



An
Bord
Pleanála

Inspector's Report

ABP-312530-22

Development	Change of use of the existing structure from part workshop/ part office to residential usage and single storey extension.
Location	76, Patrick Street, Dun Laoghaire, Co Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0941
Applicant(s)	Alison and Mark Whelan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Alison and Mark Whelan
Observer(s)	None
Date of Site Inspection	24 th August 2022
Inspector	Fiona Fair

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1.0 Site Location and Description

- 1.1. The site is located at 76, Patrick Street, Dun Laoghaire. The site has a stated area of 0.0248 hectares it is L-shaped and is located on the eastern side of Patrick Street.
- 1.2. The site contains a single storey structure located at the eastern boundary. The current use of the structure is stated as office/ workshop. There is a covered car port area to the northern boundary of the site and an open yard area to the front of the structures. The main area of the site is separated from the laneway access by a gated entrance. The laneway lies between two properties no. 77 Patrick's Street situated to the north and no. 75 Patrick Street situated to the south.
- 1.3. The adjoining site to the west no. No. 77 contains a low profile single storey cottage with a double pitched roof behind a front parapet. The cottage has been extended to the rear and is served by a small area of private open space. No. 75 Patrick's Street is a single storey detached cottage with a hipped roof. The eastern boundary of the site adjoins the rear gardens of two properties on Mulgrave Street no's 27 and 28. There are a mix of single and two-storey properties along this section of Patrick Street and a varied mix of commercial and residential uses.

2.0 Proposed Development

- 2.1. Permission is sought for the material change of use of the existing structure from part workshop/ part office to residential usage, with alterations/extension to include;
 - single storey extension along northern boundary,
 - realignment of existing west facing elevation with projecting entrance,
 - replacement of existing roof structure to form undulating green roof with projecting skylight,
 - provision of two lightwells along east boundary
 - and all associated site works,

To provide a single storey 2 bedroom dwelling of 94sqm

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for one reason, namely:

1. The proposed dwelling, by reason of its proximity to site boundaries and adjacent properties, would not accord with the provisions of Section 8.2.3.4 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 regarding Additional Accommodation in Existing Built-up Areas (vi) Backland Development. The proposed development would therefore be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Furthermore, the proposed development would, if permitted, would set an undesirable precedent for similar development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Planning Officer concluded that while the principle of residential development on A zoned lands is acceptable, and noting that the proposed development would not unduly impact on the residential amenities of neighbouring residential properties in terms of overshadowing or overlooking, the proposed dwelling by reason of proximity to subject site boundaries, would however provide for insufficient separation distances between the propose dwelling and existing adjacent properties to the west in line with the provisions of Section 8.2.3.4 (vi) of the DLRDCDP 2016 – 2022 regarding Backland Development.
- It is also considered that if permitted it would set an undesirable precedent for similar development in the area.

3.2.2. Other Technical Reports

- Transportation Planning: No objection subject to conditions.
- Drainage Planning: No objection subject to condition

3.3. Prescribed Bodies

- None received

3.4. Third Party Observations

- Considers that the current application is an improvement on the previous application. D20A/0881 refused on appeal.
- The proposal is however contrary to Part M 'Backland Development' of section 8.2.3.4 'Additional accommodation in existing built up areas' of the CDP and it would have a negative and direct impact upon 78 Patrick Street Dun Laoghaire.
- Overdevelopment of the site and fails to take account or overcome the previous reason for refusal.
- Devaluation of property
- Set a negative precedent.
- In the event of a request for Further Information the following should be requested:
 - The roof needs to be revised such that its maximum height is no higher than the existing shed on site.
 - The rooflight is oversized and visually obtrusive.
 - The siting of the 'private' open space of some 48 sq. m needs review.
 - The main area of the site (excl. the lane) should be pedestrian access only.
 - Exempted development rights need to be removed in the event of a grant of permission.
 - More information of how the structure will be constructed on the shared boundary required.
- In the event of a Grant of permission
 - Issues identified in further information set out above to be addressed.

- Remove all exempted development rights.
- Prevent oversailing on to no. 78
- Obtain a construction management plan.

4.0 Planning History

ABP 309542-21 / D20A/0881 Permission Refused by both the Planning Authority and the Board for the material change of use of the existing structure from part workshop/ part office to residential usage, with alterations/extension to include; flat roof single storey and two storey extensions along southern boundary, realignment of existing west facing elevation, replacement of existing roof structure to form flat, green roof, provision of two lightwells along east boundary , all associated site works, to provide a part one storey/ part two storey 2 bed dwelling of 100sq m.

The PA's Reason for Refusal: "The dwelling as proposed, by reason of its massing, design and proximity to site boundaries, would adversely impact on the residential amenity of adjacent properties by reason of overbearing appearance, and represent overdevelopment of the subject site. The proposed development would detract from the existing amenities of the area, would depreciate the value of property in the vicinity, and if permitted, would set an undesirable precedent for similar development in the area, which would be contrary to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development would not accord with the provisions of Section 8.2.3.4 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 regarding Additional Accommodation in Existing Built-up Areas (vi) Backland Development, and would thus be contrary to the proper planning and sustainable development of the area.

The Boards Reason for Refusal (dated 24th August 2021) states: "The proposed development is located within an area covered by zoning objective A in the Dun Laoghaire Rathdown County Development Plan 2016-2022, the objective of which is to protect and improve residential amenities. Having regard to the configuration of the site, it's limited size, the massing design of the proposal and the undue proximity to adjacent properties, it is considered that the proposed development would

constitute overdevelopment of the site and would seriously injure the residential amenity of adjacent properties by reason of its' overbearing appearance and potential overlooking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”.

Adjacent sites

PA Reg. Ref. D20B/0272 & PL06D.308797 (01/03/2021) – Permission was refused by the Board for a rooftop extension to create a two-storey house, demolition of existing single storey extensions and replacement with one single storey rear extension and enlarged rear garden at 77 Patrick Street, Dun Laoghaire, Co. Dublin.

Permission was refused for the following reason;

“The proposed development, by reason of its excessive height and blank gable wall, would represent an incongruous form of development which would detract from the established pattern and character of development at this location. Furthermore, the proposed development would represent significant overdevelopment of a constrained site, would lead to overbearing impacts on adjoining properties and would provide inadequate private open space for future occupants. As such, the proposed development would seriously injure the residential amenities of adjoining properties, would provide for a poor quality of amenity for future occupants, and would be contrary to Section 8.2.3.4 of the current Dún Laoghaire-Rathdown County Development Plan in relation to additional accommodation in built-up areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”.

PA Reg. Ref. D14A/083 & PL06D.244662 – Permission was granted by the Planning Authority and granted on appeal for the retention of a material change of use from offices and store to a two bedroom residential unit and internal only material alterations to previous offices at 78 Patrick Street, Dun Laoghaire, Co. Dublin.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative development plan under which the PA made their decision was the Dún Laoghaire Rathdown County Development Plan 2016 – 2022. Under which the subject site was zoned Objective A: ‘To protect and/or improve residential amenity’. Relevant sections of that Plan that applied are considered to be:

- Section 8.2.3.4 refers to Additional Accommodation in Existing Built-up Areas
- Section 8.2.3.4(vi) refers to Backland Development.

5.1.2. The operative statutory development Plan currently in place is the Dún Laoghaire Rathdown County Development Plan 2022 – 2028. Under which the subject site is zoned Objective A: ‘To protect and/or improve residential amenity’. Relevant sections of that Plan that apply are considered to be:

- Section 12.3.7 refers to Additional Accommodation in Existing Built-up Areas
- Section 12.3.7.6 Backland Development. It states:

“Backland residential development usually involves the establishment of a new single dwelling, and a building line to the rear of an existing line of houses.

Residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such.

Where the Planning Authority accepts the general principle of backland residential development to the rear of smaller, more confined sites, within the existing built-up area, the following standards will apply:

- Generally, be single storey in height to avoid overlooking.
- Appropriate scale relative to the existing dwelling and of high quality of design.
- Adequate vehicular access of a lane width of 3.7 metres must be provided to the proposed dwelling (3.1 metres at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.

- A wider entrance may be required to a backland development to or from a narrow laneway.
- Existing dwelling and proposed dwellings shall have minimum individual private open spaces - exclusive of parking - of 48 sq.m. each for one/ two bedroom units, or 60 sq.m. plus for three/ four or more bedroom units.
- Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- Proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

Where there is potential to provide backland development at more than one site/property in a particular area, the Planning Authority will seek to encourage the amalgamation of adjoining sites/properties in order to provide for a more comprehensive backland development, this should be discussed at pre-planning stage. Piecemeal backland development with multiple vehicular access points will not be encouraged

5.2. **Natural Heritage Designations**

- None Relevant.

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature of the proposed development comprising of a change of use of an existing structure to residential use and an extension in an established 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. Grounds of Appeal

- A first party appeal has been submitted by NKB Architects on behalf of the applicants Alison and Mark Whelan. The main issues raised can be summarised as follows:
 - The property has been used as a workshop and office in several guises through the years including funeral works, baby and surgical products supplies distributes and in later years as a garage workshop.
 - The subject site is zoned A
 - The proposal is consistent with rebuilding Ireland, Action Plan for housing and homelessness 2016 which states that building a mix of smaller scale and infill development is essential.
 - The dwelling has been designed to a high standard.
 - It is of appropriate scale, height, bulk and massing so as not to appear overbearing and therefore has limited impacts on the amenity of neighbouring properties.
 - The proposed dwelling will have an area of 94 sq. m and will have a courtyard of 59.8 sq. m and lightwells totalling 9.8 sq. m with main dimensions exceeding 7 meters in the main courtyard.
 - The existing driveway would remain outside of the proposed gated zones and would hence become a front garden of 53 sq. m
 - The proposal exceeds the open space requirement set out in the CDP.
 - Being one storey and predominantly within the heights of existing boundary walls, the proposal would accord with this provision.
 - The shadow study carried out indicates no undue additional shadowing.

- Proposal complies Residential Development in Urban Areas – guidelines for Planning Authorities (May 09) section 5.6.
- The proposal has a site coverage of 46% compared with its existing coverage of 49.5% (with car port included)
- The proposed plot ratio is just 0.46/1
- The proposal does not represent overdevelopment of the site.
- The proposal would not impact upon the amenity of adjacent properties by reason of overbearing appearance.
- No observation was submitted by the owners of 76 or 77 Patrick Street or No.'s 27 and 28 Mulgrave Street.
- There is considerable planning gain to the change of use from office / workshop to residential.
- The DLRDCDP promotes optimising density of development in response to type, location and accessibility to public transport.
- The proposal is in close proximity to the town centre and all accompanying services.
- The proposal does not fit the description of Backland development as defined in the CDP and therefore does not fall under this definition.
- A more appropriate approach is to apply a hybrid response, as the site and proposal meet some but not all of the criteria for any Backland, Infill, Mews or General extension of accommodation.
- Precedent cases PL29S.209251 at the rear of 31 Rathmines Road Lower and PL29S.209251 & PL29S.244575 showed this hybrid approach to deciding on the suitability of development to the rear of existing dwellings.
- Grant of permission D14A/0358 at 6 Kellys Avenue also showed the application of a similar approach.
- The Board did not refuse the previous application on this site under ABP 309542-21 by reason that it constituted Backland Development.

- The proposal would not set a negative precedent. Patrick's Street contains a varied character and architectural style of building stock. The proposal is for a single storey dwelling which would accord with the prevailing heights.
- There are no points from where adjacent property can be overlooked.
- The overbearing nature of the previous proposal has been addressed by virtue of the new proposal being contained primarily within the existing heights of walls.

6.2. Applicant Response

- None received.

6.3. Planning Authority Response

- None received.

6.4. Observations

- None received.

6.5. Further Responses

- None received

7.0 Assessment

7.1. Having inspected the site and examined the associated documentation, the following are relevant issues in this appeal:

- Principle of the proposed development.
- Design & Impact on Residential Amenity
- Precedent
- Other Issues
- Appropriate Assessment

7.2. Principle of the proposed development.

- 7.2.1. The subject appeal site is located on A-zoned lands, close to the MTC – zoned lands of Dun Laoghaire town centre.
- 7.2.2. This is a repeat application with an amended design, for change of use from a non-conforming pre 1963 use as a workshop, office and car port to a single storey two bedroom of some 94 sq. m dwelling. Most notably, the main change from the previous application on this site under ABP 309542-21 is the reduction in height from two storey to single storey. Section 4.0, 'Planning History', of this report above sets out the reason for refusal by the PA and the Board for the previous application.
- 7.2.3. The Boards reason for refusal, on the previous application, (dated 24th August 2021) considered that the proposal for a two storey dwelling of some 100 sq. m due to configuration of the site, it's limited size, the massing design of the proposal and the undue proximity to adjacent properties, would constitute overdevelopment of the site and would seriously injure the residential amenity of adjacent properties by reason of its' overbearing appearance and potential overlooking.
- 7.2.4. The principle of residential development on 'A' zoned lands was I note considered acceptable under the previous application ABP 309542-21 and is also considered acceptable under the subject appeal case. I note the change in County Development Plan since the previous application and the decision of the PA on the subject appeal case. The relevant statutory Plan currently in place is now the Dun Laoghaire Rathdown County Development Plan 2022 – 2028.
- 7.2.5. I am satisfied that the principle of a residential unit at this location is generally acceptable provided the proposed development provides adequate residential amenity, adequately safeguards the amenities of the adjoining properties, and would not result in a negative precedent. The matter of precedent is considered in the succeeding section of this report. I agree with the first party that given the zoning objective for the lands, surrounding uses and proximity to Dun Laoghaire town centre, that there is a planning gain to the change of use from office / workshop to residential.

7.3. Design & Impact on Residential Amenity

7.3.1. The one reason for refusal in the subject appeal case states:

“The proposed dwelling, by reason of its proximity to site boundaries and adjacent properties, would not accord with the provisions of Section 8.2.3.4 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 regarding Additional Accommodation in Existing Built-up Areas (vi) Backland Development. The proposed development would therefore be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Furthermore, the proposed development would, if permitted, would set an undesirable precedent for similar development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area”.

7.3.2. As noted in the preceding section of this report the Laoghaire-Rathdown County Development Plan has changed and the current Plan is now Dún Laoghaire-Rathdown County Development Plan 2022 – 2028. Requirements under section 8.2.3.4 of the 2016-2022 Plan regarding ‘Additional Accommodation in Existing Built-up Areas’ and ‘Backland Development’ are now considered under Section 12.3.7 and Section 12.3.7.6 of the new statutory Plan with no material changes to the wording of the standards which apply.

7.3.3. While I note the concerns raised by the third party to the appeal, I highlight that the PA have no issue with the proposal in terms of its massing or design and finds that it would not adversely impact on residential amenity of adjacent properties by reason of overbearing appearance, nor would it represent overdevelopment of the subject site. However, by reason of its proximity to site boundaries and adjacent properties, it would not accord with the provisions relating to ‘Additional Accommodation in Existing Built-up Areas’ and ‘Backland Development’.

7.3.4. I am of the opinion that the dwelling has been designed to an acceptable standard. It is of appropriate scale, height, bulk and massing so as not to appear overbearing and therefore has limited impacts on the amenity of neighbouring properties.

7.3.5. The proposed dwelling will have an area of 94 sq. m, a courtyard of 59.8 sq. m and lightwells totalling 9.8 sq. m with main dimensions exceeding 7 meters in the main courtyard. A front garden area of some 53 sq. m is proposed. The proposal exceeds the open space requirement set out in the CDP for a two bedroom dwelling of 48 sq.

m. It has a site coverage of 46% compared with its existing coverage of 49.5% (with car port included) and a stated plot ratio of 0.46/1, thus it would not represent overdevelopment of the site.

7.3.6. Being one storey and predominantly within the heights of existing boundary walls, the proposal would not impact upon the amenity of adjacent properties by reason of overlooking, overshadowing or overbearing. I have reviewed the shadow study submitted and I would concur with the findings of the analysis which indicates no undue additional shadowing.

7.3.7. I consider that the only item of contention is whether the proposal complies with Section 8.2.3.4 of the old DLRDCDP 2016 – 2022 or the general principles of section 12.3.7.6 'Backland Development' of the new DLRDCDP 2022 – 2028.

It states:

"Where the Planning Authority accepts the general principle of backland residential development to the rear of smaller, more confined sites, within the existing built-up area, the following standards will apply:

- Generally, be single storey in height to avoid overlooking.
- Appropriate scale relative to the existing dwelling and of high quality of design.
- Adequate vehicular access of a lane width of 3.7 metres must be provided to the proposed dwelling (3.1 metres at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- A wider entrance may be required to a backland development to or from a narrow laneway.
- Existing dwelling and proposed dwellings shall have minimum individual private open spaces - exclusive of parking - of 48 sq.m. each for one/ two bedroom units, or 60 sq.m. plus for three/ four or more bedroom units.
- Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.

- Proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

7.3.8. Section 12.3.3.2 'Residential Density' of the DLRDCDP 2022 – 2028 states:

'As a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location, and accessibility to public transport'.

7.3.9. I agree with the first party that there is a planning gain to the change of use to residential as proposed. I am of the opinion that the proposal should be supported given it relates successfully to its surroundings, provides good quality residential accommodation, protects neighbouring amenity and is acceptable with regard to transport and environmental impacts.

7.3.10. Regard is had, it is considered by the PA, that the proposed change of use does not meet one of the criteria stipulated under section 12.3.7.6 specifically that a 'proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres'. However, this site is unique and each site must be dealt with on a case by case basis, the proposal is for a change of use and therefore I am of the opinion that the first party may argue successfully that criteria for backland development requiring a building line and a 15 m set back from the rear façade of the existing dwelling to the west is not appropriate.

7.3.11. Regard is had that both Development Plan and Government policy seeks to increase densities in appropriate urban locations, thereby, delivering compact urban growth. Given the site's location in a serviced residential area, its proximity to public transport services and the infill nature of the subject site, it is considered that the proposed development relates successfully to its surroundings, protects

neighbouring amenity and in terms of mass and height may be considered appropriate.

7.4. Precedent

7.4.1. As stated above, this site is unique and each site must be dealt with, on a case-by-case basis, the proposal is for a change of use and not a new infill or backland structure. I do not consider this application would set a negative precedent given compliance with standards, the design proposed, access arrangement and the current need for housing.

7.4.2. Cognisance is had to the planning history on this site and adjoining sites and I consider the proposal has overcome the reason for refusal under the previous application ABP 309542-21. The main amendment is the reduction in height from two storey to single storey which addresses issues of massing and design and impact upon residential amenities.

7.4.3. Overall, I am of the opinion that the proposal is acceptable.

7.5. Other Issues

7.5.1. I note that drainage, access and car parking issues raised by third parties were considered in full in the previous application on this site ABP 309542-21 and were found to be acceptable. There have been no material alterations to the proposal in this regard and the Transportation Department and Water Services Department of the PA have raised no objections or concerns, in the subject appeal case. I therefore consider that the proposal would not warrant a refusal of permission on grounds of access, car parking or drainage.

7.6. Appropriate Assessment

7.6.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, a change of use of an existing structure to residential use and an extension and the location of the site in a serviced urban area and the separation 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.

8.0 Recommendation

- 8.1. Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the 'A' zoning objective pertaining to the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable from a visual amenity perspective and would generally be acceptable in terms of compliance with the criteria stipulated under section 12.3.7.6 of the Dun Laoghaire Rathdown County Development Plan 2022 -2028. The proposed development will 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the dwelling without a prior grant of planning permission.</p>

	<p>Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.</p>
3.	<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. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
4.	<p>Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.</p>

	Reason: In the interests of orderly development.
7.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
9.	<p>A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.</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 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>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.</p>
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Fiona Fair
Planning Inspector

31/08/2022