



An  
Bord  
Pleanála

## Inspector's Report ABP-301940-18

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| <b>Development</b>                  | Construction of 20 Apartments  |
| <b>Location</b>                     | 0.19 ha site at 36 & 36A Church Road,<br>Killiney & 7 Mountain Villa, Ballybrack,<br>Glenageary, Co Dublin |
| <b>Planning Authority</b>           | Dun Laoghaire Rathdown County<br>Council   |
| <b>Planning Authority Reg. Ref.</b> | D18A/0313  |
| <b>Applicant(s)</b>                 | Midgard Construction Ltd.  |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Refuse permission  |
| <b>Type of Appeal</b>               | First Party  |
| <b>Appellant(s)</b>                 | Midgard Construction Ltd.  |
| <b>Observer(s)</b>                  | 1. Paul Kershaw<br>2. Derek Haughton   |
| <b>Date of Site Inspection</b>      | 6 <sup>th</sup> November 2018  |
| <b>Inspector</b>                    | Emer Doyle   |

## 1.0 Site Location and Description

- 1.1. The site is located on the northern edge of Ballybrack village, Co. Dublin. The area is characterised by a mixture of residential and commercial development.
- 1.2. The site has a stated area of 0.19 hectares. The site is bounded by a laneway to the south, Church Road to the east, a two storey detached residence to the north and Mountain View housing estate to the east. Ballybrack Credit Union, a vacant unit, and a dry cleaning business are housed in a three storey building to the south of the laneway. Part of the site boundary adjoins 'Vevay' a protected structure within wooded grounds.
- 1.3. The site contains a number of structures including one house which appears to be vacant at present and two derelict dwellings and sheds. The site is very overgrown and there is a level difference of 2.6m between the highest and lowest points in the site. The site is highest along Church Road.

## 2.0 Proposed Development

- 2.1. Permission is sought for the demolition of 36 Church Road, 36a Church Road and 7 Mountain Villa along with all other existing structures on the site and the construction of the following:
  - 5 Storey apartment block comprising of 20 No. apartments.
  - Mix of 3, 2 and 1 bedroom apartments.
  - Undercroft parking provision at lower ground floor level.
  - A description of the proposed development is contained in a Design Statement submitted with the application.
  - Other documents submitted with the application include a drainage report and an accommodation schedule.
- 2.2. Additional documentation included with the appeal dated the 27<sup>th</sup> day of June 2018 included the following:
  - Revised drawings, photomontages, road safety audit, quality audit, traffic and transport assessment, tree survey report, screening report for appropriate

assessment, revised landscaping plan, public lighting details, drainage report and associated drawings.

Changes to elevations and floor plans include the following:

- Windows in apartments 8, 9, and 15 angled away from Dale View housing estate on opposite side of laneway.
- Alterations to sizes of terraces of apartments 16, 17, and 20 and addition of 1.8m high obscured privacy screen.
- Alterations to location of living room door in apartment 17.
- Obscured screen 1.8m high provided in apartment 19.

2.3. Further details and drawings were submitted to the Board dated the 31<sup>st</sup> August 2018 as follows:

- At first floor level, the windows to the kitchens and dining room areas of apartments 10 and 11 and the windows to the stairwell will be translucent.
- At second floor level, it is proposed to provide an obscure screen along the outer edge of the walkway. This walkway is only accessed by apartments 16 and 17. It is proposed that the walkway lighting will be activated by a sensor on opening of either apartment door.
- At third floor level, it is proposed that the windows in the stairwell will be translucent.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Permission refused for 2 No. reasons relating to overdevelopment of the site, inappropriate design, overbearing and overlooking impacts, and visual dominance when viewed on approach to and from Ballybrack Village.

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

#### 3.2.1. Planning Reports

- The planner noted the site history and considered that the principle of development was acceptable. Concerns were raised regarding the bulk, scale, form, design and impact on residential amenities.

#### 3.2.2. Other Technical Reports

- Transportation Section: Required Further Information.
- Public Lighting Section: Required Further Information.
- Surface Water Drainage Section: Required Further Information.
- Landscaping Section: Required Further Information.
- AA Screening Report: Concluded that AA is not required.

### 3.3. **Prescribed Bodies**

#### 3.3.1. Irish Water- no objection subject to conditions.

### 3.4. **Third Party Observations**

#### 3.4.1. Five No. observations were submitted. The issues raised are similar to the issues raised in the observations submitted to the appeal.

## 4.0 **Planning History**

#### 4.1. Relevant planning history includes the following:

#### **PA D15A/0792/ PL06D.246894**

Permission granted by PA and by Board on appeal for demolition of structures and 8 No. dwellings on the site. This permission has not been implemented and will not expire until November 2021.

**D10A/0008 (PL.06D.236374)**

Permission refused in August 2010 for change of use of 5 apartments to 4 office suites on grounds related to material contravention of residential zoning objective for the site having regard to the quantum of office development proposed. The Board considered that the amount of office space open for consideration in a residential zone comprises a maximum of 200 sq.m in total rather than the size of the individual office units.

**D10A/0570 (PL.06D.238281)**

Permission granted in August 2011 for revisions to PL06D.224213 consisting of the replacement of 4 apartments with 4 office suites in a self-contained block.

**D07A/0169 (PL.06D.224213)**

Permission granted in February 2008 for the demolition of all existing buildings and the construction of a 2 to 3 storey over basement apartment building with 19 units, 32 car parking spaces, widening of existing lane.

**D07A/ 0169E** Permission refused for an extension of duration of permission as it was considered that c.72% of the permitted apartments did not comply with the development objectives in the 2010-2016 Development Plan in relation to the minimum requirements for apartment sizes.

## 5.0 Policy Context

### 5.1. Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is zoned under Land Use Objective 'A' with a stated objective *'to protect and/or improve residential amenity'*.

Immediately to the south of the laneway is the Ballybrack Neighbourhood Centre zoned lands 'Objective NC.'

Adjoining part of the site boundary to the north is a protected structure – 'Vevay'.

The site is subject to a Specific Local Objective 147 on Map No. 7 – 'To prepare a Local Area Plan for Ballybrack/ Loughlinstown.'

**RES3:** *It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. ....As a general rule the minimum default density for new developments in the county (excluding lands on zoning objective 'GB', 'G' and 'B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' larger sites or larger 'A' zoned areas.*

**RES4:** *It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.*

**RES7:** *It is the Council policy to encourage the establishment of sustainable communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the interim Housing Strategy.*

## Chapter 8. Principles of Development:

- Section 8.2.3 Residential development.
- Section 8.2.8.2 Public/Communal Open Space-Quantity

### 5.2. **Natural Heritage Designations**

5.3. None of relevance.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The main grounds of the first party appeal can be summarised as follows:

- The Transportation Department issued an F.I. Request during the planning process and all items in this F.I. Request are addressed in the response.
- This request was not issued to the applicant as the scheme was refused so this is the first opportunity to address the issues raised.
- Items raised by the Drainage Section are also addressed.
- Details of public lighting are submitted.
- Landscaping proposals of greater detail are submitted together with details requested by the PA.
- Photomontages are included which demonstrate that the front elevation on Church Road is not out of scale with the adjoining block of retail units and the views from Mountain Villa are not out of scale.
- Revised drawings have been submitted which show the bedroom windows of Apartments 8 and 9 at upper ground floor level, and of apartment 15 at first floor level angled through 45 degrees to face south west. At second floor the roof terraces to the south of Apartments 16 and 17 are provided with a 1.8m high obscure screens.

## 6.2. Planning Authority Response

- On foot of the appeal, the applicant has modified the proposal to address the issues raised in the planner's report.
- The revisions proposed are considered to be significant material changes that have not been the subject of public advertisement/ notice and, therefore, were not amenable to public comment or observations from potentially affected parties. It is considered that the proposed development submitted as part of the appeal should be subject to a new planning application and a fresh assessment. In this regard, the documentation submitted with the First Party Appeal is considered to be inappropriate.

## 6.3. Observations

Two observations have been submitted which can be summarised as follows:

- Applicant has used outdated plans of scheme - see photo attached showing bedroom and bathroom in side of Keem.
- The bedroom in the side elevation is only 4.7m from the boundary with 36 Church Road rather than 8m as stated by the applicant.
- In the 2007 permission granted by the Board, it was a requirement that all fenestration facing Keem would have translucent windows.
- The walkway of apartments 16-19 on the second floor is approximately 1.5m away from the boundary with Keem
- Concern regarding design and scale.
- Concern regarding road safety.
- Concern regarding undercroft parking and the 3.3m high wall needed to support this.
- No shadow impact study submitted with application.
- Concern regarding the recommendation of AECOM to remove commercial parking outside shops and impact this would have on local business.



- The removal of car parking would impact negatively on the commercial viability of the village.

#### 6.4. Further Responses

6.4.1. A response was submitted by the applicant which can be summarised as follows:

- Correct plan of Keem is attached to first party appeal.
- The plans have been carefully considered to prevent overlooking.
- Response included regarding road safety concerns.
- The top of the boundary wall serving the undercroft car park will only be 0.34m above the existing boundary when the shed at this location is taken into account.
- A shadow study is attached.
- The issue of the loss of commercial parking to improve sightlines is a matter for the Planning Authority.

6.4.2. A response was submitted by one of the observers (Paul Kershaw) as follows:

- The proposal to remove parking from Church Road in order to make the proposed junction function is utterly unviable.
- Every 4-5 weeks an oil tanker uses the laneway to deliver oil to the observer's business which completely blocks the lane for 15 minutes.

### 7.0 Assessment

7.1. I consider that the main planning issues in the assessment of the proposed development can be dealt with under the following headings:

- Principle of Development
- Density
- Design and Impact on Residential Amenity

- Traffic Safety
- Appropriate Assessment
- Environmental Impact Assessment

## 7.2. Principle of Development

7.2.1. The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016- 2022. The site is zoned 'Objective A' with a stated objective 'to protect and or improve residential amenity'. This proposal is for residential use and is compliant with land use policy.

## 7.3. Density

7.3.1. This is a serviced zoned site in a designated development area. A total of 20 units are sought on a site of 0.19 hectares which equates to a density of 105 dwelling units per hectare.

7.3.2. I note that the apartments, with the exemption of Apartment 18 where the private open space is 6m<sup>2</sup> rather than 7m<sup>2</sup> comply with the apartment design standards set out in the 'Sustainable Urban Housing: Design Standards for New Apartments Planning Guidelines.' The Planning Authority report considers that the floor area of the unit is 79.6m<sup>2</sup> and that the minor deviation from the standards would be acceptable. I would concur with this view.

The site is considered to be in a central accessible location in a village setting on a bus route in an existing serviced area. The proposal seeks to widen the housing mix in the area, and would improve the extent to which it meets the various housing needs of the community. The density proposed is considered to be appropriate for the site and in compliance with the relevant section 28 ministerial guidelines.

## 7.4. Design and impact on residential amenity

7.4.1. The main concerns raised in relation to design relate to the scale and bulk and massing of the building and impact on streetscape. The main concerns raised in

relation to residential amenity relate to overlooking and overshadowing. The Planning Authority refused permission for two reasons largely based on these concerns.

- 7.4.2. The site is formed from an amalgamation of 3 No. houses, 36 Church Road, 36A Church Road and 7 Mountain Villa. The site is located in the village of Ballyrack- a lane separates the site from a large 3 storey building which houses Ballybrack Credit Union and a dry cleaning business. This is a gable fronted building. A two storey dwelling house 'Keem' is located on the adjoining site to the north.
- 7.4.3. The site slopes gradually from the high side fronting Church Road to the low side adjoining the end of the cul-de-sac Mountain Villa. Photomontages have been submitted of the proposed scheme in the appeal documentation.
- 7.4.4. The character of the area is very mixed in terms of commercial buildings and suburban residences and one off dwellings with a wide variety of styles and finishes.
- 7.4.5. A key objective of the NPF is to encourage greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development. The recently published section 28 ministerial guidelines 'Urban Development and Building Heights' also encourage higher buildings in certain sites well served by public transport provided that the increased height can be successfully integrated into the area and respond to the scale of adjoining developments.
- 7.4.6. In my view, the proposed design has been carefully thought out and responds to the site topography, the site contours, the site conditions, and surrounding developments. There is a level difference of 2.6m between the highest and lowest points in the site. The site is highest along Church Road. There is rock below the site and it was considered that an underground car park would be expensive and impractical. Under-croft parking is provided necessitating only shallow excavation of the site. A 'lid' is to be constructed over the car parking which will be landscaped. The building presents as a three storey building where it fronts onto Church Road and lowering to two storey where it abuts 'Keem'. There is a fourth storey with one apartment only but this is well set back from the main bulk of the apartment block. The section of the apartment block closest to the 2 storey dwellings in the adjoining housing estate, Mountain Villa, provides for 2 storey duplex apartments. The first

25m of the south side of the laneway elevation comprises of a blank gable wall of 35 Church Road and the vehicular entrance to No. 35. The section of the development can tolerate an increased height as there is no impact on amenity. The height lowers in closer proximity to Mountain Villa and the rear of the dwellings at Dale View.

- 7.4.7. In terms of the concerns raised regarding overlooking, I note that the drawings submitted with the appeal dated the 27<sup>th</sup> of June 2018 angle the bedroom windows of apartments 8 and 9 so that they are facing away from the rear gardens of Dale View. Revised drawings of apartments 16, 17, and 20 provide for fully obscured glazed privacy screens. The revised drawings also indicate a 1.8m high privacy screen around the balcony of No. 19 closest to Keem on the northern elevation.
- 7.4.8. I note the concern raised that the initial drawings of Keem were incorrect. This matter has been addressed in the revised drawings submitted with the appeal. However, I am not unduly concerned in relation to overlooking from opposing windows as the northern elevation where it directly faces Keem is blank. At third floor level the bedroom window is angled away from Keem.
- 7.4.9. Additional revised details were submitted to the Board dated the 31<sup>st</sup> of August 2018. At first floor level the windows to the kitchen and dining room areas of apartments 10 and 11, and the windows to the stairwell will all be translucent. At third floor, the only window on the northern elevation will be translucent.
- 7.4.10. I note that concerns were raised in relation to overlooking from the walkway at second floor level. This walkway provides access to only apartments 16 and 17 and in my view there would be minimal pedestrian movement or disturbance along this walkway. I note that sensor lights will be activated only when a door opens.
- 7.4.11. I am satisfied that there is no overlooking of directly opposing windows and the revised designs successfully address the concerns raised in relation to overlooking of the garden of Keem by either windows or the walkway. I also consider that the revised proposals do not overlook the adjoining properties on the other side of the laneway both due to the distance from these properties, the separation by the laneway and the alterations to the window design and balconies at this location.
- 7.4.12. In relation to the matter of overshadowing, a Shadow Study was submitted to the Board dated the 31<sup>st</sup> of August 2018. Having reviewed the shadowing diagrams for 21<sup>st</sup> of March, I note that there would be some new shadowing of the rear garden of

Keem. However, there would be no direct shadowing of the dwelling itself. Given that the shadowing would not exceed 50% of the rear garden and there would be no direct shadowing onto the house, I am satisfied that the proposed development would not unduly impact the amenities of that property in terms of overshadowing.

- 7.4.13. Concern is raised regard the impact of the boundary wall required for undercroft parking as viewed from the rear garden of Keem. Details submitted to the Board dated the 31<sup>st</sup> of August 2018 indicate that the proposed level of the landscaped garden over the undercroft car parking is datum level 102.60. The outer wall of the undercroft car park varies in distance from the boundary with Keem from 0.82m to 2.195m. It is proposed to bank the landscaped garden down slightly down from the top of this undercroft 'lid' to the boundary wall with Keem so that the datum level along the boundary with Keem will be approximately 102.10 which is .74m higher than the lower garden of Keem. There is an existing shelter at this location along the boundary with Keem and it is estimated that the top level of the boundary wall will be only .34m above the existing boundary level.
- 7.4.14. I am of the view that this increase would have minimal impact on residential amenities. I accept that the alterative to provide underground car parking as proposed in a previous application on the site would be impractical because of rock and cost.
- 7.4.15. Overall, I am satisfied that the revised drawings would not result in any undue overlooking or overshadowing of residential properties. Furthermore, I am satisfied that the design has been carefully considered and can be assimilated into the streetscape and make a positive contribution to the public realm at this location.

## 7.5. Access and Traffic

- 7.5.1. The observers have raised concern regarding visibility at the junction of the laneway and Church Road and the adequacy of car parking within the development.
- 7.5.2. Section 4.2 of the Road Safety Audit submitted with the application noted that the exit visibility at the laneway is impeded by parked cars to the south. A diagram is included in this section of the report which illustrates the laneway and the location of the car parking bay to the south. This parking bay serves the credit union and a dry

cleaning business at this location together with other shops and services in proximity to the site.

- 7.5.3. It is recommended that appropriate visibility should be provided to the south as motorists enter the road by the reduction in parking at this location.
- 7.5.4. In response to the observations made, a further response was submitted to the Board dated the 31<sup>st</sup> of August 2018. The response shows the visibility at this junction without parked cars in the parking bay outside the credit union and dry cleaning business. It notes that when the parking bay is in use, visibility is reduced. It also notes that the majority of exits from the laneway are anticipated in the AM peak, when retail units are not open for business.
- 7.5.5. Having regard to the speed limit of 30km/h on Church road, the proposed improvements to this junction, and the proposed set back to the north of the junction, I am satisfied that the required sightline distance is available at this location. Whilst it is clear that sightlines could be improved by removing existing car parking spaces to the south, I do not consider that this is necessary in the interests of traffic safety. Indeed, potentially the removal of these car parking spaces could negatively impact on traffic safety as motorists could potentially be less cautious at this junction. I concur with the point made by the applicant in their response that the removal of commercial parking at this location is a matter for the Local Authority as the area is outside the applicant's ownership.
- 7.5.6. The proposed apartment building comprises a total of no. 20 apartments with a mix of one bed and two bed apartments. Car parking standards are set out under Table 8.2.3 of the County Development Plan with the requirement for apartments being 1 space per one bed unit, 1.5 spaces per two bed unit and 2 per three bed unit. I note that there is a shortfall in terms of the requirements set out in the Development Plan. I would consider this to be an 'intermediate urban location' as set out in Section 4.21 of the Sustainable Urban Housing – Design Standards for New Apartment Guidelines. It is stated that 'In suburban/ urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.'

7.5.7. The Planning Authority considered that the car parking proposed was acceptable and I concur with this. The proposed scheme is in an urban area well served by public transport and I consider that the shortfall in car parking in terms of Development Plan standards would be acceptable.

## 7.6. **Appropriate Assessment**

7.6.1. Having regard to the location of the site in a fully serviced built up suburban area, 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. **Environmental Impact Assessment**

7.7.1. Having regard to the nature and scale of the development which consists of a residential infill scheme in a fully serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 8.0 **Recommendation**

8.1. I recommend a grant of permission subject to the following conditions.

## 9.0 **Reasons and Considerations**

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016–2022, and in particular the objectives of this Plan that seek to promote infill residential development and increased residential densities, and having regard to the pattern of existing development in the area and the design, scale and layout of the proposed development, as modified, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of pedestrian and traffic safety. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 27th day of June, 2018 and the 31<sup>st</sup> day of August, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Water supply and drainage arrangements, including the attenuation and 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.

3. The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the basement car park, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points.



**Reason:** In the interests of amenity and of pedestrian and traffic safety.

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

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

5. Details of all boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development (including any demolition works) on the site.

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

6. Prior to commencement of development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

**Reason:** To ensure full and verifiable implementation of the approved landscape design.

7. 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 crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

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

8. Proposals for an estate/development name and 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 estate and street signs and numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interests of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

9. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

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

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

11. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery (which shall not be within the areas designated for tree protection) and for storage of deliveries to the site.

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

12. A plan containing details for the management of waste 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 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 interests of residential amenity and proper waste management.

13. 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. Such lighting shall be provided prior to the making available for occupation of any unit.

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

14. 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 96(4) and 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 97(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 for the area.

15. 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, watermains, 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.

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.

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Emer Doyle  
Planning Inspector

17<sup>th</sup> December 2018