



An
Bord
Pleanála

Inspector's Report PL27.249185

Development	Change of use to house, demolition of extensions and construction of 43 no. apartments and 2 no. retail units.
Location	Ulysses, Montebello Terrace and 58-59 Strand Road, Bray, Co. Wicklow.
Planning Authority	Wicklow Co. Council
Planning Authority Reg. Ref.	16/1402
Applicant	McEleney Homes
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	McEleney Homes
Observer	Carol L. Reynolds
Date of Site Inspection	14/11/17
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.3113 hectares is located at Strand Road, Bray, Co. Wicklow. Strand Road runs parallel the Bray esplanade. The northern section of the site contains no. 58 Montebello Terrace a two-storey semi-detached building. The main area of the site has been cleared of previous development and it is surrounding by security hoardings.
- 1.2. No. 58 Montebello Terrace contains Ulysses Guest House. The building is currently providing residential accommodation. The original building has been extended with a two-storey flat roofed extension to the rear. There is a single storey shed/outbuilding in rear garden which adjoins the western boundary.
- 1.3. The Dublin-Wexford/DART railway line is located to the west of the site. The boundary is defined by a 2.5m stone wall constructed over a retaining wall circa 1.5m in height. Victoria Avenue bounds the site to the south. Seafield House and cottage adjoins the site to the south-west. Seafield House is a three-storey detached dwelling and Seafield cottage is single storey.
- 1.4. Along this section of Strand Road there is a mix of developments of varying styles, heights and materials. Buildings to the north and south along Strand Road are in residential and commercial use.

2.0 Proposed Development

- 2.1. The proposed development, as described in the original submitted public notices, provides for;
 - Change of use to house, demolition of extensions
 - Demolition of extensions existing residential buildings to rear of site
 - Construction of 43 no. apartments
 - 2 no. retail units
 - Basement car parking facilities – 47 no. car park space

- 17 no. surface car park spaces.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for one reasons;

1. Having regard to the proximity of the proposed development to the railway line and associated overhead power lines, it is considered that the development would endanger health/safety of persons occupying the structures/users of the rail line because the clearance from the rail infrastructure is considered insufficient to ensure that any potential dangers have been satisfactorily avoided.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Further Information sought on 10/2/17 in relation to the following;

1. Provide revised proposals for a reduced scale development to respect the relationship with adjoining development.
2. Submit revised proposals and details to address concerns raised by Irish Rail.
3. Section 3.3.1 of the Bray Town Plan 2011-2017 requires that the quantum of 1 bed apartments in a scheme shall not exceed 5%. The current scheme provides 20%. The applicant is required to justify the proposed number of 1 bed apartments.
4. Provide proposals for specific noise insulation as per Bray Town Plan requirements.
5. Car parking achieves minimum standards of Bray Town Plan, however would not accord with Wicklow Co. Development Plan standards which would require an additional 8 no. spaces. Revised proposals required for the vehicular entrance to be level grade crossing and a dished crossing at the retail unit.

6. Report addressing the impact of daylight/sunlight and overlooking of adjacent properties on Victoria Road/Strand Road.

3.2.3. Report dated 3/8/17 – The number of units was reduced in the revised proposal from 43 no. units to 40 no. units. The outstanding issue relates to proximity of development to the railway line and associated overhead powerlines. It was considered that the development as proposed may not be technically feasible without compromising the rail line in terms of health and safety. Therefore, a refusal of permission was recommended.

3.2.4. Other Technical Reports

Roads Section – Report of 31/1/17 – The proposed car parking is inadequate a minimum of 55 no. spaces should be provided. Entrance should be a level grade crossing in accordance with Section 4.3.2 of DMURS. Dished crossing should be provided at the crossing point in front of retail units.

Housing Section – no objection

3.3. Prescribed Bodies

3.3.1. Iarnród Éireann – Report of 17/7/17 – They object to the proposed development on a number of grounds including that the rear of the proposed development is too close to existing Irish Rail boundary. The developer has not taken into account the proximity of the site to the Dart Station at Bray where trains run for 20 hours and day and there is maintenance works at night. The proposal has not taken into account the levels of noise and vibration which normally would be expected from railway operations. The drawings indicate a deep basement along the line of the western face of the building at circa 1.3m from the railway retaining wall. The proposed depth of the basement is unclear from the submitted details. Strong concerns were expressed as to the potential impact to the railway retaining wall.

Iarnród Éireann Report of 17/7/11 – Given the height and nature of this residential development and the proximity of overhead power lines a separation distance of 4m is required. The applicant has not engaged with Iarnród Éireann on how it is proposed to construct the basement or the superstructure without putting the railway at risk. The objection to the proposed development still holds.

3.3.2. Irish Water – No objections subject to condition.

3.4. **Third Party Observations**

3.4.1. The Planning Authority received 11 no. observations/submissions in relation to the proposed development. The main issues raised are similar to those set out in the observation to the appeal.

4.0 **Planning History**

The planning history pertaining to the site is detailed in the Planner's report. The most recent relevant history refers to Reg. Ref. 05/227 & PL39.215339 where permission was granted for a mixed use development consisting of a retail unit and 41 no. apartments.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The Wicklow County Development Plan 2016-2022 is the operative County Development Plan for the area.

- Appendix 1 – Development and Design standards

5.2. The Bray Town Development Plan 2011-2017

The subject site is zoned 'Objective SF- Seafront Uses'- which seeks to 'to protect, and enhance the character of the seafront area and to provide for mixed-use development including appropriate tourism, leisure and residential uses. The seafront area shall be promoted as the primary tourist recreation and leisure centre of the town'.

5.3. **National Policy**

- "Sustainable Residential Development Guidelines for Planning Authorities" (2009).

- Urban Design Manual – A Best Practice Guide, (2009)
- Design Manual for Urban Roads and Streets – ‘DMURS’, (2013)
- Sustainable Urban Housing: Design Standards for New Apartments, 2015

5.4. Natural Heritage Designations

5.4.1. Bray Head SAC (site code 000714) is c. 700m to the east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was lodged by PCOT Architects on behalf of MCEleney Homes. The main issues raised concern the following.

- The reason for refusal refers to the proximity of the proposed development to the railway line and associated overhead powerlines and that the development would endanger health and safety of persons occupying the structure and users of the rail line because the clearance from the rail infrastructure is considered insufficient.
- The Council were cognisance that Iarnród Éireann required a 4m set back from the rail line however this is only a request. There are no detailed technical reasons, calculations or design standards provided by Iarnród Éireann which justify the sterilisation of 4m of the applicant’s property.
- It is considered that the Council’s decision to refuse permission is not based on technical or statutory backup.
- The applicant has indicated that they are happy to discuss technical solutions to the concerns raised by Iarnród Éireann regarding the proximity of the overhead cables to the boundary and the proposed development.
- The Council were not required to be bound by the objection from Iarnród Éireann to provide a 4m set back from the property boundary.

- They cite the precedent which was provided by the permission granted by the Board under (Planning Register Reference 05/227 and ABP reference PL39.215339).
- Any issues with the construction of the development can be dealt with as part of a Construction Management Plan, to be prepared prior to commencement of development.
- The overhead cables and wires are set well back from the boundary and within the area of the railway lines.
- It is requested that the Board consider what the appropriate setback is, if any. If the Board consider based on technical evidence that Iarnród Éireann are justified in their request for a 4m setback then permission should be granted with a condition reflecting that requirement.
- Revised drawings have been submitted with the appeal indicating the 4m setback between the development and the boundary with Iarnród Éireann lands. This further revises the scheme which was lodged in response to the further information. The revised scheme would result in a reduction on apartment units proposed from 40 to 39 and the mix of apartment size would change. Three of the 3 bedroom units would be 2 bedroom units and one of the 1 bedroom units would be a 2 bedroom unit.
- The appellant requests that the Board overturn the decision of the Planning Authority and grant permission for the reasons set out in the appeal.

6.2. Planning Authority Response

- None received

6.3. Observations

An observation was received from Carol L. Reynolds. The issues raised are as follows;

- The revisions to the proposed development submitted in response the Further Information request issued by the Planning Authority do not address the observers concerns. The height of the apartment building has been

marginally lowered, however it would still be the highest building in the area. The height of the building and the elevational treatment would be completely out of character with the Victorian architecture in the area.

- The buildings on Victoria Avenue will be overshadowed by the proposed development.
- The residential scheme will increase traffic in the area and generate parking.
- The architectural context of the seafront and surrounding streets needs to be adequately addressed.

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Development Plan policy
- Design and layout of proposed development
- Proximity to railway line
- Impact upon residential amenity
- Traffic and parking
- Appropriate Assessment

7.1. Development Plan policy

- 7.1.1. The subject site is zoned 'Objective SF- Seafront Uses' within the operative Bray Town Development Plan which seeks to 'to protect, and enhance the character of the seafront area and to provide for mixed-use development including appropriate tourism, leisure and residential uses. The seafront area shall be promoted as the primary tourist recreation and leisure centre of the town'.

- 7.1.2. In relation to density, on the basis of 43 no. units on the 0.3113 hectare site, this gives a density of 138 dwellings units per hectare. Under a previous permission which was not carried out (Reg. Ref. 05/215339 & PL.39215339) permission was granted for 41 no. apartments within two blocks with a height of five storeys.
- 7.1.3. The subject site is a brownfield site situated roughly 520m from Bray Dart Station which is also served by the following Dublin bus routes 45a, 84/a, 145 and 185. The site is located within a catchment of circa 500m from high quality public transport. Section 12.3.2 of the Bray Town Development Plan 2011-2017 refers to density and advocates that as a general rule the minimum and maximum density for new residential developments shall be 50 and 125 units per hectare respectively. It is set out in the Plan that the Council will only allow higher densities up to 125 units per hectare at appropriate sites, typically these will be closer to the town centre area and be well serviced (shops, public transport etc.).
- 7.1.4. The recommendations of chapter 5 of “Sustainable Residential Development Guidelines for Planning Authorities” advocates densities of 50 dwellings per hectare or more on brownfield sites on public transport corridors.
- 7.1.5. Having regard to the brownfield nature of the site and the proximity to Bray town centre and public transport, I would conclude that the location of the site does warrant the consideration of the proposed density of 138 units per hectare subject to all other relevant planning considerations being satisfactorily addressed.
- 7.1.6. In relation to the proposed height of development on site, the proposed apartment building is four/five storeys. As per section 11.4.1 of the Bray Town Development Plan which refers to the SF Seafront Zone it is advised that generally, a maximum height of 4 storeys above ground level is appropriate. However, it is noted that the Council may permit heights above this, where the specific context of the site and the design of the building allows it.
- 7.2. Design and layout of proposed development
- 7.2.1. The scheme as originally proposed provides for the construction of 43 no. apartments comprising 9 no. one bedroom units, 30 no. two bedroom units and 4 no. three bedroom units.
- 7.2.2. Following the request for further information from the Planning Authority the proposed scheme was amended. The number of residential units was reduced to 40

with 6 no. 1 bedroom apartments, 25 no. 2 bedroom apartments and 9 no. 3 bedroom apartments proposed.

- 7.2.3. As part of the appeal further revised plans were submitted by the applicant to address the matter of the separation distance between the proposed development and the rail line to the west. The revised plans submitted to the Board on the 4th of September 2017 further reduce the number of proposed residential units to a total of 39. With some revision also to the size of a number of the apartments. The revisions would result in 3 no. of the three bedroom apartments being reduced to two-bedroom units.
- 7.2.4. The public open space is proposed in the area to the north-western corner of the site and this would be overlooked by the north facing side elevation of the apartment building. This open space has an area of 275sq m. A second area of public open space is provided to the south-western corner of the site. This area would be over look by a 38m section of the building. This area includes 137sq m of public open space and 129sq m of communal open space. Section 12.3.3.2 of the Bray Town Development Plan refers to Public Open Space Standards in Residential Schemes. It requires that in new residential development schemes, there is provision of public open space at the minimum rate of 10-14% of the total site area. The total open space provision is 541sq m which is roughly 17% of the area of the site therefore exceeds the minimum Development Plan standards.
- 7.2.5. Furthermore, having regard to the location of the site opposite Bray esplanade and beach this adds significantly to the recreational amenity available to future residents.
- 7.2.6. Having reviewed the floor plans, I am satisfied that the areas and the balconies and terraces have been provided in accordance with the required standards set out in Section 12.3.3.1 of the Bray Town Development Plan 2011 - 2017 which refers to private open space standards.
- 7.2.7. Regarding the visual impact of the proposed scheme on the surrounding streetscape I note that it is at a corner site location and the surrounding building heights includes a three-storey dwelling adjoining the site to the south and a three-storey apartment building on the southern side of Victoria Avenue. The proposed design includes the height of the building being stepped down from five storeys at the centre of the site to four storeys at the perimeter. The front elevation of the building is set back from

the roadside boundary and maintains the front building line along Strand Road. In relation to the elevational treatment, I consider that there is reasonable variety provided with mix of fenestration and use of glazing. Overall in terms of the visual impact of the proposed scheme on the surrounding streetscape I consider that the development has been designed well to integrate with the surrounding development.

7.3. Impact upon residential amenity

- 7.3.1. In relation to the matter of the proposed building height the maximum ridge height is 16.3m at the fifth storey section. The four-storey section has a height of 14.2m. The proposed fifth storey is set back from the front of the building and away from the south-eastern corner of the building. The approach of tapering height of the building from five storeys in the centre of the site down to the four storeys close to the site boundary is appropriate having regard to the height of surrounding buildings. The existing apartment building to the south on the opposite side of Victoria Avenue is three storey and the neighbouring dwelling to the south Seafield House is also three-storey.
- 7.3.2. In relation to the potential impact upon surrounding properties the dwellings Seafield House and Seafield cottage are located immediately to the south. In relation to the separation distance between the apartment building and Seafield cottage & Seafield House I note that the scheme has been designed having regard to the location of those dwellings. The north facing rear elevations of dwellings would directly address the proposed open space area. At the closest point the dwelling Seafield cottage would be located 17m from the apartment building.
- 7.3.3. In relation to the property Seafield House to the south, the rear elevation of the dwelling would be located 18m from the apartment building. While the side elevation of the three-storey dwelling would be a minimum of 3.2m from the side of the building.
- 7.3.4. Accordingly, having reviewed the proposed site layout of the scheme including the revised proposals relative to the existing surrounding properties, I consider having regard to the proposed siting and design of the apartment building the relative separation distances to the existing dwellings to the south of the site that the proposed scheme would not result in any undue overlooking of residential properties.

- 7.3.5. Regarding the matter of overshadowing a Daylight Assessment of the proposed development was submitted as part of the further information response. It was concluded in the assessment that lighting conditions which would result from the development would be substantially the same as would have occurred from the development which was previously permitted on the site under Reg. Ref. 05/227 & PL39.215339. Having reviewed the submitted shadowing diagrams, I am satisfied that the proposed scheme would not result in any significant level of additional shadowing beyond that which would have occurred from the scheme previously granted permission on the site.
- 7.4. Traffic and car parking
- 7.4.1. The proposal entails the provision of a total of 43 no. dwelling units. There was previous vehicular access to the former building on site from Strand Road. The proposed layout provides for the entrance and exit to the basement car park to be accessed off Strand Road. The proposed entrance is located 22m to the north of the junction between Strand Road and Victoria Avenue. The entrance would be located at a straight section of the road and where the road width is circa 7m. Accordingly, the location of the proposed vehicular access to the basement car park is acceptable.
- 7.4.2. A total of 47 no. car parking spaces are proposed within the basement car park including 2 no. disabled spaces. There is also provision for 65 no. bicycle parking spaces. 17 no. surface car parking spaces are proposed to the front of the building.
- 7.4.3. Table 12.4 of the Bray Town Development Plan sets out the car parking standards for residential schemes. Generally, 1 no. car parking space is required per dwelling unit. Table 7.1 in Appendix 1 (Development & Design Standards) of the Wicklow County Development Plan 2016-2022 refers to car parking standards. For dwellings 1-2 car parking spaces are required with 2 required for all dwelling units over two bedrooms in size.
- 7.4.4. Following the submission of further information the number of units proposed was reduced from 43 to 40 and a total of 68 no. car parking spaces were provided. The revised scheme provides 6 no. 1 bedroom apartments, 25 no. 2 bedroom apartments and 9 no. 3 bedroom apartments. Based on the requirement of 2 car parking spaces

per two bedroom or three bedroom unit then the scheme would generate the requirement for 74 no. residential parking spaces.

7.4.5. The Planning Authority considered that the provision of 50 no. dedicated car parking spaces to serve residential units with 18 no. surface spaces to serve the retail units would be satisfactory. Having regard to the proximity of the site to the town centre and to bus and rail and the provision of bicycle parking spaces, I would concur with the Planning Authority that the proposed car parking provision and arrangements would be acceptable.

7.4.6. Regarding the matter of traffic generation, in terms of overall scale and intensity the proposed development is relatively modest in scale. The nature of the traffic associated is residential which is not out of character with the existing type of traffic that frequents the road network in the vicinity of the site. Furthermore, I would note that the previously permitted development on site granted under Reg. Ref. 05/227 & PL39.215339 for 41 no. residential units. Having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.

7.5. Proximity to railway line

7.5.1. The refusal issued by the Planning Authority refers to the proximity of the proposed development to the railway line and associated overhead power lines and stated that considered that the development would endanger health/safety of persons occupying the structures/users of the rail line because the clearance from the rail infrastructure is considered insufficient to ensure that any potential dangers have been satisfactorily avoided.

7.5.2. In response to the matter the applicant has argued that the Council's decision to refuse permission is not based on technical or statutory backup. The report from Iarnród Éireann provided in response to the further information submitted to the Planning Authority stated that having regard to the height and nature of the residential development and the proximity of overhead power lines a separation distance of 4m is required. Furthermore, they expressed concern that the applicant had not engaged with Iarnród Éireann on how they proposed to construct the basement or the superstructure without putting the railway at risk.

- 7.5.3. To address the issue of the separation distance between the proposed development and the rail line the applicant has submitted revised plans to the Board which provides a separation distance of 4m from the site boundary with the rail line to the edge of the building including the proposed basement. This does address matter of set back from the rail line and its associated overhead power lines. I note that the location of the rail line itself is 12m from the site boundary. Therefore, the location of the proposed building including the basement would be 16m from the railway line.
- 7.5.4. The applicant also cites the permission granted on the site for a similar apartment development under Reg. Ref. 05/227 & PL39.215339. The development permitted under that scheme was sited in a comparable location to the currently proposed scheme.
- 7.5.5. In relation to matter of set back from the rail line I note a recently granted scheme further to the south on Strand Road, Bray on a site adjacent to Bray Head Hotel and Star Leisure. Permission for granted for an apartment scheme on site which also adjoins the railway line. In the case of that scheme there was a setback of 13m provided between the double level basement car park and the rail line.
- 7.5.6. Accordingly, having regard to the details set out above and the revised plans submitted to the Board which provides a 4m setback from the proposed development to the site boundary with the rail line I consider that the matter of rail safety concerns raised by Iarnród Éireann has been satisfactorily addressed. Should the Board decide to grant permission I would recommend the attachment of two conditions the first to require that details of the location, design and construction of foundations and retaining walls be agreed in writing with the planning authority in consultation with Iarnród Éireann prior to the commencement of development in order to ensure the protection of the integrity of the railway line. The second condition should ensure that the boundary treatments, landscaping, layout, construction works, noise abatement measures and lighting comply with the requirements of Iarnród Éireann for such works and services.

7.6. Appropriate Assessment

- 7.6.1. The subject site is located in an established brownfield site within the town boundary of Bray. I note the designated sites within 15km of the application site including Bray Head cSAC, which is located immediately south of the application site. Having

regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Bray Town Development Plan 2011-2017, to the nature and scale of the proposed development and to the brownfield nature of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area and would provide an acceptable standard of amenity for future residents. 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 received by An Bord Pleanála on the 4th day of September, 2017 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. 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 and to ensure a proper standard of development.

3. Prior to the commencement of development, all matters relating to the location, design and construction of foundations and retaining walls shall be agreed in writing with the planning authority in consultation with Iarnród Éireann and shall be based on a site specific geotechnical analysis of the underlying strata to be carried out by the developer. In default of agreement, the matter shall be referred to the Board for determination.

Reason: To protect the integrity of the railway line.

4. Boundary treatments, landscaping, layout, construction works, noise abatement measures, lighting and consultation shall comply with the requirements of Iarnród Éireann for such works and services.

Reason: In the interest of public health and rail safety.

5. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

6. 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

7. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of orderly development and the visual amenities of the area.

8. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

9. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this

company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

10. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

12. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be

carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

13. 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 (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 of the area.

14. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

15. 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.

Siobhan Carroll
Planning Inspector

22nd December 2017