



An  
Bord  
Pleanála

## Inspector's Report ABP 302989-18

---

<b>Development</b>	Demolition of the existing houses and construction of a four storey over basement apartment block in nineteen units and a management suite, 12 parking spaces, (10) at basement and two at ground level), alterations to the front boundary, widening of the entrance, construction of a new south boundary wall, basement waste and cycle storage, services, landscaping and site development works.
<b>Location</b>	Nos. 189 and 190 Rathgar Road, Dublin 6.
<b>Planning Authority</b>	Dublin City Council
<b>P. A. Reg. Ref.</b>	3207/18
<b>Applicant</b>	Frank McInerney.
<b>Type of Application</b>	Permission.
<b>Decision</b>	Grant Permission.
<b>Type of Appeal</b>	First / Third Party
<b>Appellant</b>	Rathgar Residents' Association.
<b>Date of Inspection</b>	7 <sup>th</sup> February, 2019.
<b>Inspector</b>	Jane Dennehy.

## Contents

2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2 Statutory Guidelines .....	8
6.0 The Appeal .....	7
6.1. Grounds of Appeal .....	7
6.3. Planning Authority Response .....	9
6.4. Further Responses.....	9
7.0 Assessment .....	10
7.2. Appropriate Assessment Screening.....	14
8.0 Recommendation.....	14
9.0 Recommendation.....	<b>Error! Bookmark not defined.</b>
10.0 Reasons and Considerations .....	14
11.0 Conditions.....	15

## 1.0 Site Location and Description

- 1.1.1. The site which is that of two adjoining split-level Victorian villas has a stated area of 1,253 square metres and is located on the east side of Rathgar Road at the northern end close to the junction with Grosvenor Road and Charleville Road and Rathmines Road Upper and Lower. The two houses are in multiple occupancy and there is surface level carparking, and two vehicular entrances, one at each end of the site frontage. At the rear there are large east facing gardens, which are largely overgrown and are divided by a stone wall. There is a wall and high railings and tall leylandii cypress trees are located at and on the eastern boundary.
- 1.1.2. Three storey blocks of apartments at Rathmines Avenue with access off Rathmines Road upper are located to the east side, at the rear of the application site. To the north side at No 192 Rathgar Road there is another detached villa which is occupied by the Legion of Mary. A filling station and convenience store and an apartment development are located directly opposite the site. To the south at No 188 Rathgar Road there is a detached villa which is occupied by a dental practice. At the rear there is a two-storey mews which appears to be in use in connection with the dental practice, but this has not been confirmed. (Details of the planning history for No 188 and the mews to the rear are not available via the Dublin City Council website.)

## 2.0 Proposed Development

- 2.1.1. The application lodged with the planning authority indicates proposals for Demolition of the existing houses and construction of:

A four storey over basement apartment block in nineteen units and a management suite,

12 parking spaces, (10 at basement and two at ground level) with access via a ramp to the basement.

Alterations to the front boundary and widening of the entrance to provide for vehicular access and two pedestrian (and cyclist) entrances.

Construction of a new south boundary wall,

Drainage arrangements to include collection and disposal of surface water within the site.

Provision for basement waste and cycle storage, services, landscaping and, site development works.

- 2.1.2. A multiple item additional information request was issued to the applicant on 2nd August, 2018 regarding footprint and scale of the development, the proposed management suite, surface water drainage arrangements and travel and modal choice and parking strategy and to which a response was lodged on 4<sup>th</sup> October, 2018. The further information submission includes a written submission, updated drawing, a copy of a travel plan and parking strategy, a consultant's engineer's statement on which includes a statement on flood risk assessment, and a statement of support for the proposal by the owner of the adjoining property at No 188 Rathgar Road.

### 3.0 Planning Authority Decision

#### Decision

- 3.1.1. By order dated, 26<sup>th</sup> October 2018, the planning authority decided to grant permission subject to condition of a standard nature. Included are:

Condition No 6 with a requirement for control of basement access ramp with traffic signals, details of which are required to be agreed by compliance submission.

Condition Nos 7 and 8 with requirements for implementation of the parking and parking management in accordance with the carparking strategy with sale or subletting not being permitted and implementation the Residential Travel Plan Measures, including oversight by a Mobility Manager.

- 3.1.2. The **planning officer**, having noted the planning history for the site, in his final report indicates satisfaction with the proposed development, taking into account the details provided in the further information submission.

3.1.3. The **Supplementary Transportation Planning Division's** report indicates satisfaction with the further information submission which includes a response to concerns raised in the initial report on the application. Satisfaction with resident's travel plan in which transport options are identified and parking strategy which provides for two options to suit two alternative future tenure arrangements is indicated and conditions for inclusion if permission is granted is provided.

3.1.4. **The Supplementary Transportation Planning Division's** report indicates satisfaction with the further information submission which includes additional details of the design for the proposed surface water drainage arrangements which is to be managed by a soakaway system within the site and includes provision for a twenty percent climate change factor.

#### 3.1.5. **Third Party Observations**

The issues of concern raised include objections on ground of unjustified demolition of the existing buildings, adverse impact on the architectural heritage and character of the adjoining properties and built environment in the area, excessive scale mass and height, overbearing and overshadowing effect on adjoining properties, public safety and traffic hazard at the entrance and, potential undesirable precedent for similar development in the area.

## 4.0 **Planning History**

**P. A. Reg. Ref. 3963/16 (PL 247874)** Permission was granted for demolition of the existing buildings and construction of a fourteen-unit apartment development in two interconnecting blocks; a three-storey block to the front and a four-storey block to the rear over basement level widening of the entrance, fifteen parking spaces at basement level and associated site development works.

**P. A. Reg. Ref. 3308/15 (PL 245893)** Permission was granted for demolition of the existing buildings and construction of a nine-unit apartment development in a three-storey block basement level with fifteen parking spaces, widening of the entrance, basement level cycle and waste storage and ancillary works.

**P. A. Reg. Ref. 3106/97 (PL 105692)** Permission was refused for two townhouses at the rear. Reg.Ref.3106/97 – Permission refused for two no. houses to the rear of

nos.189/190 Rathgar Road for reasons of substandard back land development, wand overdevelopment.

## 5.0 Policy Context

### 5.1.1. Development Plan

The operative development plan is the Dublin City Development Plan 2016-2022.

The site location is subject to the zoning objective: Z1: *“To protect and/or improve the amenities of residential amenities”*.

The indictive plot ratio 0.5-2.0 and the indicate site coverage 50-60 per cent (Sections 16.5 and 16.6 refer.)

According to objective QH23 it is the policy of the planning authority to discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land.

It is the policy of the planning authority to promote development of underutilised inner and outer city lands with development that respects the character, building lines etc of the surrounding areas. (Section16.10.10 refers)

The Victorian house to the south on the east side of Rathgar Road and opposite the site on the west side of Rathgar Road are include on the record of protected structures and within an area subject to the zoning objective Z2: *“Residential Conservation Areas.”*

According to section 17.9.7 infill should have regard to existing character of the street, the established building line, proportions, heights, parapet levels and material of surrounding buildings.

### 5.1.2. Statutory Guidance.

Policies and standards for apartment development issued under Section 28 of the Planning and Development Act, 200 as amended are in, *“Sustainable Urban Housing: Design Standards for New Apartments”* (2015) which most recently was updated in 2018.

## 6.0 The Appeal

### 6.1.1. Grounds of Appeal

An appeal was received from Philip O'Reilly on behalf of the Rathgar Residents' Association on 14<sup>th</sup> November 2019 in which it is submitted that the proposed development represents superlative bad planning. According to the appeal:

- The proposed 'high density' four storey development on Rathgar Road is totally out of scale and incompatible in design with the existing two storey development and established character of development on Rathgar Road. To grant permission represents total disregard for proper planning development, the historic character of the area in the area and the zoning objective.
- It is overdevelopment of a restricted site. It would disrupt the building line, be excessive in bulk as far as the rear boundary overwhelm and dominate existing villas and other adjoining properties integral to the area and beyond it in being out of scale and character with the uniformity of the area. Nos 191 and 188 Rathgar Road would be totally overwhelmed and dwarfed.
- Several three storey houses on Rathgar Road are barely higher than the two-story buildings in that there is a lower ground floor level/semi basement level. Similarly, the four storey houses west of the Church of the Three Patrons have sunken lower level floors which is a common feature for Victorian houses and it renders the proposed development and possible future four storey development even more unacceptable.
- Previous developments which should not have been permitted but precedent should not be taken from this to justify the proposed development.
- The visual impact would be apparent and dominant and out of place and tower over buildings where there are established historical building patterns at on Rathgar Road travelling eastward from Rathgar, and at the junction with Grosvenor Road. The proposed development would set a process in motion seeing the character of Rathgar Road totally destroyed as has already occurred in Rathmines on Upper Rathmines Road as far as Rathmines Park.

- It is of no relevance that the two houses are not included on the record of protected structures or an area subject to the Z2: zoning objective: (residential conservation areas.)
- The two villas are structurally sound and are part of a set of four similar villas. No consideration was given to the preservation of these buildings although there is a priority set within the CDP for preservation over demolition of buildings.
- There is no consideration of the established uniform scale and character of the area. There is total disregard for the area and the proposed development will lead to degradation.
- A grant of permission would result in significant safety concerns on the busy congested public road.

#### 6.1.2. Applicant Response

A submission was received from the applicant's agent, Collins Maher Martin on 3<sup>rd</sup> December, 2018 according to which:

- The prior and third applications were prompted by the revised standard for apartment development, in "*Sustainable Urban Housing: Design Standards for New Apartments*" (2015) (The Guidelines) which most recently was updated in 2018.
- The planning authority assessment of the original application and the further information submission which was detailed in demonstrating minimal negative impact and included three-dimensional context model views the development and it is requested that special consideration be given to the model. The footprint is not significantly larger the previously permitted.
- Replacement of the existing buildings is warranted. This has been established in detailed analysis in the prior planning history and they are of poor quality.
- The proposed development is not overdevelopment and does not overwhelm its neighbours. It is appropriate modern infill in keeping with the historic context and in accordance with section 17.9.7 of the CDP according to which infill should have regard to existing character of the street, the established building line, proportions, heights, parapet levels and material of surrounding



buildings. The mass is diminished in the setbacks towards the rear and the roof of the penthouse is level with the apex of adjacent villas in cladding that blends with the slates of adjoining buildings. The contentions in the appeal as to destruction of uniformity in the area, precedent for bad development and out of scale and character and dominance is rejected. The scale and design are appropriate to the neighbouring development, (two storey to the front rising to four at the back.

- The proposed removal of one of the two existing entrances close the junction and replacement with a pedestrian entrance and widened vehicular entrance is an improvement, was previously permitted and is acceptable to the roads and transportation department.
- The proposed development will not set negative precedent and the apartment standards exceed the Specific Planning Policy Requirements in the Ministerial Guidelines issued in March 2018 namely section 1.21 indicating that the guidelines take precedence over other policies and objectives. Building heights (9 metres to 12,05 metres. are well within the limits for low rise outer city areas according the CDP.
- The proposed development is also suitable for a location within the “Rathmines Key District Centre” one of eight such centres with capacity to accept higher density development as provided for in section 3.2.3 of the CDP and the planning officer has concurred in this regard with this view. The proposed new development in replacement of the existing buildings is carefully designed, suits the context and provides much needed accommodation within an improved streetscape.

#### 6.1.3. **Planning Authority Response**

There is no submission from the planning authority on file.

#### 6.1.4. **Further Responses**

A further submission was received from the Appellant on 20<sup>th</sup> December, 2018 according to which:

- The references in the applicant’s submission to the “*Sustainable Urban Housing: Design Standards for New Apartments*”. (Dec 2018 and March

2018) which are a “dumbing down” of acceptable standards without regard for the existing historical neighbourhoods. Development plan standard are also flawed and have been “dumbed down” in recent years.

- In the submission the case made in the original appeal submission is reiterated in detail with regard to:
  - Lack of justification for demolition of the existing buildings
  - Adverse visual impact among the two storey Victorian houses in the historic streetscape along Rathgar Road where the proposed four storey block is over scaled, towers over and dominates buildings in the area. Except for the three-storey apartment block opposite the site, reference to three, four or five storey buildings, including the Rathmines Flats complex to the rear to support the proposal are irrelevant. The front section of the building will not screen views of the rear section in views from Rathgar Road
  - The replacement of five residential unit with nineteen residential units will give rise to increased traffic hazard.

## 7.0 Assessment

- 7.1.1. There are two extant grants of permission for demolition of the existing structures and construction of a replacement apartment block with associated development on the site. (P. A. Reg. Ref. 3963/16 (PL 247874) and P. A. Reg. Ref. 3308/15 (PL 245893 refer.) Both these applications were determined following detailed assessments, with reference to the current CDP Dublin City Development Plan, 2016-2022. However, as indicated in the submissions made on behalf of the applicant the current proposal has been drawn up and lodged to take into account the most recent changes in the statutory guidelines issued under section 28 of the Planning and Development Act 2000 as amended: “*Sustainable Urban Housing: Design Standards for New Apartments*”) (2015) which were updated in 2018. Comprehensive consideration of the proposed development is therefore confined to issues that arise in the current proposal which have not previously been reviewed, evaluated and decided on in connection with the previous proposals for which the planning authority decisions to grant permission were upheld following appeal.

7.1.2. Bearing the foregoing in mind, the application and appeal can be considered under the following subheadings:

Height, form and massing and visual impact on the historic Streetscape,

Demolition of existing structures

Layout, Density and Intensity of Development.

Access arrangements, parking and Traffic safety and convenience.

7.1.3. **Demolition of existing structures**

The proposal to demolish the existing structures to make way for a high-density residential development in a modern apartment block has previously been accepted further to the assessment of the proposals in the prior two application and appeals. Reconsideration of the proposed demolition of the existing structures to allow for apartment development, if deemed acceptable, is unwarranted in that there are no changes within the planning context.

7.1.4. **Height, form and massing and visual impact on the historic streetscape.**

With regard to visual impact, which is a source of serious concern to the appellant, it is of note there is significant enlargement in the current proposal relative to the previously permitted proposal. The front setback element has been brought forward relative to the previously permitted development. It allows for insertion of a considerably larger top floor plan providing for two apartments, but the top floor comes into a wider range of visibility and is more visually prominent in views on approach along the Rathgar Road relative to the previously permitted proposal. This is of concern, given the relatively strong parapet line of the group of four villas within which the two villas to be demolished are located and, the relative uniformity of the parapet lines and roof profiles of the structures along the east side of Rathgar Road towards the northern end of which the eye would be drawn toward and in which the application site is located.

- 7.1.5. A reasonable solution can be achieved by omission of Unit 18, a one bed unit including the terrace to the front to provide for the previously permitted setback with apartment no 19 taking up the entirety of the floorplan of the retained space. It would be reasonable for this matter to be addressed by condition
- 7.1.6. **Layout, Density and Intensity of Development.**
- The current proposal provides for an increase in the number of units and density of the development over the previously permitted development, which in turn entailed an increase relative to the initial grant of permission. Bearing in mind, national and local policy for the encouragement of higher densities in established urban areas, subject to technical standards and qualitative requirements being satisfied, there is no objection in principle to an increase in density by way of number of total number units. The layout and distribution of internal accommodation and aspects are in accordance with the minimum standards in the Guidelines.
- 7.1.7. The front building line is unchanged relative to the previous permitted proposal, but the footprint is enlarged and brought closer to the rear boundaries adjoining the Rathmines Avenue Apartments and the mews structure to the of No 188 Rathgar Road in use as a dental practice and closer to the boundary with the villa at No 191 Rathgar Road occupied by the Legion of Mary. It is agreed with the planning officer that the enlargement of the building envelope is acceptable.
- 7.1.8. In the current proposal there is a major reduction in the area at the front of the proposed structure designated in the application as, "Public open space" relative to the previously permitted proposal and is considered unsatisfactory. It is reduced to a narrow strip with cycle and visitor parking, presumed to be on hardstanding between the two pedestrian entrances taking up the remainder of the space. This has arisen to facilitate the applicant's proposals for two car spaces and cycle parking within the front curtilage. As a result, the soft landscaped amenity space has a poor level of attainable amenity for the future occupants and poor public amenity potential which, due to the location within the curtilage, is limited in effect to visual amenity. In this regard, the prominent site location and visibility from the public realm Grosvenor Road as well as Rathgar Road is a consideration.
- 7.1.9. There is no objection to the incorporation of a management suite in the development. A condition can be included, if considered necessary whereby it is restricted to office

use ancillary to the residential use only and that a further planning application would be required in the event of any future proposal for change of use to a dwelling unit or independent commercial use.

#### **7.1.10. Access arrangements, parking and Traffic safety and convenience**

The increased density of the proposed relative to the previously permitted development creates, correspondingly, a potential increase in additional turning movements via the proposed vehicular entrance which is to replace the existing two entrances. Should the measures provided for in the Residential Travel Plan discouraging private car trip generation be effectively implemented, the overall impact with regard obstruction and safe and free operation of traffic on Rathgar Road should be acceptable, notwithstanding the important function of Rathgar Road as a main access route available for all modes of transport to and from the city.

7.1.11. The Transportation Planning Division has accepted the proposal and has provided recommendations for the control and management of the entrance and the basement level carpark which are reasonable and can be addressed by condition.

However, it is considered that the visitor spaces be located at surface level are inessential and that they could be omitted with visitor parking being provided for within the ten-space complement at the basement level. This enhance the presentation of the development to Rathgar Road and the adjoining road network from which the prominent site is in view, would eliminate potential disorderly parking and dual use of the vehicular entrance by vehicles accessing the surface parking with vehicles access and egressing the basement via the ramp.

7.1.12. In addition, the hardstanding space between the two pedestrian entrances could be reduced with the cycle stands being confined to a designated enclosed space adjacent to the pedestrian entrance at the northern end of the frontage. This modification would allow for reinstatement of soft landscaping provided for in the previously permitted proposal. Given lack of communal open space provision elsewhere within the scheme especially due to the proximity of the building envelope to the boundaries, these modifications amount to a major enhancement of the development. Combined with the space shown as “public open space” on the site layout plan, subject to satisfactory maintenance, the quality and amenity potential of the development would be significantly enhanced for the benefit of the residents and

the public realm through positive contribution to visual amenity in views towards the site. The modifications can be addressed through compliance with a condition should permission be granted.

#### 7.1.13. **Environmental Impact Assessment Screening.**

Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### 7.1.14. **Appropriate Assessment Screening.**

Having regard to the small-scale nature of the proposed development and, to the serviced inner suburban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 **Recommendation**

In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld but that additional requirements for modification to the top floor setback omitting a one bed unit (No 18) and for modifications to provide for increased and enhanced landscaped open space, and omission of visitor parking at the front curtilage and on-site parking. Draft reasons and considerations follow:

## 9.0 **Reasons and Considerations**

Having regard to:

- the Dublin City Development Plan 2016-2022 according to which the site is within an area subject to the zoning objective Z1: *“To protect, provide for and improve residential amenities”*;
- to the provisions of the *Sustainable Urban Housing - Design Standards for New Apartments – Guidelines for Planning Authorities*, issued by the

Department of the Environment, Community and Local Government in December 2015 and 2018, and,

- to the extant planning history for the site,

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities, historic architectural character and residential amenities of the area or the future occupants of the development, would be acceptable in terms of pedestrian and traffic safety and convenience and would 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, as amended by the further plans and particulars lodged on 5<sup>th</sup> October 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. Apartment No 18 including the terrace to the front at third floor level shall be omitted. One apartment only, (No 19) shall be located on the remaining third floor space. Revised plan, section and elevation drawings to include details of any adjustments to the layout and fenestration shall be submitted and agreed in writing with the planning authority prior to the commencement of the development.

**Reason:** In the interest of the protection of the visual amenities of the area. having regard to the prominent site location.

3. Prior to the commencement of the development the applicant shall submit and agree, in writing, with the planning authority a landscaping plan and planting scheme for the front curtilage which shall include the following requirements:
  - The cycle parking facilities shall be confined to a reduced size, designated cycle parking space suitably surfaced and accessible only from the pedestrian entrance at the northern end of the site frontage. The remaining area shall be landscaped and be incorporated into the area shown as 'public open space' on the lodged plans.
  - The two visitor parking spaces proposed for the front curtilage shall be omitted in entirety and incorporated into the area shown as 'public open space' on the lodged plans.

**Reason:** In the interests of the residential amenities of the future occupants and the visual amenities of the area, having regard to the prominent site location.

4. Prior to the commencement the applicant shall submit and agree the following in writing with the planning authority: prior to commencement of development.
  - a. Full details of the design and layout for the vehicular entrance to the site from Rathgar Road and parking layout and circulation in the basement area serving the proposed development, car parking, bicycle parking, footpaths and kerbs.
  - b. Provision for and specification details of traffic signals for control of the use of the basement ramp with priority for incoming vehicles.
  - c. Details of pedestrian access, including lighting and security measures, for the apartments.
  - d. The basement car parking shall serve the apartments within this development. Parking spaces shall not be sold, rented, sub-let or leased to other parties, or otherwise assigned.

**Reason:** In the interest of clarity pedestrian and traffic safety and residential amenities.



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

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

6. 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. Sample panels shall be erected on site for inspection by the planning authority in this regard.

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

7. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. Details of the proposed arrangements for boundary treatment, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the rear southern boundary consisting predominantly of mature trees, capable of growing to the minimum height of three metres. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting

season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development, in the interest of residential and visual amenities.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

10. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development shall take place at roof level, including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

11. A name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. 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 urban legibility.

12. A plan containing details for the management of waste, 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:** To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.

13. The management and maintenance of the proposed development, following its completion, shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of open spaces, roads, parking spaces and circulation areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

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 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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.

**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.

**Jane Dennehy.**  
Senior Planning Inspector.  
8<sup>th</sup> February, 2019.