



An
Bord
Pleanála

Inspector's Report PL29S.247870

Development

Partial demolition, repair and extension of the existing dwelling house (known as The Barn) to provide a 2-storey detached dwelling house (c 424 sq. m) with east facing balcony and car port (c25 sq. m) and construction of 2 no. 3-storey detached dwelling houses (c.443 sq. m and 446 sq. m). All associated site development works, site services, access, car parking, landscaping and boundary treatment works.

Location

The Barn, Riversdale Avenue, Bushy Park Road, Dublin 6

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3014/16

Applicant(s)

Insignia Investments Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal	Third Party
Appellant(s)	John Morrissey Ashling Harrison & Bart Casella & Others Michael McKenna
Observer(s)	Terenure Residents Association Rathgar Residents Association
Date of Site Inspection	29 th March 2017
Inspector	Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The site is located at the end of a cul-de-sac, Riversdale Avenue, off Bushy Park Road, Terenure, Dublin 6. Riverside Avenue is a short narrow cul-de-sac about 140 metres in length with a small turning circle at the end. Its width is 5 or 6 metres with a footpath on the east side.
- 1.2. There is a shared access into the three existing properties at the Barn, Riversdale and Riversdale House (a Protected Structure).
- 1.3. The Barn occupies the western portion of the site. It was originally part of the Riversdale House complex but now separated from it. The buildings are part two-storey part single storey, some of which is of recent construction.
- 1.4. The eastern part of the site is an overgrown garden which contains trees and shrubs.

2.0 Proposed Development

- 2.1. The development will consist of the following: partial demolition, repair and extension of the existing dwelling house (known as The Barn) to provide a 2-storey detached dwelling house (c 424 sq. m) with east facing balcony and car port (c 25 sq. m) and construction of 2 no. 3-storey detached dwelling houses (c443 sq. m.).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission with conditions. A condition of note is Condition No. 3 which requires a number of windows to be obscured glazed and top hung.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority. Key points are set out below:

- Additional information was requested in relation to the following (i) impact of the scale, bulk and height of houses 1 and 2 on the immediately adjoining

neighbours at Nos. 14/14A Westbourne Road and 9 Riversdale Avenue (ii) Plans retaining historic character and scale of The Barn/Clarification of ownership of the boundary between the Barn and 14/14A Westbourne Road (iii) detail of how the proposal complies with Development Plan policy for infill development/review treatment of the cobble pavement area (iv) submission of a Conservation Impact Assessment (v) detailed landscaping plan (vi) ecological impact assessment (vii) clarification of existing services.

- Following receipt of Additional Information, the planning officer considered the scale, bulk and height of the houses were now acceptable and there would be no detrimental impact on neighbouring dwellings, subject to conditions.
- Revised proposal retains the coach house and architectural features along its main eastern elevation.
- Revised proposal complies with Development Plan policy for infill development.
- Information contained in the Conservation Impact Assessment was considered satisfactory.
- Information contained in the Landscape Plan was considered satisfactory.
- Ecological report indicates that there may be potential impact on bats but given the urban nature of the site and existing lighting, development should not result in disturbance – recommends mitigation measures in relation to the moderate impact of habitat loss on breeding birds during the construction phase.
- Recommendation was to grant permission.

3.2.2. Other Technical Reports

Conservation Officer: Recommends revisions

Drainage Division: Recommend conditions

Roads and Traffic: Recommend conditions

3.3. Prescribed Bodies

None

3.4. **Third Party Observations**

- 3.4.1. 16 Observations were received. The issues raised are dealt with in the grounds of appeal and the observations on the appeal.

4.0 **Planning History**

3954/06/X1 – Grant. Extension of permission PL29S.221716 (3954/06) until 10 October 2017.

PL29S.221716 (3954/06) Grant permission for 3 dwellings.

5.0 **Policy Context**

5.1. **Development Plan**

Dublin City Development Plan 2016-2022

- 5.1.1. The site is zoned Z1 – To protect, provide and improve residential amenities.
- 5.1.2. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:
- Policy CHC2 - To ensure that the special interest of protected structures is protected.
 - Policy CHC5 – To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.
 - Section 16.2.1 Design Principles
 - Section 16.2.2.2 Infill Development
 - Section 16.10.2 Residential Quality Standards – Houses– sets out standards to be achieved in new build houses
 - Section 16.10.3 Residential Quality Standards – Apartments and Houses

5.2. **Natural Heritage Designations**

None

6.0 The Appeal

6.1. Grounds of Appeal

Third Party Appellants – John Morrissey, Ashling Harrison and Bart Casella & Others, Mr. M. McKenna.

- Impact on The Barn.
- Impact on Riversdale House, a Protected Structure
- Removal of trees on site without consent.
- Premature for any deliberation to be made on the planning application prior to the finalisation of the Enforcement Investigation.
- No evidence that Conservation Officer or Roads and Traffic reviewed the Additional Information received.
- Ownership Issues
- Policy context has altered since the previous planning permission was granted.
- Proposed dwellings are inconsistent with the existing urban grain of development in the area.
- Concerns in relation to the landscaping treatment.
- Proposal will have a detrimental impact on amenity of surrounding properties
- Inadequate access for Fire Tender/Refuse collection arrangements are substandard/Inadequate sight lines/Vehicle manoeuvring will result in safety issues/Turning circles encroach onto these rights of way.
- Offset from Riversdale House should be increased/Design amendments are suggested.
- Structural impacts on 75A Bushy Park Road

6.2. Applicant Response

Submission by McGill Planning on behalf of applicant:

- Further information response responds to concerns in relation to the existing Barn and surrounding residences
- Proposal will protect setting of Riversdale House/ The Barn is not within the curtilage of the Protected Structure
- Indicate sunlight studies submitted by the appellant are not accurate.
- Landscape drawings prepared by Studio Aula depict the trees to be retained and planted
- In relation to amenity impacts, windows can be omitted or glazed by way of condition/Overshadowing impacts marginally greater than existing.
- Refuse arrangements are the same as currently carried out/Provision of a turning circle would have unwanted design impacts.
- Appendices include (i) plan comparing footprint of 3 houses permitted in 2007 with current proposal (ii) photo of existing window in The Barn (iii) report by Robin Mandal Architects (iv) report relating to the Addition of Riversdale House to the RPS (v) report by BBA Architects (vi) tracking diagram by BBA Architects

6.3. **Planning Authority Response**

None

6.4. **Observations**

Terenure Residents' Association

- Concerns in relation to overdevelopment and bulk of development were not addressed in the additional information submission.
- No fundamental objection to the development of the site
- Negative impact of the proposal on the Protected Structure, Riversdale House.
- Little garden spaces associated with the houses.

- Inadequate separation from boundary walls and adjoining properties.
- Space for turning should be incorporated into the site.

Rathgar Residents Association

- Does not adhere to zoning principles
- Excessive in size/ Overdevelopment of site
- Association between the Protected Structure and the Barn remains
- Would seriously adversely impact the residential and environmental amenities of the area
- Proposal for the Barn constitutes overdevelopment.
- Area is zoned a conservation area - existing structures should be retained and re-used and preservation should take precedence over demolition and replacement.
- Development falls short of private open space requirements
- Inadequate drainage infrastructure

6.5. Further Responses

Manahan Planners on behalf of Mr. M McKenna (Appellant)

- agree with the contents of enclosure from Barry Mahony relating to the width of this road/ request that An Bord Pleanala impose a condition that addresses the requirements of the appellant.

Submission by Stephen Little & Associates on behalf of Third Party Appellant – Ashling Harrison and Bart Casella & Others

- concur with the following matters raised by Mr. Morrissey (i) felling of trees (ii) does not address concerns of the Conservation Officer (iii) unclear if Conservation Officer and Roads & Traffic reviewed the further information
- concur with comments of Mr. M McKenna
- Submission seeks to address matters raised in the Applicant's submission dated 17th February

- Have submitted report by Cathal Crimmins Conservation Architect - Remains Mr. Crimmins opinion that the outbuildings, gates and boundaries are part of the curtilage of the Protected Structure.
- Houses will be higher than Riversdale House and the existing Barn/Site is sloped, becoming lower at Riversdale House.
- A number of trees proposed for retention have already been removed
- Floor to ceiling height of The Barn is adequate without the need for intervention.
- Any building should be set back a minimum of 1.5m from the boundary to Riversdale House.
- Submission enclosed from Barrett Mahony – raises issues of Fire Tender Access, Refuse Lorry Access and safety of Car Parking Movement.
- Submission enclosed from HKR Architects – Alternative design as put forward by HKR minimises impacts on the Protected Structure.

John Morrissey (Appellant)

- Removal of trees is not linked to any previous permission/Removed mature trees within the curtilage of a Protected Structure.
- Inappropriate to introduce new material to An Bord Pleanála.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. In my assessment I have had regard to the further information submission received by the planning authority on the 17th November 2016, detailing revisions to the originally submitted proposal. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Conservation and design/Impact on Protected Structures
- Traffic, access, and parking

- Development standards
- Residential amenity
- Ecology
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. Under the CDP, the site is zoned Z1. Residential is a permissible use within this zone and as such there is no in principle land use objection to the residential use of this site.
- 7.2.2. I note that previous permission has been granted for 3 units on this site (PL29S.221716) with the 3 units granted occupying the eastern portion of the site. The submitted application was for 4 units including the demolition of The Barn. Condition 2 a and b of the Boards Decision required omission of the fourth unit and required retention of The Barn. This permission has not been implemented although this permission has been extended until 10 October 2017 (under Reg Ref 3954/06/X1).

7.3. Conservation and Design/Impact on Protected Structures

- 7.3.1. The site is an infill site, surrounded on all sides by established residential development.
- 7.3.2. In relation to Houses No. 2 and 3, the revised proposals are appropriately scaled, having regard to the neighbouring properties on Riversdale Avenue. The ridge heights are broadly similar to those houses on the eastern side of Riversdale Avenue. While the overall scale of the houses is greater than that of the immediate neighbours on Riversdale Avenue, the width is not excessive and the built form to the rear still allows a generous amount of garden space. As such the proposed houses have the appearance of suburban houses with larger extensions to the rear, and are appropriate for their context.
- 7.3.3. In terms of detailed design, the appearance of the properties is a contemporary interpretation of existing suburban house types predominant in the area and is successful in this regard.

- 7.3.4. In relation to the works proposed to The Barn, the Conservation Report, as submitted to the planning authority as part of the Further Information request, notes that the Barn consists of a late 19th Century two-storey structure as well as later single storey later 20th Century of rendered concrete blockwork. The late 19th Century element has been subdivided by modern concrete blockwork and the roof was rebuilt in the recent past. There is a garden associated with this building, which is subdivided into two separate walled gardens.
- 7.3.5. The revised proposals retain a significant portion of the two-storey late 19th Century structure, which is of some architectural merit. The roof is raised to allow additional height and light into the dwelling house. I note that the existing roof is a modern replacement. The existing more recent single storey elements are replaced in their entirety with a two storey addition which wraps around the earlier building, in a similar footprint to the existing, forming a courtyard. Overall the approach is acceptable with a scale that is commensurate with the overall site area and is an approach that retains the elements of most historical interest. A generous rear garden is proposed.
- 7.3.6. In relation to the Protected Structure at Riversdale House, from the information on file, no part of the site forms part of the Protected Structure nor is it within the curtilage of the Protected Structure. The proposed dwellings No's 2 and 3 are sufficiently set back from the Protected Structure so as to ensure that there is no detrimental impact its setting. From the hard standing front yard of Riversdale House, it will not be possible to view House No. 3 as the line of site is obscured by Riversdale. It will be possible to view from the rear garden of Riversdale House (and Riversdale) but there is sufficient setback from the appeal site boundary to ensure that the setting of Riversdale House is not detrimentally impacted upon.

7.4. Traffic, access and parking

- 7.4.1. The site is accessed from the north via a shared entrance off Riversdale Avenue. Each dwelling has 2 no. car parking spaces. Given the relatively small scale of the proposal there will not be a material impact on traffic volumes. I do not consider that pedestrian or road safety will be compromised as a result of vehicle movements associated with this car parking.

7.4.2. Access for Fire Tender is not a planning matter and as such I do not wish to comment on same.

7.5. Development standards

7.5.1. The proposal meets the standards for overall floor areas and private open space provided.

7.6. Residential Amenity

7.6.1. It is noted that there are residential dwellings to the north on Riversdale Avenue/Bushy Park Road, to the east at Laurelton, to the south at Riversdale and at Riversdale House and to the west at Westbourne Road that have the potential to be impacted as a result of this proposal.

Riversdale Avenue/Bushy Park Road

7.6.2. No. 9 Riversdale Avenue lies immediately to the north of House No. 2. No. 9 is a semi-detached part-two storey, part single storey structure. Proposed House No. 2 is set back approximately 1.2m from the boundary wall with No. 9 Riversdale Avenue. There are three small windows set within the boundary wall at ground floor level facing towards the site and two larger windows at first floor level which are set back approximately 3 m from the boundary.

7.6.3. In terms of loss of natural light and overshadowing, there will be some loss of light to these windows, although it appears that they are secondary windows with the main habitable rooms also lit from the east and west facing windows.

7.6.4. In relation to outlook, there will be some loss of outlook from these south facing windows but it is considered that sufficient outlook remains from the dwelling with the development in place.

7.6.5. In relation to loss of privacy I note there is a side window at first floor level facing towards No. 9. This should be obscure glazed so as to ensure privacy is maintained. There are high level windows to the single storey extension to the rear but is not considered that privacy will be impacted as a result of these windows.

7.6.6. I note that the occupant of No. 75a Bushy Park Road has raised concerns in relation to the impacts of construction and potential structural impacts of same on his dwelling house. Impacts of construction can be controlled by way of a Construction

Management Plan. I note that structural impacts are not a planning issue and as such I cannot give consideration to this issue.

Laurelton

- 7.6.7. In relation to those units to the east of the appeal site, namely 12, 13, 14 and 15 Laurelton, these are sufficiently set back from the proposed development so as to ensure that there will be no detrimental impact on these properties.

Riversdale/Riversdale House

- 7.6.8. In relation to Riversdale, at the time of the site visit this was currently being refurbished and extended, apparently on foot of the recent permission on this site. I consider this property, and the Protected Structure at Riversdale House further south, to be sufficiently set back from the proposed development so as to ensure that the residential amenity of these properties is maintained.

- 7.6.9. I note that Riversdale has a permission of extensions which appear to be under construction. This will result in a two storey extension with windows at ground floor and at roof level in closer proximity to the appeal site than existing. As the proposed development is located to the north of the extended dwelling at Riversdale, there will be no impact having regard to overshadowing. There are no windows at first floor level of the extension to the dwelling and therefore outlook will not be impacted upon.

Westbourne Avenue

- 7.6.10. In relation to the dwellings on Westbourne Avenue, No.'s 12, 14, 14A and 15 directly adjoin the appeal site.
- 7.6.11. In relation to the impact on No. 12, the closest built form to the rear garden of this property will be the single storey car port, which will be limited to 2.6m in height and will be set back approximately 2.8m from the boundary with No. 12. The extended barn will be set back 12.6m from this property. The rear windows of No. 12 face north-east, away from the proposed development. As such they will not be impacted as a result of loss of natural light or overshadowing, nor loss of outlook. The extended Barn will be visible from the rear garden but will not present an overbearing appearance.

- 7.6.12. In relation to the impact on No. 14,14A and 15, the rear of these properties face towards the shared boundary of the two-storey element of The Barn. The roof of this structure will be raised in height and glazing inserted to serve a bedroom area. It is proposed that this glazing be obscured.
- 7.6.13. I note that 14A has a single storey rear extension with two rooflights and a set of glazed patio doors. This is not shown on the OS map submitted with the application. Notwithstanding this issue I do not consider the raising of the existing roof of the Barn will materially impact on the levels of overshadowing to No.s14, 14a and 15 nor materially impact on outlook. The new two-storey element facing towards Riversdale Avenue is located to the north of these dwellings and therefore will not impact levels of overshadowing. The view towards this element will be obscured by the existing two-storey structure and as such outlook will not be impacted upon. The additional two-storey element on the eastern flank of House No. 1 is set back sufficiently from properties on Westbourne Road so as to ensure there is no impact having regard to overshadowing and outlook.

7.7. Ecology

- 7.7.1. The submitted Ecological Impact Assessment (Nov 2016) notes that the subject lands were found to contain no records of, or suitable habitat for, rare or protected plant species, no badger sets or indications of badger activity although they may enter the site. Protected small mammals such as the Pygmy Shrew and Hedgehog are assumed to be present. The buildings are of low suitability for roosting bats and rough vegetation provides nesting habitat for birds. The buildings and artificial surfaces were recorded as being of negligible value while the hedgerow was of local importance (lower value).
- 7.7.2. The report identifies potential lighting impacts on bats but further notes the site is urban in nature and states that bats are unlikely to be impacted by the small additional levels of lighting resulting from the development. The report notes that the interior and exterior of The Barn was inspected for bat activity (i.e. droppings, staining, insect prey remains) and states that none was found. It is also noted that there were no obvious cavities which may provide suitable roosting space, and further notes the attic space has been converted and is not suitable for roosting.

- 7.7.3. The impact of Habitat Loss was considered to be ‘minor negative’ and it is concluded that there will be a temporary impact on a small portion of locally low importance habitat which over time will be offset with a residual impact that is likely to be neutral. I agree that the impact on existing habitat will be minor and does not require any additional mitigation measures.
- 7.7.4. It is also noted that there will be Habitat Disturbance for breeding birds which is considered a ‘moderate negative’ and mitigation measures are recommended. I consider it appropriate to impose a condition in relation to protecting nesting birds.
- 7.7.5. I note also that the remedial and mitigation measures suggest measures to address the potential impact on bats and also trees to be retained. However, I note the lack of roosting space within the existing buildings and the surrounding levels of lighting. As such I consider the impacts of the additional lighting resulting from the development to be minimal and no mitigation is required. A number of trees are to be retained as per the landscaping plans submitted. As such I do not consider that any additional mitigation measures are required.

7.8. Other Issues

- 7.8.1. In relation to the issue of the removal of existing trees, I note any alleged unauthorised tree removal is a matter for the local authority.

7.9. Appropriate Assessment

- 7.9.1. The site is neither in nor near to a Natura 2000 site. However, there are a number of Natura 2000 sites within a 15km radius of the proposal site including 6 SPA's (North Bull Island SPA, Baldoyle Bay SPA, South Dublin Bay and River Tolka Estuary SPA, Wicklow Mountains SPA, Dalkey Islands SPA). The closest SPA to the site is South Dublin Bay and River Tolka SPA which is approximately 5 km to the east of the site.
- 7.9.2. There are 10 SACs within 15km of the site (Baldoyle Bay SAC, Howth Head SAC, North Dublin Bay SAC, South Dublin Bay SAC, Glenasmole Valley SAC, Rye Water Valley/Carton SAC, Wicklow Mountains SAC and Rockabill to Dalkey Island SAC, Knocksink Wood SAC, Ballyman Glen SAC). The closest SAC is the South Dublin Bay SAC which is approximately 5 km to the east of the site.
- 7.9.3. The proposal is located approximately 75m from the River Dodder, which could provide a pathway to a number of those Natura 2000 sites identified above.

However, given the proposal will be linked to the combined foul and surface water sewerage network, it is unlikely that any contaminants will enter the River Dodder from this development during its occupation. During the construction stage, a Construction Management Plan should be adhered to which should include proposals to prevent any contaminants from the site entering the River.

- 7.9.4. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity to the nearest European Site, no Appropriate Assessment issues arise and it is not considered 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 that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the current Dublin City Development Plan 2016-2022, it is considered that the proposed development would not seriously injure the residential or visual amenity of the area and would not detract from the character or setting of the adjacent Protected Structures. 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 17th Day of November 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 proposal should be amended as follows:

The following windows should be permanently glazed with obscure glass with a top hang opening only.

(a) The existing first floor windows to the master bedroom in the western and southern elevations of House 1.

(b) The new first floor high level windows to the master bedroom in the western and southern elevation of House 1.

(c) The first floor window to the hallway in the western elevation of House 1.

(d) The first floor en-suite bathrooms in the northern elevation of House 2 and in the southern elevation of House 3.

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 The landscaping scheme shown on drg no.s 16-354-PD-01, 16-354-PD-02, 16-354-PD-03, 16-354-PD-04 as submitted to the planning authority on the 17th day of November, 2017 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 five years from the completion of the development 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 interest of residential and visual amenity.

4 (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

5 In the event of development commencing between the months of March and August, existing vegetation on site shall be inspected by an ecologist for the presence of nesting birds. Where no nesting is found, vegetation shall be removed within 48 hours and in the event of a nest being found, it shall not be removed except under licence from the National Parks and Wildlife Service.

Reason: To ensure the protection of the natural heritage on the site.

6 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.

- 7 Proposals for a 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 street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility

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

Reason: In the interest of public health.

- 9 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

- 10 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 of roads, footpaths, watermains, drains, 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 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 of the development.

- 12 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.

Rónán O'Connor
Planning Inspector

24th April 2017