



An
Bord
Pleanála

Inspector's Report PL06D.246894

Development	Demolition of existing buildings on site, including 3 no. Dwellings and the construction of 8 houses with all associated site works.
Location	36 & 36A Church Road and No. 7 Mountain Villa, Ballybrack, Co. Dublin
Planning Authority	Dun Laoghaire-Rathdown
Planning Authority Reg. Ref.	D15A/0792
Applicant(s)	Gearoid Costelloe (Receiver)
Type of Application	Permission
Planning Authority Decision	Grant Permission
Appellant(s)	Third Party v. Grant (Derek Haughton)
Observer(s)	None
Date of Site Inspection	4 th October 2016
Inspector	Dáire McDevitt

1.0 **Site Location and Description**

- 1.1. The site is located within Ballybrack village on the south side of Dublin. The area is characterised by a mixture of residential and commercial developments on the northern end of the village. The site located off Church Road is L shaped and has a stated area of 0.2074 hectares. There are a number of structures on site in different states of dereliction, including 3 dwellings, of which no. 36 and no.36A are not habitable and no. 7 Mountain Villa is habitable but vacant. The site is bounded to the west by Mountain Villa housing development, to the south by a laneway which links Mountain Villa with Church Road, to the east by Church Road and to the north by Keem (2 storey detached dwelling). To the south of the laneway there is a two storey Victorian terrace of commercial units. The levels of the site drops from west to east.
- 1.2. Church Road is a heavily trafficked road. There are no footpaths along the roadside frontage of the site. To the south of the site there is a signalised pedestrian crossing and parking bays located along both sides of Church Road.
- 1.3. Map and Photographs included in the pouch on file.

2.0 **Proposed Development**

- 2.1. Permission is sought for the demolition of structures, including 3 houses, and permission for the construction of 8 houses, consisting of:
- House Type A: 2 no. 2 bed plus study semi-detached 2 storey (g.f.a 104.4sq.m and Ridge height of 9.32m).
 - House Type B1: 2 no. 3-bed terraced 2 storey (g.f.a 125.9 sq.m and Ridge height of 9.7m).

- House Type B1: 2 no. 3-bed terraced 2 storey (g.f.a 121.9 sq.m and Ridge height of 9.7m).
- House Type C1: 1 no. 4-bed semi-detached 3 storey (g.f.a 172.7 sq.m and Ridge height of 10.09m).
- House Type C1: 1 no. 4-bed semi-detached 3 storey (g.f.a 171.1 sq.m and Ridge height of 10.09m).
- Access is proposed off a public lane that connects Mountain Villa to Church Road. Alterations to the lane are also proposed. Car parking for Houses no. 1 & 2 are proposed parallel to the access lane.
- The layout is L-Shaped and has a communal shared surface 'home zone' to the rear of Houses no. 1 & 2, fronting units no. 3 to 8.

The application included the following documentation:

- Engineering Assessment Report
- Arboricultural Assessment
- Flood Risk Assessment
- Construction & Waste Management Plan

Detailed Further Information was submitted to the Planning Authority to address the concerns raised in the submissions. This included revisions to house design and layout and the following Reports:

- Lighting Report
- Landscape Design Report
- Arborist Report
- Civil Engineering Report

- Autotrack analysis

A Sunlight & Overshadow Impact Assessment was submitted directly to An Bord Pleanála by the applicant in Response to the third party appeal.

3.0 Planning Authority Decision

3.1 Decision

Planning Permission was granted subject to 24 conditions, which included conditions pertaining to:

- Unit No. 3 & 4 (no development which is of Class 1, or Class 3 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001 as amended).
- €16,000 contribution for shortfall in public open space.
- €73,500 insurance bond or €44,100 cash sum security.
- €1,438.65 surface water contribution
- €32,945.58 roads contribution.
- €21,385.78 Community & Parks contribution

3.2 Planning Authority Reports

3.2.1 The Planner's Report formed the basis of the Planning Authority's decision.

The main issues highlighted can be summarised as follows:

- Residential Amenity.
- Residential Density
- Design, Treatment and finishes.
- Open Space (public and private) & Landscaping

- Access & Parking
- Overlooking & Overshadowing

3.2.2 Other Technical Reports

- **Municipal Services Department (Drainage):** Following Further Information submission, no objection subject to conditions.
- **Irish Water:** No objection Class 1.
- **Transportation Planning Section:** Following Further Information submission, no objection subject to conditions.
- **Municipal Services Department (Parks and Landscaping):** Following Further Information submission, no objection subject to conditions. Financial contribution in lieu of Public Open Space provision on site.

3.3 Third Party Observations

There were four submissions on the Planning Application:

1. Core Credit Union
2. John Tierney
3. Mary Anne & Cathal Carroll and on behalf of their children
4. Derek Haughton

The main issues raised in submissions are as follows:

- The Credit Union carpark was not shown on the drawings submitted.
- Laneway is a fire escape route for the Credit Union and should be kept open at all times.
- Laneway used by Credit Union customers.

- Need for a footpath along the laneway.
- Safety concerns for no. 6 Mountain Villa from the proposed demolition of no. 7.
- Position of refuse stores needs to be addressed.
- Extension to the rear of no. 6 Mountain Villa not shown on plans.
- Need to assess overlooking.
- Need to assess foul drainage capacity.
- No allowance made for visitor parking.
- Traffic safety concerns
- Overbearing and overshadowing.
- Anxious to have derelict site developed in an appropriate manner.

The main issues raised in the appellant's (Derek Haughton, Keem, Chruch Road, Ballybrack) initial submission are largely in line with the grounds of the appeal and are summarised under that section of this report.

4.0 Planning History

4.1 There are a number of Planning Applications pertaining to the application site

D10A/0570 (PL.06D.238281) Permission granted in August 2011 for revisions to PL06D.224213 consisting of the replacement of 4 apartments with 4 office suites in a self-contained block.

D10A/0008 (PL.06D.236374) Permission refused in August 2010 for change of use of 5 apartments to 4 office suites on grounds related to material contravention of residential zoning objective for the site having regard to the quantum of office development proposed. The Board considered that the

amount of office space open for consideration in a residential zone comprises a maximum of 200 sq.m in total rather than the size of the individual office units.

D07A/0169 (PL.06D.224213) Permission granted in February 2008 for the demolition of all existing buildings and the construction of a 2 to 3 storey over basement apartment building with 19 units, 32 car parking spaces, widening of existing lane.

D03A/0217 (PL.06D.204010) Permission refused in December 2003 for the demolition of 3 houses and the construction of apartments in 3 blocks.

4.2 There are a number of planning applications relating to the neighbouring site (Appellant's site)

D08A/1302. Derek Haughton & Irene Healy, (Keem, No. 37 Church Road) refused permission in January 2009 for a Residential development consisting of 11 units (mixture of 3 and 4 storey) and basement carpark. Refused on the grounds of:

- Visual Amenity and excessive density. The development was out of character with the surrounding area.
- Residential amenity
- Traffic hazard.

D06A/1197, Permission to demolish existing house and build a replacement house. Refused October 2006 on the grounds of:

- Visual Amenity and Residential amenity

5.0 Policy Context

5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is zoned under Land Use Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.

RES3: *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.As a general rule the minimum default density for new developments in the county (excluding lands on zoning objective 'GB', 'G' and 'B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' larger sites or larger 'A' zoned areas.*

RES4: *It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.*

RES7: *It is the Council policy to encourage the establishment of sustainable communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the interim Housing Strategy.*

Chapter 8. Principles of Development:

- **Section 8.2.3 Residential development.**
- **Section 8.2.8.2 Public/Communal Open Space-Quantity**

(i) Residential/Housing Developments.

Open Space: For all developments with a residential component - 5+ units – the requirement of 15sq.m-20sq.m of Open Space per person shall apply based on the number of residential/housing units.....in instances where exceptionally high quality of open space is provided on site and such schemes may be subject to financial contributions as set out under Section 8.2.8.2 (iii).

(ii) Separation distances:

A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, normally resulting in a minimum rear garden depth of 11 metres. However, where sufficient alternative private open space (e.g. to the side) is available, this may be reduced to 7 metres for single storey dwellings – subject to the maintenance of privacy and protection of adjoining residential amenities.

5.2 Sustainable Residential Development in Urban Areas (DoEHLG 2009)

(i) Infill residential development

Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area...

5.3 Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1 Grounds of Appeal

A third party appeal has been lodged by Derek Haughton, the adjoining property owner to the north (Keem, Church Road), against the decision of the Planning Authority to grant permission. The grounds of appeal are as follows:

- Access to the site using an existing pedestrian laneway. This would result in illegal traffic movements off Church Road to access the lane.
- There is no record of change of use from a pedestrian laneway to a vehicular one.
- No footpath provision along the southside of the lane.
- Reference to previous decision by An Bord Pleanála in relation to this site and the attachment of conditions for a footpath along the southern side of the lane.
- Loss of 2 carparking spaces along Church Road beside the retail units.
- Concerns for pedestrian safety.
- Non-compliance with DMURS.
- Precedent for refusal on the appellant's site for a dwelling as out of scale with the development in the area.
- Reference made to comments on pedestrian safety in the Inspectors report for PL.06D. 224213.
- Autotrack analysis is flawed as does not show the build out of the footpath.
- Local Councillors not aware of any proposed change of use for the laneway.
- Request that the minimum width for a footpath be 1.8 metres.
- Request that Bollards be placed on the footpath on Church Road outside no.1 & 2 of the proposed development.
- Request that bollards be placed along the length of a footpath so as to prevent vehicles from mounting same.

- Request that the existing double yellow lines be retained.

6.2 Planning Authority Response

The Planning Authority's response is summarised below:

- The Transportation Planning Section raised no objections to the proposals. It should be noted that permission for higher density developments with similar access arrangements have been approved for this site by both the Council and An Bord Pleanála.
- The proposed development was carefully assessed in this regard and the applicant made design revisions as required. The development is acceptable in terms of impact on amenities.
- The proposal represents an opportunity to improve on what is presently a semi derelict site, which is seriously detracting from the amenities of this immediate area.

6.3 Applicant's Response:

The applicant submitted a response to the third party appeal and included in this is a Sunlight and Overshadow Impact Assessment Report. The main points of the Response are summarised below:

- Access arrangements were assessed and approved by the Planning Authority and are consistent with the planning history of the site and previous approvals.
- Autotrack analysis has been revised to show the build out of the footpath.
- Footpath is shown along the laneway in the plans submitted with the application.

- There is no change of use from pedestrian to vehicular. The proposal is to widen and improve the laneway in a manner similar to that previously approved by the Council and An Bord Pleanála in previous applications for the redevelopment of the site.
- The proposed development is a lower density than that previously permitted on site.
- Parking bays which are within 5 metres of a junction do not form part of the public road and the appellant is incorrect and the matter can be ignored by the Board.
- The Development Plan requires a minimum density of 35 units per hectare the proposal is for 38 units per hectare which is fully compliant with the Development Plan's density provisions.
- The scheme complies with the applicable Development control standards for residential developments including rear garden depth, private open space provision, car parking, bicycle parking and visitor parking. Claims of over densification are without foundation.
- A degree of overshadowing is common in urban areas. The appellant's house (Keem) casts a shadow over the property to its north. The nature, scale, extent and character of the latest proposal, which unlike the previously approved apartment scheme is compatible with adjoining properties, will have a reduced impact on the appellant's property including any overshadowing of it.
- The Overshadowing and Sunlight Analysis concludes that the proposed development will have a negligible impact on sunlight and shadow levels at the appellant's property, and will meet BRE Guidelines.
- The precedent referred to by the appellant refers to a refusal of permission on the appellant's property for a dwelling which was considered out of scale with

Keem (appellant's property) and the single storey property which is included in the current application to be demolished.

- The proposed height and scale of houses no. 1 & 2 is in keeping with the design and scale of the adjoining development to the south and are not incompatible with the scale and height of Keem.
- Reference made to a letter from Cllr Hugh Lewis. No earlier version was submitted to the Planning Authority at the time of the application. A response to the issues raised included in the current response.
- Water Main Drawing also included in the documentation.

6.4 Appellant's Response to the Applicants Response:

The response by the appellant to the applicant's response can be summarised as follows:

- Access arrangements are inadequate and this is supported by the information contained in the Autotrack analysis.
- Loss of carparking spaces is unacceptable
- Reference made to traffic offences.
- Need for the footpath to run along the south side of the lane
- Disagrees with the applicant's contention that there is no change of use proposed for the laneway.
- Queries has the laneway been declared a public road by the Council
- Health and safety concerns for pedestrians and cyclist using the lane if vehicular access to the proposed development is allowed using the lane.
- Proximity of car parking spaces to a junction.

- An Bord Pleanála attached a condition under PL.06D.238281 for a footpath to be provided along the shared laneway off Church Road with a width of 1.5 metres.
- Queries the dates used for the overshadowing projections.
- Right to sunlight would be greatly affected by the proposed development, especially from the proposed 3 storey units which are higher and closer to Keem than the previously approved apartment scheme.
- Reference to Planning Guidelines Section 4.12 and passive solar heating.
- Valuation letter submitted showing the negative financial impact on Keem if the proposed development goes ahead.
- Why has this development been granted when permission was refused permission for a single dwelling at Keem on the grounds of scale and height being out of character with the area.

6.5 Observations:

None

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Density.
- Access

- Overshadowing & Visual Impact
- Appropriate Assessment.

7.1 Residential Density

- 7.1.1 A density of 38.5 units per hectare is proposed. The site is located within an established residential area on lands zoned residential (A) under the current County Development Plan.
- 7.1.2 Policy RES3 of the Development Plan follows the recommendations for density as set out in the 2009 Guidelines '*Sustainable Residential Development in Urban Areas*' and sets out that the default minimum density for new residential developments in the County shall be 35 units per hectare. A density of 38.5 units per hectare is considered acceptable.
- 7.1.3 Notwithstanding the site constraints, the development submitted complies with the development management standards in relation to private open space and car parking requirements as set out in the Development Plan.
- 7.1.4 Based on current County Development Plan Public Open Space standards there is a requirement is 15-20 sq.m per person for scheme of 5+ units. There is also provision in the Plan for a reduction of the standards or the imposition of a contribution in lieu of any shortfall.
- 7.1.5 There is no public open space proposed within the confines of the site. The Planning Authority condition no. 19 requires the payment of a special contribution in lieu of the shortfall in public open space provision. Having regard to the proposed shared spaces/courtyard spaces (home zone) within the site and the identification of nearby public open spaces to which the

contribution is to be directed. I agree that this is a reasonable approach in this instance.

7.2 Access

- 7.2.1 The precedent for using the lane has been established as a means of access for the development of the application site. The most recent permission on the site was granted under D10A/0570 (PL.06D.238281) in August 2011 for a mixed residential and commercial development.
- 7.2.2 It is proposed to widen the laneway and install a pedestrian footpath along its northern side. The shared surface would be to a Taking in Charge Standard by the Council. 4 no. Carparking spaces are proposed along the northern flank of the laneway to serve units no. 1 & 2.
- 7.2.3 The lane is not within the application site boundaries. Works proposed to the lane (in the Council's ownership) to facilitate the development are proposed to be carried out in conjunction with the County Council.
- 7.2.4 I am satisfied that the laneway can accommodate the vehicular movements that would be associated with the development and that it would not give rise to a traffic hazard.

7.3 Visual Dominance and Overshadowing

- 7.3.1 The appellant has raised concerns regarding the visual dominance of the proposed development and the loss of sunlight due to the resulting overshadowing of his property (Keem).
- 7.3.2 The overall height and design of Units no. 1 & no. 2 which front onto Church Road and bound the southern boundary of the appellant's site is considered acceptable in the context of Church Road and the adjoining properties

- 7.3.4 Revised proposals to address the visual dominance of units no. 4 to 8 were submitted as part of the further information response. Overall the revised proposals are considered acceptable. However, a condition should be attached for revised proposal showing a uniform ridge height for all 4 units.
- 7.3.5 A degree of overshadowing is to be expected in urban areas, however while there may be a minimum degree of over shadowing this is not considered material. The proposal would not have a negative impact on the adjoining property to the north (Keem).
- 7.3.6 A degree of overlooking is to be expected in urban areas. However, while there may be a minimum degree of overlooking, this is not considered material. The applicant has addressed this in relation to of no. 6 Mountain Villa and Keem in that the gable of the new units side onto these properties and the upper floor windows revisions.
- 7.3.7 Subject to the relevant revisions referred to above, I consider that the development is acceptable in the context of the amenities of adjoining properties. The overall design and scale of the proposed new residential units have adequate regard to the existing pattern of development and the residential amenities of existing dwellings, and, as such, would not result in an overbearing impact or an unacceptable loss of privacy or light levels.

7.4 Appropriate Assessment

- 7.4.1 Having regard to the location of the site in a fully serviced built up suburban area, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1 I recommend therefore that planning permission for the proposed housing development be granted for the reasons and considerations set out below

9.0 Reasons and Considerations

Having regard to the provisions of Dun Laoghaire Rathdown County Development Plan 2016-2022. and to the nature, form, scale and design of the proposed development, and having regard to the pattern of development in the vicinity of the site, 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 satisfactory in regards to traffic safety and convenience. 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 amended by the further plans and particulars submitted on the 19th day of May 2016 and by the further particulars received by An Bord Pleanála on the 9th day of August, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) A uniform ridge height shall be applied to units 4 to 8 inclusive. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of Units no. 3 and units no. 4 without a prior grant of planning permission.

Reason: In the interest of residential amenity.

5. Water supply and drainage arrangements, including attenuation and 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.

6. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and access road shall be in accordance with the detailed standards of the planning authority for such works.

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

7. 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 shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

8. All screen walls shall be two metres in height above ground level, constructed in brick to match the brick used in the dwellings.

Reason: In the interest of residential and visual amenity.

9. 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 interest of residential and visual amenity.

10. No walls, fences or other boundary treatment shall be constructed around the front gardens of the proposed dwellings, and front gardens shall be kept as “open plan” with the exception of the front boundary treatment for no. 1 & 2 where the railings shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: To ensure that the proposed scheme remains open plan in nature/appearance, in the interest of visual amenity.

11. 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. The proposed name(s) 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(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 interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800]to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention,

minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) 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 within each house plot 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. Prior to commencement of development, a landscaping scheme shall be submitted to the planning authority for agreement. This scheme shall include details for all hard and soft landscaped areas and of all existing trees and hedgerows on the site, specifying those proposed for

retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

17. 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.

18. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the shortfall in the provision of public open space. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments

as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

19. 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

Dáire Mc Devitt

Planning Inspector

10th October 2016