



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313536-22

#### Development

Change of use of back of house/staff welfare areas on the ground floor to form a new in-shop post office and first floor extension to provide staff welfare area.

#### Location

Dunnes Stores, Wendell Avenue,  
Portmarnock, Co. Dublin, D13 T6P9.

#### Planning Authority

Fingal County Council.

#### Planning Authority Reg. Ref.

F22A/0093.

#### Applicant(s)

Better Value Unlimited Company.

#### Type of Application

Permission.

#### Planning Authority Decision

Grant Permission.

#### Type of Appeal

Third Party V Grant of Permission.

#### Appellant(s)

Marian and Tom Lyons.

#### Observer(s)

Peter Coyle.

Cllr. Brian McDonagh

#### Date of Site Inspection

12<sup>th</sup> November 2022.

## **1.0 Site Location and Description**

- 1.1.** The address of the appeal site is Dunnes Stores, Wendell Avenue, Portmarnock, Co. Dublin. The site has a stated area of c. 0.028ha and comprises an area to the rear of the existing Dunnes Stores supermarket. The existing supermarket is the anchor tenant within an existing part single/part double storey shopping centre which is located on Wendell Avenue, c. 60m to the north of the junction of Wendell Avenue and Carrickhill Rise. Access to the site is provided at the southern end of the boundary to Wendell Avenue with vehicular egress provided via an accessway along its northern site boundary. Surface level car parking is provided to the south, east and north of the existing shopping centre.
- 1.2.** The appeal site is located within an established residential typically characterised by semi-detached double storey dwellings of a similar architectural style. The appeal site has a western abuttal with existing residences on Martello Court. Martello Court is a cul-de-sac which culminates at the western boundary of the appeal site. I note that Wendell Avenue is served by existing Dublin Bus routes and there is an existing bus stop located centrally within the site's eastern boundary.

## **2.0 Proposed Development**

- 2.1.** Planning permission is sought for various works to an existing commercial premises comprising the reconfiguration and change of use of the back of house/staff welfare areas at ground floor level to form a new in-shop post office. The proposed post office has a stated floor area of c. 33sq.m. and includes a customer area, sales area and safe room. The proposal also includes an externally accessible services area (Elec. ESB).
- 2.2.** The proposed development includes the construction of a first floor extension to the rear of the existing building. The extension has a stated floor area of c. 109sq.m. and will comprise an office, male and female locker rooms and associated toilets and a canteen area.
- 2.3.** The proposed development also seeks temporary permission for the erection of 2 no. portable cabin structures along the western site boundary. The structures have a

stated floor area of c. 36sq.m. and shall provide staff welfare facilities during the construction of the proposed development. The development description includes all other ancillary site works and services.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Fingal County Council granted planning permission for the proposed development subject to compliance with 11 no. conditions. Conditions of note included:

##### Condition No. 2

The 2-no. temporary portacabin structures shall be removed from the site on completion of the works permitted, for reconfiguration works and first floor extension.

REASON: In the interest of clarity

##### Condition No. 3

The Post office use and welfare space hereby permitted shall be restricted only to that as described in the public notices received by the Planning Authority on 28th February 2022. Any change from this permitted use or increase in the area to be used shall be the subject of a prior grant of permission from the Planning Authority or from An Bord Pleanála on appeal.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The Fingal County Council Planning Report form the basis for the decision. The report provides a description of the proposed development, a description of the site and surrounds and sets and out the site's planning history. The report outlines the applicable zoning objective and provides an overview of the policy of the Fingal County Development Plan, 2017-2023, that is relevant to the development proposal.

The Planning Authority indicate that the principle of the development is acceptable having regard to the zoning objective that applies to the lands. In terms of impacts on

residential amenity and the visual amenity of the area, it is stated that the extension will not negatively impact upon the residential amenity of the surrounding area. The Planning Authority had also no concerns with respect to the proposed temporary structures. On the basis of the foregoing, the Planning Authority recommend a grant of planning permission.

#### 3.2.2. Other Technical Reports

Water Services: Report received stating no objection.

Transportation: Report received stating no objection.

#### 3.3. Prescribed Bodies

Irish Water: Report received stating no objection.

#### 3.4. Third Party Observations

A total of 4 no. observations were received by third parties. The issues raised within the observations can be summarised as follows:

- The proposal will negatively impact the residential amenity of nearby properties.
- Concerns with respect to overlooking.
- Noise related concerns.
- The proposal will negatively impact the value of nearby properties.
- Concerns with respect to the location of the temporary structures and its impact on the adjoining properties. It is noted that no information has been submitted with respect to the scale and design of these structures.
- Concerns with respect to the existing car parking arrangement. Reference was made to the extensive works carried out on the appeal site previously and its associated impacts.

### 4.0 Planning History

#### 4.1. The Subject Site.

The recent planning history of the site can be summarised as follows:

- 4.1.1. **F17A/0039:** Planning permission granted for development consisting of (a) minor demolition works; (b) extension and modification of Dunnes Stores supermarket through the amalgamation of adjacent shop units and a new extension to comprise retail floorspace and a new enclosed glazed lobby entrance (net retail area - 2,146sq.m.); (c) provision of new shop unit (120sq.m.); (d) elevation improvement works and replacement elevation signage; (e) reconfiguration of existing car park & service yard including new trolley bays and revised pedestrian access routes; and (f) all associated ancillary site layout alterations and site service works.
- 4.1.2. **F06A/0996:** Planning permission granted for a change of use from the existing Limetree Newsagents to the proposed Limetree Coffee Shop. The works comprised provision of new kitchen/serving area and seating for the consuming of purchased items.
- 4.1.3. **F04A/1203:** Planning permission granted for the provision of an enclosed bin store to their existing yard and the retention of a modified sprinkler pump house re-located and increased in size from (7.75 sq.m. to 20 sq.m.) (Planning permission Ref. No. F02A/0369) at Dunnes Stores.
- 4.1.4. **F02A/0369 (ABP Ref. PL 06F.2000369):** Planning permission granted by the Planning Authority and the Board for various works to the existing Dunnes Stores supermarket.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The site is located within an area zoned 'LC' of the Fingal County Development Plan (CDP), 2017-2023, the objective of which is to "Protect, provide for and/or improve local centre facilities". All lands within the immediate surrounds of the subject site are zoned 'RS', the objective of which is 'to provide for residential development and to protect and improve residential amenity'.

The site is indicated on Sheet No. 14 'Green Infrastructure 1' of the current CDP as being located within a 'Highly Sensitive Landscape'. The southern portion of the site

is located within the Outer Airport Noise Sensitive Zone. There is also an indicative objective along the eastern side boundary running in a north-south direction for a pedestrian/cycle route.

5.1.2. The following relevant policy objectives are noted:

- **Objective ED36:** Ensure that policies in relation to type, quantum and locations of retail floorspace provision are consistent with the requirements and recommendations of the relevant regional policy frameworks and national planning guidelines.
- **Objective ED45:** Ensure the development of Level 4 Centres as sustainable, vibrant and prosperous Small Towns, Village Centres and Local Centres performing at a level within the Fingal Retail Hierarchy to meet the retailing needs of immediate local populations and catchment populations.
- **Objective ED46:** Where a gap in the retail provision of a Level 4 Centre is identified and established, facilitate appropriately scaled improvements to the retail offer and function in Level 4 Centres and ensure their sustainable development by enhancing the existing Centre for each and directing new retail opportunities into the Centres.
- **Objective ED47:** Ensure that the Level 4 Small Towns, Village Centres and Local Centres have a retail offer that is sufficient in terms of scale, type, and range without adversely impacting on or diverting trade from the higher order retailing locations.
- **Objective Z04:** Have regard to development in adjoining zones, in particular more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.
- **Objective DMS93:** Any application for community facilities such as leisure facilities, sports grounds, playing fields, play areas, community halls, organisational meeting facilities, medical facilities, childcare facilities, new school provision and other community orientated developments, shall have regard to the following:
  - o Overall need in terms of necessity, deficiency, and opportunity to enhance or develop local or County facilities.

- Practicalities of site in terms of site location relating to uses, impact on local amenities, desirability, and accessibility.
- Conformity with the requirements of appropriate legislative guidelines.

## **5.2. Natural Heritage Designations**

- 5.2.1. The nearest designated site is the Malahide Estuary SAC (Site Code: 000205) c. 450m to the east of the site. The Malahide Estuary SPA (Site Code: 004025) is also located c. 800m to the north- east of the site. The proposed Natural Heritage Area (pNHA): Malahide Estuary, is also located c. 450m to the site's east.

## **5.3. EIA Screening**

- 5.3.1. Having regard to the nature and scale the proposed development, which comprises an extension and internal alterations to an existing shopping centre, there is no real likelihood of significant effects on the environment arising from the development to be retained. 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**

- 6.1.1. The Third Party appeal has been prepared by Marian & Tom Lyons of Martello Court, Portmarnock Co. Dublin (west of appeal site). The main grounds of the appeal can be summarised as follows:
- Concerns with respect to the provision of a new windows on the first floor level extension which will result in overlooking and considerable noise related impacts.
  - Alternative sketches were submitted to the Planning Authority which provided for the removal of the windows which would eliminate this nuisance. This was not referenced in the Planning Report on file.
  - Noise impacts would be significant given the proximity of the proposed extension to the Appellant's property and the hours that this area of the building would be in use by employees.

- The proposal failed to comply with the Planning Regulations as the Applicant did not provide details with respect to the proposed temporary structures on site. Adequate drainage details were also omitted.
- There are errors in the Planning Authority's assessment of the planning application. There are also concerns that the portacabins could be used for years until development on site is completed.
- Concerns with respect to the lack of detail regarding boundary treatments.

## **6.2. Planning Authority Response**

- 6.2.1. Response received dated 25<sup>th</sup> May 2022 which notes that the Planning Authority has noted that all observations were considered in the assessment of the application, and it is requested that the decision be upheld. In the event of a grant of permission, it is requested that provision be made in the determination for applying a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme as per Condition No. 11.

## **6.3. First Party Response**

- 6.3.1. A response to the Third Party appeal has been received from the Applicant which noted the following:
- It is stated that the Applicant has taken great care to ensure that the residential amenity of properties within the vicinity was not affected when designing the first floor extension. However, having said that, it is recognised the adjoining residents are concerned about overlooking and noise.
  - In terms of overlooking, it is stated that the best way to protect home privacy is to ensure that new developments do not overlook private areas and it is something the Applicant believes the development has successfully accomplished. It is stated that the high level windows in the first floor managers office and female toilets do not overlook the rooms or the rear gardens of Martello Court and the first floor extension faces the Martello Court estate road rather than the houses.
  - It is noted that the high level windows are there to allow natural light into the rooms and not to provide a view for employees. To alleviate concerns regarding overlooking, it is proposed to use obscure glazing for both windows.



- With respect to noise, it is confirmed that the high level windows will not have an opening mechanism, and that triple glazed windows will be installed to provide noise insulation.
- In terms of the construction phase, permission has been sought to use two temporary modular cabin structures which will be used as employee welfare space facilities during the construction phase. It stated that the dimensions and location of the temporary structures were clearly marked on the application drawings. However, for clarification purposes, an elevation drawing of the proposed modular structures has now been enclosed with the appeal response. It is stated that these units will be supplied from a third party, and the exact model that will be used on site will be subject to a competitive tender prior to the commencement of development. It is stated that the temporary welfare structures will not be visible from the residential homes along Martello Court and the temporary structures are located in close proximity to the existing building to minimise the distance that employees must walk to use the facility during the construction phase.
- It is stated that these structures are set back approximately 7m from No. 62 Martello Court's front elevation, and there is a significant level difference between the two locations. It is also emphasised that during the construction phase, every effort to reduce noise levels in and around the temporary welfare structures will be undertaken.
- In terms of the boundary treatments, no extra boundary treatment was determined necessary at the design stage because the proposed first floor level extension is set back from the western boundary wall and screened by an existing boundary wall and fence. However, to improve the outlook for residents, the Applicant is willing to replace the existing boundary fence at the top of the western boundary wall with a new acoustic fence with an aesthetic appeal. It is stated that acoustic fence would be fixed to the wall on the side of the appeal site, with an attractive material. This acoustic fence would have a positive visual impact on Martello Court whilst also providing a sound barrier between the two sites. It is highlighted that details of the proposed acoustic fence could be agreed with the Planning Authority prior to commencement of development.

## **6.4. Observations**

6.4.1. A total of 2 no. observations have been received on file from:

- Cllr. Brian McDonagh, Strandmill Road, Portmarnock; and,
- Peter Coyle, Burrow Court, Portmarnock.

A summary of the issues raised in both observations are included as follows:

- It is evident that the new location for the Post Office intends to replace the existing location.
- Concerns are highlighted with respect to the location for the new Post Office at an out of town centre location and there are accessibility concerns associated with this new location for existing residences of Portmarnock Village. In this regard the proposed development is contrary to the policies of the current CDP which seek to consolidate existing centres and the policy that is applicable to Portmarnock.
- The proposal to relocate the Post Office will inconvenience regular Post Offices users.
- There are already significant issues with car parking in the surrounding area and this will be exacerbated by the proposed development.
- The overflow of car parking from the shopping centre causes problems for other road users and a particular danger for pedestrians.
- An observer was unaware of the planning application and it is noted that an observation on the application would have been made if they were notified.
- There is currently strong national legislation regarding Post Office locations and there is no supportive information in the planning application of approval by An Post or ComReg for a Post Office at this secondary location.
- The proposed development will have a negative impact on the amenity of residences within the surrounds of the site.

## **7.0 Assessment**

The main issues are those raised in the Planning Report and consequent refusal reason and the Appellant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be

addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Amenity Impacts
- Car Parking
- Appropriate Assessment

## **7.1. Principle of Development**

7.1.1. Planning permission is sought in this instance for various works to an existing shopping centre which shall comprise the reconfiguration and change of use of the back of house/staff welfare areas at ground floor level to form a new in-shop post office. The proposal also seeks planning consent for the construction of a new first floor level extension to the rear of the building to provide a new staff welfare area. The proposed Post Office has a stated floor area of c. 33sq.m. and includes a customer area, sales area and safe room and is proposed to be located to the rear of the supermarket at ground floor level. I note that the site is located within an area zoned 'LC' of the Fingal County Development Plan (CDP), 2017-2023, the objective of which is to "Protect, provide for and/or improve local centre facilities". I note that the overall vision for areas zoned 'LC' as defined under the current CDP is to "Provide a mix of local community and commercial facilities for the existing and developing communities of the County. The aim is to ensure local centres contain a range of community, recreational and retail facilities, including medical/ dental surgeries and childcare facilities, at a scale to cater for both existing residential development and zoned undeveloped lands, as appropriate, at locations which minimise the need for use of the private car and encourage pedestrians, cyclists and the use of public transport. The development will strengthen local retail provision in accordance with the County Retail Strategy".

7.1.2. Given the nature of the proposed development, I would consider the proposed Post Office use to fall within the definition of a 'community facility', a use which is specifically defined in the current CDP and is identified as a 'permitted in principle' use within the 'LC' zoning that applies to the site and surrounding area. I note that observations to this planning appeal have highlighted concerns with respect to the nature of the proposed development at this location and its impact on Portmarnock Village should

the current Post Office be relocated. I note that there is no substantive information on site to support the claim that the proposal will result in the closure of the existing facility within Portmarnock Village. Notwithstanding this, I am satisfied that the proposed development at this location is fully in accordance with the zoning provisions of the appeal site. I note that the site has current public transport connectivity, whereby it is served by existing bus routes and there is on curtilage car parking which will serve the existing shopping centre. On balance, I am satisfied that the Post Office use is compatible with the existing uses on site, is in accordance with the relevant policies of the current CDP with respect to community facilities (i.e. Objective DMS93) and is therefore acceptable in principle at this location.

## **7.2. Residential Amenity**

- 7.2.1. The residential area of Martello Court is located directly to the west of the appeal site and is located on lands zoned 'RS', the objective of which is 'to provide for residential development and to protect and improve residential amenity'. Given the location of the appeal site relative to these established residences, Section 11.4 (Transitional Zonal Areas) is relevant to the consideration of the application. The policy notes that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting residential areas or abutting residential development within predominantly mixed use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of residential property.
- 7.2.2. The Third Party appeal has been prepared by residents located directly to the west of the appeal site within this established residential area of Martello Court. Significant concerns are highlighted with respect to the impact of the proposed first floor level extension on the residential amenity of their property by reason of overlooking and noise impacts associated with the operation and use of the extension. Additional concerns are highlighted with respect to the impact of the proposed temporary

structures and the lack of detail regarding these structures that accompanied the original planning application. This matter will be dealt with separately below.

7.2.3. In terms of the proposed extension, the first floor extension will have a total length of c. 10.2m on its western side. It will have a flat roof form with a maximum height of c. 7m, and the structure will be set back by between c. 8m (southern end) and c. 7m (northern end) from the site's western boundary. I note that the proposed extension will be sited opposite the roadway serving Martello Court and the front gardens of properties on either side of the street. I also note that the windows serving the office and the female locker room on the western elevation are identified as high-level windows with a sill height of c. 1.8m above finished floor level. Having inspected the site and surrounds, I also observed that the appeal site is at a lower level than that of Martello Court to the west. Having regard to the overall scale, height and form of the proposed extensions, the setback of the extensions from the western site boundary and the variation in site levels between the appeal site and Martello Court, I am satisfied that the proposed development will not adversely compromise the residential amenity of properties within the vicinity of the appeal site by reasons of overlooking, overshadowing or by being visually overbearing. In response to the Third Party concerns at appeal stage, the Applicant has also confirmed that the glazing within these windows will be manufactured opaque as a measure to preclude overlooking. I consider it reasonable to recommend the inclusion of a suitable condition regarding these windows.

7.2.4. Concerns have also been highlighted with respect to potential noise impacts from the staff welfare facilities. In response to the Third Party concerns at appeal stage, the Applicant has confirmed that the high level windows on the western elevation will not have an opening mechanism, and that triple glazed windows will be installed to provide noise insulation. Having regard the proposed separation distances, the siting of the extensions relative to Martello Court and the Applicant's proposals to have non-openable windows, I am satisfied that the proposal is acceptable having regard to the transitional nature of the site and it will not unduly compromise the residential amenity of properties within the site's vicinity. The proposed development is therefore

considered to be acceptable having regard to the residential amenity of the surrounding area.

7.2.5. The proposed development seeks planning consent for the erection of 2 no. temporary structures proximate to the western site boundary. The structures are to be utilised for staff welfare facilities throughout the duration of the construction phase of the proposed development. As noted earlier in this report, concerns are highlighted with respect to the impact of the proposed temporary structures on the residential amenity of adjoining properties and the lack of detail regarding these structures that accompanied the original planning application. I note the location of the proposed structures had been identified on the submitted plans, whereby the structures had a combined length of c. 12.2m and a depth of c. 3m. In response to the Third Party appeal, the Applicant has now enclosed elevations and sections of the structures which show them in the context of Martello Court to the west. The structures have a stated height of c. 2.5m and I again acknowledge the level difference between Martello Court and the appeal site which is illustrated in the submitted section diagrams. Overall, I am satisfied that the proposals are acceptable and will not unduly compromise the residential amenity of properties within the vicinity of the appeal site. In line with the recommendations of the Planning Authority, I consider it reasonable to include a condition which requires the Applicant to remove the structures upon completion of the first-floor level extensions. Subject to compliance with this condition, I am satisfied that the proposed development is considered to be acceptable having regard to the residential amenity of the surrounding area.

7.2.6. In addition to the foregoing, I note the commentary from the Appellant with respect to boundary treatments and the response by the Applicant, whereby they are proposing to replace the existing boundary fence at the top of the western boundary wall with a new acoustic fence with an aesthetic appeal. Details of this fence have been included on Drawing No. 124 which accompanied the Applicant's response. I note that these measures would be a positive addition to the proposal, particularly when viewed from Martello Court. Notwithstanding this, I am not satisfied that this should be dealt with through the compliance process with the Planning Authority as suggested by the Applicant, given the lack of public engagement in this process. This is particularly

relevant given the fence will directly abut private residences to the west of the appeal site. I note that the Applicant may wish to submit a separate planning application for this acoustic fence if deemed appropriate. As noted in the foregoing, I am satisfied that the proposed development in its current form is acceptable having regard to the residential amenity of properties within the vicinity of the appeal site.

### **7.3. Car Parking**

- 7.3.1. I note that a number of observers to the planning appeal have raised concerns with the proposed development in terms of car implications as a result of the proposed development which will exacerbate on-street car parking pressures within the surrounds of the appeal site. I note the Planning Authority's Transportation Planning section have reviewed the development proposal and in their report acknowledge that there is a requirement for an additional 5 parking spaces for the proposed development based on a gross floor area of c.100sq.m. at a rate of 1 space per 20sq.m. of gross floor area in accordance with the current CDP. However, it is indicated that the standards within the current CDP are maximums for retail, and it is acknowledged that the majority of the additional floor area is to provide for staff welfare areas at first floor. It is noted that the existing staff welfare facilities would be replaced by a proposed post office of c. 33sq.m. at ground floor level. The Planning Authority therefore indicated that they have no objection to the proposed development. Upon inspecting the site, I observed a number of free car parking spaces within the existing surface level car park. In addition, I note that the site is served by public transport in the form of a number of bus routes. Having regard to the overall scale of the proposed development, the maximum standards of the current CDP and the level of car parking currently provided on site, I deem the proposed development to be acceptable.

### **7.4. Appropriate Assessment**

- 7.4.1. I note that there are a number of European sites within the surrounds of the appeal site. However, having regard to the nature and scale of the proposed development, an extension and internal rearrangement of an existing shopping centre, and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that

the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

## **8.0 Recommendation**

- 8.1.1. Grant of permission is recommended.

## **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the scale and nature of the proposed development and the location of the site on lands zoned 'LC', the proposed development is considered to be in accordance with zoning provisions of the site as prescribed under the Fingal County Development Plan, 2017-2023. The proposal will not adversely impact on the existing residential amenity of the area, including by way of overlooking, noise and on-street car parking pressures. In this regard, the proposed development would be in accordance with the proper planning and sustainable development of the area subject to compliance with appropriate conditions.

## **10.0 Conditions**

1.	The proposed development shall comply with the plans and particulars lodged with the application submitted, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The 2-no. temporary portacabin structures shall be removed from the site on completion of the works permitted, for reconfiguration works and first floor extension. REASON: In the interest of clarity
3.	The glazing within the 2 no. high level windows on the western elevation of the proposed extension shall be manufactured opaque and permanently maintained. The 2 no. windows shall be non-openable.



	<b>Reason:</b> In the interest of residential amenity.
4.	The Post Office use and welfare space hereby permitted shall be restricted only to that as described in the public notices received by the Planning Authority on 28 <sup>th</sup> February 2022. Any change from this permitted use or increase in the area to be used shall be the subject of a prior grant of permission from the Planning Authority or from An Bord Pleanála on appeal. <b>REASON:</b> To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
5.	Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. <b>Reason:</b> In the interest of public health.
6.	Prior to commencement of development, the developer shall enter into water and waste water connection agreement(s) with Irish Water if required and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices. <b>Reason:</b> In the interest of public health.
7.	In terms of the construction activities on site, the Applicant shall comply with the requirements of the Planning Authority. <b>Reason:</b> In the interest of public health.
8.	Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 1pm hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. <b>Reason:</b> In order to safeguard the amenities of property in the vicinity.
9.	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

	<p>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 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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Enda Duignan  
Planning Inspector

14/11/2022