



An
Bord
Pleanála

Inspector's Report ABP 306228-19.

Development	Demolition of No. 2 and No. 2A Princeton and construction of apartment development comprising 7 units and all other associated site works.
Location	Nos. 2 & 2A Princeton, Ardilea, Clonskeagh, Dublin 14.
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D19A/0126
Applicant	Clockvale Limited.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	Ardilea Residents Association
Observers	Pat & Jackie Conlon
Date of Site Inspection	1/3/2020

Inspector

Siobhan Carroll

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Project Ireland 2040 - National Planning Framework.....	6
5.2. Section 28 Ministerial Guidelines	7
5.3. Development Plan.....	7
5.4. Natural Heritage Designations	7
5.5. Environmental Impact Assessment (EIA).....	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	14
6.3. Planning Authority Response	19
6.4. Observations	20
7.0 Assessment.....	21
8.0 Recommendation.....	31
9.0 Reasons and Considerations.....	31
10.0 Conditions	32

1.0 Site Location and Description

- 1.1. The site is located on the northern side Princeton, a cul-de-sac located within the Ardilea mature suburban estate built c. 1950s in Clonskeagh, Dublin 14. The estate is located off Roebuck Road and characterised by detached dwellings of mixed design and typology.
- 1.2. The site with a rectangular shape has a stated area of 0.0971 hectares. It comprises the plots of no. 2 and no. 2a Princeton. Both properties are detached bungalows. The Princeton cul-de-sac contains 17 no. detached dwellings, predominately dormer bungalows.
- 1.3. The Stanford scheme lies to the north-west and north of the site. It contains a three storey apartment building with 32 no. units and 4 no. townhouses. The access to underground car park serving Stanford is access from the Yale cul-de-sac to the north. The townhouses are served by a separate gated vehicular access off Yale. The neighbouring house to the east of the appeal site No. 4 Princeton, has gable windows facing the site.
- 1.4. The site has frontage of circa 35m along Princeton. The roadside boundary is formed by low walls with mature hedging.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of No. 2 and No. 2A Princeton and construction of apartment development comprising 7 units and all other associated site works. The Proposed development comprises the following;
 - Demolition of No. 2 Princeton (126 sqm) and No. 2A Princeton (96 sqm) and the construction of a part two to part three storey over lower ground level apartment development (859.5 sqm) comprising 7 No. units (3 No. two bedroom apartments, 2 No. three bedroom duplex apartments and 2 No. three bedroom triplex apartments) ranging in size from 98.7 sqm to 167 sqm.
 - The development will also include the provision of a new vehicular and pedestrian entrance from Princeton at the south-western side of the site (replacing the 2 No. existing vehicular access points), 11 No. surface level car parking spaces, bicycle parking, bin store, boundary treatments, external lift

and stairways, balconies and terraces, balcony screens, roof lights, hard and soft landscaping, plant, changes in level and all other associated site works above and below ground.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 21 no. of conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested in the relation to the following;

1.
 - (a) Address potential overlooking from units 6 & 7.
 - (b) Submit shadow analysis.
 - (c) Submit detailed Construction and Waste Management Plan.
 - (d) Submit revised plans to address the fact that Architect plans do not correspond with the drainage plans in respect of the Green Roof.
 - (e) Clarify if it proposed to remove the cherry trees on Princeton.
2. Details required to address concerns in relation to car parking, that the design is in accordance with DMURS, vehicular entrance design, bicycle parking, access for refuse and emergency vehicles and lighting scheme.
3. Details required to address surface water drainage and flood risk matters.
4. The applicant is requested to contact Irish Water Diversion team, should it be deemed possible to divert or abandon the sewer the applicant is requested to execute a Diversion Agreement with Irish Water.
- Following the submission of a response to the further information the Planning Authority were satisfied with the details submitted and decided to grant permission.

3.2.2. Other Technical Reports

Surface Water Drainage: Report dated 19/11/19 – No objection subject to conditions.

Transportation Planning: Report dated 18/11/19 – Clarification of further information requested in relation to car parking. The matter can be dealt with by condition.

3.3. Prescribed Bodies

Irish Water – Further information was requested.

3.4. Third Party Observations

The Planning Authority received 11 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the third party appeal and observation on the appeal.

4.0 Planning History

- None

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".
- 5.1.2. National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".
- 5.1.3. National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on

performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Section 28 Ministerial Guidelines

5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Urban Development and Building Heights’ Guidelines for Planning Authorities
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’

5.3. Development Plan

5.3.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.3.2. The subject site is zoned A: To protect and/or improve residential amenity. The principle of residential development is acceptable under this zoning.

5.3.3. Chapter 8 – Principle of Development

5.3.4. Section 8.2.3 – refers to Residential Development

5.4. Natural Heritage Designations

5.4.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 2.2km north-east of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 2.4km north-east of the site.

5.5. Environmental Impact Assessment (EIA)

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

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by BPS Planning Consultants on behalf of Ardilea Residents Association. The main issues raised are as follows;

- The appeal refers to a number of inaccuracies in the drawings and details submitted. These include that the basement level is referred to as the ground floor level on Drawing No. PP04.
- The application appears to show tree planting outside the red line site boundary. The drainage report refers to a green roof however a green roof is not shown on the submitted drawings.
- It is stated that there is a need for further technical examination of the application in relation to visual impact, a construction management plan and a dust management plan.
- The proposed development is considered contrary to the Sustainable Residential Development in Urban Areas: Guidelines in terms of density. The guidelines do not advocate a density at all cost but instead recommends

balancing density with the need to protect the amenities of adjoining neighbours and the general character of the area.

- The existing properties no's 2 and 2 Princeton from part of a road and residential area where the character is established by the density and its architectural form. It is submitted that the development does not adequately provide a balance between the production of amenities and the privacy of adjoining dwellings.
- The development is contrary to the Urban Development and Building Heights Guidelines in terms of not providing a dwelling mix.
- The area not been identified by the Council as an area where increased building heights are being pursued. It is stated that where large scale development with increased building heights are proposed a high standard of architectural quality should be achieved.
- It is noted that the site is not located within 500m of a quality public transport corridor. A landscape and visual assessment was not submitted with the application. No daylight and sunlight assessment was submitted with the application. It is submitted that the proposed development would cause overshadowing and loss of light to its own units and to adjoining properties.
- It is submitted that the proposed development is contrary to Section 8.2.3.4(vii) which refers to infill development.
- It is set out in the appeal that the proposed development constitutes overdevelopment of the site. The proposed density at 72 no. units per hectare exceeds the maximum density that would be appropriate for the redevelopment of this site. There is no justification for a scheme designed at 50 units per hectare at this location.
- The existing site coverage is 22.8% and the proposed site coverage is 88.5%.
- It is argued that the floor area proposed for the 7 no. units within the scheme does not justify the impact of the scheme. The floor area of the apartments are all substantially larger than the standards required under the 'Sustainable Urban Housing: Design Standards for Planning Authorities'. The scale of the

scheme can be reduced in order to protect the amenities of neighbouring properties.

- The proposed building height at four storeys is not considered acceptable at Princeton. As part of the further information request the applicant was advised to remove the top level of accommodation and consider a two-storey development with a recessed top floor. However, this was not proposed.
- It is suggested that the applicant could have proposed a floor to ceiling height of 2.4m at basement level, first floor and second floor level with 2.7m floor to ceiling height only at ground floor level. This would reduce the overall height by 90cm.
- The proposed building is contrary to Appendix 9 of the County Development Plan.
- In the planning report submitted with the application the height of the proposed development is compared to the Stanford Apartment Scheme. It is noted that the ground level of the Stanford Apartment Scheme is different to that of the appeal site. The applicant compares the height of the flat roof of the proposed development to the pitched roofs in the Stanford Apartment Scheme. This is not considered appropriate.
- As viewed from Princeton the proposed development would be 9.1m in height. The Stanford Apartment Block B has a ridge height of 7.35m Therefore, it is submitted that the building height is not justified by reference to any closely adjoining building.
- The distances to town centres stated in the planning report submitted with the application are inaccurate. Stillorgan Village was described as within 1km, however it is situated 3km away. Blackrock Shopping Centre is described as within 1.7km, however it is situated 4.5km away. Given that the site is not in close proximity to the town centre it is not considered suitable for higher density development.
- It is considered that there is no benefit in having a basement level at the same level as the ground floor of the Stanford Apartment Scheme. This only results

in the rear boundary wall having an increased height. Basement units would have windows facing blank walls.

- The proposal to amalgamate the two properties should be refused in principle. Princeton is a residential road containing detached dwellings and is not considered suitable for the proposed apartment scheme.
- It is submitted that the proposed development would substantially break the established building line. The site contains two dwellings which are setback circa 11.9m and 8.9m from their front boundaries. The existing building line along the northern side of Princeton conforms with the existing dwellings on the site.
- The proposed breaking of the established building line would negatively impact upon the existing character and pattern of development. It is considered that the front elevation would be located excessively close to the footpath. A setback of 3.6m is provided which would impact on the enjoyment of the cul-de-sac by existing residents.
- It is submitted that the proposed development would negatively impact upon the residential and visual amenity of no. 4 Princeton in terms of overbearing. The development with a height of 9.1m would appear bulky and with the side elevation addressing the gable of the no. 4.
- The proposed surface car park would negatively impact no. 4 Princeton in terms of proximity of the 11 no. spaces and the noise and disturbance which would be generated.
- The additional traffic generated would present a traffic hazard due to the existing quiet nature of the cul-de-sac.
- The proposed development would negatively impact upon no. 3 and no. 5 Princeton in terms of overlooking and the perception of overlooking. Due to the setting forward of the building beyond the existing building line it means that the development lies closer to the front of no. 3 and no. 5 Princeton. The occupants of no. 3 and no. 5 consider that they would perceive themselves being overlooked.

- Concern is raised in respect of the design of the scheme which would require excavation works. The construction phase would generate HGV movements and dust which would impact upon the residential amenities of the area.
- It is submitted that there is an inadequate provision of public open space to serve the scheme. 14% of the site area – 138sq m is proposed for public open space. This is between 140sqm and 230sq m below the required quantum of open space per the CDP requirements set out in Section 8.2.8.2(i). It is considered that due to overshadowing and overbearing the public open space would provide a poor standard of amenity for future residents.
- It is considered that the basement open space is contrary to the Apartment Guidelines which require that communal amenity space will be well designed, accessible and secure and should be designed to ensure adequate levels of sunlight to reach the area throughout the year.
- It is stated that the proposed basement apartments would provide poor residential amenity to occupants in terms of access from an external stair or lift. The basement would lack sunlight penetration. While dual aspect units are proposed they lack views. The access to the basement units via the external stairs would result in potential overlooking of the private open space areas and internal areas of the apartments.
- It is submitted that there is an inadequate setback from the rear (northern) elevation and the rear boundary.
- It is considered that the private open space to the front of the basement units is not acceptable as the area is not considered of high quality.
- The usability of the front ground floor and first floor balconies is queried in terms of the areas provided.
- The siting of the ground floor balconies to the rear of the scheme is not considered acceptable as they face the blank side elevation of the Stanford Apartment Scheme. The north-east facing balconies would only receive sunlight in the early morning.

- It is stated that the 2nd floor and third floor rear terraces and windows would overlook the Stanford Apartment Scheme. Extensive screening would be required to minimise overlooking.
- The proximity of car parking spaces with the scheme to no's 2,3,6 & 7 and the adjoining Stanford Apartment Scheme is of concern.
- The proposed building would be located excessively close to the north-western site boundary. It would have an overbearing impact on the adjoining property and would overshadow the Stanford Apartment Scheme.
- The proposed car parking provision does not meet the minimum parking requirements as set out in Table 8.2.3 of the Development Plan which refers to 'Residential Land Use – Car parking standards.
- The scheme would generate the requirement for 12.5 parking spaces. A total of 11 no. parking spaces are proposed. It is submitted that the level of car parking provided should be considered on the basis of the number of bed spaces. It is calculated that the scheme could accommodate 18 people and at a maximum of 26 people. Therefore, the proposed car parking would not be sufficient to serve this.
- The proposed development does not provide drop off or visitor parking spaces. No car sharing club vehicle scheme is proposed and no specific case has been made for the scheme to reduce car parking requirements.
- In relation to the submitted Traffic and Transportation report the appeal raises the assumption in respect of trip generation that the trip rate for future residents would be different from that of the existing residents. The report states that the two existing houses would generate 2 trips in the AM peak and that the proposed development of 7 no. apartments would generate 3 vehicular movements in the AM peak.
- The proposed gate to the scheme should be refused. The gate could result in queuing on Princeton. Access for cyclists has not been considered.
- Concern is raised in respects of impacts during the construction phase. Specifically, the significant traffic which would be generated arising from the

excavation of the site. It is requested that traffic be carefully managed during the construction phase.

- It is requested that mitigation measures be provided to address noise and vibration from excavation works and also the dust which would be generated.
- It is also requested that the hours of operation during construction be limited to 8am-6pm Monday to Friday and 9am to 2pm on Saturdays.
- It is considered that the proposed development would depreciate the value of property in the vicinity.
- It is requested that the development be refused for the reasons set out in the appeal.

6.2. Applicant Response

A response to the third party appeal was submitted by Thorton O'Connor Town Planning on behalf of the applicant Clockvale Limited. The issues raised are as follows;

- In relation to the proposed design the appeal states that the proposed development would substantially alter the building line of Princeton. The Planning Authority in their assessment considered that while the proposed building is set forward of the building line of Princeton it would follow the building line of the neighbouring building at Stanford.
- While the appellant argues that the building line of the Stanford Apartments is not relevant the first party submit that the building line of any proposed building should have regard to the surrounding context. This includes the building line on either side of the development. The Stanford Apartments directly abut the site to the north and west.
- The Project Architects had regard to the surrounding context of the site including using design features to reduce the impact of the building on the amenity of surrounding properties. The proposed development was sited closer to Princeton Road in order to ensure adequate setback distances to the adjacent properties particularly Block B of the Stanford Apartments to the north.

- The siting of the building close to the road also accords with the Design Manual for Urban Roads and Streets (DMURS). Section 4.21 of DMURS recognises the benefits of enclosing the street.
- The first party have cited a couple of examples where the Board's Inspector and the Board considered that it was appropriate to bring forward the established building line including Reg. Ref. 2122/16 & PL29S.246433 and Reg. Ref. 2326/17 & PL29S.248501.
- It is submitted that the proposed building line does not significantly alter the character of Princeton and fully adheres to DMURS providing urban realm benefits to the surrounding context.
- The third party appeal raises concern regarding the location of units and communal open space below ground level. It is submitted that the inclusion of a lower ground level within the scheme reduces the overall impact of the height of the scheme. The inclusion of a lower ground level means that the building reads as two storeys with a partial third storey which is appropriately stepped down in height towards no. 4 Princeton.
- The provision of 3 no. lower ground units allows the appropriate densification of the site to be achieved without the need to significantly increase the height.
- The provision of communal open space at lower ground level allows for the location of surface level car parking adjacent to the eastern boundary. The surface level car parking represents a more sensible design solution as there is no requirement for a ramped entry to a basement car park. The design also provides for sufficient setback between the proposed building and no. 4 Princeton. The strategic location of the communal open space at lower ground level is more usable due to increase in privacy and reduction in the opportunity for overlooking.
- A daylight/sunlight and shadow analysis report was submitted as part of the Further Information dated 25th October 2019. The report demonstrates that the habitable rooms of the proposed development exceed the minimum requirements for daylight and that the quality and usability of communal garden exceeds BRE guidelines.

- The report demonstrates that each unit will have access to excellent daylight provision including the units at lower ground level which receive an Average Daylight Factor (ADF) significantly in excess of the recommended level. The report sets out that the communal garden area received over two hours of sunlight on 78.84% of its surface area thus the amenity area passes the BRE guidelines.
- It is noted that the location of residential units at lower ground level is utilised in cities all over the world as a strategy for achieving the appropriate densification of urban infill land.
- The appeal refers to the potential for overflow of car parking onto Princeton, the scheme proposes 11 no. car parking spaces which equates to 1.6 no. spaces per unit. It is noted that in suitable locations including the subject site the Apartment Guidelines seek to minimise, reduce and/or eliminate car parking spaces. 1.6 no. spaces per apartment is considered appropriate in this accessible location. Paragraph 4.27 of the Apartment Guidelines state “for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 hectares, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location”.
- The site has an area of 0.0971 hectares therefore paragraph 4.27 is of relevance. It is also noted that the Planning Authority considered the reduction in car parking acceptable.
- It is considered that the subject scheme will create very limited parking demand arising from the occasional visitor to the scheme will be immaterial. The provision of 1 no. car parking space per unit with an additional 4 no. spaces for visitors will ensure that sufficient car parking is provided without the requirement of on-street car parking.
- In relation to the comments on the Traffic and Transportation report, the trip rates set out in the report were based on accepted parameters for numerous similar projects in the Dun Laoghaire Rathdown Co. Council area.
- The TRICS vehicle rates for the existing dwellings no’s 2 and 2A Princeton is 0.139 arrival and 0.639 departure trips per unit during the AM peak hour and

over the AM peak period from 07.00-10.00 the total is 0.306 arrival and 1.111 departure vehicle trips. The report rounded up the two-way trip during the peak hour was rounded up to 2 movements. The total is 1.556 vehicle trips for the two units.

- The rate per unit is typically lower for apartments and duplexes of this type as these tend to have higher incidences of people commuting to work by non-car modes during the peak period. There are bus stops on Roebuck Road with 5 minute walk and further services within a 10 minute walk.
- The issue raised in the appeal which equates bed spaces directly to numbers of adults driving to and from the development is not appropriate as there would be a mix of residents. It is noted that not all those commuting from the development on a week day will be travelling during the 08.00-0.900 peak hour. From the TRICS data the total vehicle trips over 07.00-10.00 AM peak period is 0.319 arrivals and 0.693 departures. It is noted that residents purchasing these properties would make a conscious choice based on the location and level of parking provision.
- Regarding the size of the proposed apartments the appeal states they are well in excess of the standards set out in the Apartment Guidelines. The standards in the Apartment Guidelines are minimum standards. The provision of units in excess of the minimum standards will provide a high quality scheme which will provide an attractive option for future residents. It will provide the option for local residents to trade down and move to smaller residents units within the area.
- In relation to the proposed density the appellant contends that it is excessive. The scheme has a density of 72 units per hectare. The Planning Authority in their assessment of the proposal considered that the scheme was in accordance with Policy RES3. Policy RES3, states 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.”

- The proposed density is entirely appropriate as the site is an infill site proximate to higher density apartments and the density transition from the Stanford Apartment Scheme to the neighbouring two-storey dwellings along Princeton.
- The first party cite a recent decision of the Board, Reg. Ref. D18A/0799 and ABP Ref. 302926-18 where permission was granted for an infill residential scheme at no. 45 Woodland Park, Blackrock, Co. Dublin. The density of that scheme at 88 units per hectare was considered appropriate having regard to the site context. This decision is of relevance to the current proposal as the proposed development and the surrounding context of both sites is similar in that both cases infill development is proposed in an area of established transitional density where there is both low density residential dwellings and slightly higher density apartment developments.
- It is submitted that the high quality design of the proposed development allows for an appropriate density on this urban infill site in line with local and national planning policy.
- The appellant considered that the height of proposed development was not appropriate to the site context. In response the first party notes that the report of the Planning Officer stated that the proposed building does not appear dominant at two storeys with the partial third floor setback when viewed from the public realm.
- The first party wish to emphasis that the adjacent two-storey dwellings in Princeton cannot realistically predetermine the building heights for the subject site as it would hamper the development potential of the site and would be contrary to the key principles of the proper planning and sustainable development of the area. In relation to building heights on an infill site the recent Board decision under Reg. Ref. D18A/0799 & ABP Ref. 302926-18 is cited as an example of a higher level apartment building being permitted in a suburban context. The proposed part two-storey and part three storey over lower ground floor level contemporary design building is consistent with recent national planning policy and therefore represents the proper planning and sustainable development of the site.

- The appeal refers to potential impacts to no. 4 Princeton which is located directly adjacent to the eastern boundary of the site. It is stated that the protection of the residential amenity of no. 4 Princeton was a key consideration in the design of the scheme.
- The report of the Council's Planning Officer noted that there are no windows on the side, south-eastern elevation of the proposed building that would directly oppose the first floor bedroom window at no. 4 Princeton. The report also stated that the building would be located 17m from the side of no. 4 Princeton with the parking area located directly adjacent. It was concluded that the rear facing balconies would not result in any direct overlooking of the rear garden of the property.
- It is submitted that the design of the scheme ensures that potential impact on the residential amenity of no. 4 Princeton has been minimised. Therefore, it is submitted that it cannot be reasonably considered to have an impact on no. 4 Princeton.
- Regarding potential impact to no's 3 and 5 Princeton, they are located to the south of the subject site and on the opposite side of Princeton. The proposed apartment building would be located circa 28m from those dwellings and the properties are at an angle and do not directly oppose the proposed apartment building. The first party therefore disagree with the appellants contention that there is potential for overlooking, overshadowing and overbearing of these properties.
- In conclusion it is submitted that the proposed development represents the appropriate densification of an underutilised site.

6.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new issues which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

An observation to the appeal was submitted by Pat and Jackie Candon. The issues raised are as follows;

- The observers have expressed concerns in respect of the scale of the proposed development and that the proposed building would be forward of the existing building line.
- It is submitted that the setting forward of the building would result in a visually dominant development which would cause overshadowing of the front of no. 4 Princeton and would cause overlooking of no. 3 and no. 5 Princeton.
- It is stated that the report of Planning Officer focused on the Stanford development located behind the site. The report noted that the development would follow the building line of Stanford. The Observers note that the Stanford development addresses Harlech Grove and that the entrance to the development is off Yale.
- It is considered that the proposal is not an apartment block but rather a four separate townhouses which do not share stairwells, entrances or corridors and three apartments at below ground level.
- The density of the proposed development is 72 units per hectare. It is stated in the application that the development is located in close proximity to high frequency public transport. The closest QBC is the N11 circa 1.9km from the site and the site is not served by Dart or Luas. The observers consider that the site is not well served by public transport and that there could be parking implications.
- The proposed scheme includes 11 no. car parking spaces. The Observers consider that this is not adequate to serve the development. They also raised the matter of whether the car parking spaces 9, 10 & 11 are suitable and accessible.
- The construction phase of the development will have a negative impact upon the residents of Princeton.

7.0 Assessment

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
- Visual impact, design and layout
- Impact upon residential amenity
- Access and traffic
- Appropriate Assessment

7.1. Principle of development

7.1.1. The lands in question are zoned 'Objective A' – to protect and/or improve residential amenity. The proposal is to demolish two dwellings and construct 7 no. apartments in a four-storey building. The site has an area of 0.0971 hectares the proposed density would be equivalent to 72 units per hectare.

7.1.2. The third party appeals raise concerns about the scale, density and overall height of the proposed development, that it would be out character with the existing area. I accept that the more prevalent character in the area is low rise suburban style housing, however I note the proximity of the Stanford apartment scheme to the north which is a three-storey development. In relation to the proposed density I note that the proposed 72 units per hectare is in accordance with Section 8.2.3.2 of the Development Plan which recommends the provision of densities at higher than 50 dwellings per hectare at locations readily accessible to public transport corridors – QBCs, Luas, DART.

7.1.3. Regarding the matters of building height and adherence to existing pattern of residential development in the area as raised in the appeals, Ministerial policy as set out in 'Urban Development and Building Heights' Guidelines for Planning Authorities advises that the constant expansion of low-density suburban development around our cities and towns cannot continue. Section 3.4 of the Guidelines refers to Building height in suburban/edge locations (City and Town) and it advises that for newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, should now include town-houses (2-3

storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). The Guidelines advise that such developments also address the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more bedroom homes across a variety of building typology and tenure options, enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation. Accordingly, having regard to the provisions of the Ministerial Guidelines in relation to Building Heights, I would accept that the principle of an apartment building of three storeys over basement at this location can be considered subject to all other relevant planning considerations being satisfactorily addressed.

7.2. Visual impact, design and layout

- 7.2.1. The existing dwellings on site are both single-storey. No. 2 has a maximum ridge height of 5m and no. 2a has a maximum ridge height of 4.9m. The proposed apartment building has a maximum ridge height of 9.1m. The neighbouring dwelling to the east no. 4 Princeton is dormer and has a ridge height of 7.5m.
- 7.2.2. The proposed apartment building is three-storey over basement with residential accommodation proposed to the basement floor. The proposed design includes the height of the building being stepped down from three storeys at the western site of the site to two-storeys. The third floor is setback 12.5m from the eastern side of the building and the apartment building is setback a further 11m from the eastern site boundary with no. 4 Princeton. I consider this graduation in building height to two storey on the eastern side of the site serves to integrate the development with the surrounding dormer properties in the cul-de-sac.
- 7.2.3. In relation to the elevational treatment, I consider that there is reasonable variety provided with floor to ceiling fenestration, brick finish and painted steel railings to the balconies and terraces. Overall in terms of the visual impact of the proposed scheme on the surrounding streetscape I consider that the development has been designed well to integrate with the surrounding development.
- 7.2.4. It is submitted in the appeal that the proposed development would substantially break the established building line. It is noted that the existing dwellings which are setback circa 11.9m and 8.9m from their front boundaries. The front elevation of the proposed building would be set back from the front boundary by 4m.

- 7.2.5. In response to the matter the first party noted building line of the Stanford apartment building and they submitted that the proposed building line does not significantly alter the character of Princeton and fully adheres to DMURS providing urban realm benefits to the surrounding context.
- 7.2.6. The building would be set back 4m from the front boundary. While I note that it would be set forward circa 7m from the front building line of no. 4 Princeton to the east, I would concur with the Planning Authority that the building would conform with building line of the Stanford Apartment Building to the west. Having regard to the site context and surrounding development I consider that the proposed front building line would be acceptable.
- 7.2.7. The appeal raises concern in relation to the quality and provision of public and private open space within the scheme. The appeal refers to potential overlooking of the private open space serving the basement units also the usability of the ground and first floor balconies and access to sunlight and daylight.
- 7.2.8. In relation to private open space provision Appendix 1 of the Apartment Guidelines required that a balcony or terrace have an area of 7sq m for a two bedroom unit and 9sq m for a three bedroom unit. Having reviewed the site layout plans and floor plans, I am satisfied that the areas of the balconies and terraces have been provided in accordance with the required standards set out in Appendix 1 of the Apartment Guidelines.
- 7.2.9. In relation to the public open space provision the appeal states it is inadequate as it is under the required area under Section 8.2.8.2(i) of the development plan. They also expressed concern at the quality of the public open space proposed. As set out in Appendix 1 of the Apartment Guidelines the minimum required area for public communal amenity space is 7sq m per two bedroom unit and 9sq m per three bedroom unit. A total of 3 No. three bedroom units and 4 No. three bedroom units are proposed. Therefore, the minimum required communal open space area would be 57sq m. I note the report of the Planning Officer stated that they were satisfied with the provision of communal open space of 138sq m. I would concur with this assessment.
- 1.1.1 In relation to the location of quality of the communal open space it is proposed to the lower ground level within the scheme. In response to the matter the first party stated

that the provision of the communal open space at lower ground level provides for the proposed surface car parking to be located to the eastern side of the site.

- 1.1.2 Regarding the quality of the communal open space area, I note the Daylight/Sunlight and Shadow analysis submitted on the 25th of October 2019 states that the communal garden received over two hours of sunlight on 78.84% of its surface area which is in excess of the minimum requirements of the BRE Guidelines.
- 7.2.10. In relation to the design of the proposed scheme the appeal refers to the floor area of the apartments and states that they area substantially larger than the floor areas required under the Apartment Guidelines. I note that the standards set out in the guidelines are minimum requirements. The proposal of larger unit sizes than the minimum requirements of the guidelines provides for a high quality scheme with a high level of residential amenity for future residents.

7.3. Impact upon residential amenity

- 7.3.1. The appeal raises concern regarding overshadowing, overbearing and overlooking of adjoining properties. In relation to the matter of overshadowing, a Daylight Analysis and Overshadowing report was submitted with the response to the further information on October 25th 2019. As detailed in the report all habitable rooms within the proposed scheme exceed the minimum requirements for daylight as set out in the BRE Guidelines.
- 7.3.2. The shadow diagrams indicate no shadowing of neighbouring dwellings or the neighbouring apartment building Stanford on March 21st, June 21st and September 21st. On December 21st there would be some very limited shadowing to the Stanford Apartment Building situated to the north-west of the site. Accordingly, given that the additional shadowing would be very limited, I am satisfied that the proposed development would not unduly impact upon the amenities of neighbouring property in terms of overshadowing.
- 7.3.3. The separation distance between the eastern side of the proposed apartment building and the side of no. 4 Princeton is 11m at the closest point. I note that the height of the building has been stepped down to the eastern boundary. Therefore, the closest section of the building to no. 4 Princeton is two-storey over basement. A separation distance of over 23m is provided between the upper floor of proposed building and the side of no. 4 Princeton. The increased separation distance provided

with the stepping down and tapering of the building to the eastern side provides an acceptable separation distance between the closest point of the upper floor and the adjacent dwelling. I consider that this addresses concerns relating to overbearing impact.

- 7.3.4. In relation to the matter of overlooking, I note that there are no windows proposed to the east facing elevation which address no. 4 Princeton and given the separation distance this will ensure no undue overlooking. In relation to potential impact to the neighbouring properties no's 3 and 5 Princeton, these dwellings are situated across the road from the site and would be setback a minimum of 28m from the proposed apartment building. Accordingly, given the significant separation provided I am satisfied that the proposed apartment building would not unduly impact these properties in terms of overlooking, overbearing or overshadowing.
- 7.3.5. In relation to the issue of overlooking I note that the separation distances provided between the proposed apartment building and the neighbouring apartment building Stanford to the north-west is 12m. The Stanford apartment building is sited at an angle to the proposed apartment building and I note the presence of mature tree planting along the shared boundary. I consider having regard to the existing boundary treatment that this separation distance is satisfactory to prevent undue overlooking and also overbearing impact.
- 7.3.6. In relation to Block B of the Stanford apartment scheme, the side of this three-storey building is setback circa 10m from the balconies to the rear of the proposed apartment building. As detailed on Drawing No: RFI.03 a 1.8m high louvered privacy screen is proposed to the terraces to units 4 and 5. Planted screens are proposed to the first floor rear balconies. Furthermore, I note that the 3.38m high boundary wall between the properties will be retained. This high wall ensures that no undue overlooking would arise from the proposed development. Accordingly, I am satisfied that these proposed design measures will satisfactorily protect the residential amenities of the neighbouring properties to the north in Block B.
- 7.3.7. Having reviewed the proposed layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the apartment building and relative separation distances to the existing dwellings that the

proposed scheme would not result in any undue overlooking, overbearing or overshadowing of neighbouring residential properties.

- 7.3.8. The appeal also raise concern in relation to potential construction impacts including traffic and dust generation. I consider that these matters can be satisfactorily addressed by condition.

7.4. Access and traffic

- 7.4.1. The proposal entails the provision of a total of 7 no. dwelling units. It is proposed to construct a new vehicular entrance onto Princeton. The third party appellant and the observers have raised concern regarding the additional vehicular traffic the scheme would generate and lack of car parking within the development.
- 7.4.2. Regarding the matter of traffic generation, in terms of overall scale and intensity the proposed development it is relatively modest in scale. The nature of the traffic associated is residential which is not out of character with the existing type of traffic that frequents the road network in the vicinity of the site. Having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.
- 7.4.3. Furthermore, I note the findings in the Traffic Report prepared by Stephen Reid Consulting, they concluded vehicular traffic generated by the proposed development would be at a rate of 0.117 arrivals per unit during the AM peak hour and 0.294 departures per unit during the AM peak hour. The existing traffic generated by the two existing houses is 0.139 arrivals per dwelling and 0.639 departures per dwelling. The traffic movements generated by the two dwellings during the AM peak hour is 2 vehicular movements. The report sets out that the proposed scheme would generate a total of 3 vehicular movements using the junction with Harlech Grove during the AM peak with 1 arrival and 2 departures. Between 0.700-19.00 the total number of vehicular movements to and from the site is set out as 31. The traffic generated in the peak PM peak is described as being the reverse of the AM peak. In relation to the potential impacts on the surrounding road network and specifically the road junctions within Ardilea and the T junction with Harlech Grove it was concluded in the traffic report that there would be no noticeable impact across the daytime period and peak hour.

- 7.4.4. The appeal refers to the findings in the Traffic Report and queries whether this would represent an accurate reflection of the traffic the scheme would generate in comparison to the two existing dwellings. In response to the matter the applicant's Planning Consultant states that the TRICS vehicle rates for the existing dwellings no's 2 and 2A Princeton is 0.139 arrival and 0.639 departure trips per unit during the AM peak hour and over the AM peak period from 07.00-10.00 the total is 0.306 arrival and 1.111 departure vehicle trips. The report rounded up the two-way trip during the peak hour was rounded up to 2 movements. The total is 1.556 vehicle trips for the two units. It is set out in the appeal response that the rate per unit is typically lower for apartments and duplexes of this type as they tend to have higher incidences of people commuting to work by non-car modes during the peak period. I consider this is a reasonable assumption based on TRICS data. Accordingly, I am satisfied that the proposed development would not generate a significant increase in traffic relative to the existing dwellings on the site.
- 7.4.5. The proposed layout provides for the vehicular access off Princeton to the proposed surface carparking area. The proposed entrance is located on a straight section of road situated 45m to the east of the junction between Princeton and Harlech Grove. The entrance is located onto a straight section of the road where the road width is circa 7.75m. The road within Princeton has a speed limit of 50km/h. As per Table 4.2 of 'Design Manual for Urban Roads and Streets' (DMURS) (2013) 45m of forward visibility is required at junction. As indicated on drawing no: SRC-198-100 submitted as part of the further information sightlines of 45m are available in both directions at the proposed vehicular entrance. The Transportation Planning Section in their report sought further information on a number of matters including in relation to the vehicular entrance including that the front boundary treatment be a maximum height 1.1m from a minimum distance of 2.m either side of the entrance. It was also required that a ramped entry treatment for pedestrian priority at the new vehicular entrance. These requirements have been provided in the proposed entrance design as indicated on Drawing No: SRC-198-100.
- 7.4.6. The appeal referred to concerns in respect of the proposed gated entrance and access for cyclists. As indicated on Drawing No: RFI.01 a 1.1m high steel sliding vehicular gate is proposed. I note that there is a setback of 4m between the proposed electronic gate and public road. This will ensure that vehicles can pull in off

the public road while the gate opens. A separate pedestrian gate is proposed to the west of the vehicular gate. I would note that this could also be used by cyclists to access and exit the scheme.

- 7.4.7. Having inspected the site and having regard to the details set out above I am satisfied that the required sightline distance is available, that the vehicular access arrangements are acceptable.
- 7.4.8. Car parking standards are set out under Table 8.2.3 of the Dún Laoghaire Rathdown Development Plan 2016 – 2022 sets out the car parking standards for residential schemes. Generally, 1.5 spaces per two bed unit and 2 spaces per three bed unit. The proposed scheme comprises a total of no. 7 with 3 no. two bed units, 4 no. two bed units. Therefore, based on the development plan standards 4.5 no. spaces would be required for the one bed units and 8 no. spaces would be required for the two bedroom units. Accordingly, a total of 12.5 car parking spaces would be required in accordance with Table 8.2.3 of the Development Plan. A total of 11 no. surface car parking spaces are proposed. There would be a shortfall of 1.5 no. spaces.
- 7.4.9. The appellants considered that the level of car parking provided should be considered on the basis of the number of bed spaces and they submit that the scheme could accommodate 18 people and up to a maximum of 26 people. I do not consider that it is appropriate to calculate car parking on this basis as it would result in an over provision of spaces in comparison the Development Plan requirements.
- 7.4.10. The Planning Authority considered that the shortfall in car parking within the scheme is relatively minor as each apartment would have one car parking space and given the accessibility of the location that the proposed shortfall would be acceptable.
- 7.4.11. ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ advise for accessible urban locations where apartments are proposed and that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Suitable locations for such a reduction in car parking includes locations which are within 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.

- 7.4.12. Roebuck Road located to the north of the site is served by the no. 11, no. 11a and no. 17 bus routes. Princeton is located 1.8km from the Stillorgan Road QBC which is circa 20 minutes walking distance. Accordingly, the site is served by a number of high frequency bus routes in the immediate vicinity at Roebuck Road with the Stillorgan QBC within a 20 minute walk. Therefore, I am satisfied that the site is well served by public transport and that a minor shortfall of car parking would be acceptable in this context.
- 7.4.13. 'Standards for Cycle Parking and associated Cycling Facilities for New Development' which requires one long stay bicycle parking space per dwelling unit and 1 visitor space per 5 units. It was requested in the further information that a minimum of 4 residential 'Sheffield' bicycle stands be provided. A covered bicycle parking area is proposed to the rear of unit no. 7 within the scheme. A total of 4 no. 'Sheffield' type bicycle stands are proposed which will provide 8 no. bicycle parking spaces. This provision is therefore in accordance with the Planning Authorities requirements.
- 7.4.14. Section 8.2.4.12 of Development Plan refers to facilities for electric car charging. As part of the further information the Transportation Planning Section required that the proposed car parking spaces are capable of accommodating future electric charging points for electrically operated vehicles. It is proposed that 1 no. car parking space will be equipped to electric charge points and that ducting can be easily installed in the future to accommodate additional charge points.
- 7.4.15. The proposed scheme is well served by public transport and each dwelling unit has bicycle parking, therefore I consider the shortfall in car parking in terms Development Plan standards would be acceptable.

7.5. **Appropriate Assessment**

Stage 1 Screening

- 7.5.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site. The European site South Dublin Bay and River Tolka Estuary SPA (004024) is located 2.2km to the north-east and South Dublin Bay SAC (000210) is located 2.4km to the north-east of the development site.
- 7.5.2. The qualifying interests/special conservation interests of the designated sites, are summarised as follows:

South Dublin Bay SAC	South Dublin Bay & River Tolka Est. SPA
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>Light-bellied Brent Goose [A046]</p> <p>Oystercatcher [A130]</p> <p>Ringed Plover [A137]</p> <p>Grey Plover [A141]</p> <p>Knot [A143]</p> <p>Sanderling [A144]</p> <p>Bar-tailed Godwit [A157]</p> <p>Redshank [A162]</p> <p>Dunlin [A149]</p> <p>Black-headed Gull [A179]</p> <p>Roseate Tern [A192]</p> <p>Common Tern [A193]</p> <p>Arctic Tern [A194]</p> <p>Wetlands & Waterbirds [A999]</p>

7.5.15. The Conservation Objectives for South Dublin Bay SAC (000210) are to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC. The Conservation Objectives for South Dublin Bay and River Tolka Estuary SPA (004024) are to maintain the favourable conservation condition of each qualifying bird species in the Natura 2000 site.

7.5.16. The subject site is a brownfield site, which contains two existing dwellings which it is proposed to demolish. Currently, there is no attenuation on the site. The proposed attenuation measures would reduce variations in the runoff from the site. There is no potential, therefore, for the proposed development to alter the volume or characteristics of the flows into or from the surface water sewerage system that could conceivably have a significant effect on any Natura 2000 site. The foul effluent

from the proposed development would drain to the wastewater treatment system for Dublin. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

7.5.17. There is no identified “source-pathway” to connect the appeal site with South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA or any other European Designated Site.

7.5.18. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. (000210) and European Site No. (004024), or any other European site, in view of the site’s Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1. Having regard to the zoning objective for the site as set out in the Dún Laoghaire Rathdown County Council, 2016 – 2022, the National Planning Framework, 2018 – 2040, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), Urban Development and Building Heights, Guidelines for Planning Authorities, (2018), and the overall scale, design and height 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 visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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, as amended by the further plans and particulars received by the Planning Authority on the 25th day of October, 2019, 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 on the site.

Reason: In the interests of visual and residential amenity.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Siobhan Carroll
Planning Inspector

16th of April 2020