



An  
Bord  
Pleanála

## Inspector's Report 301527-18

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<b>Development</b>	Permission for three dwelling houses, 1 no. apartment and 1no. commercial units
<b>Location</b>	Formerly Ginnety's Pub, Dromiskin, Dundalk, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	17/709
<b>Applicant(s)</b>	Linda Bannon
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party Appeal
<b>Appellant(s)</b>	Liam Reilly James Hallinan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> November 2018
<b>Inspector</b>	Joanna Kelly

## **1.0 Site Location and Description**

- 1.1. The appeal site has a stated site area of 0.1063ha and is located in the village of Dromiskin at the junction of Main Street with Chapel Street. Dromiskin is identified as a level 3 settlement and pursuant to site inspection is considered to be a small rural settlement with a post office, two shops and a public house. Housing is typically low density suburban style or detached dwellings on large plots. There is a national school on Chapel Street in close proximity to the church.
- 1.2. The site formerly contained a protected structure which was demolished following a fire. The site has fencing to the boundaries which is, in my opinion, an eye-sore. The Texaco garage which contains a centra shop and pharmacy is located west of the site. There is also a vacant unit within this complex.
- 1.3. There is a detached residential property set well back off the street to the south of the site. There is an existing stone boundary wall that bounds this party boundary. There is a paving finish to the footpath to the front of the site and bollards along the road edge. Traffic volumes were noted as being low during inspection, typical for a rural settlement.

## **2.0 Proposed Development**

- 2.1. Permission was originally sought for 4 no. two storey semi-detached dwellings and associated site works. Pursuant to a further information request revised details were submitted and the development was modified so that permission is now sought for 3 no. dwelling houses, one commercial unit and one apartment overhead and associated site works.
- 2.2. The proposal is for two structures located perpendicular to each other, each addressing the road it fronts. Building A contains three two storey houses with rear gardens fronting Main Street. Building B contains a commercial unit at ground floor and a three bedroom apartment over fronting Chapel Street. Vehicular access for two parking spaces is proposed to the side of Building B, just west of the Texaco garage.

2.3. The apartment is considered to comply with the design standards set out in the section 28 apartment guidelines, 2018. A balcony area of 15sq.m. is provided to this three bed unit. The housing units are three bed units with rear gardens of between 80 and 170sq.m.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The planning authority granted permission for the proposed development subject to 21 conditions. Of note condition 3 limits the use of the commercial unit to a bistro/café/coffee shop/restaurant or Class 1 shop as defined and for no other class within Part 4 of the Schedule 2 of the Planning and Development Regulations as amended.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. Planning Report

The first planner's report sought further information in respect of the proposed development. The proposal was considered contrary to Policy LAN 1 i.e. exceeds the maximum of 50% residential development on zoned village centre lands in addition to Policies DROM 1, DROM 3, DROM 4, DROM 6 and DROM 7 in relation to the provision of community facilities and commercial development.

3 submissions were received which raised concerns regarding height of proposal; overbearing and excessive nature of development; car parking issue; boundary treatments; design and quality of development should benefit the heritage nature of the village.

The planning report recommended FI be sought in respect of:-

- Comprehensive retail study of vacant commercial units inside the village boundary of Dromiskin
- Design statement consisting of both text and graphics including an appraisal of the distinctive characteristics of the site and its context.

- Infrastructure details in respect of legal agreements, sightlines, parking *et al.*

The subsequent planner's report deals with the response to further information. The report notes one submission which raised issues regarding consent, parking on forecourt of petrol station, and desire to see traditional stone wall separating the sites. The report concludes that the nature and scale of development subject to compliance with conditions attached was considered in accordance with the proper planning and sustainable development of the area.

### 3.2.2. Other Technical Reports:

Infrastructure – 25<sup>th</sup> October 2017 – Further information should be sought in respect of title of lands, sightlines, parking, surface water management.

Infrastructure – 4<sup>th</sup> April 2018 – No objection to further information and recommended conditions.

Irish Water – 2<sup>nd</sup> November 2017- No objection

Comments were invited by ABP under section 131 of the Planning and Development Acts as amended from Department of Culture, Heritage, and the Gaeltacht, An Taisce, and The Heritage Council. No comments were received.

## 4.0 **Planning History**

There was a public house which was on the site that was demolished following a fire and previous history pertains to change of use/modifications to the former use. There is no relevant recent history associated with the site.

## 5.0 Policy Context

### 5.1. Development Plan

Louth County Development Plan 2015-2021 is the statutory county development plan.

The appeal site is located within the village boundary of Dromiskin, a Level 3 settlement in the settlement hierarchy for the County. The lands have a land use zoning objective 'VC – village centre – To provide, protect and enhance village centre facilities and enable town centre expansion'. The principal permitted land use in this zone will be town/ village centre related uses. These shall include shops, offices, residential (comprising of not more than 50% of the floor space of the overall development), crèches/playgroups, personal services, community and cultural activities, pubs, restaurants, guesthouses, hotels, places of entertainment, clinics, doctors/dentist surgery and any other similar type uses.

#### 1.6 Strategic Objectives for Level 3 Settlements.

**OBJ 1** Protect and support Level 3 settlements as local service centres in the rural area and facilitate limited development that is commensurate with the nature and extent of the existing settlement and the availability of public services and facilities.

**OBJ 2** Provide an improved quality of life for all the citizens by promoting the villages' economic potential while protecting their natural and built environment.

**OBJ 3** Provide a high quality of design in private and public development, increasing the quality of the public realm while maintaining the form, character and settlement pattern of the village.

**OBJ 4** Promote an attractive, safe and accessible village particularly for those on foot, bicycle and public transport.

**OBJ 5** To ensure that there is sufficient land zoned to meet the housing, employment, community facilities and amenity needs of the village and that such development is carried out in an orderly, consistent and sustainable fashion in accordance with the principles of proper planning and sustainable development.

**OBJ 6** Ensure the identification, avoidance, assessment and mitigation of environmental consequences of this plan and subsequent developments.

Chapter 8 of Volume 2A of the CDP sets out policies specifically to Dromiskin.

The most relevant of these are as follows:

**DROM 1** To support Dromiskin in its role as a local rural service centre, provide for public open space, recreational and amenity uses and community services and facilities, for its population and that of its rural hinterland where the principles of environmental, economic and social sustainability including protection of the village's heritage, the natural and built environment are enshrined.

**DROM 2** To promote and facilitate limited residential development that is commensurate with the nature and extent of Dromiskin and which will assist in consolidating, over this Plan period, in compliance with the Core Strategy.

**DROM 3** To encourage the provision of additional community facilities serving Dromiskin in order that it may become a more self-sufficient and sustainable community.

**DROM 4** To promote and facilitate the provision of centrally located open space, recreational and amenity uses and the extension of community facilities together with cohesive pedestrian and cycling linkages.

**DROM 5** To seek to provide a clear distinction between the village and the countryside in order to enhance and preserve its setting.

**DROM 6** To safeguard and facilitate the provision of local sustainable employment opportunities.

**DROM 7** To facilitate new retail and commercial commensurate with its population size, location and traditional built environment.

## 5.2. Natural Heritage Designations

No known designations in the vicinity of the site.

## 6.0 The Appeal

6.1. Two no. third party appeals have been received as follows:

### 6.1.2 Dromiskin Tidy Towns

The primary grounds of appeal are summarised as follows:

- None of the concerns raised in the original observation have been considered.
- Welcome development on site provided it is of high standard.
- Revised proposal provides for finished walls with brick and stone cladding which is inappropriate in the village where natural stone walls are a feature of the streetscape.
- Natural stone should be used and the Tidy Towns Development Plan recommends the use of stone and an appropriate grey colour scheme.
- Parking to the front of the residential properties is neither aesthetically pleasing or appropriate at this key location. Such a parking arrangement would contribute to road safety issues at this busy crossroads junction.
- The adjacent carpark services in the Centra/Texaco service station is complex and is often at maximum capacity. Query whether adequate parking has been provided for the coffee shop.
- A landscaping plan should be submitted so that it fully complements existing landscaping in the village.
- Retention of the existing palisade fencing is inappropriate. This should be replaced with a stone wall.
- The crossroads scene is defined by four Victorian style lighting standards incorporating heritage themed banners. Lighting standard on the corner should be retained and not interfered with in any way.

### 6.1.2 Mr. James Hallinan

The main grounds of appeal are summarised as follows:

- The proposal will have a substantial and detrimental impact upon vitality and viability of the appellant's business (adjoining Texaco/Centra)
- The creation of a new vehicular entrance onto a public road is a distinct form of development in its own right that cannot be accurately or adequately covered under the development's description generic reference to associated site works. As such the description is deficient and incomplete.
- In response to the further information request the scheme remains principally a residential development with a combined floorspace that is well in excess of the 50% limit.
- The CDP does not provide for discretionary disregard of the zoning objective particularly for a scheme which is so grossly in excess of the 50% threshold.
- It is not appropriate that the draft National policy objective 11 has been used as a means of superseding and circumventing the CDP.
- The submission from DNG Duffy of a single page letter and accompanying map provided no more than a statement of opinion and does not represent a 'comprehensive retail study' requested.
- The proposed development is subsequently contrary to LAN 1.
- The lack of a proper proportional mix of commercial floorspace is contrary to Policies DROM 1, 3,4,6 and 7 which seek to develop the village's role as a local rural service centre that encourages a more self-sufficient and sustainable community.
- Policy T16 provides the means by which new development proposals must comply with the requirements of Table 7.6. A total of 4 no. spaces are required for the residential element. A retail shop would require 2 spaces. A restaurant would require 5 spaces. The development therefore requires between 6 to 9 spaces and the applicant claims to provide 5 spaces.
- Turning space associated with two of the five parking spaces are outside the control of the applicant. These spaces constitute a traffic hazard.



- A special development contribution is sought in respect of the shortfall of parking and is not an appropriate means of compensating against a lack of proper parking.
- The use of the unit as a commercial unit will result in parking on the appellant's property for prolonged periods.
- It is unfair and unreasonable to ask the appellant to police his own car park for non-customers.
- The applicant was requested to submit a design statement and what was submitted was two pages of scant text that addressed none of the council's request.
- There was no meaningful engagement in appraising the unique opportunity a redevelopment proposal would have on the derelict site and the village centre.
- The application does not indicate the form of treatment that is to define the western boundary. Condition 11 requires such details to be agreed and a stone wall is suggested.
- The proposal missed an opportunity to provide a structure that could reflect and draw visual, massing and compositional cues from the two opposing period structures. The former structure was much closer to the road than that proposed.
- The proposal will not sit well with Dromiskin's eclectic architectural character.
- Appellant is confident that sufficient and robust justification exists to refuse the proposal.

## **6.2. Planning Authority Response**

- All matters raised in the appeal statement are fully addressed in the planner's report.

### 6.3 Response from First Party to Third Party appeals

- The proposed design is of a high standard and complements the character of the village.
- It is contended that Dundalk Tidy Town's submission is vexatious on the basis that they seek this section of land to convert to a park.
- Stone walls exist in few locations and many boundary walls have a plastered finish.
- There is no uniform style to Dromiskin and there is no sustained terrace street type.
- On street parking is the most natural ways to accommodate parking for a small development like that proposed.
- No road safety issues exist and adequate sightlines are available.
- The rear boundary of the back gardens bordering the petrol station is proposed to be a timber fence. A stone wall would be expensive and inappropriate for such a boundary.
- Retention of Victorian pastiche lamp standards is not relevant for the purposes of considering the current proposal.
- The current vacant commercial unit with the Texaco garage has been available to rent for some years now. Dromiskin appears to be too small to sustain a number of viable businesses given the facilities available in Castlebellingham and Blackrock.
- With regard to policies DROM 2 and 3 it is contended that the proposal will be located on a vacant site located in the village centre and will consolidate the fabric of the village. The site will link west, east and south of the village.
- Parking has been provided in accordance with Table 7.6 of the CDP. A contribution will be paid for the shortfall of one no. space.
- The development will be constructed of white/cream brick.
- Boundary treatments are indicated on the plans. A 2m high timber fence is proposed to the western boundary.

- The new parking entrance is considered to be provided for under the description of ‘associated works’.
- The proposal was agreed with the planning authority and it was agreed an infill development rather than a vacant development was more desirable.
- The village has a low population and only the basic services are required.
- The area required for turning for the two parking spaces to the east is located on the area under which the applicant has a right of way. This area should not have been developed by the appellant.
- Request that permission be granted.

## 7.0 **Assessment**

7.1 Pursuant to site inspection and inspection of the surrounding environs including the road network, examination of all documentation, plans and particulars, and submission/observations on file, the following are the relevant planning considerations of this application:

- Description of works
- Land-use zoning and local policy considerations
- Layout and Parking
- Other issues to include Boundary treatments, Right of Way
- AA screening
- EIA screening

### 7.2 Description of works

With regards the concerns raised by an appellant regarding the description of the proposed works and lack of reference to parking entrance I consider that the public notices are adequate with regard to setting out the main characteristics and nature of the development. The purpose of a public notice is to alert the public to the

substantial nature of the development not to provide a lengthy description of all works with a view to invalidating applications for their lack of infinite detail regarding the proposal.

### 7.3 Land-use zoning and local policy considerations

7.3.1 The proposal is located on village centre lands where the objective is 'to provide, protect and enhance village centre facilities and enable town centre expansion'. The County Development Plan indicates that the population of Dromiskin is approximately 1058 in 2013. The principal permitted land use in this zone set out in the Louth development plan is for town/ village centre related uses. These uses shall include shops, offices, residential (comprising of not more than 50% of the floor space of the overall development), crèches/playgroups, personal services, community and cultural activities, pubs, restaurants, guesthouses, hotels, places of entertainment, clinics, doctors/dentist surgery and any other similar type uses. The proposal before the Board is for substantially a residential development. However, the planning authority was satisfied with the proposal referring to the provisions of the draft NPF and issued a notification to grant permission.

7.3.2 The appellants have referred to the policy provision that no more than 50% residential should be provided on village centre lands and that the proposal is contrary to the CDP in this regard. As already stated Dromiskin is a level 3 settlement. There is an existing vacant unit within the garage forecourt which would suggest that demand for commercial units is low in the village. There is an extensive amount of lands zoned 'village centre' and it is unsustainable in my opinion to expect 50% of any development on these lands to be commercial in nature. It is also more sustainable to permit development on lands within the village centre first thus creating a more vibrant core. I would also refer the Board to the policy DROM 7 which seeks to facilitate new retail and commercial commensurate with its population size, location and traditional built environment. National policies in particular the National Planning Framework recognises the need to develop and promote more compact urban development. While the development would be at variance with the statement contained in the development plan to capping residential uses at 50% of the total

floorspace in village centres, I do not consider the proposal to contravene any specific local objective. The proposal before the Board is acceptable in my opinion having regard to both national and local policies in particular DROM 7 which recognises the need to develop at a scale commensurate with the existing village.

#### 7.4 Layout and Parking

7.4.1 Concerns are raised about parking and the potential for overspill in the adjoining forecourt. Parking within the forecourt was not an issue at time of inspection and there are c. 15 spaces also available to the rear of the pharmacy in addition to the parking on the forecourt and in front of Centra and the pharmacy. In general, I consider that the provision of one parking space for each of the residential units to be sufficient. The commercial unit is located within the village core and is within walking distance of housing within the village. While commercial uses can result in a higher demand for parking, there was no evidence of a shortage of parking within the village which is generally quite rural in character. With regard to the provision of parking to the front of the dwelling units, while it would be more favourable to have the structures located closer to the road edge to create a stronger urban edge, I do not consider that the proposal is such that should be refused given the established ad hoc pattern of development in the village. Parking is informal, typical of rural villages and it is possible to park along the frontage of the public house of the opposite side of the road. The proposed parking does not, in my opinion, impede sightlines or visibility at the cross roads. The traffic from the east-west direction must stop at the junction thus speed will generally be slower as drivers approach the junction, thus I do not consider the parking to the side of Building B to be an issue. However, I would caution that it is unclear whether the spaces in front of Building A would be public or private thus creating the possibility for residents not having access to these spaces should the public utilise them.

7.4.2 Should the Board consider that the parking to the front of the site inappropriate, it would be possible to provide parking to the rear. The loss of the parking to the front of Building A means the building line could consequently be moved towards the roadside edge. Having regard to the location of the dwellings within an village setting, it is considered that a homezone area could be provided whereby an

element of private space is provided to each dwelling and the remainder could be paved and utilised to provide at least one parking space for each unit along with semi-private space. The rear amenity space to serve the apartment could be omitted as a balcony area is being provided. A solution that focuses on the qualitative nature of the development should be supported rather than a layout that focuses on compliance with quantitative standards. This layout change could be conditioned with the final layout being subject to the written agreement of the planning authority. However, having regard to the existing rural character of the village, low traffic volumes, availability of parking generally and that the planning authority has no objection to the proposal, I am satisfied that the current layout is acceptable and is such that generally complements the existing character of the village.

## 7.5 Other Issues

### 7.5.1 External finishes

The use of external finishes is critical to the qualitative success of the scheme. In this regard, the applicant is proposing brick which is acceptable. The applicant has indicated a cream colour is to be utilised which is preferable to a red or buff colour having regard to the existing colour palette and traditional character of the village. The colour of the point work to a cream brick should be carefully considered.

### 7.5.2 Boundary treatments

With regard to boundary treatments, the existing stone wall to the southern boundary is to be retained which is welcomed. A 2m high fence is proposed to the rear of the gardens and is also indicated to the party boundary to the west (i.e. with the garage). I consider that a block wall should be provided to the western boundary to protect the amenity to the rear of the proposed units. I do not consider it reasonable as suggested by the appellants that a natural stone wall should be provided.

Commercial unit

7.5.3 I note a condition limiting the hours of operation for the commercial unit. I consider this unreasonable having regard to the location of the unit on village centre lands. I consider it reasonable that a condition be attached restricting the use of the unit to

those uses mentioned in the documentation submitted. Signage to the unit should be subject of agreement.

#### 7.6 AA Screening

Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

#### 7.7 EIA Screening

Having regard to the nature and scale of the proposed development comprising the construction of 4 residential units and a commercial unit and associated site works in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### 8.0 **Recommendation**

I recommend that permission is **granted** for the proposed development subject to the following conditions

## 9.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2015-2021, the zoning objective for the site, the pattern of development in the area, and to the nature and scale 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 and would not give rise to a traffic hazard. 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. In the default of agreement the matter(s) in dispute may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The developer shall submit revised drawings and documentation showing compliance with the following requirements:
  - (a) Provision of 1.8m high block wall, capped and rendered to be provided along the western boundary.
  - (b) The use of timber cladding to the rear elevation of Block A shall be omitted and replaced with brick.
  - (c) Boundary fencing to the rear of the dwellings units shall not exceed 1.8m high.

Revised drawings and documentation shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.



**Reason:** In the interests of proper planning and sustainable development, to safeguard the amenities of the area.

3. The materials, colours and finishes of the structures, the treatment of surfaces and boundaries within the development shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of residential privacy.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed commercial unit shall be restricted to bistro/café/coffee shop/restaurant or Class 1 'shop' (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

**Reason:** To protect the amenities of property in the vicinity

5. The proposed shopfront shall be in accordance with the following requirements:-
  - (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
  - (b) Lighting shall be by means of concealed neon tubing or by rear illumination,
  - (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
  - (d) External roller shutter shall not be erected. Any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.

(e) No adhesive material shall be affixed to the windows or the shopfront.

**Reason:** In the interest of visual amenity.

6. Proposals for a naming convention for the proposed development, which may include street names, a residential unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of orderly development.

7. 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.

8. The public footpaths and car parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure a satisfactory standard of development.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Public lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of residential amenity.

11. 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).

12. 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.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the

development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** To protect residential amenity, public safety and natural heritage.

14. 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 the “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 2006.

**Reason:** In the interest of sustainable waste management.

15. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material, and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer’s expense on a daily basis.

**Reason:** In the interest of residential amenity.

16. 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.

17. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of car-parking to be provide in lieu of the shortfall. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

18. 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.

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Joanna Kelly  
Senior Planning Inspector

25<sup>th</sup> November 2018