



An  
Bord  
Pleanála

## Inspector's Report PL29S.247275

### Development

Modifications to permitted student accommodation development (Ref. 2453/15) by the extension of Block C to provide an additional 13 no. bedspaces at lower ground floor and an additional 6 no. student bedspaces at ground and first floor levels with a total increase of 19 no. bedspaces over that permitted.

### Location

Nos. 30 and 32-36 Thomas Street and No. 10 Hanbury Lane. The site is bounded to the north by Thomas Street, to the west by St. Catherine's Lane West, to the east by No.37 Thomas Street and to the south by an existing office building at the corner of Hanbury Lane and St Catherine's Lane West and by the Hanbury Court Apartments. The site has a short frontage of c.80 metres to Hanbury Lane.

### Planning Authority

Dublin City Council

<b>Planning Authority Reg. Ref.</b>	3220/16
<b>Applicant(s)</b>	Hattington Student Housing Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Celena Kelly
<b>Observers</b>	none
<b>Date of Site Inspection</b>	7 <sup>th</sup> December, 2016 and 5 <sup>th</sup> January 2017
<b>Inspector</b>	Stephen Kay

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the southern side of Thomas Street in Dublin 8. The site has a significant frontage onto Thomas Street comprising No.30 and Nos. 32-36 and total frontage is c. 43 metres. The site was previously occupied by Frawleys department store.
- 1.2. To the west, the site is bounded by St Catherine's Lane West, a narrow laneway that connects Thomas Street with Hanbury Lane to the south. Further to the west and on the western side of St Catherine's Lane, the site adjoins the site of St Catherine's Church and graveyard which is a protected structure. To the south the appeal site has a short frontage onto Hanbury Lane. To the west of this frontage to Hanbury Lane the site adjoins a 6 storey mixed use office development that has a HSE Primary Care Clinic at lower levels and offices above. The southern boundary of the site to the west of the access to Hanbury Lane also adjoins the Hanbury Court Apartments which is a two storey residential building. To the east of the access to Hanbury Lane, the site adjoins a three storey residential development, Hanbury Mews.
- 1.3. The site has a stated area of 0.31 ha. and has been cleared of all structures with the exception of the buildings that front onto Thomas Street. The site has been the subject of a grant of permission for the development of student accommodation in a new part 6 storey over basement / lower ground level block located to the rear of the existing buildings that front onto Thomas Street.
- 1.4. The area of the site which is the subject of the current application for modifications to the permitted development on site is the rear and central part of the site. The existing rear boundaries to the Hanbury Court Apartments and Hanbury Mews developments located on the eastern and western side of the site access to Hanbury Lane comprise high walls that have been retained in the site clearance works undertaken. This is particularly the case on the eastern side of the access where the site adjoins the Hanbury Mews apartment development. In this area the height of the boundary wall varies between approximately 3.5 and 5.8 metres in height.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the modification of the layout of the student accommodation development permitted on site under Dublin City Council Ref. 2453/15. The main modifications proposed are at lower ground level where the previously permitted layout provided for a single 7 no. bed cluster with the kitchen / living room and the 7 no. bedrooms in this cluster facing east and served by a lower ground floor terrace of c. 5.7 metres in depth. Additional accommodation at lower ground floor level was omitted by condition (Condition No. 3 of 2453/15) and a total of 20 bedrooms in an 8 bed cluster and two 6 bed clusters was originally proposed at this level. It is noted that the compliance drawings relating to Condition No.3 of Ref. 2453/15 indicate the retention of a significant lower ground level area with extensive areas to the south and west of the main stair core indicate as 'storage'. Compliance with Condition No.3 also permitted a 7 no. bedroom cluster located facing east at lower ground floor level. The extent of basement area as indicated in the compliance drawings for Ref. 2453/15 is c. 6.7 metres further north at the southern end than is the case in the current proposed layout.
- 2.2. The current proposal seeks the provision of a total of 20 no. bedspaces at lower ground floor level in three clusters. The extent of the development footprint at lower ground floor level is essentially the same as that which was originally submitted under ref. 2453/15. Relative to what was permitted under ref. 2453/15, the current proposal is for the extension of the southern end of the lower ground floor by a further c. 6.7 metres. The area to the west of the stair core, indicated on the compliance drawings for REF. 2453/15 as storage is now proposed to accommodate a six bedroom cluster and a light well c. 3.3 metres in depth is also proposed in this area. Changes to the layout submitted for compliance also result in some changes at the northern end of the floorplan with the originally indicated staff room being significantly reduced in size to accommodate the kitchen / living room of a six bed cluster. The originally indicated bike storage and plant rooms remain largely the same as submitted for compliance under ref. 2453/15.

- 2.3. At ground floor level an additional three bedrooms are proposed at the southern end of the block and the layout changed from the previously permitted (under Ref. 2453/15) three 6 bed clusters and one 5 bed cluster (total 23 bedspaces) to one 5 bed cluster, one 6 bed cluster, one 7 bed cluster and one 8 bed cluster, (total 26 bedspaces). The southern end of the block is proposed to be c. 6.5 metres further south at ground floor level than that previously permitted under Ref. 2453/15.
- 2.4. Similarly, at first floor level, the footprint of the southern end of the Block is proposed to be extended further south b c. 6.5 metres over that permitted under Ref. 2453/15. An additional three bedspaces are proposed at this level.
- 2.5. There are no changes to the permitted layout under Ref. 2453/15 proposed above first floor level. The overall effect of the modifications sought are an increase of 19 no. in the number of bedspaces with an additional 13 no. bedspaces proposed at lower ground floor level and 3 no. each at ground and first floor levels. The overall number of bedspaces within the development is therefore proposed to increase from 244 no. to 263 no.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority issued a Notification of Decision to Grant Permission subject to 7 condition.

Condition No. 3 requires that the applicant shall comply with the conditions attached to ref. 2354/15 save where the proposal has been modified by this permission.

Condition No. 4 requires that the applicant shall comply with the requirements of the drainage division and the drainage conditions attached to the grant of permission Ref. 2453/15.

Condition No.5 requires that the landscaping scheme submitted shall be implemented fully in the planting season following completion of the development.

Condition No.6 relates to archaeology and requires inter alia the undertaking of an archaeological assessment prior to any site clearance works. Where archaeological material is found to be present then a detailed impact statement is to be submitted.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The report of the Planning Officer notes the nature of the proposed development and outlines the objections received. The revisions to the design including the proposed increase in window size and the reflective external surfaces as well as the layout of the light wells is noted. On the basis of the revised designs and the results of the Assessment of daylight and Sunlight report submitted with the application it is considered that the basement accommodation is acceptable in terms of amenity. The height of the boundary walls to the residential properties to the south is considered to be such that the proposed additional development at the southern end of Block C is considered acceptable. A decision consistent with the Notification of Decision to Grant Permission issued is recommended.

### **3.2.2. Other Technical Reports**

Drainage Division – No objection subject to compliance with conditions attached to Ref. 2453/15.

City Archaeologist – Notes that the site is located within the Zone of Archaeological Constraint for 4 no. recorded monuments and also within the archaeology interest zone as identified in the development plan. Conditions are recommended.

## **3.3. Third Party Observations**

An objection was made to the Planning Authority and the issues raised can be summarised as follows:

- That the basement level accommodation is sub standard and should be omitted.
- That the variation in the levels of the site and open space would limit the use for amenity purposes.

- That the basement development would have an adverse impact on archaeology and should be refused.
- That the setting back of the southern end of Block C as conditioned in Ref. 2453/15 would reduce the impact on adjoining residential properties and result in additional open space for occupants. The proposed extension of the block at ground and first floor levels should therefore be refused.

## 4.0 Planning History

The following planning history is of relevance to the assessment of this appeal:

Dublin City Council Ref. 2453/15; ABP Ref. PL29S.246290 – Permission granted by the planning authority for student accommodation development on the same site as the current appeal site. The proposed development comprised the refurbishment of the buildings facing Thomas Street and the construction of new development to the rear in new buildings that range in height from 3 to 6 storeys. The permitted development provided for a total of 244 no. bedspaces and a total development floor area of 7,692 sq. metres. This permission was the subject of a first party appeal against Condition No. 3 (limiting development at lower ground floor level and at the southern end of Block C) however this appeal was withdrawn prior to any decision being issued by the Board.

Dublin City Council Ref. 3202/08; ABP Ref. PL29S.231916 – Permission granted by the planning authority and on appeal by the Board for the mixed use development on the site of 32-36 Thomas Street comprising primarily office development with some retail.

## 5.0 Policy Context

### 5.1. Development Plan

It is noted that the application the subject of this appeal was assessed by the Planning Authority under the provisions of the Dublin City Development Plan, 2011-2017. Since the decision of the Planning Authority the new Dublin City Development Plan, 2016-2021 has come into effect.

The appeal site is located on lands that are zoned Objective Z5 under the provisions of the Dublin City Development Plan, 2016-2021. The stated objective for Z5 lands is *'to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity'*.

Residential development is a permissible use on lands that are zoned Objective Z5.

**Policy QH31** supports the provision of high quality purpose built student accommodation within the city.

**Policy CEE19** of the Plan seeks to promote Dublin as an international student city and to recognise that there is a need for significant extra high quality professionally managed student accommodation.

Paragraph 16.10.7 of the Plan relates to student accommodation and sets out a number of internal standards to apply in developments. It is stated that a good orientation and level of daylight to rooms should be provided and that developments should be guided by the principles of Site Layout Planning for Daylight and Sunlight by the BRE, 2011.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party appeal submitted:

- That a decision to refuse permission would not interfere with a reasonable development of student accommodation that would meet the requirements of Policy QH30 as there is already a permission in place on the site.
- That the context of the site has to be taken into account with the adjoining protected structure of St Catherine's Church, residential development to the south and the fact that the buildings on Thomas Street are included on the national inventory of architectural heritage.
- That Condition No.3 of Ref. 2453/15 was warranted to achieve a high quality of student accommodation.



- That the separation distance from the window to the retaining wall is just under 2 metres and not the 3.5 metres referenced in the report of the planning officer. In another location the separation distance to a 3 metre high wall is just under 1 metre.
- That the assessment undertaken by the planning authority did not account adequately for the entire ground floor areas including open space areas.
- That the ARC report submitted with the original application noted the fact that the ground level open space areas in the central courtyard and the area to the east would not receive 2 hours sunshine over half of their area on 21<sup>st</sup> march.
- That the assessment accepts the use of artificial lighting when chapter 17 of the plan relating to residential standards stresses the importance of good daylight and sunlight.
- That BS8206 and BR209 both recommend an average daylight factor (ADF) of 5% and the requirement of Policy QH30 is for high quality. The proposed development would not reach the 5% threshold.
- That the basement areas result in a reduction in the available area of ground level open space or amenity space.
- Overall the development is sub standard, would result in a low quality of residential accommodation and would set an undesirable precedent for other similar forms of development.
- That the reference in the planners report to section K - K and the height of the development relative to the boundary wall is misleading as this section is across the wrong part of the site. A north south section showing the relationship of the proposed extension to the south of Block C relative to the boundary and to the Hanbury Mews residential development is required. The block is within between 1.29 and 1.9 metres from the site boundary.
- The development will lead to overlooking, overbearing visual impact and noise for the residents of the adjoining development.
- That the proposed development at basement level should be refused to ensure the in situ preservation of archaeology as required by Policy FC64.

## 6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That application ref. 2453/15 previously granted by the Planning Authority. The third party appellant did not make any submission in respect of that proposal.
- That the application the subject of the current appeal relates to amendments to a permitted development. The first party intends to proceed with development on the site. It is also noted that the basement area is already permitted partially for residential and also for other rooms.
- That many of the points of principal raised by the appellant have been determined in the parent permission on the site, Ref. 2453/15.
- That the appellant has no obvious connection with the appeal site or with the proposed development. It is put to the Board that s.138(3) of the Act gives power to the Board to hold an oral hearing to determine whether an appeal is vexatious. A fee for the holding of a hearing is attached with the response submission.
- That the site does not directly adjoin lands that are zoned Objective Z1. The revisions proposed are located within the centre of the site and would not impact these lands on the southern side of Hanbury Lane.
- That the Hanbury Mews and Hanbury Court developments are located within lands zoned Z5 (city centre).
- That the site is entirely consistent with Policy QH30 of the development plan which relates to the provision of quality purpose built student accommodation.
- Regarding amenity spaces, the primary area to the north and south of Block B are being retained. The area to the east of Block C was always a secondary area. The landscaped approach to this area to the east of Block C has already been approved under Ref. 2453/15. In addition, there are significant internal amenity facilities proposed including a gym, recreation space, common room, study room, laundry and storage area.

- That the proposed revisions including the additional bedrooms and design changes including larger windows were discussed with the planning authority prior to submission of the application and the impacts in terms of lighting have been demonstrated in the daylight report prepared by ARC consultants.
- The ARC report clarifies that neither the BRE guidelines or BS8206 are ridged standards but rather are guidelines. The ARF figures obtained in the analysis of the current proposal are significantly higher than was the case with the original permission and the basis for the inclusion of Condition 3 omitting basement bedrooms.
- Regarding the potential impact on adjoining residential properties at Hanbury Court and Hanbury Mews, the submitted sections G-G and K-K indicate that the existing boundary wall that is 5.85 metres high will block any adverse impacts on the Hanbury Mews development. The external staircase is a fire escape and will not therefore be in general use.
- The impact on Hanbury Court will also be limited as the parapet height of the extension to Block C would be approximately the same height as the eaves height of the Hanbury Court development.
- Regarding archaeology, the extant permission provides for excavation at basement level and so the issue of refusal of permission on the basis of preservation of archaeological material in situ does not apply. It is also clear from the parent permission that the omission of the basement accommodation conditioned under Ref. 2453/15 was not on the basis of archaeology.
- That archaeological test excavations and agreed methods have been submitted as compliance in respect of Ref. 2453/15.
- That the assertion that the proposed basement accommodation is sub standard and would set an undesirable precedent is rejected. The lighting and layout of the basement accommodation was accepted by the planning authority and has been demonstrated by the applicant to meet development plan standards.

### 6.3. **Response of Planning Authority**

The first Planning Authority have responded to state that they consider that the report of the planning officer on file addresses the issues raised and that they have no further comment to make on the grounds of appeal.

### 6.4. **Request for Oral Hearing**

The request made by the first party for the holding of an oral hearing was considered by the Board and a direction dated 15<sup>th</sup> November decided to refuse the request and that an oral hearing would not be held.

## 7.0 **Assessment**

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development.
- Impact on Amenity
- Other Issues

### 7.2. **Principle of Development**

7.2.1. The appeal site is located on lands that are zoned Objective Z5 under the provisions of the Dublin City Development Plan, 2016-2021. Under this land use zoning objective residential development is normally permissible subject to compliance with other relevant development plan policies regarding design, layout and impact on residential amenity.

7.2.2. I note the fact that the proposed development comprises amendments to an existing permission for the development of the site for student accommodation use and that the principle of the development of the site for student accommodation has therefore been set.

7.2.3. I also note the fact that the provision of high quality purpose built student accommodation is referenced at a number of locations in the recently adopted Dublin

City Development Plan. Specifically, Policy QH31 supports the provision of such accommodation as does Policy CEE19. The form of development proposed providing additional residential accommodation would also be in accordance with government policy as set out in 'Rebuilding Ireland'. The principle of the form of development proposed is therefore in my opinion consistent with national and local planning policy.

- 7.2.4. With regard to the general layout proposed, the additional accommodation is consistent with the permitted layout under Ref. 2453/15. Room sizes and layout of the clusters are in accordance with the provisions of the development plan and specifically section 16.10.7 of the Plan.

### **7.3. Impact on Residential Amenity**

- 7.3.1. The main issues of concern raised by the third party appellant relates to the amenity of the future occupants of the proposed development and secondly the potential impact of the development on the amenity of residential properties located to the south and specifically the Hanbury Court and Hanbury mews developments.
- 7.3.2. With regard to the potential impact of the proposed amendments on surrounding residential properties I note the fact that the appellant has made reference to the fact that the area to the south of the site is zoned Objective Z1 (residential). This is the case however the area in question is located on the southern side of Hanbury Lane and I do not consider that the proposed amendments to the permitted student accommodation layout would have any potential impact on the residential amenity of these properties.
- 7.3.3. With regard to the relationship to the Hanbury Mews development, the proposed additional accommodation would be two storeys in height and would be screened by the high boundary wall that forms the boundary between the appeal site and the Hanbury Mews development. The first party has made reference to sections G-G and K-K and on the basis of these section drawings and an inspection of the appeal site I would agree that there would not be any adverse impacts in terms of overlooking or overbearing visual impact on residents of the Hanbury Mews development. I also note the fact that the external staircase indicated to the southern end of Block C is a fire escape and will not therefore be in general use. In

my opinion the section drawings referred to by the first party are sufficient, when taken in conjunction with an inspection of the site, to demonstrate the likely potential impact on amenity and no further section drawings are required. I note the fact that the proposed bedroom at first floor level at the south east corner of Block C is not proposed to have an angled window as is the case with the three permitted rooms to the north. From my inspection of the site I am not clear that the angling of this window is necessary to protect residential amenity, however to be consistent with the approach used on the adjoining rooms it is recommended that in the event of a grant of permission that this window would be amended to have an angled window and obscure glazing.

- 7.3.4. The potential impact of the proposed development on the Hanbury Court development is in my opinion limited by the limited height of the proposed extension to Block C which is similar to the two storey scale of Hanbury Court. Potential overlooking would also be limited by the boundary wall height that would partially screen to first floor level, the separation distance between potentially overlooking windows and the fact that the windows in the proposed development would be at right angles to the rear of the Hanbury Court development.
- 7.3.5. With regard to the amenity for residents of the proposed development, the appellant contends that the level of light available to the lower ground floor rooms would be sub standard and also that the separation distances to the retaining walls is less than stated by the first party. It is further contended that the proposed revisions to the permitted layout would impact negatively on the amount and quality of amenity space on the site. With regard to the separation distances and the separation from the proposed lower ground floor accommodation to the retaining walls these are indicated in section K-K and also in drawing B-B submitted as part of the landscaping plan. From these it is clear that the additional west facing rooms have a separation of c. 2 metres to a low level planter and c. 3 metres to the main retaining wall. On the east facing elevation, the ebulient distances are c. 4.3 metres and 5.5 metres. The rooms in the south facing 6 bed cluster have a separation of 2 metres to a low level planted area and c. 3.3 metres to a retaining wall of c. 2.7 metres high and this is indicated on both the basement floor plan and on Section B-B.
- 7.3.6. It is also clearly stated by the first party that the relevant distances as set out in the drawings were used in the calculation of the average daylight factor (ADF) figures

calculated by ARC consultants. It is not clear where the locations with the lower separation distances of less than 2 metres and c. 1 metre referred to by the third party appellant are located however they are clearly not in the areas of additional accommodation proposed in the current application.

- 7.3.7. The level of daylight in the proposed accommodation was the subject of analysis by ARC Consultants and the results are presented in the addendum report submitted with the application. The appellant contends that the figures presented are still deficient, however, as set out in the submitted Addendum report dated April, 2016, with the exception of one of the zones examined, the ADF figures obtained are above 4%. While 5% is the accepted threshold for not normally requiring supplemental artificial lighting during the day, the levels predicted are clearly well above the 2% where artificial lighting would always be required. As set out by the first party, the ARF levels predicted are now significantly higher than was the case in the original proposal for lower ground floor accommodation made under Ref. 2453/15. In this case the ARF figures predicted were in the 2.3 – 2.7% range. Revisions to the light wells and an increase in the size of the windows from 2 sq. metres to 4 sq. metres has resulted in the improved daylight penetration and on the basis of the information presented I consider that the proposed layout would result in an acceptable level of residential amenity for future occupants and would be in accordance with the provisions of the development plan for habitable accommodation.
- 7.3.8. The appellant also questions the level of private amenity space that is available to serve the proposed additional bedspaces and contends that the amenity spaces within the development would be reduced by the provision of the light wells to serve the proposed lower ground floor accommodation. The level of open space and amenity space provision on the site is set out in the report of the Planning Officer on Ref. 2453/15 which is on the appeal file. Subsequent to a request for further information the revised layout which was the basis of the parent permission on the site provided for a total 1716 sq. metres comprising 368 sq. metres for the internal courtyard to the south of the main block, 480 sq. metres for the area to the north of the new blocks between the new development and the existing Thomas Street buildings and 185 sq. metres for the area to the east of the new blocks. The balance is in the form of roof terraces. The level of amenity space per bedspace is recorded

in the report of the planning officer as 6.2 sq. metres for the external space and 7 sq metres per bedspace when account is taken of the internal amenity spaces. The additional 19 no. bedspaces would reduce these figures slightly but I calculate that on the basis of an overall external amenity space of 1716 sq. metres that 6.52 sq metres per bedspace would be retained in the revised proposal the subject of this appeal. This is considered to be acceptable and accords with the 5-8 sq, metres per bedspace residential standard for central areas set out in the development plan and the 5-7 sq. metres per bedspace specified in paragraph 16.10.7 of the plan relating to student accommodation.

#### **7.4. Other Issues**

- 7.4.1. A number of other issues have been raised by the third party appellant. In the case of a number of these issues I would agree with the first party that they relate to the principle of development which has already been established by the parent permission on the site (Ref. 2453/15). Issues relating to archaeology is one such circumstance and the proposed amendment to the design will not result in a significant extension of the lower ground floor accommodation that was permitted on foot of Ref. 2453/15. The refusal of permission would not therefore have a material impact on the potential disturbance of archaeology and in any event I note the fact that the City Archaeologist does not object to the proposed development and that conditions relating to archaeology and monitoring are included on Ref. 2453/15 and on the Notification of Decision issued by the Planning Authority on the proposed amendments.
- 7.4.2. The appellants contend that the proposal would have an adverse impact on the setting of protected structures and the ACA in which the site is located. Given the extent and scale of development proposed under the subject application and the very limited visual impact of the alterations proposed when viewed from outside the site I do not consider that there would be any impacts arising on the ACA or on the setting of any protected structures.



- 7.4.3. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. Having regard to the above it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

## 9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, to the extent permission on the site for student accommodation and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would result in an acceptable standard of residential accommodation. 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, 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) The permitted first floor bedroom at the south east corner of Block C shall be fitted with an angled window and obscure glazing to match the windows of the permitted bedrooms to the north.

**Reason:** In the interests of residential amenity.

3. The developer shall comply with all conditions attached to Dublin City Council Planning Ref. 2354/15 save where the proposal has been modified by this permission. This permission shall cease to have effect on the date which Dublin City Council Ref. 2354/15 expires.

**Reason:** To clarify the scope of the permission.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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

5. The landscaping scheme shown on drg no. LP-01-PP, as submitted to the planning authority on the 28th day of June, 2016 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development or until the development is taken in charge, whichever is the sooner, shall be

replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

6. 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.

7. The developer shall pay to the planning authority a financial contribution of €5,814.98 (five thousand eight hundred and ninety eight 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. 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. 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 the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

8. 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.

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. Stephen Kay  
Planning Inspector

10th January, 2017