



An
Bord
Pleanála

Inspector's Report ABP-300188-17

Development	20 dwelling houses
Location	Drominbeg, Rhebogue Road, Limerick
Planning Authority	Limerick & County Council
Planning Authority Reg. Ref.	17/800
Applicant(s)	Silvergrove Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First & Third Party
Appellant(s)	Silvergrove Developments Ltd. Mary Murphy Adrian Frawley
Observer(s)	Frank & Fiona Daly Siobhan O'Brien & John Considine Alan Curley Liam Kirby & Others Eimer Hynes Gearoid Murphy

Michael McNamara
Clodagh Ryan
Eamonn Baker
Frank Miller
Drominbeg Management Committee
Bernadette & Raymond Hickey
Ann O’Gorman
Ann & Karina Kelly
Sean Condon

Date of Site Inspection

1st February, 2018

Inspector

Kevin Moore

1.0 Site Location and Description

- 1.1. The site of the proposed development is located approximately 2km to the east of Limerick City Centre. It is accessed from Drominbeg estate road. It comprises a plot of undeveloped land on the east side of the road and adjoining the entrance into the estate. It is bounded to the north by housing in the Drominbeg estate, to the east by housing in Dromroe, and to the south by a detached single-storey house.

2.0 Proposed Development

- 2.1. The proposed development comprises 20 houses, consisting of 1 no. two-storey four bedroom house, 16 no. two-storey three bedroom houses, 1 no. two-storey two bedroom house, and 2 no. single-storey two bedroom houses. The proposal includes garden sheds, an access road, footpaths, public open space, parking, landscaping and boundary treatment.
- 2.2. Details submitted with the application included an appropriate assessment screening report, a flood risk assessment, a planning/design statement, a sustainability statement, a planning application services report, a traffic and transport assessment, a landscape design rationale, and a site lighting installation report. The development would be located on a site stated to be 0.68 hectares in area.

3.0 Planning Authority Decision

3.1. Decision

On 19th October, Limerick City & County Council decided to grant permission for the development subject to 37 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted planning history relating to the site, development plan provisions, reports received, and objections made. It was noted that the site comprises an area that formed part of the original estate development on which it was proposed to construct 14 houses. It was considered that, in the absence of a master plan to

include lands to the south, proposed units 18-20 be omitted and a new boundary be acceptable. The development was seen to be in line with zoning objectives and a grant of permission was recommended.

3.2.2. Other Technical Reports

An untitled report referred to the need for compliance requirements with Building Regulations.

The Archaeologist recommended a condition requiring archaeological monitoring be included if the development is to proceed.

A report from Operations & Maintenance Services sought further information in relation to maintaining sightlines, provision of traffic calming, parking and surface water disposal.

The Executive Scientist submitted that the site is not at risk of flooding from a 1 in 100 or 1 in 1000 flood event.

The Environment & Planning Services requested that, prior to commencement of development, the developer submit a site specific waste management plan.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal subject to conditions.

3.4. Third Party Observations

Observations on the proposal were received from Eamonn Baker, Olivia Whyte, Caroline and Anthony Shine, Andera Sheedy, Sean Ryan, Therese O'Hanlon, Ann O'Gorman, Jennifer McMahon, Denise McEvoy, Marilyn Lawlor, Lisa Kennedy, John Kenneally, Mary Hughes and Joe Sheehan, Patricia Haugh, Don Frawley, David Marian and Ben France, Evita English, Drominbeg Management Committee, Joanne Carroll, Gerard Doyle, Marty Murphy, John Considine, Eimer Hynes, Clodagh Ryan, Siobhan O'Brien, Juliet and Marvin Magcamit, Brinora Miller, Frank Miller, Niamh Moran, Rob Kearney and Lizanne Getlevog, Anna Idzik, Abe Henderson, Peter and Kenneth France, Darran and Nuala France, Lorraine Fleming, Paul Doherty, Aidan Curtin, Alan Curley, Maurice and Geraldine Caulfield, Bryan Clancy, Caroline Clancy, Ann and Karina Kelly, Fiona and Frank Daly, Derek Dowling, Bernadette and

Raymond Hickey, Treasa O'Donoghue, Berni Ryan, Sean Condon, Martina and Michael Crkonova, Drominbeg Residents Association, May and Maurice English, Michael Hennessy, Liam Kirby, Mary Kirby, Anne Mac Mahon, Alan McNamara, Mary McNamara, Bernadette and Olivia O'Sullivan, Luca Podesta, Rhebogue Meadows Residents Association, and Aidan Frawley. The grounds of third party appeals and observations made address the principal planning issues raised in the observations to the planning authority.

4.0 Planning History

P.A. Ref. P98/7704373

Permission was granted for 35 terraced houses and 138 semi-detached houses.

P.A. Ref. 05-770252

Permission was refused for a crèche and ancillary services.

P.A. Ref. 08-770154

Permission was granted for the demolition of an existing house and construction of two apartment blocks

5.0 Policy Context

5.1. Limerick City Development Plan 2010-2016

Zoning

The site is zoned '2A Residential' with the objective "To provide for residential development and associated uses."

Housing

The overall objectives include the following:

- To encourage the development of sustainable residential neighbourhoods and the provision of high quality accommodation.
- To promote increased residential density where appropriate to do so.

- To require 20% of land zoned for residential use or a mixture of residential and other uses, subject to certain exemptions, shall be reserved for the purpose of the provision of social and affordable housing.

Policies include the following:

Policy H.5

It is the policy of Limerick City Council to promote increased density where appropriate to do so, having regard to the existing or proposed public transport provision and proximity to the City Centre.

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Policy H.6

It is the policy of Limerick City Council to ensure a balance between the reasonable protection of existing residential amenities, the established character of the area, and the need to provide for sustainable residential development.

Social housing policies include:

Policy H.8

It is the policy of Limerick City Council to facilitate the voluntary sector in the provision of social housing, especially for those with special needs.

Area Profiles

Corbally/ Rhebogue

Key issues identified in the development plan review public consultations, include traffic generated by Scoil Ide, the scale of development permitted in Co. Clare which is impacting on peak time traffic, quality of recreational space, the Mill Road traffic, the lack of commercial and community facilities in Rhebogue and the need to protect the designated environmental areas. The need to develop public transportation facilities in the area, in particular the use of the canal bank to link the city to the university, had also been raised.

Key Objectives for the area include:

- To examine means of reducing traffic congestion in the vicinity of schools in the area through more sustainable and coordinated school mobility planning;
- To encourage the provision of local facilities in the Rhebogue area;
- To ensure an appropriate mix of uses in the area to support the primary residential function of the area including the needs of the existing schools in the area in particular St Patrick's Primary School and Scoil Ide;
- To provide and improve where necessary, the footpaths in the Park and Rhebogue area in particular in the vicinity of the railway bridges;
- To promote a high standard of urban design with a clear sense of place and architectural quality that respects the existing character;
- To ensure the provision of infrastructure appropriate to the needs of the area and the emerging intensification of use;
- To encourage the multi-use of the existing sports facilities in the area.

Development Management

Density

Outer City: densities in excess of 35-50 dwellings per hectare shall be encouraged subject to appropriate qualitative safeguards. In addition, schemes adjoining public transport routes, or close to major centres of employment may be encouraged to exceed this figure

Residential Parking Standards

Two spaces per house in suburban areas.

Public Open Space Provision

Greenfield sites 15%

General provision 10%

Private Open Space

A standard of 15m² of open space per bed space will normally be applied.

6.0 The Appeals

6.1. Grounds of First Party Appeal

The grounds of the appeal relate firstly to seeking clarity on items set out in a letter with the notification of the decision to grant permission relative to the conditions attached to the decision. Reference is made to a range of conditions attached with the decision to grant permission. The grounds of appeal may be synopsisised as follows:

- Condition 3 – The appellant is seeking clarification on how the development contribution is apportioned between Limerick City Council and Irish Water.
- Condition 4 – There is no reasonable explanation for the omission of 3 houses and it undermines the architectural approach. They provide a passive security element to the scheme. There is no reasonable explanation to reduce the density.
- Condition 5 – a landscaping proposal was submitted to the planning authority on 12th October 2015. The Board is asked to delete the condition.
- Condition 6 – An exemption certificate has been granted by the council under section 97 of the Act in September 2016.
- Condition 11a) and b) – Landscaping proposals have been submitted. The site has been filled and the requirement for a 2m high wall is expensive and not required.
- Condition 12 - The applicant is happy to provide underground ducting for all service providers and is concerned about handing over ducting provided for broadband to the Council.

- Conditions 13 and 14 – They overlap conditions 17, 27, 28, 29, 30 and 36. The Board is asked to rewrite the conditions in order that the permission is clear in its requirements.
- Condition 17 – The condition overlaps conditions 13, 14, 27, 28, 29, 30 and 36. The Board is asked to rewrite the conditions in order that the permission is clear in its requirements.
- Items 19 and 20 - A landscaping proposal was submitted to the planning authority on 12th October 2015.
- Condition 22 – The Board is asked to omit this condition as it has already been dealt with as a condition.
- Condition 24 – The Board is asked to clarify or delete this condition as supervision and certification conditions have been provided elsewhere.
- Condition 26 – The site has been filled to a depth of c. 2 metres. The Board is asked to delete the condition for archaeological monitoring.
- Conditions 27, 28, 29, 30 and 36 – They all overlap and repeat each other and conditions 13, 14 and 17.
- Conditions 33, 34 and 35 overlap conditions 18 and 21.
- Condition 36 – The Board is asked to rationalise the condition into a statement such that the applicant can supply evidence of compliance.
- Condition 37 – A full lighting layout design has been submitted.

6.2. **Third Party Appeal by Mary Murphy**

The grounds of the appeal may be synthesised as follows:

- The scheme should be viewed as an enlargement/extension of the existing Drominbeg development. This would have resulted in a lesser number of units being granted, to allow some private market housing similar in design, size and density to the existing environment whilst augmenting open space provision for residents.

- 16-19% of the total housing stock of Drominbeg estate is social housing. If the development is upheld this rises to over 25%. There has been a notable increase in anti-social behaviour in the area in recent years. The estate is relatively well maintained, which is largely due to the dispersal of social housing units around the estate rather than having a concentration which is proposed here. The development will lead to the degradation of the estate.

6.3. Third Party Appeal by Adrian Frawley

The grounds of the appeal may be summarised as follows:

- The Council's failure to clearly stipulate how the Part V requirement is to be fulfilled is a fundamental breach of the planning process. In issuing a certificate of exemption the Council acted *ultra vires*. The entire development is earmarked for social and affordable housing and the application for private development is not a *bona fide* application for planning permission.
- Mistakes were made in the Planner's report which have been utilised in the assessment process to grant the application conditionally. Failure to go to further information has prejudiced the public from having the opportunity in commenting on proposed changes to the development.
- The actual provision of open space within Rhebogue for existing residents as per development plan requirements is well below the minimum required. Accordingly, it is inappropriate to consider more housing.
- It is inappropriate to consider more housing within Rhebogue when the development plan acknowledges that there is a lack of provision of local, commercial and community facilities.
- It is alleged that the houses are to be used for social housing. Rhebogue has a significant percentage of social housing. Social integration is the aim of the Planning and Development Act and placing further social housing on one corner of an estate will constitute social segregation.

6.4. Applicant Response

The applicant's response to the appeals may be summarised as follows:

Response to Appeal by Mary Murphy

- The planning application is on a site zoned for residential development.
- On open space, matters are addressed in the appellant's submission that should more properly be taken up in the review of the development plan. The independent application is on lands owned by the applicant and the development complies with standards for an independent standalone application.
- On social housing, there is no distinction provided in the development plan or in law between a house for one family as distinct from a house for a family from a different socio-economic background. The application is for a housing scheme on zoned lands which is within the constraints of the development plan and is the applicant's right under the law.

Response to Appeal by Adrian Frawley

- The Part V exemption certificate was issued in accordance with due process.
- On open space, there is a failure to distinguish between the obligations of an applicant and those required of a local authority. When the Canal and River walks are added into the assessment, the Rhebogue area has natural, recreational and public open space provision.
- On social housing, it is noted that, in respect of zoning, there is no distinction between housing. If the appeal is deemed to be an objection to social housing it must fail under the discrimination provisions of our law.

6.5. Planning Authority Response

I have no record of any response to the appeals from the planning authority.

6.6. Observations

Frank and Fiona Daly raise concerns relating to the failure of the Council to achieve aims of the City Development Plan for Rhebogue, social housing provision in the area, lack of public open space in Rhebogue, and the giving of a Part V exemption certificate by the Council.

Siobhan O'Brien & John Considine raise concerns relating to lack of public open space, transportation facilities and community and commercial services in the area and extent of social housing arising.

Alan Curley raises concerns relating to the intent for the remainder of the lands adjoining the site, the granting of an exemption under Part V and the extent of social housing, the unsuitability of the proposed playground to serve the needs of the area, the small size of House types 2 and 3, failure to address deficiencies in the area identified in the development plan, and flooding.

Liam Kirby and Martina and Michael Crkon raise concerns relating to the design and character of the development, social housing provision, the density of development, and traffic impact.

Eimer Hynes raises concerns relating to permitting additional housing in the area when there is a failure to fulfil development plan objectives, inadequate public transport, limited green space, and inadequate footpaths, and the development resulting in social segregation.

Gearoid Murphy raises concerns relating to lack of community facilities and amenities in the area, the removal of a space suitable for a community facility, the development as a social housing scheme, the character of the development,

changes to the layout without public input, the provision of an exemption under Part V, and proposed 3 bed houses being under 100m².

Michael McNamara submits that the site is the last viable piece of ground for a community centre to meet the needs of the area.

Clodagh Ryan raises concerns relating to the site being within a high flood risk zone, the design of the proposed houses, the use of the area's last green space, the inappropriate location of the open space beside the road, the giving of a Part V exemption, traffic and public transport deficiencies, loss of trees, lack of housing mix, and poor social integration.

Eamonn Baker raises concerns relating to how the application was dealt with by the Planner and the revisions made without further public input, the public open space needs of the community, failure to address the area's needs highlighted in the development plan, the density of social and affordable housing in the area and the impact of the proposal.

Frank Miller raises concerns relating to social housing, lack of community facilities, insufficient mix of house sizes, density, failure to achieve city development plan aims, insufficient private open space and parking, the character of the development, traffic and loss of privacy.

Drominbeg Management Committee raises concerns relating to future intentions relating to the site, social housing, density, design, lack of front gardens, lack of

education provision, traffic congestion, flooding, loss of privacy and visual intrusion, and lack of basic amenities.

Bernadette and Raymond Hickey raise concerns relating to flooding, loss of privacy and visual intrusion, and odour arising from sewage.

Ann O’Gorman raises concerns relating to Part V exemption, the extent of social housing arising, and lack of public open space.

Ann and Karina Kelly raise concerns relating to Part V exemption, mistakes made in the Planner’s report, lack of public open space, the extension of the City Development Plan, and the extent of social housing provision in the area.

Sean Condon raises concerns relating to Part V exemption, the lack of public open space, and social housing provision within the area.

7.0 **Assessment**

7.1. Introduction

7.1.1 I consider that the principle issues for consideration relating to the appeals are the first party appeal matters, social housing, density, open space provision, social and community facilities, the omission of three houses, archaeology, and the lack of further information. I will also address the range of other issues raised by the observers.

7.2. First Party Appeal

7.2.1 I understand the significant confusion that has arisen by the issuing of a letter by the planning authority, which sets out a range of requirements in the decision to grant permission. I further note the very substantial replication that runs through the conditions attached with the decision. One can clearly understand why the applicant in this instance would seek clarity and, without any other recourse, must turn to the Board for this clarity. I note the Department of the Environment, Heritage and Local Government guidance set out in *Development Management Guidelines for Planning*

Authorities, issued in June 2007. Therein, in Chapter 7 relating to conditions, it is stated:

“Conditions proposed to be attached to permissions, and the reasons for them, should be carefully drafted so that their purpose and meaning are clear.”

7.2.2 It is apparent from the confusion arising from the planning authority’s decision that, due to the repetition and variation on conditions of a similar nature, the conditions attached with the decision are not clear, and are further compounded by a letter that seeks to stipulate further requirements.

7.2.3 Notwithstanding the above, in this instance, the Board will be dealing with the application *de novo*. Arising from any grant of permission issuing from the Board, it is anticipated that there will be sufficient clarity in the Order and the conditions to ensure no such confusion arises for the applicant. I will not be addressing the individual issues raised by the first party appellant generally in relation to the range of conditions submitted in the appeal. The purpose and need for any such conditions in the Board’s decision would be provided in the reason given with each condition.

7.3 Social Housing

7.3.1 I note the provisions of Part V of the Planning and Development Act 2000, as amended. The role of providing a housing strategy and, thus, determining the need to ensure that housing is available for persons who have different levels of income, the estimated requirements for affordable housing, etc., lies with the planning authority. Such a housing strategy is included in its development plan. I further note that there is nothing under the Act that prevents land being developed exclusively for social and affordable housing. I also acknowledge the provisions of section 96, whereby the Board shall require as a condition of a grant of permission that an applicant enters into an agreement with the planning authority to provide for social and affordable housing. It is to be noted in particular that the Board will be assessing the proposed development *de novo*.

7.3.2 While it is not denied by the applicant that the proposed housing scheme is intended as social and affordable housing, nothing precludes the Board from attaching such a condition to ensure that social and affordable housing provisions are made. I note

that the applicant is not a body recognised as being approved for the provision of social housing and, thus, such a condition would appear appropriate.

7.3.3 In conclusion, the application is now before the Board *de novo*. It presents itself as a housing scheme by a private developer. It is proposed on lands zoned for residential purposes. The Board will consider the development in the context of the proper planning and sustainable development of the area. The principle of housing on this land is accepted. The utilisation of such housing for private and/or social and affordable purposes would be addressed in consultation with the planning authority. There is nothing to preclude the Board from taking a decision on this application for a housing scheme on these lands.

7.4 Density of Development

7.4.1 I note the provisions of the Limerick City Development Plan, where in the outer city densities in excess of 35-50 dwellings per hectare are to be encouraged subject to appropriate qualitative safeguards. The density of the proposed development, 20 houses on 0.68 hectares, falls below 30 units per hectare. The proposed development could, thus, not be construed as constituting an excessive density of development in terms of standards promoted within the current development plan or, indeed, in terms of minimum densities promoted in *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area*, published by the Department of Environment, Heritage and Local Government, which the development plan replicates.

7.4.2 I further note that the development meets with all qualitative standards required by the development plan in terms of public and private open space for the scheme itself, design standards, unit mix, access, etc. In addition, it is apparent that the form, scale and layout of the development, together with appropriate landscaping and boundary treatment, would not culminate in any particular concerns for the amenities of established residents in the vicinity of this site.

7.4.3 Overall, it may reasonably be concluded that the density of development proposed on the site is less than that recommended by development plan and national guidance but is of a density that allows it to present itself as compatible with established development at this location.

7.5 Open Space Provision

7.5.1 I note the many submissions that have been made on the inadequacy of public open space within the wider community. This is not a matter for the Board to address in any individual planning appeal. The deficiencies of public open space to serve the wider community are matters for the planning authority to address, including the setting of objectives to achieve open space provisions within the development plan process.

7.5.2 The Board will note the extent of public open space being provided to serve the proposed 20 houses. This is adequate in scale, form and layout to meet the needs of the proposed housing scheme.

7.6 Social and Community Facilities

7.6.1 I note the submissions that have been made on the inadequacy of social and community facilities within the wider community. Once again, these wider deficiencies are not a matter for the Board to address in any individual planning appeal. It is, however, noted that the proposed development would be sited on lands zoned for residential purposes in the current development plan and that this zoning provision has been in place for a number of years. Further to this, I note the extent of community, social and commercial facilities available in the wider community, with schools, access to the city, close proximity to the Parkway shopping centre, etc. providing for the needs of the wider community.

7.6.2 I note that the development plan acknowledges a need for improvements in local facilities in the Rhebogue. I submit to the Board that it would not, however, be reasonable to refuse permission for 20 houses at this location based upon such a community-wide need, with the development plan clearly acknowledging this need, while at the same time clearly defining this land as suitable for additional housing.

7.7 Omission of Housing Units

7.7.1 It is my submission to the Board that there is no merit in omitting proposed house numbers 18, 19 and 20. This results in a reduction in the density of development to a

level determined to be unsustainable in terms of utilisation of the land and services provided to serve such development. Furthermore, the development of these housing units do not adversely impact on established residential amenity and they would have no likely developmental impact on the lands to the remaining small plot to the south. The scheme presents itself as a coherent development added to the established estate of Drominbeg, while introducing a varied form in character that is not in any way incompatible in terms of scale and design. I, thus, conclude that the 20 house scheme is an acceptable development that would be in accordance with the proper planning and sustainable development of this area.

7.8 Archaeology

7.8.1 The first party requests the Board to omit the obligation to undertake archaeological monitoring. While I acknowledge the site may have been filled and that it is located in an area not known to have any particular archaeological sensitivities, I consider that adhering to the planning authority's archaeological advice would be appropriate given the extent of the land area affected by the proposed development.

7.9 Lack of Further Information

7.9.1 I note once again that the application is now before the Board *de novo*. Consideration of the original application is required to be undertaken and the Board's considerations may or may not include modifications, revisions, etc. that are regarded as necessary to ensure, in the event of any grant of planning permission, that the development would be in accordance with the proper planning and sustainable development of the area.

7.10 Miscellaneous Issues

7.10.1 I note a wide range of issues was raised by the Observers, many of whom repeated the issues raised in the third party appeals. A number of other issues require consideration and my comments are as follows:

- Achieving the aims of the City Development Plan is a matter for consideration by the planning authority and is not a matter for consideration by the Board in this planning appeal.
- The intent for the remainder of the lands to the south of this site are not particular matters for consideration and may be addressed in any forthcoming planning application. The functionality of the scheme as proposed is considered acceptable.
- The public open space proposed to serve the development is suitable and adequate to meet the needs of its residents and complies with standards for such amenities.
- House types 2 and 3 are appropriate in scale, design and context to meet occupiers' needs and are not incompatible with the overall development.
- There are no concerns relating to potential flooding arising from this development based upon the flood risk assessment presented as part of the application.
- The proposed development would be served by an established local road network that has adequate links to the wider network. The network has adequate carrying capacity for additional vehicular traffic that may arise from the scheme and the provision of 20 additional houses will not increase any traffic hazard for this network.
- The general public transport needs of the wider community are matters required to be addressed outside of this appeal process.
- While the site may be considered by some in the community to be suitable for a community centre, the housing development is proposed on lands zoned residential and is compatible with this established land use. There are no specific objectives to provide such a facility on these lands.
- The proposed development would not result in any significant loss of privacy to adjoining residential properties.
- The proposed development provides adequate private open space to serve the needs of its occupants in accordance with required standards.

7.10.2 In the event that the Board does not concur with my conclusions drawn on the above issues and it proposes to have further regard to such issues in the making of its decision, I recommend that the observer submissions be referred to the applicant in the first instance to allow for submissions on the issues raised, as they may be construed as new issues.

8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the current Limerick City Development Plan and to the design, character and layout of the development proposed, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would not endanger public safety by reason of traffic hazard, would adequately provide for the open space requirements of occupants of the scheme, and would otherwise be in accordance with the provisions of the current Limerick City Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include proposals for all boundary treatment interventions and proposed boundary finishes.

Reason: In the interest of residential and visual amenity.

4. 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.

5. 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.

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 noise and vibration management measures and off-site disposal of construction/demolition waste.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

9. Proposals for street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

10. No dwelling units within the proposed development shall be sold separately, independent from the associated car parking provision. All the proposed car parking spaces shall be for occupants of the residential units and shall be sold off with the units and not sold separately or let independently from the residential development.

Reason: In the interest of orderly development.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.

Reason: In the interests of amenity and public safety.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála 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.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area

of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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.

Kevin Moore
Senior Planning Inspector
15th February 2018