



An
Bord
Pleanála

Inspector's Report ABP-300068-17

Development	The conservation and refurbishment of Glebe House and construction of a 69-bedroom apart-hotel with 15 no. retail units and 4 no. market stalls.
Location	Glebe House, Rathcoole, Co. Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17A/0036
Applicant(s)	LBJ Properties Ltd
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	3 rd Parties
Appellant(s)	Rathcoole Community Council Clondalkin Credit Union Ltd.
Observer(s)	None
Date of Site Inspection	15 th March 2018
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.4844ha, is located on the north side of Main Street, within the village of Rathcoole, Co. Dublin. The 50kph speed restriction applies on the street. Public lighting and public footpaths are in place. There are recessed parking bays on either side of the street at this location – with the footpath extending to up to 4m in width in front of Glebe House
- 1.2. Glebe House, a derelict two-storey Protected Structure, in a parlous state following a fire and rainwater ingress, is located centrally within the site. It has a temporary roof on the main block. Single- and two-storey annexes to the house are similarly derelict – with the exception of one long single-storey range to the west, which is in use as a car mechanics premises. The first floor has collapsed in many areas, so it was not possible to gain access to this level of the house on the date of site inspection. The house has been boarded-up for security reasons. There are some remains of timber panelling around door and window cases, and approximately half of the staircase is intact. There is some small amount of plaster coving still in place at ground floor level in the west wing and at first floor level too (visible due to the missing floor). The first-floor bay window in the north elevation of the building (shown in photographs submitted) is now gone. The principal features of this house are the two massive chimney blocks within the structure. There are some remaining slates on the roof. A diagonal brick arrangement at cornice level is an attractive external feature of the house. Plaster is falling away from external walls. The house is accessed from a recessed entrance on Main Street, with new pillars and sheet timber security gates. The forecourt area between the house and Main Street is tarmac. The area to the north of the house is used for storage of cars.
- 1.3. To the east, the site is bounded by Eaton Drive, a road which is not taken-in-charge by SDCC. A row of seven, single-storey, flat-roofed shops address this street. There is a covered walkway in front of the shops – and informal parallel parking. Not all units would appear to be occupied. Immediately to the north is a parking area for approximately 14 cars (parked two deep). This parking area is bounded to the west by a disused open yard (with access from the opposite end at Tay Lane) – the boundary with which is a 2.4m high concrete wall, which is capped and dashed. To the north, this parking area abuts a green area – the boundary with which is a

similar-design wall (backed by mature Leyland cypresses on the adjoining site side). There are three-storey-plus-attic residential and commercial units on the opposite side of Eaton Drive. There is perpendicular on-street parking in front of these units. Eaton Drive continues to connect to Eaton Close, which in turn reconnects with the Main Street – further to the east.

- 1.4. To the west, the site is bounded by a short cul de sac – Tay Lane, with a footpath on the opposite side only. The boundary with Tay lane is a 2m high granite wall. There are two-storey and two-storey-plus-dormer houses on the opposite side of the street. Tay Lane connects to a pedestrian over-bridge on the N7 to the north. There is a fast-flowing canalised stream flowing immediately inside the roadside boundary wall – bifurcating at it exits the site – to flow in a culvert beneath the N7 in a northerly direction. Tay Lane Sewage Pumping Station is located on the opposite (north) side of the N7.
- 1.5. To the north, the site abuts a disused, open storage yard, with access from Tay Lane – the boundary with which is 2.5-3.0m high concrete block wall. There is one large shed on the appeal site (immediately to the north of Glebe House), constructed hard against this wall. There are some scrub buddleia bushes growing within the disused yard next to this wall. Immediately to the north of this yard area are some residential units (surrounded by mature Leyland cypress trees).
- 1.6. To the south, the site is bounded by the wide Main Street – with the exception of the relatively new, two-storey, Four Corners credit union building, which opens directly onto the footpath. There is a small single-storey extension to the east side of the credit union building. There is a small single-storey extension immediately to the rear of the credit union building – constructed hard against the 2m high concrete block boundary wall with the appeal site. This wall is uncapped, unplastered, and painted. There are cars for repair/sale packed into the yard area immediately to the north of it. Immediately to the west of the credit union building is the recessed vehicular access to the large sheds on the western part of the site. The wing walls and piers are of recent construction, and the metal gates are unremarkable. The western portion of the site is principally used for the repair of cars, with one shed used for retail of animal feed and fuel. The 2m high boundary wall on Main Street is principally of random granite, but with some limestone/shale. There is a milestone marker immediately in front of the credit union building.

2.0 Proposed Development

2.1. Permission sought on 15th February 2017, for development as follows-

- A 69-bedroom apart-hotel spread over 2 no. three-storey blocks.
- 2 no. three-bedroom family suites contained within a separate block in northeast corner of the site.
- Restaurant/coffee shop on the ground floor of an extended Glebe House (to west and north).
- Function room on the first floor of an extended Glebe House, with access to terrace area to the west.
- 15 no. retail units of varying size – located fronting onto Eaton Drive and within a new pedestrian courtyard area to the south and west of Glebe House.
- 4 no. market stalls (15m² each) located to the north of Glebe House within a pedestrian courtyard area.
- Demolition of sheds/former retail warehouse and outhouses on the site (1,073m²).
- Demolition of seven retail units (701m²).
- Conservation and refurbishment of Glebe House.
- Extensions to side and rear of Glebe House at ground and first floor level.
- Underground car-park with stated 84 spaces – accessed from Eaton Drive.
- Landscaped river fern garden with open stream along Tay Lane boundary of site (surface water flood holding area).
- Surface water discharge to attenuation tank of 334m³, located within courtyard area on south side of Glebe House – suspended above basement car-parking. Ultimate discharge is to 375mm diameter public surface water sewer on Main Street, which in turn discharges to the stream running inside site boundary along Tay Lane.
- Foul waste discharge at two points to 375mm diameter public foul sewer in Main Street. Basement drainage routed through an hydrocarbon interceptor.

- Water supply from 100mm public mains in Main Street – location unspecified.

2.1.1. The application was accompanied by the following documentation of note-

- Outline Conservation Inspection Report – dated 12th February 2017.
- Archaeology & Built Heritage Report – dated 26th January 2017.
- Urban Analysis of The Glebe House – undated.
- Site-Specific Flood Risk Assessment – dated February 2017.
- Traffic Impact Assessment Report – dated 10th February 2017.
- Drainage Design Report – dated February 2017.
- Letter of consent to making of the planning application from owner of retail unit no. 1 on Eaton Drive.

2.2. Unsolicited additional information was received on 4th April 2017, in the form of a Three-Dimensional Study of the application.

2.3. Following a request for additional information, the following was received on 6th September 2017-

- Reduction in size of apart-hotel from 69 bedrooms to 58 bedrooms.
- Addition of six, one-bedroom suites (46m² each).
- Reduction in number of retail units from 15 to 9.
- Reduction in height of western block addressing Tay Lane from three storeys to two storeys. Removal of retail units at ground floor – with just one retail/café unit remaining.
- Small increase in size of three-bedroom suites in northeastern corner block – 128m² each. Replacement of retail unit within this block by bin storage area.
- Omission of two retail units flanking the pedestrian entrance onto Main Street
- Reinstatement of granite wall on Main Street boundary and insertion of section with railings.
- Alterations to escape stairs from basement area and provision of air vents.
- Reduction in basement parking to 81 spaces.

- Reduction in basement area from 3,368m² to 3,009m², with consequent alterations to basement layout.
- Reconfigured market stands to north of Glebe House.
- Landscaping plan.
- Revised water supply and drainage layout.

2.3.1. The submission is accompanied by the following documentation of note-

- Revised public notices.
- Revised Design Philosophy Report – undated.
- Architectural Impact Statement – undated.
- Outline Method Statement and Outline Specification for proposed works at Glebe House – dated 28th August 2017.
- Short Landscape Report – undated.
- Engineering Report – dated 29th August 2017 – in relation to drainage, underpinning, vehicular access and drainage of basement during construction phase.
- Revised Accommodation Schedule – dated 30th August 2017.
- Ambient Noise Assessment Report – dated 15th July 2017.

3.0 Planning Authority Decision

By Order dated 2nd October 2017, South Dublin County Council issued a Notification of decision to grant planning permission subject to 30 no. conditions – the principal ones of which may be summarised as follows-

1. Development to be carried out in accordance with plans and particulars submitted with the application and on 6th September 2017.
2. Works to Protected Structure shall be carried out in tandem with apart-hotel. Restoration shall be completed prior to first occupation of any new units within the site.

3. Development shall not be used for the purposes of permanent residential accommodation, student accommodation or as a hostel where care is provided without a prior grant of permission.
4. Requires revised road layout along Eaton Drive; bicycle parking provision; Construction Traffic Management Plan; and agreement for necessary Road Opening Licence(s).
- 6-8. Details to be agreed in relation to landscaping of courtyards and river garden.
- 9-11. Relate to archaeology.
17. Relates to reservations of the PA in relation to capacity of foul pumping station in Tay Lane. Issues to be resolved with Irish Water, prior to commencement of any development.
18. Requires submission of a Method Statement for restoration of Glebe House, for written agreement of the PA, prior to commencement of development.
- 19-23. Relate to architectural conservation of Glebe House.
30. Requires payment of a development contribution of €154,132.50.

4.0 Planning History

SD05A/0400: Permission granted for mixed-use residential/retail/commercial development on this site. Basement parking for 96 cars was proposed – with access from Tay Lane. The development provided for the refurbishment of Glebe House. No development was carried out, and the permission has expired.

5.0 Policy Context

5.1. Development Plan

The relevant document is the South Dublin County Council Development Plan 2016-2022. Zoning Map No. 8 is the relevant map for Rathcoole.

The site is principally zoned 'RES' – residential. The row of shops on Eaton Drive is zoned 'VC' – village centre. Within the 'RES' zoning, 'shop local' use (units of less than 100m²) is 'permitted in principle', and 'hotel' use is 'open for consideration'.

Glebe House is a Protected Structure – ref. 313.

The entire village of Rathcoole is designated an Architectural Conservation Area.

The entire village centre is within an Area of Archaeological Conservation.

5.2. Natural Heritage Designations

The site is neither within, nor immediately abutting, any European site. The closest such is the Glenasmole Valley SAC, some 7.0km to the southeast.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There are two 3rd Party appeals from Rathcoole Community Council; and from Hughes Planning and Development, agent on behalf of Clondalkin Credit Union Ltd, both received by An Bord Pleanála on 31st October 2017, and which can be summarised in bullet point format as follows-

- The restoration of Glebe House is welcomed. More stringent conditions should be attached by the Board to ensure that the house is restored prior to commencement of the apart-hotel development. The Board should amend condition no. 2.
- SDCC has an obligation to conserve Protected Structures.
- Additional traffic will impact on the congested Main Street.
- Another, more sympathetic finish, rather than zinc cladding, should be used for extensions to Glebe House.
- There are too few market stalls to service a proper market – and these units will turn into a storage area.
- It is feared that necessary underpinning of Glebe House will not be undertaken, and the house or part of it will be lost during construction.
- There is concern that bedrooms will be used as individual units of habitation rather than for apart-hotel use.

- A detailed traffic management plan should be submitted for the construction phase.
- The basement will impact negatively on the structural stability of the credit union building on Main Street. It is located unnecessarily close to the credit union property boundary. The submission from the applicant on 6th September 2017, has not given any comfort to the appellant in relation to potential undermining of the credit union building. Reference by SDCC to section 34(13) of the Planning and Development Act, 2000, gives no comfort to the appellant either. Condition 23, which specifically refers to the basement adjoining the credit union building, and the requirement for a written methodology to be agreed with the PA. The extent of the basement should be set back from the credit union boundary. Condition 23 excludes the appellant from the relevant consideration of the issues – being left to agreement between the applicant and the PA. This is inequitable.
- The development would remove a long-standing right-of-way access to six parking spaces which have served Clondalkin Credit Union since 1993, within the former Joe Boyle Motors site to the north of the credit union building. This development will remove access to the parking bays, which is inequitable.
- Clondalkin Credit Union has not given consent to the removal of the existing gate pier and wing wall forming the boundary at the western gable of the building.
- The excessive use of conditions is not in spirit with the Development Management – Guidelines for Planning Authorities, 2007. Some 13 of the 30 conditions attached to the Notification of decision to grant planning permission require pre-commencement compliance. This number is excessive, and details should have been submitted by way of additional information. The Guidelines require that the use of such conditions should be minimised. Conditions requiring agreement, where the amenities of 3rd Parties are affected, without the 3rd Party having the right to comment, are to be avoided.

6.1.2. The submissions are accompanied by a copy of Contract of Sale for Credit Union site – 1993.

6.2. Applicant Response

6.2.1. The response of Roisín Hanley Architects, agent on behalf of the applicant, LBJ Properties Ltd, received by An Bord Pleanála on 7th December 2017, can be summarised in bullet point format as follows-

- The request with regard to condition no. 2 is not reasonable, whereby orderly development will commence from foundations upwards. It will be necessary to excavate the basement as the first part of the proposed development. Glebe House is a fundamental part of the apart-hotel complex.
- Significant reduction in the scale of the development was made by way of additional information submission of 6th September 2017. The number of apart-hotel bedrooms has been reduced to 58.
- This development has been a significant time in pre-planning and planning – commencing on 6th September 2016.
- The gate to the west of the credit union building is within the ownership of the applicant. The red-line map submitted by Clondalkin Credit Union (as part of its appeal) clearly indicates that the wing wall and pier are outside of the ownership of the credit union.
- A strip has been maintained on the west side of the credit union building to allow for maintenance.
- The western end of the site is susceptible to flooding, and for this reason, the applicant proposes closing-up the entrance from Main Street, to the west of the credit union building.
- The applicant has allowed credit union employees to park behind the building – but this is not a legal commitment. Ample basement parking has been proposed, which more than offsets the loss of six spaces to the rear of the credit union building.
- Structural concerns have been addressed in the additional information submission of 6th September 2017.

6.2.2. The response submission is accompanied by a variety of drawings, photomontages, reports and photographs – copies of which are already on the file.

6.3. **Planning Authority Response**

By letter, received by An Bord Pleanála on 17th November 2017, it was indicated that SDCC had no further comment to make.

6.4. **Observations**

None received.

6.5. **Further Responses**

6.5.1. First 3rd Party Response to Second 3rd Party Appeal

None received.

6.5.2. Second 3rd Party Response to First 3rd Party Appeal

The response of Hughes Planning & Development Consultants, agent on behalf of Clondalkin Credit Union Ltd, received by An Bord Pleanála on 7th December 2017, can be summarised in bullet point format as follows-

- The appellant supports the appeal of Rathcoole Community Council insofar as it is concerned with the integrity of Glebe House.
- The construction of an aparthotel may damage the Protected Structure. Glebe House adds visual and historical interest to Main Street.
- The proposed development has the potential to destabilise the Credit Union building.
- The developer does not have the consent of the appellant for the removal and subsequent replacement with a new boundary wall of the existing gate pier and associated wind wall which forms the western boundary of the Credit Union site.
- The development will also remove a long-standing right-of-way to 6 no. parking spaces which have served the Credit Union building since 1993.

7.0 Assessment

7.1. Development Plan & Other Guidance

The current development plan for the area indicates that the majority of the site is zoned for residential use – whilst the row of shops on Eaton Drive is zoned for village centre uses. Within the residential zoning, ‘shop local’ use is permitted in principle, whilst ‘hotel’ use is open for consideration. The zoning does not specifically refer to ‘apart-hotel’ use as a separate category – although the nature of an apart-hotel is described, as distinct from an hotel. Shop local units are defined as being less than 100m². SDCC was satisfied that the proposed development was in accordance with the zoning. I note that permission was granted in 2005 for a mixed-use commercial/retail/residential development on this site (with basement car-parking), but was never carried out. I would be satisfied that the proposed development on a site in the centre of Rathcoole village, is in accordance with the zoning provisions of the current development plan for the area.

7.2. Design & Layout

- 7.2.1. The original application form documentation stated that there was 2,050m² of gross floor space on the site at present. All but 306m² was to be demolished. The new basement would be 3,368m². The new development floor area would be 3,400m². Inclusive of basement and Glebe House retention – the new development would have a gross floor area of 7,074m² (exclusive of the four market stalls – 56m²). This was altered by way of additional information submission of 6th September 2017. The new basement is reduced to 3,009m². The new development floor area is reduced to 2,895m². Inclusive of basement and Glebe House retention – the new development will have a gross floor area of 6,210m² (exclusive of the four market stalls – 56m²).
- 7.2.2. The design approach and philosophy was set down in the Urban Analysis Report submitted with the application to SDCC. This was revised by way of additional information submission of 6th September 2017. The principal aim was to repair and conserve Glebe House, and to find a sustainable new use. The development will remove unattractive modern buildings adjoining and around Glebe House, and

replace them with more sympathetic single-, two- and three-storey structures set around pedestrianised courts on all four sides of the extended house. All parking is to be located underground. Extensions to Glebe House will be modern – zinc cladding and glazing – not pastiche. Retail units on Eaton Drive will be replaced with ground floor retail units. The originally proposed retail units on Main Street were omitted in favour of opening up Glebe House to the Main Street – and providing visual connectivity through the installation of new gates and railings. Most of the sheds and outhouses within the curtilage of the site are of little or no architectural merit. The boundary wall on Main Street and Tay Lane is to be repaired and retained, and the vehicular entrance to the yard from Main Street closed up with a matching granite wall.

- 7.2.3. A basement is to be excavated under the entire site – with the exception of the block of Glebe House and the riverside fern garden along Tay Lane. This will release all of the ground level of the site for buildings and courtyard areas. A ramp access to the basement is to be provided from Eaton Drive, and will be gated. Glebe House will be connected to the basement area by two staircase/lift cores. There are hotel kitchen and toilet areas located within the basement – together with drop-off/collection areas. A further two stair-cores are provided on the southern side of the basement – exiting to the pedestrianised courtyard area. The additional information submission of 6th September 2017, provided for basement vents at the southern end. Bicycle-parking was also indicated.
- 7.2.4. Extensions to Glebe House are to be removed and replaced with single- and two-storey glass and zinc-clad structures, which are clearly new additions. The bay window to the south of the house is to be reinstated. Concrete pebble-dash is to be removed from external walls and replaced with lime render. The two massive chimney stacks (principal features) within the house are to be retained. Hardwood sash windows are to be used for window opens. New Bangor-blue slates are proposed for the roof, and the bell feature at eaves retained.
- 7.2.5. A new, three-storey block is to be constructed to the east of Glebe House – addressing Eaton Drive. Eight retail units (48m² each) will open onto Eaton Drive – with two apart-hotel storeys located above (accessed from the pedestrianised courtyard). There are seven apart-hotel units, each with four en-suite double bedrooms, but with one having eight en-suite double bedrooms. No living-

room/kitchens are provided. Narrow winter gardens are to be provided on the Eaton Drive and Glebe House frontages for all bedrooms. There are no lifts within the block. The block is not connected to basement parking. Sectioned mono-pitch roofs are proposed to allow for solar panels to be mounted on them – angled towards the south.

- 7.2.6. A new, stepped, three-storey block was to be constructed to the west of Glebe House with retail units at ground floor level and apart-hotel units at first and second floor level. These apart-hotel units had no kitchens/sitting-rooms, and contained up to six double bedrooms each. There were no lifts within the building, and it would not be connected to the basement parking area. The building addressed the new sunken, riverside fern garden. An hotel residents private open space area is to be created at the northern end of the block. The PA had concerns in relation to the height of this building – arising from proximity of existing houses on the opposite side of Tay Lane. By way of additional information request, the applicant was required to reduce the height of the block to two storeys. The additional information submission of 6th September 2017, did reduce the height of the building to two storeys. All but one of the retail units were removed. The ground floor now contains six one-bedroom suites, whilst the first floor contains seven, en-suite, two-bedroom apart-hotel units (without living-room kitchens). Sectioned mono-pitch roofs are proposed to allow for solar panels to be mounted – angled towards the south. I would be concerned at the manner in which the PA has interpreted section 11.3.1 of the Development Plan which requires a minimum 35m separation distance for new residential development of more than two storeys, which adjoins existing single- or two-storey houses (on any side). The existing residential development on the opposite side of Tay Lane is located considerably closer to the roadside boundary than that proposed development. The applicant has provided a 10m set-back for flood-protection reasons, which should be more than sufficient to protect the residential amenities of existing residents. Tay Lane, a public street, separates the appeal site from the side elevations of existing houses. I would consider that there was no necessity to reduce the height of the block to two-storeys, particular regard being had to the village centre location of the site. Such a reduction in density could have an impact on the economic feasibility of the scheme.

- 7.2.7. A new three-storey block is to be constructed in the northeastern corner of the site – with access from Eaton Drive. This block contained a sub-station and retail unit at ground floor level and two, three-bedroom residential suites – one each on the first and second floors. These two units were provided with living-room/kitchen areas. A plant room was provided at basement level beneath the block. A lift/stair core connected the block to the basement level. The additional information submission of 6th September 2017, altered the layout of this block by removing the retail unit at ground floor level and replacing it with a refuse store. The floor area of the two residential suites was marginally increased to 128m² each. I would be concerned that the overhanging first and second floor northern elevation of the block is less than 4.5m from the northern boundary. There are floor to ceiling windows in this elevation for narrow winter gardens. The proximity to the adjoining site to the north would seriously impact on the future development potential of this site. At present this site to the north is fully screened by mature Leyland cypress trees on the adjoining site. It would be possible to omit windows for two bedrooms – which already have windows addressing Eaton Drive. Bathroom windows would generally be in obscured glazing. However, two bedrooms would require windows in the elevation. It would not be reasonable to required obscured glazing in bedrooms, and high-level windows would not be acceptable either. Squint windows could be required for these two bedrooms – the windows to address Eaton Drive. This could be required by way of condition attached to any grant of planning permission.
- 7.2.8. Two, single-storey, flat-roofed pavilion retail units (31m² & 67m²) were originally proposed to flank the pedestrianised entrance from Main Street – incorporating the existing stone wall on Main Street. These were omitted, following a request for additional information, and subsequent submission of 6th September 2017. In addition, four market stands of 14m² each are to be provided in a cluster to the north of Glebe House. The arrangement of the market stands was altered by way of additional information submission of 6th September 2017, and they have in effect become four small enclosed retail units – but with no sanitary facilities. The house is to be encircled by a paved pedestrianised courtyard – the principal access to which is from Main Street, but with a secondary access from Eaton Drive. Both are gated – and it is not clear if the Eaton Drive one will be open to visitors. Access to the riverside garden area will be from the pedestrianised courtyard only. No access from

Main Street or Tay Lane is proposed to this garden area. High walls currently restrict the view of this part of the site from either Main Street or Tay Lane.

Balconies/terraces of apart-hotel units were originally proposed to overlook this garden area on all three floors of the flanking block. The additional information submission of 6th September omitted all balconies – a retrograde step in the opinion of this Inspector. The Four Corners credit union building will have courtyard areas on all three boundaries within the appeal site.

- 7.2.9. No provision was made for bin storage for retail units or for the café/bar within Glebe House. This was rectified by way of additional information submission of 6th September 2017, providing for one storage area at ground floor level within the block at the northeastern corner of the site. A 27m² store is indicated at basement level beside the kitchen for Glebe House. I would be concerned that a busy bar/restaurant within Glebe House should have its own dedicated refuse storage area, so that bins and bottles would not end up within exposed areas at basement level. A condition could be attached to any grant of permission to issue from the Board, requiring a dedicated bin/bottle store area within the basement for the Glebe House elements of the apart-hotel business.
- 7.2.10. A landscaping plan was submitted by way of additional information submission on 6th September 2017. The courtyard areas will be surfaced with granite setts. Less intensively used areas will be surfaced with stone chips. Trees within the courtyard areas will be on a suspended basement slab, and so will be set in planters. Some trees closer to Main Street will be located within the ground. Trees within the river garden will be randomly planted within a naturalistic setting. I would be satisfied that such a scheme will enhance the setting of Glebe House.
- 7.2.11. I would be satisfied that the design for the proposed scheme has appropriate regard to the setting of Glebe House, and the proposal to provide a pedestrianised courtyard around the extended house is a welcome one. The location of all parking spaces at basement level is welcome and releases the maximum amount of space for buildings and landscaping. The block on Eaton Drive will reflect what currently exists on the opposite side of this street. I have elsewhere commented on the unnecessary reduction in the height of the block addressing Tay Lane. The setting of the credit union building will not be impacted – and the proposed development will certainly be an improvement on what surrounds this building at present. The

proposed development will represent a distinct improvement to the architectural conservation area within which this site is located.

7.3. Access & Parking

7.3.1. Access

The application is accompanied by a Traffic Impact Assessment Report. A 24-hour traffic survey was carried out on Tuesday 24th January 2017. It is estimated that the proposed development will generate 363 PCU trips per day. This figure would not exceed any of the thresholds for Transport Assessment Guidelines published by Transport Infrastructure Ireland (TII). At present, vehicular access to the site is from Main Street – two locations. Vehicular access to the basement parking area is proposed from Eaton Drive. Pedestrian access is proposed from Main Street and Eaton Drive. A swept path analysis for trucks entering and leaving the basement car-park was submitted by way of additional information submission of 6th September 2017. The Roads Department of SDCC was concerned that the 6.0m road width of Eaton Drive would not permit of parallel parking in front of the terrace of shops proposed – notwithstanding that parking in this fashion occurs at present. The concern relates to ability of drivers of cars parked in perpendicular fashion on the opposite side of Eaton Drive to safely manoeuvre out of parking spaces. This is a matter for enforcement of parking requirements. The PA notes that Eaton Drive is not taken-in-charge. The PA had concerns in relation to right-of-way access across Eaton Drive. Property folio details were submitted, but did not clearly establish if the applicant had the necessary right-of-way. I would note that the existing shops on the site are accessed from Eaton Drive. This is a private property matter between the applicant and the owner(s) of Eaton Drive. A grant of planning permission does not entitle an applicant to carry out a development.

7.3.2. Parking

There is a small amount of parking immediately to the north of the existing shop units on Eaton Drive. There is random parking throughout the remainder of the site. The site is located within Zone 2 for parking purposes – with a minimum requirement for 55 spaces for the revised scheme. The basement area had 82 parking spaces proposed – although application documentation claimed 84 spaces. This was

reduced to 81 spaces by way of additional information submission – eight of which are fitted with electrical recharging apparatus. No provision was made for bicycle parking – either at basement or ground level – in the original application. This was rectified by way of additional information submission of 6th September 2017 – with 16 no. dedicated lock-up spaces at basement level. Just five bicycle parking spaces were proposed at ground level (beside the ramp access to the basement). The Roads Department of SDCC considered that this might result in a conflict with vehicular traffic, and that it should be relocated. This is a reasonable requirement. I would consider that the number of spaces should be increased to at least ten, in order to discourage the locking of bicycles to the railings on Main Street. It would be possible to attach a condition to any grant of planning permission to issue from the Board, in relation to ground level bicycle parking. Apart from this issue, the Roads Department of SDCC was satisfied with proposals. The owners of the credit union building claim that there is a right to park cars for employees to the rear of the building (within the appeal site). The disputed area was given over to cars for repair associated with the garage business on the site on the date of site inspection by this Inspector. This is a private property dispute between neighbours, and is not a relevant planning consideration. Section 34(13) of the Planning and Development Act 2000, as amended, provides that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.4. **Water**

7.4.1. Water Supply

The supply to the scheme is stated to be from a 100mm diameter public main in Main Street. The location of the proposed connection was not indicated on drawings submitted. The additional information submission of 6th September 2017, indicated a water connection in the vicinity of retail unit no. 8E on Main Street.

7.4.2. Foul Waste

24-hour holding is to be provided within a tank at basement level for basement level toilets. Basement car-parking drainage will be routed through an hydrocarbon interceptor before being pumped to ground level to discharge by gravity to the public foul sewer. Foul waste is to be discharged to a 375mm diameter public foul sewer in

Main Street at two points. This sewer in turn discharges to a 575mm diameter sewer in Tay Lane and to the Tay Lane Pumping Station on the opposite side of the N7. Both the PA and Uisce Éireann/Irish Water were concerned that there was no capacity within the pumping station on Tay Lane. Insufficient detail had been submitted with regard to pumping from the basement. Uisce Éireann/Irish Water went so far as to recommend refusal of planning permission, on account of the lack of capacity at the Tay Lane Pumping Station. SDCC has submitted plans to Uisce Éireann/Irish Water to upgrade this pumping station. This issue was addressed by way of additional information submission of 6th September 2017 – proposing a basement level tank (40.5m³) beneath the Tay Lane block, to cater for 24-hour holding, together with a pumping mechanism to the foul sewer. This pumping will take place at night-time, to relieve pressure on the pumping station. I would note that existing development and uses on the site were in the past, and some continue at present to discharge to the same pumping station. However, the proposed development is clearly an intensification of use of the overall site. The Planning Officer's report of 3rd October 2017, alludes to comments from Uisce Éireann/Irish Water in relation to lack of agreement with Irish Water regarding the installation of a telemetering system on the Tay Lane Pumping Station that would shut off foul water discharge from the site at certain times. I cannot locate any report on the file from Uisce Éireann/Irish Water which confirms this. Notwithstanding these concerns, the PA was satisfied to grant planning permission with the proviso [Condition 17 (d)], that no development shall commence until the issue is resolved to the satisfaction of Irish Water. This is not entirely satisfactory, as it is not clear if and when the pumping station will be upgraded, and whether the night-time pumping proposed can be put into effect or will be permitted by Uisce Éireann/Irish Water to be implemented. I note that the applicant did not appeal this condition to the Board, and this must be taken as an indication of acceptance of the condition.

7.4.3. Surface Water & Flooding

Surface water is to be discharged to an existing 375mm diameter public surface water sewer in Main Street. Run-off from the site will be routed via an attenuation tank of 334m³, located within the courtyard area on the south side of Glebe House – suspended above basement car-parking. Discharge from the tank is to be throttled at 2.0l/s, and the additional information submission of 6th September 2017, indicated

the location of the 'Hydrobrake' mechanism directly in front of Glebe House. The public surface water sewer on Main Street in turn, discharges to the stream running inside the site boundary along Tay Lane (west side of site). This stream is canalised within a concrete channel – with bifurcating outfall at the northwestern corner. This stream discharges via a culvert beneath the N7 to the north.

A Site-Specific Flood Risk Assessment (SSFRA) was carried out. This study identified potential flooding problems arising from the development. The Glebe Stream is flowing in a northerly direction through a culvert beneath the N7 dual carriageway before discharging to the Griffeen River near Greenogue. The catchment of the Glebe Stream to the south of the site is estimated at 1.7km². This stream enters the site through an existing stone arch culvert which runs under Main Street. It exits the site in the northwestern corner into a 750mm diameter culvert which flows beneath the entrance to the open storage yard to the north of the site. There is a second discharge to a culvert on Tay Lane – close to the aforementioned 750mm diameter pipe. These two later combine to the north of the storage yard on Tay Lane. SFRA and CFRAM maps indicate fluvial flooding in the vicinity of the site. The area at risk of flooding is the western portion of the site – due to presence of the Glebe Stream. A minimum floor level of 113.5m is recommended. The design of the development and raising of floor levels will result in loss of flood plain within the site. The flood mitigation and management measurements adopted were the creation of a 10m wide sunken riverside fern garden along the Tay Lane boundary of the site, to provide compensatory storage, and to ensure that flood waters are not displaced onto surrounding lands. This is effected by excavating within the site adjacent to Glebe Stream, to provide for compensatory storage area (indicated by way of cross-section drawing – the final drawing within the SSFRA Report): unscaled. A Development Management Justification Test was carried out – and the results are set down at Table 7.1 of the SSFRA. These arrangements were acceptable to SDCC, and I would be satisfied that they will be sufficient to prevent down-stream flooding arising from the construction of this development.

7.5. **Archaeology & Built Heritage**

7.5.1. Archaeology

The application was accompanied by an Archaeology & Built Heritage Report. The entire village is included as an area of archaeological potential with the Record of Monuments and Places of the OPW – DU021-30. Arising from location of site in central Rathcoole, stream-side location, and presence of a mid-Eighteenth-century house on the site, archaeological test-trenching is recommended. The application was referred to the Development Applications Unit of the Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs, which was satisfied that archaeological test-trenching should be undertaken prior to commencement of any development on site. This requirement was incorporated into condition no. 9 of the Notification of decision to grant planning permission. Such measures should result in the unearthing of any archaeological remains which may exist within the site.

7.5.2. Built Heritage

Glebe House dates from 1744 – when it was constructed as a Charter School. It is a Protected Structure (Ref. 313) in the County Development Plan. It is also included in the National Inventory of Architectural Heritage (NIAH) – ref. 11213013, where it is afforded a Regional rating. The site is located within an Architectural Conservation Area (ACA). Fire damage has destroyed most of the internal features of the house. Window and door opes are now closed-up with timber hoardings. There are some wooden door and window frames which have survived the fire and exposure to the elements. This is also the case for part of the staircase and some plaster corncicing at ground and first floor level in the west wing. Most of the slates from the hipped roof are gone. External walls are plastered. There are two massive chimney breasts within the house. A boundary stone wall (1.5-2.0m high) to the south and west survives from the same era as the house. The application is accompanied by an Outline Conservation Inspection Report and an Urban Analysis Report. Surveys of the house and curtilage were carried out on 6th September, 7th October & 1st November 2016. There was no access to the first floor or the roof of the house. The entrance front would have originally been on the north side, and the existing entrance on Main Street is not the original. The building was converted to nine apartments prior to the fire. A single-storey wing to the west of the house (currently in use as a car-repair garage) retains similar diagonal brick external corncicing to the main block. The western gable wall has been provided within an ope for cars. Old maps for Rathcoole show this wing in place. It has an intact slate roof. It is to be

demolished to facilitate the development. The Architectural Conservation Officer of SDCC was not concerned at its demolition.

An Architectural Impact Statement was submitted by way of additional information on 6th September 2017. This report details what little remains of the existing fabric of the building – following a recent fire. What little timber work remaining, is to be removed. Pebble-dash on external walls is to be removed and replaced with lime render plaster. The Outline Method Statement & Outline Specification for Proposed Works, submitted on 6th September 2017, details the programme for recording/surveying, demolition/removal, conservation/cleaning and repair techniques, materials and construction of new elements at Glebe House.

The Architectural Conservation Officer of SDCC was of the opinion that further opening-up works were required to establish the nature and condition of the existing fabric of the building. The railings on Main Street should be contemporary in design. Notwithstanding these concerns, permission was recommended subject to attachment of conditions – 18-23 of the Notification of decision to grant planning permission. The PA was concerned that Glebe House was in urgent need of protection – regard being had to the issuing of a Section 59 Endangerment notice listing works necessary to make safe the building. Condition 2 of the Notification of decision to grant planning permission required that restoration works to Glebe House be completed prior to first occupation any new units within the development. This is a reasonable requirement, and I would note that the condition was not appealed by the applicant.

It is proposed to retain and repair the existing stone boundary wall on Tay Lane. The existing boundary wall on Main Street is to be altered. The vehicular entrance to the west of the credit union building is to be closed up and replaced with a wall to match the existing. The owners of the credit union dispute ownership of eastern wing wall of this entrance. This is a private property dispute between neighbours and not a relevant planning consideration. I note that the owners of the credit union are claiming a right to park cars to the rear of the credit union building (within the appeal site) with access, presumably, from the entrance which the applicant is proposing to close up. Part of the wall in front of Glebe House is to be demolished and railings erected to open up the house to the Main Street. The existing vehicular entrance to Glebe House is of recent construction. The alterations to the Main Street boundary

will be a visual improvement and will result in the loss of two recessed entrances – both of which are of relatively-recent construction.

7.6. Other Issues

7.6.1. Financial Contribution

Condition 30 of the Notification of decision to grant planning permission required payment of a development contribution of €154,132.50. This condition has not been appealed by the applicant. A similarly-worded condition should be attached to any grant of planning permission to issue from the Board.

7.6.2. Waste & Excavation Spoil

There is considerable demolition of structures involved with the application – together with excavation to form a basement over much of the site. Trial pits were excavated at six locations (as outlined in a Site Investigation Report of March 2017) – submitted as part of the additional information submission of 6th September 2017. On the western side of the site, there is made ground of up to 1.6m deep. At the eastern side of the site, made ground was evident to a depth of 0.5m. Trial pits of 1.4-2.0m depth remained dry, and the water table was not reached. At these levels, highly-weathered siltstone and limestone were encountered. Soil samples were tested, for suitability of disposal to landfill. Some levels of Total Organic Carbon were elevated in trial holes TP02 & TP03, and raised levels of Antimony were encountered in TP02. Asbestos material was identified in one of the extensions to be demolished. This will be surveyed, prior to disposal in accordance with regulations. The Environmental Services Section of SDCC addressed the issue of waste and was satisfied that permission could be granted. Condition 13 of the Notification of decision to grant planning permission dealt with the issue of C&D waste. A similarly-worded condition should be attached to any grant of planning permission to issue from the Board. A considerable amount of debris and broken-down vehicles exists on the site.

7.6.3. Signage

Drawings submitted do not indicate any signage proposals for the development. There was no condition attached to the Notification of decision to grant planning permission relating to signage. It would be appropriate to attach a condition to any

grant of permission issuing from the Board, to deal with the issue of signage – particularly for the shops and Glebe House itself – a Protected Structure.

7.6.4. Environmental Impact Assessment

The proposed development, on a site of 0.4844ha, does not come within any of the thresholds set down at Schedule 5 of the Planning & Development Regulations 2001-2018. The proposed development would not constitute sub-threshold development, which could have a significant impact on the environment.

7.6.5. Noise

The site is located in proximity to Casement Aerodrome, Baldonnell. The application was referred to the Department of Defence by SDCC. The Department of Defence noted that the development may be subject to noise from military aviation. This is indicated by a dotted blue line around the entire aerodrome – and includes almost all of the village of Rathcoole. The applicant addressed the issue of noise from the N7, but did not, and was not asked to, address aviation noise – although the ‘Ambient Noise Assessment Report’ submitted on 6th September 2017, acknowledged the contribution of aircraft noise to background noise levels (principally dominated by traffic noise from the N7). Standards for bedrooms are suggested at 35dB for day-time and 30dB for night-time. This would protect occupants from noise from aircraft, where the site is identified as being within a ‘Noise Significant Boundary’ on the SDCC Index Map for the Development Plan 2016-2022.

The PA was concerned that apart-hotel bedrooms could be affected by traffic noise from the N7 to the north. The additional information submission of 6th September 2017, included an Ambient Noise Assessment Report. Baseline monitoring was carried out on 11th & 12th July 2017, for day-time and night-time, at two points within the site – N1 & N2. Noise in the vicinity is dominated by traffic on the N7. Mitigation measures include- sound insulation for glazing – to achieve at least 55dB of acoustic insulation; no passive ventilation in any of the wall structures; winter gardens for bedrooms facing north. Conditions 25, 26 & 29 of the Notification of decision to grant planning permission dealt with the issue of noise – but concentrated on the noise impact of construction and from the development itself on surrounding amenities.

7.6.6. Structural Stability

The PA had concerns in relation to structural stability in the vicinity of the credit union building on the southern boundary of the site – arising from the excavation works for the basement in close proximity to the common boundary. Additional information drawings of 6th September 2017, show minor changes in this part of the basement – to provide for a vent. Drawings showing the proposed underpinning details for the entire basement were submitted – showing proposals to underpin the foundations of the credit union building – to be completed by a suitably-qualified contractor. A full method statement will be prepared for the necessary works. The owners of the credit union are concerned that their building will be damaged by excavation works. Basements, such as this one, are frequently excavated immediately adjoining site boundaries. Structural stability is a matter outside of the planning code. I would be satisfied that if appropriate engineering design and supervision is undertaken, the development could be carried out without damage to adjoining property or buildings.

7.6.7. Appropriate Assessment

The site is neither within nor immediately abutting any European site. Foul waste is to be discharged to the public foul sewer. Surface water is to be discharged to the Glebe Stream, which in turn discharges to the Griffeen River – approximately 3km to the north of the site. The closest site is the Glenasmole Valley SAC (Site code 001209) – some 7.0km to the southeast. The SAC is located within a different river catchment. The Rye Water Valley/Carton SAC (Site code 001398) is located some 9.0km to the north of the site – within a different river catchment. Having regard to the nature of the proposed development and its location within the village of Rathcoole, located at a significant distance from any European site, and not connected hydrologically to these, 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

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the planning history of the site, the pattern of development in the area, and to the nature and scale of the proposed development (including proposals to restore Glebe House), it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not adversely affect the setting of the Protected Structure on the site, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the Further Information response that was received by the planning authority on the 6th 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. The design of the three-storey block in the northeastern corner of the site (adjacent to Eaton Drive) shall be amended as follows-
 - (a) The winter gardens on the northern elevation, at first and second floor level, shall be omitted.
 - (b) The north-facing windows in the corner bedrooms on both the first and second floor level shall be omitted – leaving only windows addressing

Eaton Drive in these two bedrooms.

(c) The north-facing windows in the remaining two bedrooms at first and second floor level shall be replaced with squint windows, oriented towards Eaton Drive.

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 interest of residential amenity and to protect the amenities of the adjoining site to the north.

3. Works to the Protected Structure (Glebe House) shall be carried out as part of, and in tandem with, the proposed apart-hotel development.

Restoration, repair and alterations to Glebe House shall be completed prior to first occupation of any retail unit or apart-hotel bedroom within the site.

Reason: To ensure that the development is carried out in its entirety in the interests of the restoration and renovation of Glebe House, and in the interests of the visual amenities of this prominent site on the Main Street of the village.

4. The proposed apart-hotel development shall be used only as a short-stay tourist accommodation facility, with a maximum occupancy period of two months, and shall not be used for permanent occupation or for use as a student residence.

Reason: In the interest of orderly development and to protect residential amenities.

5. Details, including samples of the materials, colours and textures of all the external finishes, including external paving/hard landscaping, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected (on the buildings or within the curtilage of the site) unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Details of signage for retail units, apart-hotel and market stalls shall be the subject of separate planning application(s) to the planning authority.

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

8. The landscaping scheme for the courtyard areas and the river fern garden 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.

9. 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.

- 10. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of the planning authority for such works and services as appropriate. In particular, no part of the development shall be occupied until such time as the issue of foul discharge to the Tay Lane Pumping Station is resolved to the satisfaction of Uisce Éireann/Irish Water.

Reason: In the interest of public health and to ensure a proper standard of development.

11. 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.

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

12. Any asbestos-containing materials (ACM) identified within structures to be demolished shall be removed by a licenced waste contractor.

Reason: In the interest of public health and to ensure a proper standard of development.

13. The internal noise levels, when measured at the windows of any bedroom within the apart-hotel development, shall not exceed:

- (a) 35dB(A) L_{Aeq} during the period 0700-2300 hours, and
- (b) 30dB(A) L_{Aeq} at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented prior to the occupation of any bedroom within the apart-hotel.

Reason: To protect occupants of bedrooms from noise from the nearby N7 and from Casement Aerodrome, Baldonnell, in the interest of residential amenity and human health.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual amenity.

15. Before any development authorised by this permission takes place, the long, single-storey west wing range of Glebe House (currently in use as a motor repair facility) shall be removed in such a manner as to enable its construction and detailing to be recorded and photographed. Details of that element, including measured architectural drawings and coloured photographs, shall be recorded in accordance with the requirements of the planning authority. Details of procedures for removal and recording shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure the preservation of an accurate record of a structure of architectural heritage value, forming part of a Protected Structure, which is to be permanently removed.

16. Prior to commencement of development, the developer shall provide for the following:-
- (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during these works.
 - (b) The submission of details of all finishes and of all existing original features to be retained and reused, where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases (including balusters and handrails) and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and in the “Architectural Heritage Protection – Guidelines for Planning Authorities”, issued by the Department of Environment, Heritage and Local Government in 2004. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric, *in-situ*, including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the Protected Structure is maintained and that it is protected from unnecessary damage or loss of fabric.

17. 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 during the site-clearance, basement excavation, construction and operational phases; 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, the interest of protecting the environment.

18. 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. 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 An Bord Pleanála to determine.

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.

**Michael Dillon,
Planning Inspectorate.**

6th June 2018.