



An
Bord
Pleanála

Inspector's Report ABP-304979-19

Development	Demolition of two existing dwellings and construction of 2 apartment blocks.
Location	51 (Clara House) & 52 (Montrose), Bray Road, Foxrock, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0006
Applicant(s)	Tom Kennedy
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	1. Ruth Igoe 2. Liam and Karen Flannery
Observer(s)	None
Date of Site Inspection	14 th of November 2019
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site has an area of 0.358 hectares and is located at the junction of the N11 and Kill Lane, Foxrock, Dublin 18.
- 1.2. The site comprises of two sites, each with a large detached two storey dwelling. Both dwellings have vehicular entrances off the N11 with No. 51 Bray Road also having a vehicular entrance off Kill Road. The site slopes in a north-eastern direction.
- 1.3. Foxrock church is located to the north west of the site on the opposite side of Kill Lane. The surrounding area is generally characterised by detached dwellings of varying architectural styles on substantial sites.

2.0 Proposed Development

- 2.1. Permission is sought for the following:

- Demolition of two existing dwellings and associated outbuildings.
- Construction of two blocks of apartments consisting of a total of 45 No. apartments.
- Block 1 has a frontage to the N11 and Kill Lane and is part 3 storey, part 4 storey and part 5 storey over basement providing a total of 30 No. apartments.
- Block 2 has a frontage to Kill Lane and is part 3 storey and part 5 storey providing a total of 15 No. apartments.

The planning application is accompanied by the following:

- Photomontage Views
- Quality Audit
- Shadow Study
- Construction Management Plan
- Traffic and Transport Assessment
- Parking Strategy

- Engineering Report
- Architects Report
- Mobility Management Plan
- Arboricultural Assessment
- Screening Statement for Appropriate Assessment
- Flood Risk Assessment
- Bat Survey
- Waste Management Plan
- Landscape Specification and Maintenance Document
- Lighting Report
- Planning report

Further Information was received by the Planning Authority dated the 7th day of June 2019 as follows:

- Revised drawings providing for alterations to screening of a number of balconies together with metal frames solid timber fence along the south-eastern boundary.
- Traffic and Transport Assessment
- Construction Management Plan
- Engineering Report
- Flood Risk Assessment
- Acoustic Design Statement
- Planning Report

- An updated bat survey together with mitigation measures was submitted with the appeal to An Bord Pleanála dated the 23rd day of August 2019.

- The drawings submitted with the appeal provide for extended guarding of a number of balconies by extending the timber fins to 1100mm beyond the frame of the balcony.

3.0 Planning Authority Decision

3.1. Decision

Permission granted by Planning Authority subject to 33 No. conditions. Noteworthy conditions include the following:

Condition 2 required the timber fins on the sides of balconies above ground floor level to be extended by a further 500mm beyond the face of the balconies to minimise oblique views into the surrounding properties and for the timber fins to be angled in order to prevent overlooking.

Condition 5 required panels of all external finishes to be erected on site for the written agreement of the planning authority prior to commencement of development.

Condition 8 required the development to be constructed in accordance with the recommendations of the 'Acoustic Design Statement' for the provision of a suitable internal noise environment within the proposed residential development.

All other conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first report considered that a higher density development at this location was acceptable in principle. Concerns were expressed in relation to overlooking. A second report dated the 3rd day of July 2019 considered that overlooking could be addressed by way of condition.

3.2.2. Other Technical Reports

Housing: Two reports received which required the applicant to consult with the Council's Quantity Surveyor regarding costs.

Drainage: The first report dated the 5th day of February 2019 required Further Information. The second report dated the 27th day of June 2019 recommended permission subject to conditions.

Transportation: The first report dated the 15th of February 2019 required Further Information. The second report dated the 2nd of July 2019 recommended Clarification of Further Information.

Parks and Landscape Services: The first report recommended refusal and considered that the proposal would result in below standard placemaking and significant overdevelopment of the site.

Prescribed Bodies

Irish Water: No objection subject to conditions.

Transport Infrastructure Ireland: Report relies on Planning Authority to abide by official policy on national routes.

3.3. Third Party Observations

A total of 16 No. observations were submitted to the Planning Authority. The issues raised are similar to those set out in the third party appeals.

4.0 Planning History

PA Reg. Ref. D08A/245E

Extension of duration granted in relation to the development permitted under PA D08A/0245. Condition No. 2 was as follows: 'The duration of permission is extended until 21/02/2019. The works shall therefore be completed by 21st of February 2019.

PA Reg. Ref. D08A/0245/ ABP Ref. PL060.230307

Permission granted by Planning Authority and by ABP on appeal for the demolition of two existing buildings and associated out buildings and the construction of a two, three and four storey over part basement/ part lower ground floor level apartment building consisting of 30 No. residential apartment units.

PA Reg. D07A/1157

Permission refused for demolition of two existing dwellings and 38 No. apartments for one reason relating impact on residential and visual amenities.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".

National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".

National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

5.2. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Urban Development and Building Heights' Guidelines for Planning Authorities
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')

- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’

5.3. **Development Plan**

The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016 – 2022. The subject site is zoned A: “To protect and/or improve residential amenity.”

Relevant policies and objectives include:

Section 8.2.3.4 (vii) Infill: “New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”

Section 8.2.3.4 (xiv) Applications for replacement dwellings shall also have regard to Policies AR5 and AR8 (Sections 6.1.3.5 and 6.1.3.8). In this regard, the retention and reuse of an existing structure will be encouraged over replacing a dwelling.

Section 2.1.3.4 Existing Housing Stock Densification: “Encourage densification of the existing suburbs in order to help retain population levels – by ‘infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc. In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”

Policy RES 3: It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

Where a site is located within 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities of 50 units per hectare will be encouraged.

Section 8.2.3.2 of the Plan set out quantitative standards for residential development.

Section 8.2.8.4 sets out standards for private open space.

5.4. Natural Heritage Designations

The site is located c. 2.8km southwest of the Dublin Bay SAC and the South Dublin Bay and Tolka River SPA.

5.5. EIA Screening

Having regard to the nature of the proposed development comprising a residential development on a brownfield site in an established serviced 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

The grounds of appeal can be summarised as follows:

- Concerns regarding overlooking and overshadowing
- Concerns regarding height, density and scale
- Inadequate car parking
- Concerns regarding traffic safety
- It is considered that the proposals for construction parking are unworkable
- Bat Survey Inadequate

6.2. Applicant Response

- The drawings submitted in response to the Further Information request provided for fins to prevent overlooking to the east of the site. Revised drawings extending the timber fins to a number of the balconies have been submitted with the appeal.
- The Planning Authority were satisfied that the provision of a metal framed solid timber fence along the south-eastern boundary would eliminate undue overlooking from the podium and the steps located along the boundary.
- Car parking was assessed as adequate, and pay and display parking at Foxrock Church could be used by visitors.

- The appellant's address at No. 80 Beech Park Road is at a distance that cannot be effected by overlooking or overshadowing from the proposed development.
- It is considered that the height and design are appropriate for the site.
- An updated bat assessment has been included in the response. In August 2019, no bats were recorded at No. 52 Bray Road.
- It is the intention of the applicant to replace/ repair the wall between the subject site and 'Cremorne'. The J-A reference points on the site plan include a note that states 'Existing blockwork to be retained and made good, raised to 1.8m minimum, rendered and capped as necessary.'

6.3. **Planning Authority Response**

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be summarised as follows:

- Density
- Design and Scale
- Traffic Safety and Parking
- Impact on Residential Amenities
- Other Matters

- Appropriate Assessment

7.2. Density

- 7.2.1. This is a serviced zoned site in a designated development area. A total of 45 No. units are sought on a site of 0.358 hectares which equates to a density of c. 125.6 units per hectare.
- 7.2.2. I note that the apartments comply with the apartment design standards set out in the ‘Sustainable Urban Housing: Design Standards for New Apartment Planning Guidelines.’
- 7.2.3. The previous application granted on the site under ABP PL060.230307 provided for a density of 106 units per hectare. I consider that the principle of higher density development has already been accepted by the Board on this site. The relevant question in my view, is whether the increase in density proposed is acceptable or not.
- 7.2.4. The site is located adjacent to the N11 QBC. The proposal seeks to widen the housing mix in the area and would improve the extent to which it meets the various housing needs of the community. Having regard to the size and characteristics of the site and its connectivity to good public transport infrastructure, the density is considered to be appropriate and in compliance with section 28 ministerial guidelines.

7.3. Design and Scale

- 7.3.1. The site is located at a prominent location at the junction of Kill Lane and the N11. Appendix 9 ‘Building Height Strategy’ of the current Development Plan identifies the N11 as having the potential of accommodating taller buildings. The Strategy highlights that corner sites at junctions between the N11 and the larger side roads have typically represented the most common location for an intensification of development along the N11.
- 7.3.2. A key concern raised by the appeals is that the proposed development would be excessive in height and scale.

- 7.3.3. I refer the Board to the photomontages submitted to the Planning Authority dated the 31st of July 2019. In my view, these give a realistic view of the existing site and surrounds together with the development proposed.
- 7.3.4. A key objective of the NPF is to encourage greatly increased levels of residential development in our urban centres and significant increases in building heights and overall density of development. The section 28 guidelines 'Urban Development and Building Heights' also encourage higher buildings in certain sites well served by public transport provided that the increased height can be successfully integrated into the area and respond to the scale of adjoining developments. Regarding the matters of building height and adherence to existing pattern of residential development in the area as raised in the appeals, the guidelines advise that the constant expansion of low-density suburban development around our cities and towns cannot continue.
- 7.3.5. In my view, the proposed design has been carefully thought out so that the scheme responds to the width of the N11 and the significant junction and main focal point of Foxrock church opposite the site. The photomontages illustrate the relationship between the proposed scheme and Foxrock Church which is located to the north-west. I consider that Foxrock Church is a landmark building at this location and the proposed development will be subservient in its design and scale to Foxrock Church. In this regard, the main parapet level of the main structure to the Stillorgan Road at 77.54m is held below the eaves level of the nave of the church (79.09m). The tower behind this is higher at 85.65m but this is considered to be less obtrusive by the use of a contrasting metal finish. Overall, the church remains the main focal point and I do not consider that the proposed development will dominate the streetscape at this location. As such, I consider that the design, scale and height are appropriate at this location.

7.4. Traffic Safety and Parking

- 7.4.1. The concerns raised in relation to traffic safety relates to inadequate car parking, construction parking and traffic safety at the junction.
- 7.4.2. A total of 41 car parking spaces are proposed for 45 No apartments. Table 8.2.3 of the Development Plan sets out the requirements of 1 space for 1 bed unit, 1.5

spaces per 2 bed unit and 2 spaces per 3 bed unit (depending on design and location). A total of 60.5 spaces would be required for the proposed development using these standards.

- 7.4.3. The Transport Section considered that a reduction in County Development Plan standards would be deemed appropriate at this location and considered that 45 No. spaces would be acceptable. The planner's report considered that the parking provision was satisfactory having regard to the location of the site opposite Foxrock church where the pay and display car park could be used for visitors on occasion and the proximity to the QBC.
- 7.4.4. A parking strategy was submitted with the application which outlined the location of the site relative to public transport and outlined a justification for a reduction of car parking. The site is located adjacent to the Stillorgan Quality Bus Corridor and there is a large pay and display car park adjacent to Foxrock Church.
- 7.4.5. Section 4.19 of 'Sustainable Urban Housing: Design Standards for New Apartments' states 'In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.'
- 7.4.6. The appeal response identifies a number of proposals to encourage less reliance on the private car and increase the use of alternative modes of transport. These include the provision of additional cycle parking spaces, the availability of a quality bus corridor in close proximity to the site and the promotion of a car sharing scheme.
- 7.4.7. I note that the Planning Authority have discretion to relax the standards set out in the Development Plan depending on design and location. The scheme is in an urban area well served by public transport and I concur with the planner's report that the shortfall of car parking in terms of Development Plan standards would be acceptable in this case.
- 7.4.8. In terms of construction traffic, it was proposed by the applicant that no parking would be provided on site for construction workers and workers would use a shuttle bus to and from site from the contractors yard in the event that an arrangement could not be reached with the Church Authorities for use of the pay and display car park. The appeal response outlines that this will be part of the tendering process and a

detailed construction management plan will be provided prior to the appointment of a contract. It is also proposed that deliveries will be made at suitable times to suit traffic flows in the vicinity of the site.

- 7.4.9. I note that concerns are raised in the appeal that 'given the number of trades involved in the construction, fit-out and snagging of a residential development, it is very difficult how this will operate in practice.'
- 7.4.10. Whilst, I acknowledge this concern and consider that this arrangement would make the construction more difficult and costly, it is not an unusual arrangement for sites in urban locations without car parking.
- 7.4.11. Construction by its very nature is temporary and any inconveniences associated with same would be temporary also. The developer has considered the matter and outlined proposals to minimise the impacts of construction traffic in Section 6.2 of the Construction Management Plan including reuse of material on site, deliveries outside of peak times, pooling of deliveries, car sharing of construction staff and the preparation of a mobility management plan. As such, I am satisfied that the proposals for managing construction traffic are acceptable.
- 7.4.12. The site is located at the junction of Kill Lane with the Stillorgan Road (N11). The site is to be accessed off Kill Lane. The speed limit at this location is 50kph. The Traffic and Transport Assessment submitted in response to the Further Information Request indicated that during the AM and PM peak hours, there would be a total of 26 trips to and from the site with 13 movements in the AM Peak and 13 movements in the PM peak. In terms of percentages, this would equate to a 0.3% increase to existing traffic volumes.
- 7.4.13. The appeal considers that the access to the site is unsafe due to the proximity to the junction and counting of traffic volumes should have been included for cars entering the church car park.
- 7.4.14. I note that the stopping site distance that is achievable to the site is 63m which is in excess of the requirements of the Design Manual for Urban Roads and Streets. Figure 6 of the Traffic and Transport Assessment indicated that the maximum number of peak hour trips passing by the church is 5.

7.4.15. Having inspected the site and having regard to the details set out above, I have no reason before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be acceptable in this regard.

7.5. Impact on Residential Amenities

7.5.1. The lands in question are zoned 'Objective A'- 'To protect and/or improve residential amenity. The proposal is to demolish two dwellings and construct 45 No. apartments.

7.5.2. The third party appeals raise concern regarding overlooking and overshadowing. In relation to the matter of overshadowing, a shadow study was prepared on behalf of the applicants. Any overshadowing will be marginal and for short periods of time and I am satisfied that the proposed development would not unduly impact the amenities of neighbouring properties in terms of overshadowing.

7.5.3. In relation to the issue of overlooking, I note that that the scheme has been carefully designed with high level windows on the elevations closest to neighbouring properties. The main concern regarding overlooking related to potential overlooking from balconies. Drawings submitted to the Planning Authority dated the 7th day of June 2019 provided for modifications to the balconies of a number of apartments which provided for extending the timber fins to the entire depth of the balcony. The revisions also provided for a metal framed solid timber fence along the southeastern boundary to prevent undue overlooking from the podium and steps located adjacent to the boundary.

7.5.4. Condition 2 of the Planning Authority decision to grant permission required that the timber fins be extended by a further 500mm beyond the face of the balconies and for the angling of the fins to prevent views from the balconies into the areas of amenity space. I note that revised drawings have been submitted in the appeal response which provide for a further extension of the timber fins. I am satisfied that the revised drawings submitted to the Board adequately address the matter of overlooking both within the proposed development and from the proposed development to the adjoining property 'Cremore'.

7.6. Other Matters

- 7.6.1. The appeal notes that the initial Bat Survey submitted with the application recommended a further survey and that this has not been carried out.
- 7.6.2. The Bat Survey submitted with the application recorded a number of bat species in the existing structures as follows: common pipistrelle, soprano pipistrelle and Leisler's bat. It was recommended that a re-survey of residence No. 52 was carried out in May/ June 2018 to determine the full extent of this building as a roosting site.
- 7.6.3. A further Bat Survey was submitted in the appeal response which indicated that there was no bat activity in the attics of either of the existing properties for 3 nights in August 2019. It was noted that dwelling No. 52 is a transitional roost for common pipistrelles. A NPWS Derogation Licence is required to allow for the loss of this roost with mitigation measures to ensure that no bats are harmed in the process and that alternative roosting is provided post works.
- 7.6.4. Mitigation measures are proposed, which appear reasonable and I consider that this issue can be dealt with by means of condition.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development 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 development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to the following conditions:

9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016–2022, and in particular the objectives of this plan that seek

to promote infill residential development and increased residential densities, and having regard to the pattern of existing development in the area and the design, scale and layout of the proposed development, as modified, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by the further plans and particulars submitted to the Planning Authority on the 7th day of June 2019 and to An Bord Pleanála on the 23rd day of August 2019, 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. 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.

Reason: In the interest of public health.

3. Details of materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

5. The site access arrangements and the internal road network serving the proposed development, including parking areas, footpaths and kerbs, and the basement car park, shall be in accordance with the detailed requirements of the planning authority for such works. All parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points.

Reason: In the interest of visual amenity.

6. Details of all boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development (including any demolition works) on the site.

Reason: In the interests of visual and residential amenity.

7. Prior to commencement of development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

Reason: To ensure full and verifiable implementation of the approved landscape design.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) 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 crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

Reason: In the interests of visual and residential amenity.

9. Proposals for an estate development name and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs and numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

10. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The mitigation measures outlined in the Bat Assessment 2019 shall be carried out in full except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the bat population.

12. 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 intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

13. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan

shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity.

14. A plan containing details for the management of waste within the development, 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.

Reason: In the interests of residential amenity and proper waste management.

15. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of residential amenity and public safety.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 96(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

18. 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.

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.

Emer Doyle
Planning Inspector

20 February 2020