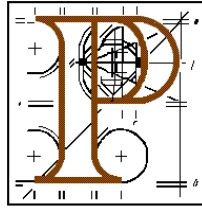


An Bord Pleanála



INSPECTOR'S REPORT

DEVELOPMENT: Demolition of two houses and construction of 13 no dwellings and all associated site works

LOCATION: Taney Park, Taney Road, Dundrum, Dublin 14

PLANNING APPLICATION

Planning Authority: Dun Laoghaire – Rathdown County Council

Planning Authority Reg. Ref.: D14A/0461

Applicant: Cormal Limited

Type of Application: Permission

Planning Authority Decision: Grant with Conditions

PLANNING APPEAL

Type of Appeal: Third Party (x3)

Appellant(s): (1) An Taisce South County Dublin Association
(2) Andy Heffernan
(3) Brian McCloskey

Observers / Public Representation: None

DATE OF SITE INSPECTION: 27th January 2015

INSPECTOR: Mary Crowley

1.0 SITE LOCATION AND DESCRIPTION

- 1.3 The appeal site with a stated area of 0.3862 ha is triangular in shape and is made up of two adjoining properties known as “Lisheen & Cranford”. They are located between Taney Park and the neighbouring residential development known as “Old Rectory Park”. The site is located within a mature residential area of Dundrum, Co. Dublin and is approximately 1km west of Deansgrange village and 2.4km south of Blackrock. The N11 (Stillorgan Road) dual carriageway is some 300m to the south-west of the site. The appeal site is bounded by residential development (Old Rectory Park) to the west, tennis courts to the north and Taney Road to the south and east. The appeal site slopes gently downwards to the north. The adjoining lands to the east and west along the laneway consist of detached, semi-detached, semi-detached dwellings as are the majority of dwellings in the area.
- 1.4 A set of photographs of the site and its environs taken during the course of the site inspection is attached. I also refer the Board to the photographs of the appeal site and environs available to view throughout the appeal file.

2.0 PROPOSED DEVELOPMENT

- 2.1 Permission is sought for a housing development (total 13 no. dwellings) comprising the following:
- 1 no. 2-storey 4 bedroom detached house including carport
 - 4 no. 2.5 storey 4 bedroom semi-detached houses including carport
 - 8 no. 3-storey 5 bedroom semi-detached houses and
 - ancillary site development works, including estate road, car parking, services and landscaped open space
 - together with demolition of 2 no. existing dwellings (Lisheen & Craanford).
- 2.4 Both the proposed water supply and proposed waste water management will be by means of a new connection in respect of both. Surface water run-offs from all paved areas including estate road, footpaths, car parking areas and patios together with the roofs of the proposed dwellings will be collected separately and discharged into a combination of soakways, permeable paving system and the public sewer / drain.
- 2.5 It is intended that the main services, estate road, footpaths and public open space will be taken in charge by the local authority.
- 2.5 The application was be accompanied by the following:

- BRE 365 Soakaway Design
- Planning Report
- Planning & Design Statement
- Arboricultural Assessment of Trees within the Site Area
- Letter from the legal owners of the lands to the north of the site (Representative of the Church Body (RCB)) consenting to Cormal Limited connecting to the existing foul and surface sewers located on RCB lands
- Part V – it is submitted that the applicant will pay a monetary contribution towards the provision of social / affordable housing

3.0 OBJECTIONS / OBSERVATIONS / PUBLIC REPRESENTATION TO THE PLANNING AUTHORITY

3.1 There are 10 objections / observations recorded on the planning file, all of which are available to view on the appeal file. The issues raised are similar to those raised in the appeal to the Board and relate to (as summarised) traffic impact, widen the existing roadway, overdevelopment, inadequate open space, poor design, lack of architectural merit, loss of large number of trees, loss of amenity of adjoining properties by reason of proximity, no engagement with the local community, loss of privacy and amenity by virtue of overlooking, height of proposed dwellings, development will generate significant and concentrated additional traffic, crossover of public safety by reason of traffic hazard,

4.0 TECHNICAL REPORTS

4.1 The **Housing Department** DLRCC notes that the applicant proposes to comply with the Part V requirement by way of a financial contribution. The report recommends that a condition be attached requiring the applicant / developer to enter into an agreement in accordance with Part V of the Planning & Development Acts 2000 – 2010.

4.2 The **Building Control Section** DLRCC has no stated objection subject to conditions requiring (1) the works to be executed at the applicants expense, (2) layout to be submitted showing areas to be taken in charge and those area to be maintained by the residents and (3) main surface water sewers and public lighting conduits to be located under roads and footpaths.

4.3 The **Drainage Planning Water Services** DLRCC has no objection on the condition that all SUDs measures (soakpits etc) are constructed as shown on the application drawings and that no surface water shall be discharged to the foul drain / sewer or vice versa.

4.5 **Irish Water** has no stated objection subject to a requirement that the applicant must sign a connection agreement with Irish Water prior to commencement of the

development.

- 4.6 The **Transportation Planning Section** DLRCC has no stated objection subject to conditions relating to inter alia the submission of revised drawings showing the proposed internal road, widened road and new footpaths, details of finished crossings, minimum internal depth of car port, full details of street lighting and construction management.
- 4.7 The **Senior Executive Parks Superintendent** DLRCC has no stated objection subject to conditions relating to the fencing off of the proposed open space for the duration of construction works; full implementation of the proposed landscape design and that the services of a qualified landscape architect shall be retained.
- 4.8 The **Local Authority Planner** having considered the proposed development recommended that planning permission be **granted** subject to conditions. The notification of decision to grant planning permission issued by Dun Laoghaire Rathdown County Council reflects this recommendation.

5.0 PLANNING AUTHORITY DECISION

- 5.1 The planning authority issued notification of decision to **grant** planning permission subject to 26 generally standard conditions in line with the recommendations of the DLRCC technical reports on file.

6.0 PLANNING HISTORY

- 6.1 There was a previous grant of planning permission and subsequent appeal on a larger site (inclusive of this site) that may be summarised as follows:

PL06D.221543 (Reg Ref D06A/0627) – DLRCC granted permission for the demolition of 3 no. habitable dwelling houses; the construction of a mixed nursing home/sheltered accommodation facility, the construction of a 138 no. space basement car park (including 6 no. disabled spaces) and the provision of 14 no. surface car parking spaces, the widening by 4 metres of approximately 136 linear metres of Taney Park from the proposed new vehicular access from the development onto Taney Park and a 2.0 meter pedestrian footpath; and all other site development works with direct access from Taney Park. Following an appeal by first and third parties the Board granted permission subject to 16 conditions.

7.0 POLICY CONTEXT

- 7.1 The operative plan for the area is the **Dun Laoghaire-Rathdown County Development Plan 2010 – 2016**. The site is located on lands zoned **Objective A**

where the objective is *to protect and/or improve residential amenity* where residential development is permitted in principle. Development Plan Policies that are relevant to the appeal are set out as follows:

8.0 GROUNDS OF APPEAL

8.1 There are three third party appeals; (1) An Taisce South County Dublin Association, (2) Andy Heffernan and (3) Brian McCloskey. The issues raised in the three appeal may be summarised as follows:

8.2 An Taisce South County Dublin Association

- It is submitted that the Planning Authority has failed to take proper account of the trees on the site, particularly along the western boundary with Old Rectory Park which includes 2 mature trees in category B1 and other trees in category C which contribute significantly to the tree scape
- There is no analysis of the relevance of the Tree Protection Symbol on the map for the County Development Plan and shown on the land of Taney Lawn Tennis Club, to the north of the site, but in our view it relates to the whole line of trees which is continuous from the site and from the adjacent land in Old Rectory park, to the Tennis Club grounds.
- The previous permission Reg. Ref. D06A/0627 for the larger site including the Tennis Club land was subject to a condition “to ensure the protection of trees within the site”. No explanation is now given why it is now acceptable to remove mature trees from the Lisheen/Craanford part of the lands. It is submitted that the trees on the present site are important to the established character of the area.
- The net density should be calculated excluding both the road widening area and the tree retention area. along the western boundary
- Issues relevant to PL06D.242786 such as the scale and setting of the site and the own-door nature of the dwelling units proposed, would also be of relevance in assessing this appeal
- Consideration should be given to accessing the site through the existing recessed gateway on Taney Road, retaining the sense of an avenue, and locating the internal roadway and open space on the western side of the site, beside the retained tree line.

8.3 Brian McCloskey

- There has been no adequate consideration of overshadowing of adjoining properties. The development does not provide minimum set back distances in line with the requirements of the Development Plan from No 1 Old Rectory Park.
- The proximity of houses 1 and 2 to No 1 Old Rectory Park has not been adequately considered by either the applicant or the planning authority
- The proposal is in breach of Development Plan standards in terms of set back
- The proposed development of large 2 and 3 storey houses adjacent to and in close proximity to No 1 Old Rectory Park (single storey house) will seriously

diminish residential amenity. The conclusion that there would be no significant overshadowing without any sunlight or daylight studies is unacceptable

- No consideration has been given to loss of mature trees and vegetation and impact on No 1 Old Rectory Park.
- Higher densities can be achieved on the site with more appropriate scaled two storey houses.
- An Bord Pleanála is asked to refuse planning permission or to grant permission with a condition omitting house no. 1 and redesigning of house nos. 2 and 3 to two storey houses

8.3 Andy Heffernan

- No provision of a constraints plan or a minimum root protection area was made available with the application is significant particularly given the references to a number of trees which are not on the actual site of the proposed development. This is required to ensure protection of offsite trees, particularly those on the Old Rectory Park boundary. Under no circumstances should any works be permitted which could potentially undermine the integrity of those trees.
- Significant loss of privacy and amenity to No 2 Old Rectory Park by virtue of overlooking due to the sight lines of units 4-12. These units should be restricted to 2 levels.
- Residential density guidelines suggest minimum separation distance of 22 metres in the case of opposing dwellings. The proposed development would not appear to meet this requirement
- Significant loss of trees resulting in loss of amenity and privacy for Old Rectory Park as a whole.
- Complete lack of architectural merit or value in the housing design, particularly the three level units.
- The proposal for eight three level units would appear to be solely to maximise density with little or no imagination or architectural innovation.
- The lack of any rationale provided for the provision of a gateway between the site and lands to the North.

9.0 RESPONSE OF THE PLANNING AUTHORITY

- 9.1 The Planning Authority in their response refer the Board to the report from Parks and Landscape Services Department who acknowledge the removal of trees as unfortunate but necessary as the key criteria was the impact on the amenity and quality of life of future residents of the proposed housing, bearing in mind long term implications of scale, visual impact, shade, leaf litter etc.

10.0 OBSERVATIONS TO AN BORD PLEANÁLA

- 10.1 There are no observations recorded on the appeal file.

11.0 FIRST PARTY RESPONSE TO THE APPEAL

11.0 The first party response to the third party appeals may be summarised as follows:

- In terms of impact to No 1 Old Rectory Park and No 2 Old Rectory Park it is submitted that the application provides an obvious improvement for residents from that of the existing permission on site (four storey nursing home)
- This suggestion for a complete reconsideration of the layout would result in three access roads side by side along Taney Road and would be totally unacceptable from a traffic and transportation viewpoint
- The proposed layout also provides for a 'pocket park' centrally located along a widened road for Taney Park which will be a 'planning gain' for the residents and wider community.
- An on-site pre-planning meeting took place between the Applicant and the Parks Department of Dun Laoghaire-Rathdown County Council and it was agreed that the two large sycamores (1151 and 1153) were unsuitable for residential gardens.
- Whilst the Applicant regrets the necessary loss of the trees along the boundary with Old Rectory Park, there will be a substantial amount of trees and greenery retained within the boundary of Old Rectory Park that will provide significant screening from the proposed development.
- Proposed House No. 1 does not directly oppose No. 1 Old Rectory Park at first floor level – there can be no issue with regard to overlooking as there are only high level velux windows and glass block windows proposed at the rear.
- There will be no significant overshadowing of No. 1 Old Rectory Park due to proposed House No. 1's positioning and orientation to the north-east.
- The current application is a large improvement on the existing permission on the site.
- The Planner's report states 'House No. 1 proposes velux windows to the rear of the site which eliminates any overlooking of the adjoining bungalow from first floor level. In terms of overshadowing, it is noted that No. 1 Old Rectory Park is located to the west of the site and having regard to the location and orientation of the existing house, it is considered that significant overshadowing would not occur'.
- The proposed houses are designed to a high standard of contemporary architecture.
- The provision of a gateway/access to the lands to the north was on the basis of discussion with the owner of these lands (Taney Parish) to accommodate any future development and has been reinforced in the Planner's Report where it is mentioned that the lands to the north could provide 'potential for a higher density development as it is located at a further distance from the surrounding residential houses'.
- The first (and second floor) windows of House Nos. 2-3 and 4-11, which are proposed to be 3-storey in height and rising to 11.4m, are considered acceptable having regard to the transition in height from the edge to the centre of the site,

the architectural quality of the development and the separation distances provided. It is considered that the proposed height is acceptable’.

12.0 ASSESSMENT

12.1 Having regard to the information presented by the parties to the appeal and in the course of the planning application and my two site inspections of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Residential Amenity
- Loss of Mature Trees & Vegetation
- Traffic Safety
- Residential Amenities
- Other Issues:

13.0 PRINCIPLE / POLICY CONSIDERATIONS

12.1 Under the provisions of the Dún Laoghaire-Rathdown County Council County Development Plan 2010 – 2016 the appeal site is wholly contained within an area zoned Objective A where the objective is *to protect and / or improve residential amenity* and where residential development is *permitted in principle subject to compliance, with the relevant policies, standards and requirements* set out in plan. Accordingly the principle of developing 13 no dwelling houses at this location is acceptable.

12.2 In addition to the proposal to develop 13 no houses at this location the proposed development also proposes the demolition of a relatively substantial habitable dwelling house on site. Section 5.3.4 of the Development Plan states *that the demolition of an existing house in single occupancy - and replacement with multiple new build units - will not be considered simply on the grounds of replacement numbers only, but will be weighed against other factors* and that *better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements*. Neither of the dwellings to be demolished are listed on the record of protected structures and neither is the site located within a designated conservation area. Further, neither the existing dwellings as a structures in my view have any distinctive architectural merit and do

not contribute beneficially to the area in terms of visual amenity, character, or accommodation type. Accordingly there is no objection to the proposed demolition of this habitable dwelling house.

12.3 This is a serviced, residentially zoned site within walking distance of significant public transportation infrastructure such as the Luas and Dublin Bus services. It is within walking distance of Dundrum historic village centre and the (relatively) new Dundrum Shopping Centre. It is within walking distance of schools, places of worship, places of employment and other amenities. Accordingly the densification of this site represents an efficient and sustainable use of serviced zoned land.

12.4 Overall I consider the proposed demolition of both dwellings together with the proposed densification of residential development at this location to be acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

14.0 RESIDENTIAL AMENITIES

14.1 The concerns raised by the appellants regarding the scale and location of the proposed houses particularly in relation to No 1 Old Rectory Park and associated potential overshadowing are noted.

14.2 Having regard to the layout and design of the proposed scheme, including proposed boundary treatment, I am satisfied that the development in its architectural treatment, orientation and proximity to adjoining properties strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings in terms of overlooking and overshadowing with the requirement to provide 13 no additional residential units on this restricted, serviced, zoned site. With regards to the provision of private and public open space within the scheme I am satisfied that the proposed development makes adequate provision of public and private amenity space to serve the proposed development.

15.0 LOSS OF MATURE TREES & VEGETATION

15.1 Concern is raised throughout the appeal that there was no proper account taken of the trees on site, particularly along the western boundary which includes two mature trees.

15.2 According to the Arboricultural Assessment submitted with the application it is noted that both properties have been unoccupied for some time and that the grounds of both are overgrown with weed and scrub species as a result. It is stated that the bulk of the tree vegetation is located along the perimeter of the site area particularly along the northern and southern boundaries and that there is a mix of tree species being dominated by sycamore many of which have established naturally from seed

with other ornamental tree species mixed throughout. It is further stated that the proposed site layout requires the removal of all of the tree, hedge and shrub vegetation within the site area either directly or indirectly. Drawing No TRD001 indicates the tree and hedge vegetation for retention with "Green" hatched crown spreads and those for removal with "Red" crown spreads.

- 15.3 According to the report of the DLRCC Parks & Landscape Services trees were the subject of detailed and considered discussions during a pre-submission site meeting with the consulting arborist and developer and that it was only after a full and prudent assessment of the possibility of tree retention in the rear gardens that it was agreed that their removal was the most appropriate decision. It is stated that the key criterion was the impact on the amenity and quality of life of prospective residents of the proposed housing, bearing in mind the long-term implications of scale, visual impact, shade, leaf litter and the imposition of the onerous task of on-going pruning. Having considered the proposed development together with my site inspection I support the views of the DLRCC Parks & Landscape Services that *the retention of existing, large, mature trees in small rear gardens is problematic in practical terms and that a pragmatic approach involving a prudent evaluation of the merits and disadvantages of tree retention is required balancing the needs to conserve urban tree cover with the needs of residents, in a safe, sustainable manner.* Overall I agree with the recommendations of the DLRCC Parks & Landscape Services in acknowledging *that the removal of trees on the site is unfortunate but necessary.*

16.0 TRAFFIC SAFETY

- 16.1 The scheme makes provision for off street car parking within the each site and I am satisfied that there is adequate provision for car parking without impacting negatively on the amenities of surrounding properties or on traffic safety.
- 16.2 The existing Taney Park carriageway is to widened to 5.5m along the frontage of the site with a c 2.4m wide public footpath to front of houses 1-3 that are proximate to the junction with Taney Road. The local authority planner in their report acknowledges that Taney Park is currently used as a pedestrian through route to Dundrum and the LUAS and considers that the improvement of Taney Park carriageway would improve the pedestrian facilities in this area. I agree with the local authority Planner in this regard.
- 16.3 Given the location of the appeal site within an established suburban residential neighbourhood off Taney Road together with the layout and set back of the proposed scheme together with additional road / footpath widening along Taney Park I am satisfied that the vehicular movements generated by the proposed development would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area. Accordingly I am satisfied that the proposed development will

not result in the creation of a traffic hazard subject to the conditions set out in the report of DLRCC Transportation Planning Department.

17.0 OTHER ISSUES:

17.1 **Appropriate Assessment** – Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate Assessment.

17.2 **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 13th May 2013. The proposed development does not fall under the exemptions listed in either scheme. Having regard to the stated development contribution scheme it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000. In relation to the Section 49 Supplementary Development Contribution Schemes (Glenamuck District Distributor Road Scheme and surface Water Attenuation Ponds, and Extension of LUAS Line B1 – Sandyford to Cherrywood) it is noted that the subject site is located outside the catchment area of both.

18.0 RECOMMENDATION

18.1 Based on the above assessment I recommend that permission be granted for the proposed development for the reason and considerations set out below.

19.0 REASONS AND CONSIDERATIONS

19.0 Having regard to the nature, scale and design of the proposed development, to the planning history of the lands, to the residential zoning objective for the site as set out in the current Development Plan for the area and to the character of the general area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

20.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed side vegetation boundary treatment between houses No 3 – 11 shall be omitted from the proposed development for a distance of 2.0 metres from the back of the proposed new footpath.

(b) The proposed timber sliding gate to house No 1 shall be omitted from the proposed development and the proposed 2.0m high stone faced boundary wall to the south of the said house shall not exceed a maximum height of 0.9m for a distance of 2.0 m from the car port

Reason: In the interest of pedestrian safety and to ensure adequate vision for vehicles exiting the relevant vehicular entrances and carports

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

6. The internal road network serving the proposed development shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety

7. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. [Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

8. 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 house.

Reason: In the interest of amenity and public safety.

9. The applicant shall retain the services of a suitably qualified Landscape Architect (or qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the Planning Authority in consultation with the Parks and Landscape Services Department; and in accordance with the permitted landscape proposals.

Reason: In the interest of the proper planning and the sustainable development of the area.

10. 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.

Reason: In the interest of visual and residential amenity.

11. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interests of residential and visual amenity

12. Proposals for an estate/street name, house 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 house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interests of urban legibility.

13. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

Reason: In order to ensure the development of the public open space areas, and their continued use for this purpose.

14. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. 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 social and affordable housing in accordance with the requirements of section 96 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 the Board 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.

16. 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, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

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. 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 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.

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.

Mary Crowley
Planning Inspector
2nd February 2015

Report ends MC