



An
Bord
Pleanála

Inspector's Report ABP-300201-17

Development

The development will consist of the demolition of existing multi-residential unit single storey and part dormer dwelling, separate detached unit and outbuilding at 63 Terenure Road North and clearance of lands to rear of no. 65 Terenure Road North; and the construction of 4 no. three storey dwellings, consisting of a pair of semi detached 3 bedroom three storey dwellings bounding and to be accessed from Terenure Road North; and a pair of semi-detached 3 bedroom three storey dwellings to the rear of no. 63 and 65 Terenure Road North and to be accessed from Eagle Hill Avenue. The development will be served by 6 no. car parking spaces. The houses fronting Terenure Road North will be served by 2 no. car parking spaces to the front. The houses to be accessed off Eagle Hill Avenue will be served by 3 no. car parking spaces plus an additional space to serve the houses along Terenure Road North. The development will include all associated landscape and site development works including new footpath along Eagle Hill Avenue.

Location

63, Terenure Road North and lands to rear of 65 Terenure Road North, Dublin 6W

Planning Authority	Dublin City Council (South Area)
Planning Authority Reg. Ref.	3153/17
Applicant(s)	Seabren Developments Ltd
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeals	Third Party
Appellant(s)	1 Eagle Hill Avenue & Terenure Rd Nth Residents. 2. Sinead Mitchell & Andrew Moloney 3. Kevin & Joan Tyrrell 4. J & G Schuster & D & L O Herlihy.
Observer(s)	None
Date of Site Inspection	7 th February 2018
Inspector	Brid Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 860m² comprises the site of an existing single storey semi-detached dwelling with two storey elements fronting onto Terenure Road North. The site also has a number of bed site type individual building to the rear. The structure, which according to application documentation has previously been used as multi residential unit of up to six units, is in a derelict state and the rear garden is significantly overgrown and unkempt. The site is located on the eastern side of Terenure Road North on the southern side of the of its junction to Eagle Hill Avenue a restricted residential cul de sac of 7 terraced two-storey dwellings.
- 1.2. The site extends back some 60m from Terenure Road North and the south-eastern part of the site extends into the rear garden serving 65 Terenure Road north which is an extended single storey cottage. The eastern boundary of the site backs onto the rear gardens of residential properties on Heathfield Road. There is a public car park on the western side of Terenure Road north opposite the entrance to Eagle Hill Avenue. The pattern and scale of development in the wider vicinity is of mixed character with a predominance of two and three store pitched roof brick or dashed façade buildings.

2.0 Proposed Development

- 2.1. The proposed development essentially comprises the demolition of all structures on site and construction of 4 no new three storey dwellinghouses. The proposal in its detail involves the demolition of the existing single storey and part dormer dwelling plus separate terraced elements to the rear. The proposal will also subdivide the curtilage of no 65 Terenure Road North. The new development will have two main component parts namely a pair of semi-detached contemporary three bedroom houses facing Terenure Road North to the front and a pair of semi-detached contemporary 3 bedroom houses accessed via Eagle Hill Avenue to the rear.
- 2.2. A single vehicular entrance to the pair of houses fronting Terenure Road North will provide for access to a car parking space to serve each house. The houses will be served by rear gardens of 63sq.m and 72 sq.m. The proposed houses off Eagle Hill

Avenue are sited adjacent to the existing terrace to the Rear of Eagle Hill Avenue. Car parking spaces are proposed within a communal car parking arrangement. Houses are served by rear gardens of 50sq.m. All houses will contain two double bedrooms and a single bedroom with the master bedroom within the set back in zinc clad roofspace. A sedum roof is proposed.

- 2.3. In response to a request for additional information from Dublin City Council revisions were made to the proposed layout of parking and access. Three spaces are to be provided for existing residents of Eagle Hill Avenue and the proposal provides for the widening of the existing carriageway width along Eagle Hill Avenue.
- 2.4. Application documents include order dated 2/10/2017 indicting grant of an exemption certificate under Section 97 of the Planning and Development Acts 2000 as amended.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 Following a request for additional information seeking clarification with regard to car parking and taking in charge considerations, and a review of alternative potential for single access from Terenure Road North, Dublin City Council by order dated 25th September 2017 decided to grant permission and 10 conditions were attached including the following of particular note:

- Condition 2. Development Contribution of €30,775.68 in accordance with the Development Contribution Scheme.
- Condition 3. Construction management plan to be agreed. Areas to be taken in charge to be agreed. Courtyard area with 5 no car spaces may not be taken in charge. Requirements in respect of additional spaces on Eagle Hill Avenue to be agreed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report notes that the proposed design would represent a departure from the prevailing pitched roof format however would peaceably coexist with the existing pattern and character of development in the area. Development will provide welcome interest in the streetscape at a point of transition and gateway into the more commercialised centre of Terenure village. The standard of residential amenity is considered appropriate. Overall the design and layout ensures that no undue impact on residential amenity will arise. Additional information required with regard to traffic concerns and parking layout. Final Planning report recommends permission subject to conditions.

3.2.2. Other Technical Reports

- Engineering Department Drainage Division report indicates no objection subject to standard conditions.
- Waste Management Section report indicates no objection subject to standard conditions.
- Roads and Traffic Planning Division report notes discrepancies between parking layout on engineering and architectural drawings regarding parking layout and seeks clarification in this respect. The potential to provide additional parking for existing residents on Eagle Hill Avenue should be explored and carriageway width increased along Eagle Hill Avenue via a shared space arrangement. Alternative access to the entire development via Terenure Road North maintaining the existing parking arrangement on Eagle Hill Avenue should be considered. Taking in charge considerations should be addressed. Following submission of additional information report indicates no objection subject to conditions.

3.3. **Prescribed Bodies**

N/A

3.4. **Third Party Observations**

- 3.4.1 A number of submissions from residents of Eagle Hill Avenue, Terenure Road North and Heathfield Road object on grounds of traffic hazard and negative impact on

established car parking. Design is considered out of character, will impact on privacy, overlooking and devaluation of property. Note no history of access to Eagle Hill Avenue and omission of reference to same in the development description. Previous grounds for refusal remain valid. Other concerns relate to structural impacts on existing properties, lack of local consultation, loss of landscaping and absence of detail on boundary treatment. Proposal represents overdevelopment of a restricted site, would constitute undesirable piecemeal development in a well-established residential area and would be seriously injurious to residential amenity.

3.4.2 Submission from John O Connor, 65 Terenure Road North, welcomes the proposed development of the site noting health, safety and amenity issues arising from the current haphazard nature of structures on the site.

4.0 Planning History

- **1737/98** Refusal of permission for two no two storey houses with 2 no car parking spaces to the rear of 63 Terenure Road North off Eagle Hill Avenue.

Reasons were as follows:

- *“The proposed development due to its proximity to adjoining residential properties and the height of the proposed houses would result in serious loss of amenities to such property through overlooking and visual obtrusion.*
- *The proposed development would be substandard and result in serious overdevelopment of a limited site as it would provide for totally inadequate areas of rear garden and the proposed houses would so reduce the curtilage of the existing house that no properly usable area of private open space would be available to it.*
- *The proposed development would result in serious injury to the amenities of adjoining residential property on Eagle Hill Avenue due to increased traffic generation and probable on street parking arising from the proposed development.”*

- **PL29S248938 (2572/17)** 5 Eagle Hill Avenue. The Board following third party appeal overturned The Council’s decision and refused permission for the provision of a new vehicle access for the following reasons:

“It is considered that the quantity of private open space retained to the rear of the dwelling house would be inadequate to provide for a sufficient level of residential amenity for the existing dwellinghouse and would be contrary to the standards for such development as set out in section 16.10.2 of the Dublin City Development Plan 2016-2022 and section 7.8 of the Sustainable Residential Development in Urban Areas 2009 which are statutory guidelines as per section 28 of the Planning and Development Act, 2000, as amended.

On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the application has been made by a person who has sufficient legal estate or interest relative to the establishment of access/right of way to the proposed means of vehicular access to the site, which involves crossing a private laneway to the rear of properties 2-8 Whitton Road, or has the approval of the person(s) who has such sufficient legal estate or interest. In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of planning permission for the development the subject of the application.”

5.0 Policy Context

5.1. National Policy

Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (DEHLG, 2007).

5.2 Development Plan

- 5.2.1 The Dublin City Development Plan 2016-2022 refers. The site is zoned in Z 1 “To protect and/or improve the amenities of residential amenities”.

Policies QH18: Ensure that new houses meet the needs of family accommodation with satisfactory residential amenity.

Policy QH19: Ensure that new housing adjacent to existing reflects the character and scale unless exceptional circumstances.

Section 16.10.2: Residential Quality Standards for dwellings include but not restricted to separation distance of 22m to rear between first floor rear windows, open space provision of 10m² per bed space, generally up to 60-70m² of rear garden is sufficient in the city.

16.10.3 Residential Quality Standards – Apartments and Houses: Public open space – 10%

In terms of car parking standards, the site is within Zone 3 whereby the requirement is for maximum of 1.5 car parking space per dwelling.

5.3 Natural Heritage Designations

The South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC are in excess of 5km east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The First Third Party Appeal is submitted by Donal O Connell, Chartered Architect on behalf of a group of residents namely, Monica Flanagan, 4 Eagle Hill Avenue, Siobhan O Brien, 6 Eagle Hill Avenue, Jim O Neill, 61 Terenure Road North, Colum Hennessy, 1 Eagle Hill Avenue. Grounds of appeal are summarised as follows:

- Note difficulties of access egress from Eagle Hill Avenue arising from topography and layout. Development will exacerbate traffic pedestrian hazard.
- At present numbers 5,6, and 7 Eagle Hill Avenue and no 61 Terenure Road north have private parking spaces delineated by cobbleblock paving finish

whilst numbers 1,2,3, and 4 depend on the remaining restricted space and public parking available including adjacent to existing boundary wall to the application. Restricted space is such that public parking is at capacity in terms of use. Note recent refusal 248938 in relation to No 4 Eagle Hill Avenue.

- Proposal will result in traffic hazard, gridlock issues with regard to emergency access.
- Bin store area will create nuisance to 1 Eagle Hill Avenue.
- Density, design and scale of proposal is out of character with the surrounding area.
- Overshadowing and overlooking to severe detriment of established residential amenity.
- Application should be deemed invalid on the basis of failure to specify that proposal involves removal of boundary and creation of entrance.
- Loss of mature vegetation, construction impacts and structural impacts.
- Planning History no the site has not been sufficiently taken into account by Dublin City Council. (1737/98 2509/03)
- Swept path analysis relies on area of private property for proposed parking manoeuvres. (cobbleblock area to front of houses 5, 6 and 7)
- Two storey with pitched roofs to match the neighbouring dwellings more appropriate.

6.1.2 The second third party appeal is from Sinead Mitchell & Andrew Moloney, 2 Eagle Hill Avenue. Grounds of appeal are summarised as follows:

- Negative impact on established parking regime.
- Condition 3b is unclear and negates participation by existing residents with regard to new road layout.
- Serious traffic hazard.
- Ground stability and infrastructure deficiencies.

- Loss of mature vegetation.
- Development is out of character resulting in negative impact, loss of privacy and overlooking.

6.1.3 The third third party appeal is submitted by 2020 Architects, on behalf of John and Graziella Schuster, 14 Heathfield Road, and Deirdre and Ian O Herlihy 15 Heathfield Road. Grounds of appeal are summarised as follows:

- Overlooking and overshadowing exacerbated by loss of vegetation
- Traffic hazard and congestion
- Refusal reasons 1737/98 remain valid.
- Significant negative impact on established residential amenity.

6.1.4 The fourth third party appeal is submitted by the Tyrell Family, 67 Terenure Road North. Grounds of appeal are summarised as follows:

- Traffic Hazard and parking congestion.
- Development will be visually obtrusive and unduly dominant from garden of No 67 Terenure Road North.
- Significant overlooking and loss of privacy.
- Lack of detail in respect of northern boundary treatment to N 67. Impact on stability of boundary wall and workshop.
- Design and density, scale and height is out of character.

6.2. Applicant Response

6.2.1 The first party response to the appeal is submitted by Marston Planning Consultancy is summarised as follows:

- Appellants make a number of inaccurate and unsubstantiated statements all of which have been addressed in the application.

- Proposal will result in an improved vehicular access and parking to the residents of Eagle Hill Avenue.
- No grounds to claim overlooking or overshadowing such as to diminish visual or residential amenities.
- Design is appropriate in form and scale within the streetscape.
- Adequate private open space serving existing and new houses.
- Proposal achieves the correct balance between utilising a large residentially zoned site for development and maintaining established residential amenity.
- Proposal will materially improve the access and parking environment within Eagle Hill Avenue. Two spaces will be allocated to existing residents, and a further space if required or this can be used by visitors to both new and existing houses on Eagle Hill Avenue.
- The proposal will generate an additional three car parking spaces for existing residents and six spaces to serve the four new dwellings,
- Survey carried out on five different days in relation to car parking demonstrated that on the busiest day 8 cars were parked within Eagle Hill Avenue and no more than 2 cars adjacent to the boundary with the application site. The provision of three spaces therefore represents a net gain.
- Widening of Eagle Hill avenue will enable improved access and egress.
- Scale, height and form of the houses are entirely appropriate for this location which fully takes cognisance of existing building heights and building lines.
- Design proposal provides a strong contemporary infill and use of zinc for the roof enables the houses to be read as two storey with roofspace above.
- No factual basis for claim of overdevelopment. Four houses on the overall sites reflects a medium density. Positioning on site and separation distance is more than adequate to maintain residential and visual amenities.
- As regards claims of overshadowing, the siting of the houses, orientation and lack of private open space to 1-4 Eagle Hill Avenue not such overshadowing will arise.

- Rear gardens of properties on Heathfield Road range from 35-30m in length with substantial landscaping. Proposed houses are located to the west / northwest of these properties therefore no overshadowing will occur. Some minimal additional shadowing of the far end of the gardens at Spring Autumnal Equinoxes towards sunset.
- Access to the roof area is only for emergency and maintenance purposes.
- No grounds for overlooking that would diminish residential amenity.
- It is proposed to build new boundary immediately adjacent to the existing boundary wall with no 67 Terenure Road North.
- Site access and parking arrangements in accordance with DMURS.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the appeals.

7.0 **Assessment**

7.1 I note that a number of the third party submissions question the validity of the application noting that there is no history of vehicular entrance to the site from Eagle Hill Avenue and stating that the “creation of a new entrance” is not expressly referenced within the development description as provided in the public notices. I have reviewed the wording of the public notices and note that “access from Eagle Hill Avenue” is specifically referenced twice within the notices. The wording in my view addresses the proposed development in its detail. It is immediately evident what is intended in terms of the proposed development and third parties were not prejudiced by the wording. Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions, I consider that the key issues arising in this appeal can be considered under the following broad headings.

- Principle of development.

- Traffic and Access
- Quality of design and layout.
- Impact on Established Residential Amenity.
- Appropriate Assessment and Other matters.

7.2 Principle of development

7.2.1 As regards the principle of development, the site is zoned Z1 the objective “to protect, provide and improve residential amenities” and the proposal to provide a modern standard of residential development on the site is appropriate in terms of this zoning objective. The existing structures on site have evidently evolved in an arbitrary fashion over time and are of no architectural or heritage merit and are in a significant state of dereliction therefore demolition of these structures is appropriate. As regards the proposed density, which equates to 46 units per hectare, I note that the site is well-located in close proximity to all amenities and to public transport and therefore the proposal is in accordance with the general policy desirability to increase densities within serviced urban areas in the interest of efficient land use resources and economies of scale. I note that given the haphazard nature of existing structures on the site the principle of re-development of the site for residential use is generally welcome and therefore the focus for assessment is on the detailed nature of the development with particular reference to impact on the streetscape, impact on established residential amenity and traffic impact.

7.3 Quality of Design and Layout

7.3.1 As regards the issue of the residential amenity of the proposed dwelling units, I note that the floor areas of the proposed dwellings meet the minimum standards in terms of floor areas and private open space provision and provide for an adequate standard of residential amenity.

- 7.3.2 As regards the proposed design which is contemporary in character the scheme draws from its context, the use of red brick links the development to a predominant external finish in the locality. The use of the zinc clad setback roof space allows the dwellings to read as two storey in height with roof space above.
- 7.3.3 On the matter of the quality of the design and layout and impact on streetscape, I consider that the proposed design provides for a varied and forward looking approach. In my view the proposal provides for an appropriate infill intervention to Terenure Road North and Eagle Hill Avenue and presents positively to the public realm. Given the unique characteristics of the site and the character of established development in the vicinity I consider that this proposal is appropriate and a degree of flexibility in regard to quantitative standards for public open space is appropriate having regard to the zoning and context of the site.
- 7.3.4 On balance I conclude that the proposal will result in the creation of four high quality modern dwellings and thus makes better use of the zoned land.

7.4 Traffic and Access.

- 7.4.1 The key common concern raised in third party submissions relates to the issues of traffic hazard and congestion. The restricted access and parking area available on Eagle Hill Avenue is such that Eagle Hill Avenue is according to submissions, regularly congested. The existing access to Eagle Hill Avenue is severely restricted which gives rise to traffic hazard issues. The proposal as amended in response to the Council's request for additional information involves the widening of the existing access from Terenure Road North by 1.3m to create an entrance that is 5.2m and widening of the roadway to the rear of Eagle Hill Avenue by 3.8m. I would concur that this represents a significant improvement to the existing situation. As regards parking it is proposed to provide three new car parking spaces to existing Eagle Hill Avenue residents within the site (two spaces to be located to the north of garden of house no1 a and a space within the site adjacent to 1 Eagle Hill

Avenue). As regards the proposed dwellings two spaces are provided forward of houses 1&2 accessed off Terenure Road North and four spaces forward of houses 3&4. I consider that this is a reasonable approach and that the proposed development will significantly improve the access and parking regime to Eagle Hill Avenue. Given the extent of traffic arising from a four house proposal and having regard to the established vehicular access, on balance I consider that the proposed development will improve traffic safety.

7.4.2 As regards the third party contention that access to the entire site should be from Terenure Road North, I note that this would potentially dilute the impact on the streetscape on Terenure Road North and would negate the opportunity to improve the existing substandard access to Eagle Hill Avenue. On the basis of my assessment I consider that the issue of access and traffic is not an impediment to the development of the site.

7.5 Impact on Established Residential Amenity.

7.5.1 As regards overlooking and overshadowing, I note the relationship to proposed houses 1-4 Eagle Hill Avenue all of which have minimal rear garden amenity areas due to rear extensions. I note that the proposed houses 3 and 4 are stepped forward to by 1.5m and given this setback I would accept that the development will not result in any substantive overshadowing that would diminish established residential amenity.

7.5.2 As regards potential for overshadowing and overlooking of dwellings on Heathfield Road, given the relative orientation (proposed structures to the west) and separation distance the extent of overshadowing of rear gardens is minimal. As regards overlooking the back to back separation distance of c35m will mitigate undue overlooking. I note that no windows are proposed at roof level to the eastern elevation adjacent to Heathfield Road. As regards concerns regarding use of roofspace as a terrace I consider it appropriate that this be addressed by condition. I note the outlook of the adjoining dwelling No 65 Terenure North (the owner of which has indicated support for the application) will be dramatically transformed by the proposed development. Given the low rise nature of this dwelling I note the potential

for future redevelopment of this site. As regards 67 Terenure Road North, given the separation distance and orientation I consider that no undue impact on residential amenity will arise in terms of overlooking or outlook. On balance I consider that the design and layout appropriately mitigates negative impacts on established residential amenity and the proposed development represents an appropriate infill development of the site.

7.5.3 On the issue structural impacts on existing dwellings, boundaries and shed/workshop on no 67 Terenure Road North these are civil matters and impacts arising will be appropriately mitigated by good standards and practice. Whilst given its context, I note that the development of the site will give rise to a fair degree of disruption during the construction period, I note that this will be of limited duration and can be appropriately mitigated by standard good construction practice. As regards the loss of existing landscaping on site, the site is significantly overgrown and vegetation is not of such merit as to warrant its preservation.

7.6 Other Matters and Appropriate Assessment

7.6.1 As regards servicing, technical reports on file raised no specific concerns in terms of public sewer capacity and public water supply.

7.6.2 On the matter of appropriate assessment, having regard to nature and scale of the proposed development the fully serviced nature of the site and proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site

8.0 RECOMMENDATION

Having considered the contents of this application in detail, the decision of the

planning authority, the provisions of the Development Plan, the national guidelines, the grounds of appeal, my site inspection and my assessment of the planning issues, I consider it appropriate to recommend to the Board that permission be granted subject to the following:

REASONS AND CONSIDERATIONS

Having regard to the location of the site on zoned lands, the layout of the proposed development, it is considered that subject to compliance with the conditions set out below, 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 and would be acceptable in terms of traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

- 1 The proposed development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further information submitted on 25th September 2017 except as may otherwise be required in order to comply with the following conditions

Reason: In the interest of clarity.

2. Prior to the commencement of development details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and in the interest of visual amenity.

3. Prior to the commencement of development, details of soft and hard landscaping scheme and boundary treatment details for the site shall be submitted to the Planning Authority for agreement.

Reason: In the interest of residential amenity,

4. Access to roof terrace shall be restricted to escape and maintenance purposes only.

Reason: In the interest of residential amenity.

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

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

6. Entrance from the public road and the internal road network serving the development including turning bays, parking areas, footpaths, verges and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

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

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

8. Public lighting shall be provided in accordance with a scheme, details of which

shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

9. Prior to the 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 within the development.

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

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 20006.

Reason: In the interest of sustainable waste management.

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. The plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction and demolition waste.

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

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company

or by the local authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

- 13 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the scheme at the time of payment. 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 the Board to determine the proper application of the terms of the Scheme.

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

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

Reason: To ensure the satisfactory completion of the development.

Bríd Maxwell,

Planning Inspector

27th February 2018