



An
Bord
Pleanála

Inspector's Report PL29S.247001.

Development	Construction of a mixed use development comprising fourteen houses, office accommodation, associated works and landscaping at site of former Fodhla Printing Works.
Location	The Printworks, Brookfield Road, Kilmainhan, Dublin 8.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4179/15.
Applicant	EWR Investments.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party -v- Grant.
Appellants	1. Conor Molony. 2. Sheena McCarthy
Date of Site Inspection	20 th October, 2016.
Inspector	Jane Dennehy.

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1.0 Location and Description

1.1. The site which brownfield site and roughly triangular in shape, has a stated area of circa 2,500 square metres is a located on the east side of Brookfield Road and is that of a former print works. At the time of inspection, it was evident that the site had been cleared for some time and entire space was vacant, heavily overgrown and enclosed by boundary walling. There is a vehicular entrance towards the southern of the frontage of approximately nine metres along Brookfield Road. The ground level slopes northwards steeply towards Old Kilmainham at the north and along the northern boundary are the rear garden areas of properties facing onto Old Kilmainham. To the west on the opposite side of Brookfield Road are terraced brick faced houses and to the east and south east are houses within Cameron Square. Two cottages, one a refurbished cottage in the ownership of one of the appellants adjoins the southern boundary adjacent to the site frontage. Brookfield Road links the Rialto, the Rialto entrance to St James Hospital and the South Circular road area, with Old Kilmainham along which there is pay and display parking to the north. Brookfield Road operates one way at the northern end as there is no access to it from Old Kilmainham Road. The Royal Hospital Kilmainham is a short distance to the north east and St James Hospital a short distance to the east of Cameron Square. The area is well served by bus routes and the LUAS Red line the nearest stop is a short distance to the south.

2.0 The proposed development.

2.1. The original application lodged with the planning authority indicates proposals for a mixed development comprising an office development and residential development of fourteen units. Further to a request for additional information by the planning authority in which the applicant was requested to consider increasing the commercial/office element and reducing the residential element in order to ensure consistency with the Z6 zoning objective in particular with regard to encouragement of employment.

- 2.2. The revised proposal indicated in the further information submission comprises twelve residential units (two duplex units being omitted) and a four storey over office block with lower ground floor parking space replacing a lower capacity original five storey proposal. The total gross floor area of the office element is 2,223 square metres representing sixty percent of the total floor space in the revised proposal, that of the residential element being 1,500 square metres in total. The office block has setbacks at the upper floors to address the variation in ground levels and transition to existing adjoining development and there is a defined front building line onto Brookfield Road provided for by the residential element.
- 2.3. The application is accompanied by a shadow study, design statement, landscaping proposal and for CGIs.

3.0 Planning Authority Decision

- 3.1. By order dated, 8th July, 2016 the planning authority decided to grant permission for the revised proposal subject to fifteen conditions most of which are of a standard nature. Condition No 10 includes an additional requirement is exclusion of left turning movements for vehicles exiting the development which is subject to a compliance submission. Condition No 12 is an archaeological monitoring condition. Condition No 15 is a security bond condition.

4.0 Internal Reports

- 4.1. The Roads and Transportation Department indicated satisfaction that the further submission which included auto track analysis, aisle width of 6.1 metres and a 1.2-metre-wide pedestrian route adjacent to the entrance satisfactorily addressed concerns about proposed left turning movements from the entrance, the width of the carriageway and the parking and circulation layout.
- 4.2. The City Archaeologist's report indicates a recommendation for an archaeological monitoring condition.
- 4.3. The Drainage Division indicates no objection subject to conditions.

- 4.4. The Planning Officer in his final report indicates satisfaction that the further information proposals provide for a satisfactory combination of commercial and residential development fulfilling the objectives for the Z 6 zone to facilitate enterprise and employment, the reduction from five to four storeys for the office block and the omission of two residential units, increased communal open space, separation distances from the east boundary and a more defined front building line.
- 4.5. Third party observations: Several submissions were received from residents and a resident's association in which the main issues of concern indicated relate to traffic congestion and parking, overlooking and overshadowing, visual impact, impact on established character of the area, design, height and massing, potential for subsidence.

5.0 Planning History

- 5.1. PL 29S 228282 /P. A. Reg. Ref:6581/07: The planning authority decision to grant Permission for a mixed use development of 11 houses and eight office units and a new entrance was upheld following third party appeals. The development was not carried out. (The Board's file is attached.)
- 5.2. PL 29S 219862 /P. A. Reg. Ref:2774/06: The planning authority decision to grant Permission for a mixed use development of 11 houses and office accommodation and a new entrance was upheld following third party appeals. The development was not carried out.
- 5.3. P. A. Reg. Ref:2215/05: Permission was refused for a mixed-use development of twenty-four residential units, offices and retail units for reasons relating primarily to development size, height and design

6.0 Development Plans

- 6.1. At the time of writing the extant development plan was Dublin City Development Plan, 2011-2017: The Dublin City Development Plan, 2016 – 2017 was adopted in September, 2016 and will be brought into effect on 23rd October,2016. According to

both development plans, the site location is within an area subject to the zoning objective “Z6: *To provide for the creation and protection of enterprise and to facilitate opportunities for employment creation.*” Residential development is ‘open for consideration’

6.2. Development Management Standards for both plans are set out in section 16.

There is a requirement for one car space for 400 square metre gross floor area

For the Z6 zone the indicative site coverage is 60 percent and indicative plot ratio 2.0-3.0.

Carparking is one space per 200 square metre GFA commercial and one space per dwelling unit.

Part of the site, towards the northern end comes within a Zone of Archaeological Interest.

7.0 **Third Party Appeal by Mr Conor Molony**

7.1. An appeal was received from Mr Molony of No 602 South Circular Road on his own behalf on 28th July, 2016.

7.2. According to the appeal. The proposed development erodes and destroys the historic building line of Old Kilmainham Road and the cottages on Brookfield Road.

7.3. The development is not infill housing and is industrial warehousing and business development. It fails to provide enclosure to streets and to have a height consistent with existing buildings. And is not back land development

7.4. The building mass is contrary to the development plan and incompatible with historic buildings and modern development on Old Kilmainham Road

7.5. Site coverage and density is excessive.

7.6. Site coverage is too high. The lower ground floor carpark has been excluded from the site coverage and if included it would bring site coverage at over sixty percent.

- 7.7. There are deficiencies in water and sewerage infrastructure. The development will cause failure of the sewer due to insufficient capacity. There is in the application The flow from the site is under estimated and the sewer will be overloaded and may fail.
- 7.8. The proposed development contravenes the zoning objective
- 7.9. The carparking is substandard in quantity and contrary to the development plan objectives to safeguard parking for mixed use developments and retain on street parking. The carparking provision is too low for the development. There is lack of parking in the area which will exacerbated by the Children's Hospital Development. There should be ten space for the offices.
- 7.10. Traffic hazard will occur the. Sightlines at the entrance are too restrictive because of the gradient of the hill for pedestrians and cyclists
- 7.11. Shadowing analysis has not addressed and taken into account the gradient of the site. There is no wind impact analysis.
- 7.12. Sustainable Urban Drainage System. The principles of SUDS for the office block is inadequate with regard to the city council's standards for sites in excess of two hectares regarding filtration and runoff and use of rainwater harvesting, soakaways and permeable paving.

8.0 Third Party Appeal Ms. Sheena McCarthy.

- 8.1. An appeal was received from Ceardean on behalf of Ms McCarthy of 28 Brookfield Road which adjoins the southern boundary of the appeal site on 3rd August, 2016. Ms McCarthy does not object in principle to the redevelopment of the appeal site but considers that the current proposal should be rejected because the potential impact on her property has not been addressed. According to the appeal:

The cross section in the further information submission is inaccurate because the existing boundary is inadequate and a substantial boundary is not in place, the rear garden levels are not equal. Owing to the nature of the original contours the ground level at Ms McCarthy's property is 1.5 metres higher than that of the appeal site and she would be unable to erect a secure boundary without the cooperation of the

applicant. The appellant would prefer that the applicant provide for replacement of the existing boundary with a new boundary wall which follows the contours of the rear garden to a height of 900 mm over finished floor level.

- 8.2. Change to levels across the site may undermine the existing structure. There is potential for subsidence. The contiguous elevation does not show the proposals at the frontage adjacent to Ms McCarthy property where there are gate piers and a telegraph pole. Clarity is required as to proposals for the gate pier, its support and incorporation of a telecom pole setting it back from the pathway into the development site.

9.0 Observer Mr Keith McGuinness.

- 9.1. A submission was received from Mr McGuinness of 17 Brookfield Road on his own behalf on 4th August, 2016. According to his submission the houses on Brookfield Road would be dwarfed by the proposed development which is excessive in height.
- 9.2. The intensity and density of the development is excessive and the residential element is too high in proportion.
- 9.3. The development will generate increased traffic on Brookfield Road.

10.0 Response to the appeal by the applicant.

- 10.1. A submission was received on 26th August, 2016 from the applicant's agent. According to the appeal, the proposed development which is described in full along with the background, is similar to the previously permitted development. (PL 29S 228282/P. A. Reg. Ref:6581/07refers.) and represents significant regeneration on a vacant brownfield urban site contributing a mix of use which is positive for housing and employment. The entrance arrangements are improved in that the location on the boundary is unchanged but egress is restricted to right turn only. and the urban design approach is of a high standard and the development will enhance the area.

10.2. In response to the appeal of Ms McCarthy it is submitted that;

The applicant intends to demolish the shed at the southern boundary and construct a block rendered and capped wall to the height of the existing boundary on the inner side of the existing boundary wall to reinforce the boundary. The shed will be enclosed. Drawing 3.1-500 enclosed with the submission indicates these proposals. It is submitted that from the adjoining property, owing to the different level the wall would appear as a fence at 1.1 metre in height. The applicant is willing to accept a condition with requirement for a compliance submission.

10.3. The response to the appeal of Mr. Molony can be outlined as follows;

The revised scheme for twelve dwellings and 2,223 square metres office space is at an appropriate ratio and accords with the 'Z6' zoning objective in which uses are open for consideration. The proposal is for a residential and office scheme and not an industrial/warehouse or business park.

10.4. There was no uniform historic building line on Brookfield Road the former building having been setback into a central position at an angle unrelated to the road alignment on the site and the houses south of Cameron square are setback whereas the cottages are at the footpath. Edge. Further to the request by the planning authority the revised front building line is more uniform, two houses being brought forward. Drawings and images in the submission refer.

10.5. The development with the reductions and modifications proposed in the further information submission with omission of one floor of the office block, increased setbacks for the northern façade is not intrusive or prominent to an undue degree in the streetscape. Satisfactory responds to the Brookfield Road context and satisfactory transition between Brookfield Road and the Royal Hospital Kilmainham and, with the cottages to the south side and houses on Old Kilmainham to the north side is achieved. (Images are included.) A brick finish for the elevation onto Brookfield Road has been included and the applicant is willing to accept a condition to ensure high quality design and finishes.

10.6. Owing to the slope of the land, application of plot ratio which demonstrates the massing level and height is below maximum standards for density and height in the development plan for the inner city Plot ratio is more reliable than site coverage and

the lower end of the site was used to provide the carpark. Based on building footprint the site coverage is 45 per cent. Redevelopment of brownfield sites to achieve higher density if opportunities exist near to transport is encouraged in section 5.7 of the development plan.

- 10.7. The drainage arrangements which include a green roof to the office block and other SUDS proposals are adequate according to the drainage division and is acceptable to the planning authority.
- 10.8. The current proposals for the entrance and basement carpark is similar to the previously permitted scheme which established the principle of vehicular access at the northern end of the site serving basement carpark. The right turn only provision in the current proposal discourages left turning movement onto Brookfield Road. The revisions to the carpark layout ensures adequate circulation, demarcated pedestrian path and parking as demonstrated in the tracking analysis and Drawings No 3.1.-100.0 (PO2) and H001 (p4). The quantity of space accords with standards for office and residential development and additional carparking would be inappropriate at the location. The appellant does not acknowledge the availability of public transport.
- 10.9. The VSC results were mistakenly interpreted by the appellant as an indicator of shadowcast in the appeal. There reduction in baseline daylight conditions for the previously permitted development at nine measurements nine points were not reduced by more than twenty percent and there are improvements at some points. The revised massing of increased setbacks and omission of a floor in the office block improves the conditions further for the properties on Old Kilmainham.

11.0 Response to the Appeal by the Planning Authority.

- 11.1. It is confirmed that the planning authority has no comments to make on the appeals in a letter received on 16th August, 2016 and it is requested that the decision to grant permission be upheld.

12.0 Assessment

The issues considered central to the determination of a decision having regard to the issues raised in the appeal and observer submissions of Mr Molony and Mr McGuinness,(Observer) are that of:

- Land use – consistency with the zoning objective,
- Footprint, Height, Massing and Design – visual impact.
- Overshadowing and obstruction of daylight.
- Entrance arrangements,
- Impact traffic and carparking.
- Drainage.
- Appropriate assessment.

12.1. The appeal issues in Ms McCarthy's appeal in which some specific concerns are raised are considered separately.: Her concerns are about boundary treatment adjacent to the property at southern end of site and Subsidence adjacent to the property at southern end of site.

12.2. **Land use – consistency with the zoning objective.**

The Z 6 zoning objective which is particularly appropriate for a brownfield site such as that of the proposed development and for the location and it is considered that a satisfactory combination of residential and employment generating land use has been achieved in the revised proposal. The site is a former light industry site, the immediate environs is in residential use and the inner city location is particularly well serviced by public transport. It is considered that the proposed mixed uses are compatible with each other on the site and with surrounding development in principle. The development if implemented will, be consistent with sustainable development interests in bringing a viable and serviced brownfield site into use. Although the prior grant of permission has lapsed guidance can be taken from it in that the strategic development objectives and planning context are not significantly changed, other than the intensification of development at the St James Hospital site with the addition of the Children's Hospital. In principle, it is considered that the proposed development is welcome and potentially functional to achievement of the objectives for the site location and the interest of sustainable development.

12.3. Footprint, Height, Massing and Design – Visual Impact.

It is agreed with one of the appellants that the lower ground level was not taken into account in the applicant's calculations. However, the site coverage and plot ratio are not in conflict with development plan which allows for some flexibility in application of the indicative standards subject to criteria such as availability of public transport and transport corridors according to the development plan provisions.

With regard to the footprint, it is accepted that there is no strong case for maintenance of a historic front building line including that established by the two cottages adjoining the site at the southern end. The footprint of the previous structure on the site, now demolished was setback into the site at an angle to the street frontage. The revised proposal provides for a well-defined building line to the front with appropriate setbacks at the upper levels and corresponding stepping up from the south and north. With the brick finish, it is considered that the proposed development positively defines and encloses Brookfield Road with suitably proportioned structures in an appropriate design and finish. The separation distances, massing and height respond to the variation in levels and are sufficiently distant from the houses to the west and to the east on Cameron Square and Old Kilmainham to the north to provide for variation in building and height. The applicant has satisfactorily demonstrated this in the drawings and submissions included with the further information submission and response to the appeals.

12.4. Overshadowing and obstruction of daylight.

It would appear that there was some confusion between shadowing impact and access to daylight as represented in the Vertical Sky Component (VSC). It is agreed, as asserted on behalf of the applicant that the matter has previously been addressed and considered by way of the prior grant of permission and it is accepted that the current proposal for the office block overall would result in less obstruction of daylight. A higher standard is achieved in the current proposal relative to the previously permitted development.

12.5. Impact on Traffic and Parking.

The concerns about traffic associated with the development of the Children's Hospital which was proposed and approved subsequent to consideration of the previously permitted development on the appeal site are noted. The site location is well served by public transport and is in relative close proximity to the city centre although characteristically there is a predominance of established residential development. It is considered that the application of the current development plan standards for parking provision is appropriate and satisfactory in the revised proposal and that there is no necessity for a traffic impact assessment to be carried out. Brookfield Road would in effect, with regard to the development site operate as a one-way route owing to the proximity of the entrance location to Old Kilmainham and the restriction to left turning movement on egress from the site. There is no cause for concern as to traffic congestion or public safety issues that could be attributable to generation of traffic movements by the proposed development. There are no concerns entrance arrangements, auto track analysis internal layout of the lower ground floor parking layout and it is noted that the reports internal Transportation Department indicates no objection to the proposed development.

12.6. Drainage Arrangements.

Based on examination of the details provided with the application, the report of the Drainage Division, it is considered that satisfactory arrangements are proposed for drainage for this brownfield site which incorporate SUDS methods. There are no substantive grounds having regard to the application submissions for rejection of the current proposal, taking the planning history into account. The observations about future pressure on services capacity by the approved Children's Hospital are appreciated but are not regarded as specific or material to the redevelopment of the appeal site which in turn contributes to regeneration of the area.

12.7. Ms McCarthy's Appeal

The appeal of Ms McCarthy indicates specific concerns about potential risk of subsidence affecting her property and as to lack of clarity about proposals for boundary treatment at the southern end of the site adjacent to her property.

It is noted that Ms McCarthy is seriously concerned about subsidence and about the stability of the existing boundary treatment at her property the ground level within which has variation of circa 1.5 metres relative to that of the appeal site. It should be noted that any dispute as to damages would be a matter of legal dispute and outside the remit of the planning authority or An Bord Pleanala.

As regards boundary treatment adjacent to Ms. McCarthy's property it is considered that clear and satisfactory proposals are proposed in the response of the applicant to the appeal. It is demonstrated that the existing boundary of Ms McCarthy's property would not be unaffected and that with the construction of a block, rendered and capped wall which would have a 1.1 metre height when viewed from the ground level within Ms McCarthy's property. Access to Ms McCarthy's property to construct the wall would not be essential. The applicant has also clarified proposals for enclosure of the shed about which Ms McCarthy also expresses concern. While these proposals are considered satisfactory, for the purposes of clarity and reassurance to the appellant, it is recommended that a condition (which the applicant is willing to accept) be attached with a requirement for a compliance submission and with an additional requirement for completion prior to occupation of the adjoining dwelling.

12.8. Other issues.

The planning officer's observation as to a shortfall in entrance hall having regard to development standards for the duplex units has been noted. An amendment can be addressed by condition as mentioned by the planning officer, if considered essential. A width of 1.2 metres is indicated on the plans.

12.9. Appropriate Assessment

A screening report was not included and an assessment does not appear to have been conducted by the planning authority.

There are seventeen European sites within fifteen kilometres of the site and the four in closest proximity are The South Dublin Bay SAC (0002100, South Dublin Bay and

River Tolka Estuary SPA (004024), The North Dublin Bay SAC (00206) and the North Bull Island SPA (04006) The sites are designated for the tidal and estuarine habitats and wintering and water bird species which include roosting birds.

Having regard to the location in the inner city and to the nature and scale of the development which comprises redevelopment of a brownfield site which was formerly in industrial use, to the proposed development of an office block and residential units incorporating satisfactory SUDS drainage measures, and to the nature of the receiving environment no appropriate assessment issues arise.

13.0 Conclusion and Recommendation:

- 13.1. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld and that no further modifications of a material nature are required other than implementation of the boundary wall construction at the southern end of the site treatment proposed in the response to the appeal. It is therefore recommended that that permission be granted on the basis of the reasons and considerations and subject to the conditions set out in the draft order overleaf.

DRAFT ORDER

14.0 DECISION

Grant permission on the basis of the reasons and considerations and subject to the conditions set out below

15.0 REASONS AND CONSIDERATIONS.

Having regard to the site location within an area subject to the zoning objective Z6 providing for the creation and protection of enterprise and to facilitate opportunities for employment creation and in which residential development is 'open for consideration', to the configuration of the site, the contours within the site, the footprint, form, design and heights for the structures proposed and in particular the incorporation of significant setbacks to the upper floors, separation distances from adjoining properties, and boundary treatment, it is considered that subject to compliance with the conditions set out below, the proposed development would be consistent with the development objective for the area, would integrate satisfactorily in to the existing streetscape, would not give rise to overlooking or overshadowing of adjoining properties would be acceptable in terms of traffic safety and convenience, would not endanger public health and would be in accordance with the proper planning and sustainable development of the area.

16.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by the plans and particulars submitted to the planning authority on 15th June 2016 and by the further plans and particulars received by An Bord Pleanála on 26th 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. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include details of the proposed boundary treatment including materials and finishes, the proposed locations for trees, hard and soft landscaping including street furniture, and seating; The construction of the block rendered and capped boundary wall indicated on Drawing 3.1-500 submitted to An Bord Pleanála on 26th August, 2016 shall be completed prior to the occupation of the residential unit adjoining the southern boundary.

Reason: In the interest of the visual and residential amenities of the area.

3. Site development and building works shall be confined to the hours of 0700 hrs and 1800 hrs on Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity and clarity.

4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or

replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

5. A panel displaying samples of the proposed materials, textures and colours of all proposed external finishes shall be displayed on site following demolition and site clearance. These details shall be agreed in writing with the planning authority prior to construction.

Reason: In the interest of clarity and the visual amenities of the area.

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

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

7. Drainage requirements including the attenuation and disposal of surface water which shall include Sustainable Drainage Systems shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure a satisfactory standard of development

8. The construction of the development including the proposed arrangements for construction traffic 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 and noise management measures.

Reason: In the interest of clarity, public safety and the amenities of the area.

9. 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.

10. The noise level shall not exceed 55 dB(A) rated sound level at the nearest noise sensitive location at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect residential amenities

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and,

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 12. 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.

13. 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 satisfactory completion of the development.

14. 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 is applied to the permission.

JANE DENNEHY.

Senior Planning Inspector.

24th October, 2016.