

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246411

Development: Permission sought for demolition of industrial unit and erection of two-storey house and 2no. off street car parking spaces.

Address: The Stores, Bushfield Avenue, Donnybrook, Dublin 4

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 2093/16
Applicant: Thula Capital Ltd
Planning Authority Decision: Grant permission subject to 9no. conditions

Planning Appeal

Appellant(s): Hampton Court Ltd
Type of Appeal: Third party appeal against decision
Observers: None
Date of Site Inspection: 30/06/16

Inspector: John Desmond

1.0 SITE LOCATION AND DESCRIPTION

The application site is located south of Dublin City, in Ranelagh, c.700m east-southeast of The Diamond and c.1.2km southeast of the Grand Canal.

The immediate area is predominantly residential, with significant educational institutional lands to the south and the commercial centre of Ranelagh a short distance to the west. Bushfield Avenue is a short cul-de-sac serving, in a somewhat untidy manner, a late 20th century 2-storey apartment block and a small enclave of 2-storey terraced suburban dwelling houses (dating from late 20th and possibly early 21st century) in addition to the industrial warehouse subject of this application. The avenue is accessed from Marlborough Road to the north. Marlborough Road is dominated by substantial 2-storey over pediment basement period dwellings in terraced and semi-detached formal arrangement.

The application site has a stated gross area of 429.2-sq.m. The site has effectively 100% site coverage with an existing industrial-type warehouse building on site of 420-sq.m state floor area.

To the east the site fronts onto the public road, to the south it abuts the grounds of (the surface car parking area associated with) Hampton Court apartments, to the west it is adjacent to the site of an infill development of a single 2-storey contemporary style dwelling and to the north it shares the boundary with the rear gardens of three period dwellings along Marlborough Road, in addition to an ESB substation adjacent to the public road.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises:

- Demolition of existing industrial unit
- Erection of 2-storey dwellinghouse (plus study mezzanine above stairwell) of 420-sq.m, with 2no. off-street car parking spaces

Supporting documentation:

- Report forming part of a planning application including description of existing site and context, the design intent, materials, scale and height, planning history, development plan requirements and energy efficiency.
- Appendices to the report include 'sun studies' and drainage report.

3.0 RELEVANT PLANNING HISTORY.

On site – No relevant planning decisions in respect of the application site. Reg.ref.3521/15 refers to an invalid application.

4.0 PLANNING AUTHORITY DECISION

Decision to **GRANT** permission subject to 9no. standard conditions.

4.1 Planning and technical reports

Planning Officer– The report of 08/03/16 is consistent with the decision of the Planning Authority to grant permission and does not raise any concerns. The report recommends the attaching of 7no. standard conditions, and does not include a condition on naming and numbering (condition no.8 of decision) or requiring the provision of security bond or similar (condition no.9 of decision). The report refers to the recommendations of the Council's Roads and Traffic Division as no objection subject to conditions, but the report on file from the said department refers to a previous invalid application for a different development and there is no report pertaining to the application subject of appeal.

Drainage Division – The report of 18/02/16 raises no objection subject to standard conditions.

Roads & Traffic Division – The report of 08/10/15 attached to file refers to application reg.ref.3521/15. An email (01/07/16) from Susan Loughnane, Executive Engineer, Roads and Traffic Planning Division of Dublin City Council indicates that the conditions in the said report are applicable to the development proposal subject of this appeal.

4.2 Observations

Two observations were received, from Stephen and Nina Donovan (25/02/16), and from Hampton Court Ltd c/o Kiaran O'Malley & Co. Ltd (25/02/16). The main grounds of objection are repeated in the grounds of appeal. Additional points raised are as follows:

- Concern about impact of overlooking of Bushfield Mews and the living room to no.2 Sandford Avenue from first floor study, which should be amended by condition as has been done to address similar concerns in other planning decisions.
- Concern about construction traffic.

5.0 GROUNDS OF APPEAL

Hampton Court Ltd c/o Kiaran O'Malley & Co. Ltd (07/04/16) - The grounds of appeal concern the potential impact on the residential amenities of Hampton Court and the main points may be summarised as follows:

- Overbearing – aspect viewed from Hampton Court current is a 3m high boundary wall rising to 4m. The proposal will present a 7.5m façade, incorporating a 6.55m high section, to Hampton Court boundary within 9m from the apartment windows
- The Council's assessment took no account of the appellant's submission regarding internal floor to ceiling heights but focused solely on the existing roof ridge height, taking no account that this is the highest point of the structure and is remote from the boundary and ignoring the eaves height.
- The Council should have reduced the proposed floor to ceiling heights in the interest of neighbouring residential amenity and Z1 zoning objective.
- Overlooking – the Planner's report notes that the separation distance between first floor windows is 18m, 4m shy of the 22m standard, and does not set out any objective justification for accepting same.
- There is no basis for accepting less than 22m which will overlooking living space to the existing apartments, with potential to injure amenities of Hampton Court through serious overlooking.
- Policy – Does not comply with City Development Plan 2011-2017 standards for open space of 15-sq.m per bed space (section 17.9.1 refers).
- The applicant's calculation of 135-sq.m is incorrect. There are 5no. double bedrooms and 150-sq.m private open space is required. The proposal is overdevelopment.
- Access – Bushfield Avenue is a narrow road with many accesses, with virtually no room for turning.
- Concern about blocked access, chaos and public safety on local road network during construction.
- Should the Board be mindful to grant permission, it is invited to attach effective planning conditions to maintain access at all times and to minimise impacts on local residents during construction.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

No further comment (05/05/16)

6.2 First Party response

The main points of the response submitted by Tom Philips & Associates on behalf of the applicant (on 26/04/16) may be summarised as follows:

General

- The proposal is designed to eliminate any negative impacts on neighbouring property, is consistent with the City Development Plan which seeks to promote infill development and the proposed residential development is more appropriate than the existing industrial use in the site context and is consistent with the Z1 zoning objective.

Overbearing

- The proposed dwelling has been designed to eliminate any negative impacts on neighbouring dwellings, with a reduced depth of building envelope at ground and first floor level adjacent to Hampton Court, extending to c.13.5m, resulting in a reduced impact compared with the existing industrial unit.
- There will be a setback of 9m from Hampton Court, increasing to 18m towards the rear of the site.
- No overbearing will occur.

Overlooking

- The 22m separation distance referred to under section 17.9.1 of the CDP is in the context of private and communal open space provision for residential units and refers to 'at the rear of dwellings' (applicant's emphasis).
- To promote efficient use of infill sites within the city, the 22m standard cannot be rigidly applied and the proposal should be viewed in the context of the proposed positive change of use from industrial to residential.
- Having regard to section 17.9.7 of the CDP, the proposal is in keeping with the character of the street, complies with minimum habitable room sizes and will have safe means of access.
- There are no first floor windows on the side elevation directly adjacent the boundary and where windows to bedrooms are proposed they are 17-18m distant from the north elevation of Hampton Court, which is

appropriate to the infill nature of the proposal and the night-time use of the proposed rooms.

- The Planning Officer considered no overbearing or overlooking of Hampton Court to result.

Open space provision

- At 135-sq.m the proposed rear garden space is significantly in excess of that which serves many modern residential dwellings (generally 80-90-sq.m).
- A standard of 15-sq.m open space per bedspace would rarely be achievable on an infill site in an inner suburban context.
- Section 17.9.7 allows for a reduced standard for infill sites where proper planning and sustainable development would not be compromised.
- A 10% reduction would not be significant in the context and cannot reasonably be considered to constitute overdevelopment.

Site access

- The concerns relating to traffic impact are associated with the existing parking arrangements (unmetered and therefore commuter generated) rather than the likely impact of the proposed development.
- There is sufficient space to accommodate construction traffic and building materials can be stored on site during construction.
- The avenue is c.8m wide, compared to a permitted carriageway standard of 4.8m (or 5.5m where no footpaths or verges are provided).
- The Roads and Traffic Planning Division of DCC had no objections or safety concerns subject to conditions (no.5 attached).
- Conditions nos.3 and 4 address hours of construction and noise respectively. The conditions will protect public safety of the adjoining road network.
- The appellant's concerns relating to traffic safety are without substance.

6.3 Appellant response

None received to date

6.4 Observations on grounds of appeal

None received to date

7.0 POLICY CONTEXT

7.1 PLANS

Dublin City Development Plan 2011-2017

Land use zoning	The application site is zoned Z1 Sustainable Residential Neighbourhoods <i>'To protect, provide and improve residential amenities'</i>
Section 15.10.1	Sustainable Residential Neighbourhoods – Zone Z1
Section 17.9.1	Residential Quality Standards: A3 The Unit - Housing Only
Section 17.9.7	Infill Housing

7.2 OTHER REFERENCE DOCUMENTS

Dublin City Development Contribution Scheme 2010-2017

€86.40 per square metre of residential development. The rates shall be fixed from 1st January 2016 to 31st December 2017.

8.0 ASSESSMENT

I consider the main issues arising can be considered under the following headings:

1. Policy
2. Overbearing / visual impact
3. Overshadowing / loss of light
4. Overlooking / loss of privacy
5. Other Development Plan standards
6. Traffic issues
7. Drainage issues
8. Development contributions
9. Appropriate Assessment
10. Conclusion and recommendations

8.1.0 Policy

8.1.1 Residential development is permitted in principle within zone Z1. The replacement of an existing industrial / warehouse facility within this residential area is to be broadly welcomed.

8.2.0 Overbearing / visual impact

- 8.2.1 The existing south elevation of the industrial unit is c.4.3m to eaves height, as viewed from Hampton Court, along a length of c.28m (i.e. along the entire boundary). This rises to c.7.5m to ridge height.
- 8.2.2 The proposed building will reach a height of 7.35m along the southern boundary for a length of c.8.2m, dropping down to 6.55m at the easternmost c.5.4m of that elevation. The remaining c.14m would comprise a c.2m high boundary wall.
- 8.2.3 On balance, I consider the potential visual impact of the proposed structure to be less intrusive to the apartments at Hampton Court, although the visual impact on individual apartments will vary depending on which part of the proposed development it faces. I consider the visual impact on Hampton Court and on the surrounding area and streetscape to be acceptable in its context.
- 8.2.4 However, I would draw the Board's attention to the proposed elevation along the southern boundary to the rear of residential property fronting onto Marlborough Road (nos.88, 90 and 92). This would reach a height of 6.55m along c.21m of the said boundary, c.2.5m above the existing 4m eaves height. The remaining 6.7m length of the party boundary would be raised by almost 0.5m to 4.491m at the eastern end.
- 8.2.5 No objections or other observations have been received from property owners to the north. The overbearing impact will be greatest on no.90 Marlborough Road, which is within the control of the applicant. The impact on no.88 is lessened by the location of the intervening ESB substation at the end of that rear garden. The impact on no.92 will be lessened by the location of a garden building adjacent its southern boundary. However the full extent of the proposed structure will be visible from the three gardens and will be visually dominant.
- 8.2.6 It is evident that the property owners to the north have already tried to mitigate the visual impact on the existing warehouse building through planting, including tall bamboo and using trellises to train climbing plants. It is also plausible that the garden building to no.92 was erected to obscure the visual impact of the existing warehouse, although this is conjecture.
- 8.2.7 I consider the visual impact of the proposed development to be negative and excessive such as to seriously injure the amenities of residential property to the north, contrary to the zoning objective for the said neighbouring land, Z2 '*to protect and / or improve the amenities of residential conservation areas*'. This could be satisfactorily addressed through the setting back of the

proposed first floor level by 14m from the rear (west-southwest) site boundary to align with the same elevation to bedroom 1, with fenestration provided in the revised rear (west-southwest) elevation only. The c.14m separation distance between first floor fenestration and the neighbouring residential property in that direction and would not materially impact on the amenities of same. This would reduce the overall length of the 2-store element along the boundary with property to Marlborough Road to 13.538m. In addition, the remaining boundary wall should be maintained at, or less than, the existing c.4m high eaves height, along the said boundary.

8.3.0 Overshadowing / loss of light

- 8.3.1 The proposed structure is located south-southeast of nos.88, 90 and 92 Marlborough Road. The proposed significant increase in height along the site's northern boundary, as described in the previous section, will result in a significant increase in overshadowing.
- 8.3.2 The applicant submitted a shadow analysis study with the application. It purports to show the existing and proposed overshadowing for the March / September (I assume the equinox on 21st, but this is not stated) and for June and December (again I assume the solstice on 21st, but this is not stated).
- 8.3.3 It can be seen that the study does not correctly show the comparative overshadowing for 8:00 between the existing and proposed for March / September, or for December. This is illustrated by the shadow cast by the Hampton Court apartments and by that of the tree at no.94 Marlborough Road. This therefore places the veracity of the rest of the analysis in uncertainty.
- 8.3.4 The scale of the existing and proposed buildings are not comparable in the shadow analysis. It is based on the existing structure being of significantly larger dimension (in floor plate) than it actually is. It can be assumed that this also relates to a larger height. The shadow analysis therefore incorrectly predicts more extensive shadow generation by the existing structure. I am not satisfied that the accuracy of the scale of the proposed structure and the predicted consequential overshadowing can be relied upon.
- 8.3.5 The shadow analysis assumes that the eastern section of the proposed structure, inclusive of boundary wall, is no higher than the existing eaves height to the warehouse and therefore predicts no increase in overshadowing from that part of the proposed development. That is incorrect.
- 8.3.6 The proposed development will result in a significant and material increase in the level of overshadowing on properties to the north along Marlborough Road. A significant increase in loss of daylight to the rear gardens of those

properties will also occur. The significant loss of amenity through overshadowing and loss of daylight is contrary to the zoning objective for the said neighbouring land, Z2 '*to protect and / or improve the amenities of residential conservation areas*'. The level of overshadowing could be mitigated to a reasonable level through the setting back of the proposed first floor level by 14m from the rear (west-southwest) site boundary to align with the same elevation to bedroom 1.

8.4.0 **Overlooking / loss of privacy**

- 8.4.1 There is potential for overlooking or invasion of privacy of the existing first floor apartment units at Hampton Court from the windows to proposed bedroom no.4 and no.5 as there would be a separation distance of c.17.5m between opposing windows.
- 8.4.2 The applicant suggests that the 22m standard does not apply to infill sites as it is only referred to under section 17.9.1 of the Development Plan in the context of private and communal open space for new residential schemes were the 22m separation distance can be readily incorporated into the proposed layout, but that it cannot be rigidly imposed to accommodate infill development. The applicant notes that section 17.9.7 allows for flexibility in separation distance standards where infill development accords with the streetscape, complies with habitable room standards and has safe egress and access without creating a traffic hazard. The applicant submits that the proposal complies on these counts and implies that the separation distance should be accepted in that context. The applicant site is a relatively large infill site at c.429-sq.m stated area, with a regular shape and favourable dimensions (c.28m X c.17m median dimensions) and reasonable setbacks from surrounding structures, it not what I regard as a difficult site to develop for a single infill dwellinghouse that complies with Development Plan standards. I see no particular justification for non-compliance with standards that would needlessly adversely affect the residential amenities of neighbouring property contrary to the zoning objective.
- 8.4.3 The 22m separation distance between opposing first floor windows is a longstanding standard in residential planning. It is not realistic for a development plan to capture every possible permutation of development through the setting out of standards for development, therefore I do not consider the standard to be limited to opposing rear first windows in back to back housing. It is also reasonable that the Development Plan allows a certain level of flexibility in the application of standards for infill development.

8.4.4 The first floor windows to Hampton Court, which can be assumed to include primary windows to living space, may be regarded as more sensitive than bedroom windows as they will be in more frequent use than bedroom space. The windows to Hampton Court are large and extend to floor level. The first floor windows are not currently overlooked and have a high degree of privacy. Overlooking from the proposed windows will therefore reduce the residential amenities of the affected apartments at Hampton Court, contrary to the zoning objective for that property, Z1 '*to protect, provide and improve residential amenity*'.

8.4.5 This could be satisfactorily addressed through the setting back of the proposed first floor level by 14m from the rear (west-southwest) site boundary to align with the same elevation to bedroom 1, with fenestration provided in the revised rear (west-southwest) elevation only. The c.14m separation distance between first floor fenestration and the neighbouring residential property in that direction and would not materially impact on the amenities of same.

8.5.0 **Other Development Plan standards.**

8.5.1 Private open space – The appellants submit that the proposed development does not comply with standards for private open space. The proposal provides for 10 bedspaces at first floor level, notwithstanding that bedroom no.5 is indicated as 1-bedspace. The proposed dwelling also has potential for another bedroom in the private 'study' which has no internal access to the main dwellinghouse. Under section 17.9.1 of the CDP, 15-sq.m is normally applied per bedspace.

8.5.2 The proposed rear garden would amount to c.135-sq.m. The applicant submits that this is more than sufficient and in excess of that available to most residential properties in inner suburban areas. I am inclined to agree with the applicant that the level of private open space is reasonable for a single dwellinghouse in this inner suburban area. Should the Board agree to the recommended amendments set out in the sections above, the private open space demand would be lower.

8.5.3 Site coverage – A site coverage of 45-60% applies within land use zone Z1. The site coverage of the proposed development is in excess of 70% (possibly as high as 74%) and therefore is outside the indicative range. Section 17.5 states '*Site coverage is a control for the purpose of preventing the adverse effects of over development, thereby safeguarding sunlight and daylight within or adjoining a proposed layout of buildings.*'

8.5.4 However, the existing development on site have a site coverage approaching 100%. In this context I do not consider the proposal to be unacceptable by reason only of its site coverage.

8.5.5 Plot ratio – Under section 17.4 of the CDP a plot ratio of between 0.5 and 2.0 applies to lands zoned Z1 or Z2 whether in an inner or outer city location. The total area of buildings proposed on site amounts to c.614-sq.m, inclusive of integrated garage, study and shed. The plot ratio therefore calculates at c.1.4 and is within the permissible range.

8.6.0 Traffic issues

8.6.1 The report of the Council's Planning Officer refers to the report of the Roads and Traffic Planning Division, but there is no report on file specifically for the current application subject of appeal. There is a Roads and Traffic Planning Division report relating to withdrawn application reg.reg.3521/15. Dublin City Council's Roads and Traffic Planning Division confirmed in email dated that the said report is applicable to the proposed development subject of this appeal. The Division raised no objective subject to 4no. conditions, including the provision of a footpath along the front boundary, the agreement of a construction management plan, any repairs to the public road to be at the applicant's expense and compliance with Code of Practice. I consider this to be acceptable.

8.7.0 Drainage issues

8.7.1 The Drainage Division raised no objection subject to conditions. In addition to standard drainage requirements, the Division recommended that a condition be attached requiring the developer to carry out a flood risk impact assessment in accordance with OPW guidelines. There is no information on file as to why a FRA would be required in this area. The carrying out of a FRA subsequent to a decision to grant permission is of dubious utility and contrary to the provisions of the Flood Risk Management Guidelines. The site is within an old inner suburban area, is zoned for development. Section 16.9 Flood Risk Areas and Section 5.2.4.7 Flood Risk Management are relevant, but give no indication that a FRA would be required for the proposed development site. There is no relevant local record of flooding in the vicinity on the OPW website.

8.7.2 Given that the area is served by a combined drainage system and the Drainage Division has raised concern about potential flooding, it would be reasonable that the details of the proposed drainage system be agreed with the Planning Authority.

8.8.0 Development contributions

- 8.8.1 No development contribution, only a security bond, was attached to the decision of the planning authority to grant permission. Under the Dublin City Council Development Contribution Scheme 2010-2017 a rate of €86.40 is applied per square metre residential. I could find no relevant exemptions or reduction that would obviate the need to pay a development contribution in this case. It is possible that there is some compensation mechanism where an existing structure is to be replaced, but there is no reference to demolition or replacement structures under the DCS. There is nothing in the report of the Planning Officer or elsewhere on file that explains why no development contribution would apply.
- 8.8.2 The floor area of new buildings is stated as 420sq.m on the application form. The levy would therefore amount to €36,288. However, I measure the internal ground floor level of the proposed building, inclusive of integrated garage, shed and study (but excluding recesses at front) at 272.22-sq.m, and that of the first floor area measures 254.35-sq.m. Total internal floor space is 526.57-sq.m. The levy that would apply would therefore be €45,495.65.
- 8.8.3 The amendments that I have advised are necessary at first floor level would result in a reduction of c.43.15-sq.m internal floor area, to 483.42-sq.m, attracting a reduced levy of €41,767.49.
- 8.8.4 It would be inequitable, in my professional opinion, not to apply a levy to the proposed development in the absence of an unambiguous exemption or reduction adopted as part of the DCS. However this is a **NEW ISSUE**. Should the Board decide to grant permission subject to a standard section 48 development contribution condition, the first party should be given the right to respond and the Planning Authority the opportunity to explain why no contribution was attached.

8.9.0 Appropriate Assessment

- 8.9.1 Having regard to the small scale of the proposed residential development, comprising single dwelling within the built up area of Dublin, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be **GRANTED** for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective of the site Z1 Sustainable Residential Neighbourhoods 'To protect, provide and improve residential amenities', to the provisions of the Dublin City Development Plan 2011-2017 regarding the residential development, and to the nature and extent of the development proposal, it is considered that the proposed development would not seriously injure the amenities of residential property in the vicinity and would be consistent with the proper planning and sustainable development of the area subject to compliance with the following conditions:

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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development the developer shall submit, for the written agreement of the planning authority, revised drawings and details showing:

(a) The proposed first floor level shall be setback in its entirety by 14m from the rear (west-southwest) site boundary, with the omission of bedroom 4, ensuite and part of bedroom 5 and stairwell and void.

(b) The layout to bedroom 5 and the adjoining hall and void space shall be reconfigured as necessary, with fenestration provided in the revised rear (west-southwest) elevation only.

(c) The height of the structure to the rear (west-southwest) of the realigned first floor elevation shall not exceed 3.55m.

(d) The boundary wall to the rear of properties along Marlborough Road shall not be increased in height.

Reason: In the interest of protecting the residential amenities of neighbouring residential property at Marlborough Road to the north from visual intrusion /

overbearing and overshadowing, and at Hampton Court to the south from overlooking.

3. (a) A public footpath, to the standard agreed with the Planning Authority, shall be provided at the applicant's expense along the front boundary of the site.
(b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.
(c) A construction management plan, including making provision for intended construction practice, traffic management, noise management and off-site disposal of demolition and construction waste shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: To ensure a satisfactory standard of development and in the interest of road safety.

4. The development shall be carried out in such a manner as to ensure the adjoining streets are kept clear of debris, soil and other material and, should the need arise for cleaning works to be carried out on the public road, the said cleaning works shall be carried out at the developer's expense.

Reason: In the interest of road safety and amenity.

5. Water supply and drainage arrangements, including the provision of separate foul and surface water systems up to a combined final connection discharging to the public combined sewer and the incorporation of Sustainable Drainage Systems in the management of stormwater, shall comply with the requirements of the planning authority for such works and services and shall be subject to the prior written agreement of the Planning Authority.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

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

7. During construction and demolition phases the proposed development shall comply with British Standard 5228 “Noise Control on Construction and Open Sites Part 1. Code of practice for basic information and procedures on noise control.”

Reason: In order to ensure a satisfactory standard of development in the interest of residential amenity.

8. The naming / numbering of dwelling unit shall be agreed in writing with the Planning Authority prior to first occupation of the proposed units.

Reason: In the interest of orderly street numbering.

9. 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.

10. The developer shall pay to the planning authority a financial contribution of €41,767.49 (forty one thousand, seven hundred and sixty seven euro) 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. The application of any indexation required by this condition 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.

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.

John Desmond
Senior Planning Inspector
07/07/16