



An
Bord
Pleanála

Inspector's Report

ABP-313664-22

Development	Partial demolition of bungalow and the construction of 6 no. houses, widening of an existing vehicular entrance, internal roads and pathways, landscaping and associated site works
Location	Kilcullen Street, Dunlavin Upper, Dunlavin Co. Wicklow (W91 R8Y7)
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2213
Applicant(s)	DL Residential Properties Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Lawlor
Observer(s)	None
Date of Site Inspection	18 January 2023
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The appeal site is on the northwestern side of Kilcullen Street, Dunlavin Upper, Dunlavin, Co. Wicklow (W91 R8Y7). It is a large residential plot situated near the northeastern entry point for the village.
- 1.2. The property comprises a single-storey cottage fronting onto the main street. The house was vacant at the time of site inspection. There is an existing vehicular access an steel double gates at the northeastern side of the existing building. The land to the rear is largely overgrown and accommodates a shipping container and small outbuilding. There is a footpath at the front of the site which leads into the centre of the village, where Main Street meets Stephen Street (roughly 200m to the southwest).
- 1.3. The adjoining sites accommodate residential properties on spacious plots. To the northeast is a detached house, Westcliffe (W91 N8P5). The dwelling is setback from Main Street and a concrete wall runs along the front of the site. To southwest is a terraced four-bay, two-storey house which is finished in roughcast render.

The wider surrounding area is characterised by a mix of low-density detached, semi-detached and terrace housing and commercial / retail development.
- 1.4. The existing buildings on the site have a floor area of approximately 114sqm.
- 1.5. The site has an overall stated area of 0.17ha.

2.0 Proposed Development

- 2.1. The proposed development is for part demolition of the existing bungalow and the construction of 6 no. dwellings, widening of the existing vehicular access, proposed internal roads and pathway, landscaping, boundary treatments and ancillary site development and excavation works.
- 2.2. The proposed residential mix is:
 - 2 no. 3-bedroom semi-detached 2-storey dwellings, and
 - 4 no. 3-bedroom semi-detached 2-storey dwellings

- 2.3. The Planning Authority requested further information in March 2021, including regarding details of the red line boundary / extent of application site and Applicant's legal interest in same (Item 1), a rationale as to why a section of the front of the existing cottage is proposed to be retained, (Item 2), the proposed fenestration arrangement and how this is in keeping with the existing structures facing onto the street (Item 3), car parking and manoeuvrability of vehicles onsite (Item 4), provision of a tree survey and an landscape assessment (Item 5), clarification of the boundary treatment between proposed Unit 2 and the public footpath to ensure a positive public realm environment (Item 6) and concerns regarding the location of the proposed petrol interceptor (Item 7).
- 2.4. The Applicant responded with further information on 11th April 2022. The Applicant provided the additional material, assessments and reports requested by the Planning Authority, which was considered acceptable. An amended fenestration and placement / design of windows facing onto the street was proposed as an option for the Planning Authority to consider. There were no other significant design revisions proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. The Planning Authority issued a *Notification of Decision to Grant Permission* on 4th May 2022, subject to 19 no. standard conditions.
- 3.3. Condition 13(a) requires a revised landscape plan, including that the 1.8m heavy welded mesh fence proposed around the site boundary be replaced with an alternative boundary treatment with landscaping.

3.4. Planning Authority Reports

3.4.1. Planning Report

- The subject site is within the settlement boundary of Dunlavin and zoned 'TC - Town Centre'. The proposal includes for 6 no. dwellings is considered acceptable in principle.

- The site is within an Architectural Conservation Area (ACA).
- The proposed density, residential mix, layout, design, open space and amenity, landscaping and boundary treatment, access and car parking is generally acceptable.
- The Applicant has submitted evidence of sufficient legal entitlement for the purposes of making the application.
- The Planning Authority supports keeping part of the existing cottage façade and preserving this section of building fabric as part of redeveloping the site.
- In relation to the proposed fenestration arrangement facing onto Kicullen Street, it is considered that Option B (submitted as further information) better reflects the adjacent period dwelling rather than the more modern design and elevational treatment submitted as part of the original application.
- The swept path analysis shows that vehicles can access the site and car parking spaces safely.
- Overall, the proposed landscape plan is considered acceptable. However, the 1.8m high mesh fence around the site perimeter is of poor aesthetic. This should be replaced with an alternative boundary treatment and landscaping.
- In summary, having regard to the site on zoned lands within the Dunlavin Town Plan, it is considered that the development would not result in a negative adverse impact in terms of amenity, noise, traffic or result in the deterioration of the environment.

3.4.2. **Other Technical Reports**

Roads: No objection, upon receiving further information, which included the provision of a swept path analysis and the omission of a section of footpath internal to the site to facilitate improved vehicular access / egress from Units 3 and 4.

Drainage: No objection, upon receipt of further information.

Housing: No objection.

Water and Environmental Services: No objection. Requested that the proposed petrol interceptor be relocated so that it is after the hydro-brake manhole.

Chief Fire Officer: Standard conditions requested.

3.5. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

Department of Heritage, Local Government and Heritage: The subject site is in the confines of a Recorded Monument WI015-016 ('town / historic settlement'). It is recommended that a condition be attached to any grant of permission requiring archaeological monitoring of demolition and site clearance works, and a programme of pre-development archaeological testing

3.6. **Third Party Observations**

A single observation was received by the Planning Authority. The observation objects to the proposed development and is on file for the Board's information.

The issues raised are comparable to those set out in the Third Party Appeal, which is summarised in Section 6.1 below.

4.0 **Planning History**

Reg. Ref. 07/1656: The Planning Authority **refused** permission in July 2007 for the construction of 9 no. townhouses in 2 no. two-storey blocks with car and cycle parking and all ancillary works.

Reg. Ref. 06/6705: The Planning Authority **refused** permission in January 2007 for the construction of 12 no. townhouses in 2 no. two-storey blocks with car and cycle parking and all ancillary works.

Both applications incorporated the appeal site and a further, additional section of land to the west.

5.0 Policy Context

5.1. Wicklow County Development Plan 2022-2028

The Wicklow County Development Plan 2022-2028 ('County Development Plan') is in effect as of 23rd October 2022.

Chapter 4: Settlement Strategy

- Dunlavin is a Level 5 Small Town (Type 1) under the Development Plan.
- These settlements are small towns with good local service and employment functions. They are relatively small towns, ideally serviced by good bus links and located approximately 5-25km from large towns. They are not prioritised for major growth or investment. Instead, these settlements are prioritised for local indigenous growth and investment. They have strong identities and lots of character making them attractive places to live in and to visit.
- The focus of any new development should be on compact growth, regeneration and renewal. Regeneration should be heritage led and there should be strong focus on creating attractive animated streetscapes and a high-quality public realm. Any new development should be cognisant of the rural setting of these towns and this should be reflected in the design.

CPO 4.2

To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

CPO 4.6

To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.

CPO 4.13

To require that the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.

Chapter 6: Housing

CPO 6.1

New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.

CPO 6.3

New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

5.2. Dunlavin Town Plan 2022-2028

Zoning (Map No. 1)

Subject Site

- The appeal site is zoned 'Town Centre' where the objective is 'to provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use'.
- The Development Plan description for this zoning is to develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate residential and commercial developments ensuring a mix of residential, commercial, recreational, civic, cultural and leisure uses while delivering a quality urban environment, with emphasis on regeneration, infill town and historic centre conservation, ensuring priority for public transport where applicable, pedestrians and cyclists, while minimising

the impact of private car based traffic and enhance and develop the existing centre's fabric.

- The subject site is within the Settlement Boundary for Dunlavin.

Lands to rear of Subject Site

- The lands to the rear (generally west) of the subject site are zoned 'Strategic Land Bank' where the objective is to provide a land bank for future development of the settlement after the lifetime of this plan, if and when the need arises.

Heritage Objectives (Map No. 2)

- The site is within an Architectural Conservation Area and Area of Archaeological Potential & Significance.
- There are several Protected Structures and National Monuments along Kilcullen Street. However, none are adjoining the appeal site.
- The nearest Protected Structure (RPS Ref. 15-15) is across Kilcullen Street to the east. It is described in the Development Plan as a 'three-bay, two-storey, gable-ended, semi-detached house dating from the early 19th Century with lime-rendered walls, small windows on the first floor (ground floor windows covered up) and natural slates on the roof'. (NIAH Ref. 16308007).
- The Protected Structure (RPS Ref. 15-13) to the southwest of the site is described in the Development Plan as 'a four-bay, single-storey cottage with rendered walls, drip-labels over a simple door and drip-labels over small windows with sashes containing tiny panes of glass. The roof has natural slates'. (NIAH Ref. 16308003).

Regeneration & Renewal Area (Map No. 4)

- The subject site is within the Regeneration Boundary for Dunlavin. The following objectives are relevant: -

DUN2

The design and layout of all new housing developments in Dunlavin shall take due cognisance of the location of the site and its surroundings, with a particular emphasis on maintaining and enhancing the historic core of Dunlavin and its surroundings.

DUN13

In order to preserve the character of the Architectural Conservation Area (ACA) in accordance with the details set out at Section 5.9 of this plan, all development proposals within the designated ACA, including any change of use to existing buildings, will be controlled. The repair and refurbishment of existing buildings within the ACA will be favoured over demolition/new build in so far as practicable.

5.3. National Planning Policy

- *Development Management - Guidelines for Planning Authorities, 2007*
- *Sustainable Residential Development In Urban Areas – Guidelines for Planning Authorities, 2009*
- *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011*
- *Design Manual for Urban Roads and Streets, 2019*

5.4. Natural Heritage Designations

No European Sites apply to, or are in the vicinity of, the subject site.

5.5. EIA Screening

Having regard to the nature and relative small scale of the proposed development, which comprises the part demolition of an existing cottage and the construction of 6 no. dwellings and ancillary site works, the nature of the receiving environment, and proximity to the nearest sensitive location, 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

- The Appellant owns a property known as 'Westcliff' on the shared northeastern boundary with the subject site. He also owns the contiguous lands to the northeast and northwest of the site.
- The Appellant intends to submit a planning application for development on these lands in the near future. However, the proposed development, if permitted, would have a detrimental effect on the future potential development of this site, which is identified as 'Action Area 1' (AA1) under the Dunlavin Town Plan 2016-2022 (Section 5.1) of the Wicklow County Development Plan 2016-2022.
- The application has been submitted without prior consultation with neighbouring landowner.
- The application is deficient (i.e., it fails to reference the ACA, landownership details are incorrect and parking for proposed Unit 2 lies outside the site boundary).
- The proposed vehicular access road is close to the required access for Action Area Plan 1, which must pass through the Westcliff site, and would inevitably affect the safety of this potential future junction.
- It is proposed to discharge surface water from four houses to the rear of the proposed development into individual soakaways. However, there are no details provided on how this will be prevented from entering the groundwater system.
- The proposal to remove all trees on the rear and side boundaries is concerning.

6.2. Applicant Response

The Applicant provided a response on 22nd June 2022. The main issues raised are as follows:

- The proposed development is in accordance with national (NPF) and local planning policy to deliver housing within existing built-up areas and on infill sites.
- The proposed dwellings have been designed to satisfy the needs of modern working families and exceed the minimum required design standards.
- There is no obligation for the Applicant to consult with the Appellant. Notwithstanding this, the Applicant had no means of contacting the Appellant. The Applicant has consulted with other landowners in the area.
- The planning application does not encroach on any third party lands and there is a supporting letter and certificate from a solicitor confirming this to be the case.
- The adjacent house, Westcliffe, is outside Action Area 1 as per the Dunlavin Town Plan 2016-2022.
- There is an existing vehicular access serving the subject site and the proposal is only for alterations and improvements to accommodate safe access/egress of vehicles to the subject site.
- The proposed drainage system has been designed in accordance with SuDS and best practice. The configuration will not affect the lands to the rear of the subject property.
- The tree survey and landscape plan, submitted further information to the Planning Authority, provides justification for the removal of the onsite trees, which are not considered to be of any merit due to neglect.
- The proposed development will provide 6 no. family homes in the heart of Dunlavin. It is in accordance with national policy, including NPO 11 which states that there should be a presumption in favour of development that encourages more people and activity within village centres.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Development Potential of Adjoining Lands
- Drainage
- Other Matters
- Appropriate Assessment

7.1. Development Potential of Adjoining Lands

- 7.1.1. The main appeal issue relates to the development potential of lands adjoining the subject site.
- 7.1.2. The Appellant's concern is that the proposed development would potentially hinder or undermine the future development potential of lands in his ownership, which comprise the residential property Westcliffe (W91 N8P5), adjoining the appeal site on its northeastern side, and other contiguous lands to the northeast and northwest. The Appellant states that it is their intention is to submit a future planning application to develop the site in the near future.
- 7.1.3. The lands identified by the Appellant were previously within Action Area 1 (AA1) under the Dunlavin Town Plan 2016-2022 (Section 5.1) as per the Wicklow County Development Plan 2016-2022. I note that the new Wicklow County Development Plan 2022-2028 took effect on 23rd October 2022. This is the current statutory Plan which sets out the policies and objectives to guide the future development of the County.
- 7.1.4. The previous AA1 designation for Dunlavin has been removed under the current Plan, and the lands in question – the Appellant's lands – are no longer zoned for residential development purposes. Instead, these lands are zoned 'Strategic Land Bank' where the objective is to provide a land bank for the future development of the settlement after the lifetime of the current Development Plan (i.e., post 2028), if and when the need arises. In summary, and having regard to this, there is no real prospect of the lands being developed in the immediate or short-term, in my opinion, and therefore no application is likely to be soon forthcoming.

- 7.1.5. Conversely, the subject site is zoned 'Town Centre' where the objective is to provide for the development and improvement of appropriate town centre uses, including residential. It is situated in a village centre setting on one of the main streets in Dunlavin (Kilcullen Street). The adjoining properties, either side of the appeal site, are residential housing (also zoned Town Centre) and the surrounding vicinity is characterised generally by a mix of housing types and commercial development.
- 7.1.6. The site meets the description for a 'centrally located site' as per the Sustainable Residential Development Guidelines in Urban Areas for Planning Authorities (2009). The Guidelines state that for such sites the emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place.
- 7.1.7. The principle of infill residential development and consolidation of an existing zoned and serviced site is consistent with the principles set out in national and local policy regarding urban consolidation and densification. It is consistent with Objective CPO 4.2 of the County Development Plan (2022-2028), which seeks to secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites. It is also in accordance with Objective CPO 4.6 which requires new housing to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for that settlement. Therefore, the principle of an infill residential development on this site is considered acceptable.
- 7.1.8. I note that Dunlavin is identified as a 'Level 5 Small Town (Type 1)' under the Wicklow County Development Plan 2022-2028. These small towns are considered to have good local service and employment functions. The focus for new development in such settlements is on achieving compact growth, regeneration and renewal and creating attractive animated streetscapes and a high-quality public realm. The appeal site is an infill site and a good opportunity, in my view, for town centre regeneration within an existing built-up part of Dunlavin. The Development Plan states that such locations should be prioritised and promoted in the first instance for new housing development.

- 7.1.9. Whilst I acknowledge the concerns raised by the Appellant, I do not see how the proposed development would have 'significant detrimental effects' on the future potential development of the lands to the rear of the appeal site. The Appellant does not put forward a specific rationale or precise grounds supporting this argument. The subject proposal has followed good design practice, in my opinion, and it is in accordance with the development and design standards set out in Appendix 1 (Volume 3) of the Development Plan. Appendix 1 seeks to protect against inappropriate forms of development and to ensure that future development opportunities on adjacent plots are not prejudiced.
- 7.1.10. The design modifications made as part of further information have addressed the concerns raised by the Planning Authority at initial application stage, including in relation to façade design, fenestration arrangement and the relationship between the proposal and the public realm environment / streetscape. I note also that the private open space for Unit Nos. 3 - 6 is situated at the back of the site and provides adequate separation distance from the third-party lands, which is appropriate in the event they might potentially be developed at some future point.
- 7.1.11. The proposed method of vehicular access to serve the development is via an existing vehicular access near the northeastern side of the existing onsite cottage. There is currently a set of steel double gates in situ in this location. I consider that the proposed new housing development would improve the current manner of access / egress by way of minor modifications and through the inclusion of a pedestrian footpath. I note that the Council's Roads Department had no objection to the proposal, upon receiving further information.
- 7.1.12. In summary, I conclude that the proposed development is in accordance with good planning practice, complies with the various applicable policies and objectives set out in the Wicklow County Development Plan 2022-2028, and that it would not prejudice or unnecessarily undermine the future prospects for a residential development on the third party lands which are situated to the rear (west) of the appeal site.

7.2. Drainage

- 7.2.1. The proposed development is to be served by a surface water drainage system that collects and disposes of stormwater and surface water runoff through infiltration. Discharge is controlled and directed to a local infiltration trench associated with each proposed house. Overflow will be held in a common collector attenuation tank as required before dispersing to ground. This is a common form of drainage often used for its simplicity of construction but also ease of future maintenance and management.
- 7.2.2. The proposal includes SuDS measures, such as permeable paving, which will be capable of collecting surface water runoff in the short-term and allowing for infiltration to ground over time. The paving will also assist with the rate of surface evaporation and absorption. A petrol interceptor is proposed to be fitted to the system which will trap and filter out hydrocarbon pollutants, and other forms of potential contaminants, from entering groundwater. I consider the proposed method of surface water drainage acceptable.
- 7.2.3. I note that the Council's Water and Environmental Services raised no objection in their interdepartmental report and recommended only that the petrol interceptor be relocated to be after the hydro-brake, which the Applicant has confirmed they are happy to do so.

7.3. Other Matters

Application Deficiencies

- 7.3.1. The Appellant raises legal and procedural issues with the planning application, including in relation to the Applicant's legal entitlement and ownership of the land.
- 7.3.2. The appeal states that the plans and particulars submitted with the application are incorrect, and that the red line boundary is not accurately shown as it differs from the relevant Land Registry Maps. It is stated that the application mistakenly includes land from the adjoining residential property, Westcliffe. It is also stated that that a car parking space for Unit 2 lies outside the application boundary.
- 7.3.3. The Applicant has responded to this by stating there is no encroachment on any lands outside their ownership. A letter and certificate have been provided by their

solicitors (Kelly Kennedy & Co.) confirming this to be the case and that the Applicant has sufficient control as the registered owners of the site to make the application. I note also that the Planning Authority were satisfied with this response. The car parking space in question is shown on the Autotrack drawing (Drwg. No. 5463/07) as fully within the subject site and that it does not extend outside the red line.

7.3.4. Notwithstanding this, I consider that this is a matter of property rights and land ownership upon which the Board cannot adjudicate. In this respect, I note the provisions of Section 34(13) of *Planning and Development Act, 2000* (as amended) relating to 'Permission for Development', which states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. Therefore, in the event permission is granted, there may be other legal considerations that apply, and which the landowner may need to address outside of the planning system.

7.3.5. I further note Section 5.13 of the Development Management Guidelines which addresses this matter and where it states the planning system is not designed as a mechanism for resolving disputes about land title, or premises, or rights over land. These are ultimately matters for resolution in the Courts. However, the Applicant must be certain under civil law to ensure that they have all rights in relation to the land for which they intend to implement any grant of planning permission.

Removal of Trees

7.3.6. The Appellant raises concerns regarding the proposed removal of trees on the rear and side boundaries of the appeal site.

7.3.7. A tree survey has been submitted in support of the application (Drwg. No. DL-RES/LMP/002). During my site inspection, I noted there were several mature trees and established hedges present, but that these were mainly of low value and unkempt, comprising mostly of various species of Leylandii, Common Ash and Sycamore.

7.3.8. I consider that the proposed landscape masterplan would provide a better mix and quality of specimen trees, hedging and shrub mixes (Drwg. No. DL-RES/LMP/001 refers). The planting would also be better managed as it would be subject to a replacement and maintenance program for a number of years post construction, which can be achieved by way of condition. The proposed planting and landscaping

would therefore offset any potential loss of trees on the site and, in my view, improve the overall aesthetic and opportunities for biodiversity.

- 7.3.9. I note that the Notification of Decision to Grant Permission issued by the Planning Authority required a revised Landscape Master Plan showing the omission of the 1.8m tall boundary mesh fence proposed for around the perimeter of the site. I would concur that a more appropriate and alternative boundary treatment should be sought and that a similar condition be included by the Board as part of any Decision to grant permission.

7.4. Appropriate Assessment

Having regard to the nature and relative small scale of the proposed development; which is for six dwellings and associated site works, located within an urban and serviced area, and the distance from the nearest European site; no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2022-2028 and the Dunlavin Town Plan 2022-2028, the town centre zoning objective for the site, and nature, design and layout 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 visual or residential amenities of the area, or of property in the vicinity and would not endanger public safety by reason of traffic hazard. 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 on the 11th April 2022 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.	<ul style="list-style-type: none">a) The 1.8m high heavy welded mesh fence proposed for around the perimeter of the site shall be replaced with an alternative boundary treatment and supplementary landscaping to be agreed in writing with the planning authority.b) The two house units facing onto Kilcullen Street (Nos. 1 and 2) shall be finished as Option B as detailed on Drwg. No. SCA042 FI 200 submitted to the planning authority on 11th April 2022, unless otherwise agreed in writing with the planning authority.c) The four house units at the rear of the site (Nos. 3 - 6, inclusive) shall be finished as detailed on the elevation drawings lodged with the application on 13th January 2022 unless otherwise agreed in writing with the planning authority.d) Privacy walls shall be provided 2m in height cement rendered and capped and extend 4m along each dividing boundary from the rear building line of House Nos. 3 – 6.e) The side elevation of House No. 2 shall be in accordance with the elevational drawings submitted on the 11th April 2022 unless otherwise agreed in writing with the planning authority. <p>Reason: In the interest of residential and visual amenity.</p>

3.	<p>Details of the materials, colours and textures of all the external finishes of 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>
4.	<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>
5.	<p>The landscaping scheme shown on Drwg. No. DL-RES/LMP/001 as submitted to the planning authority on 11th April 2022 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
6.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p style="padding-left: 40px;">a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and</p>

	<p>geotechnical investigations) relating to the proposed development, and</p> <p>b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:</p> <p>i) the nature and location of archaeological material on the site, and</p> <p>ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
7.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all house units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>

8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
9.	<p>Drainage arrangements for the site shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of environmental protection and public health</p>
10.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
11.	<p>All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as 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 developers or, in default of such</p>

	<p>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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Ian Boyle
Planning Inspector

2nd March 2023