Response

- The proposed development will result in less light for the dwellings on Tritonville Avenue.
- The entire back yard will be dark and mossy, with little ability to grow things.
- The wall requires constant maintenance. Photos attached.
- The area has a lot of illegal parking. This will be exacerbated by the proposed development.

W. Doran Response to First Party Response

- The rear boundary wall is referred to by the applicant as being both a 'joint boundary' and 'outside the site boundary'.
- The attic rooflights in the dwellings on Tritonville Road are irrelevant.
- The applicant has admitted an unauthorised change of use has taken place.
- The applicants statement of no material diminution of residential amenity and levels of sunlight are incorrect.
- The rear gardens are to the south-west of the proposed development, not the south as stated by the applicant. The north-east facing rear facades get direct sun in the mornings for the first half of the year.
- The steel structure provides some support to the wall, not only the roof.
- The road level of no. 3 Tritonville Avenue is 2.19m and the ground floor level is 2.4m. Beach Road varies from 2.78m to 2.94m. The FFL of the proposed development is 3.4m with a top development level of 12.05m (or 9.65m above the ground level of the Tritonville Avenue dwellings).
- The proposed development causes a serious loss of visual amenity

7.0 Assessment

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Residential Amenity – Sunlight and Daylight
- Visual Amenity
- Traffic
- Boundary Wall

7.2. Principle of Development

7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. In principle, the proposed development of a residential development on the subject site is acceptable, subject to other planning considerations.

7.3. Residential Amenity – Sunlight and Daylight

7.3.1. The wider area falls from a high on Beach Road (the eastern boundary of the subject site) to the lower Tritonville Avenue and Cranfield Place. The flood defence measures required on the subject site are such that the proposed development has a FFL of 3.4mOD. The dwellings on Tritonville Avenue, have FFL of approx. 2.4mOD and a rear ground level of 2.25mOD.

7.3.2. The appellants submit that the ground level difference between the two sites is such that the proposed development will be greater than 12m high, at a distance of between 1m to 1.5m to the shared boundary wall with Tritonville. It is the submission of all third parties that this results in a development that is overbearing, and will significantly reduce the residential amenity available to the dwellings on Tritonville by way of reduction in light.

7.3.3. The applicants submitted a Sunlight Daylight Assessment in response to the third-party appeals. They submit that it demonstrates that the proposed development complies with BRE Guidance on APSH and VSC. The applicant submits that the existing private amenity space of the dwellings on Tritonville is restricted due to size and orientation and that the proposed development will not materially impact that situation.

7.3.4. The study undertaken by the applicant in Sept. 2021 assesses the windows of no.s 3 and 5 Tritonville Avenue. Table 3 shows a minor impact on window no. 1 of no. 3 Tritonville (living room) and window no. 5 (also living room) of no. 5 Tritonville. All other windows assessed either retain the VSC of 27% or are not reduced below

80% of their former value. I concur with the finding of 'minor impact' given that the shortfall below 80% is less than 2% but also that the VSC for both windows is currently significantly below 27% (at 15.84% for no. 1 and 14.92% for window no. 5). In terms of APSH, a similar conclusion is reached – that any reduction in the availability of sunlight will be minor.

7.3.5. The receiving environment is an evolving urban area and a degree of change in daylight and / or sunlight must be expected. I am satisfied that the assessments carried out are accurate and reflect the likely impacts of proposed development on the surrounding area. The proposed development is acceptable in relation to daylight and sunlight impact upon neighbouring residents.

7.4. **Visual Amenity**

7.4.1. The proposed dwellings, as amended at FI stage, are part two, part three storey dwellings. With a non-traditional roof profile comprising a roof garden and a second-floor study area. That the proposed dwellings are not two-storey has been raised as a concern by a number of the third parties.

7.4.2. Notwithstanding that the subject site is constrained in size and dimensions, the proposed development complies with development plan policy on plot ratio and only marginally exceeds the recommended site coverage by 5%. I am satisfied that such a deviation is minimal and is not indicative of over-development of the site.

7.4.3. From Cranfield Place, unit C, the northern most unit will read as three-storey, at the corner. From Beach Road, the sphere of greatest visual impact, the proposed development will largely read as two-storey. The location of the site at the end of a long row of two-storey dwellings, before the higher density development to the north-west, is an appropriate location for a transition in height, scale and massing. The site is large enough to create an individual identity, but small enough to be absorbed into the wider pattern of two-storey moving to higher buildings as one moves north.

7.4.4. The location of the roof-gardens allows the dwellings to provide adequate residential amenity areas, without overlooking of the adjoining dwellings on Tritonville. No windows are proposed on the southern elevations and the screen wall of just under 2m at roof level will ensure that no overlooking of the private open space of Tritonville Avenue will occur.

7.5. Traffic

- 7.5.1. That no car parking has been proposed is acceptable, and in keeping with the policies of sustainable transport. The site is within walking distance of a number of employment hubs, schools, and public transport routes. The subject site is located in Zone 2, as indicated on Map J of the DCC development plan. A relaxation of parking standards is facilitated in Zone 1 but the development plan is silent on same for zone 2 and zone 3. However, I note that section 16.38 of the development plan provides for a parking provision below the maximum where it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety. The lack of parking provision for the three proposed dwellings is likely to result in two scenarios, namely, future residents accept the lack of parking and travel by alternative means or secondly, they use on-street public parking in the wider area. Neither of these scenarios result in a negative impact on the amenities or traffic safety of the area. I am satisfied that no traffic hazard will arise.
- 7.5.2. The proposed development seeks to bring a derelict site back into use for homes. The proposed dwellings are an efficient use of zoned land. The densification of this urban area, adjoining a number of high-quality public transport routes is welcomed. I am satisfied that the proposed development is in keeping with the pattern of development of the area, will not be visually incongruous or injurious to the residential amenity of the area and is in accordance with the zoning objective of the area.

7.6. Boundary Wall

- 7.6.1. The boundary wall between the subject site and the dwellings on Tritonville Avenue is not within the red line site boundary of the proposed development. the applicant has submitted a construction management plan. Should the Board decide to grant permission, a condition should be attached requiring compliance with same.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not 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 permission be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022 and the design and scale of the proposed development, 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 comply with the provisions of the Development Plan. 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, as amended by the further plans and particulars submitted to the Planning Authority on the 16th July 2021, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: In order to safeguard the amenities of property in the vicinity.
4.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
5.	<p>The construction of the development shall be managed in accordance with the Construction Management Plan, 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p>
6.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.</p> <p>Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process</p>
7.	<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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

	<p>indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Gillian Kane
Senior Planning Inspector

06 July 2022