



An
Bord
Pleanála

Inspector's Report

ABP-306739-20

Development	PROTECTED STRUCTURE: Construction of a mews dwelling with integrated garage, front and rear balconies and rooflight to front.
Location	Rear 71, Baggot Street Lower, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4554/19
Applicants	Gerard & Susan Kervick
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant
Appellant	Health Research Board
Observer(s)	None
Date of Site Inspection	15.05.2020
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located off Herbert Lane to the rear of No. 71 Baggot St. Lwr., approx. 50 metres north of the Grand Canal.
- 1.2. No. 71 Baggot St. Lwr. is a four storey over basement terraced structure with a brick façade. It is currently undergoing refurbishment. It has a gated vehicular entrance from the rear off Herbert Lane. This entrance accesses a shared courtyard which also serves a mews house adjacent to the south (No. 53 Herbert Lane, the mews of No. 72 Baggot St. Lwr.). There is no physical boundary between the site subject of the planning application and No. 71. The proposed building footprint has a concrete base. There is a partial existing front wall and side gables constructed adjacent to both Nos. 53 and 57 (adjacent to the north east). These gable walls are referred to in the application as the remnants of a previous mews structure with the front wall believed to have been inserted for structural safety when the original mews structure was demolished on an unknown date.

2.0 Proposed Development

- 2.1. The planning application is for a three-storey mews house with integrated garage and associated works.
- 2.2. The proposed house has a stated floor area of 97sqm (including a 15.6sqm garage) and a maximum indicated height of 8.15 metres.
- 2.3. In addition to standard planning application plans and particulars the application was accompanied by a 'Design & Conservation Statement' and an 'Engineers Report'.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to eight conditions including payment of development contributions, design amendments, construction practices and surface water drainage. Condition 3 states.

3. The development shall be revised as follows:

- a. The proposed existing limestone gable boundary wall with No. 70 shall remain exposed for its entirety.
- b. The rear boundary of the garden of the mews dwelling shall be 4.5m from the rear elevation of the mews.

Reason: In order to protect and enhance the legibility and settings of the existing protected structure.

3.2. Planning Authority Reports

- 3.2.1. The Planning Report dated 29.01.2020 is the basis of the planning authority decision. The Planning Officer considered that the mews house would provide an additional residential unit in this area, would not be seriously injurious to the architectural character of the protected structure and accords with both the City Development Plan and the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Engineering Dept. – Drainage Division – No objection subject to conditions.

Transportation Planning Division – No objection subject to conditions.

Conservation Officer – Additional information was recommended requesting, inter alia, amendments to the proposed roof profile with any new intervention to the original gable wall constructed inside the wall rather than concealing it as well as a general reduction in the height, bulk, massing and roof profile to more sympathetically relate with the gable wall and adjoining mews house, amendments to the position and type of rear boundary wall to afford maximum garden space to the protected structure and a full drawing survey of existing boundary walls and detailed schedules of the repair

and reinstatement works required to the walls as well as full details of any proposed new elements.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

Three submissions were received from Clive & Patricia Carroll, No. 59 Herbert Lane, Adrian & Marion Masterson, No. 57 Herbert Lane and the Health Research Board, No. 73 Baggot St. Lwr. The submissions from the occupants of Nos. 57 and 59 are generally favourable in principle to the proposed development. The main issues raised can be summarised as follows:

Positive Aspects of the Development

- Proposals that seek to create long-term residential accommodation in Herbert Lane are welcome.
- The proposal is a much more considered and improved design than set out in the previous planning application in terms of overlooking

Conservation/Design

- Some concern is expressed about the proposal to provide zinc cladding to the above eave level of the original stone gable wall adjacent to No. 57. The cladding would substantially obscure this wall. An alternative option is suggested where zinc cladding is provided only above the existing gable profile, allowing the maximum amount of the conserved wall to be observed. Rainwater could also be directed away from No. 57.
- The mews height noted on drawings should be adhered to.
- A party wall agreement between the applicants and the occupants of No. 57 could be arranged which would provide protection for both parties.
- Under ABP Reg. Ref. PL29S.245682 (P.A. Reg. Ref. 3132/15), Condition 2 was included which stated that the mews house shall be occupied as a single residential unit by a family member and it shall not be let or sold separately to

the existing house at No. 71. This condition was arrived at based on an adverse impact to surrounding properties and assessment of private amenity space where it was established that private open space was deficient in terms of a second house being provided within the curtilage of the main house. A 51sqm private garden, as proposed in the current application, is in keeping with required standards as a stand-alone development. However, it is not a stand-alone development and is within the curtilage of a protected structure.

- The Development Plan stipulates that the curtilage of a protected structure is often an essential part of the structure's special interest and any new development must relate and complement this. The Health Research Board considers the alteration to the boundaries and private open space is severely damaging to the protected setting and pattern of Baggot St. Lwr.
- The Indicative Site Coverage for a site within the Z8 zone is 50%. The Health Research Board anticipates that the protected structure would have a new site coverage of approx. 80%; a significant negative impact on both the main structure and surrounding protected properties.
- The Plan states potential mews laneways must have a minimum carriageway width of 4.8 metres. The carriageway width is approx. 3.5 metres.

Miscellaneous

- Though not suggesting it is the intention, there is strenuous objection to any use as full-time short-term letting accommodation.
- Concern expressed about construction management given the tight site and access at the cul-de-sac e.g. construction hours, hours of deliveries, blocking of vehicular accesses, contact details for site operations.
- It appears that having zinc cladding carried down over the pitched stone wall would involve working from the garden of No. 57. It would also appear that a projection from the parapet roof of No. 57 would have to be removed as well as the upstanding parapet at the balustrade. There appears to be no gutter proposed and rainfall would be directed to the flat roof of No. 57. Reference is made to the alternative roof design option suggested.

- Existing telegraph wires from the rear of No. 71 to Herbert Lane could be undergrounded.
- The 'Engineers Report' submitted with the application advises that a SUDS design has not yet been completed. This raises a concern as it has not been established whether the development can or will comply with SUDS. The submitted 'Engineers Report' is entirely supposition.
- No finished floor level for the house or site levels to the perimeter are provided.
- The 'shared private courtyard' is owned by the Health Research Board and, in terms of No. 71 Baggot St. Lwr., its use is solely as a right-of-way. The Health Research Board has a concern as to how construction of the building is to be undertaken given the project would likely involve a significant amount of standing plant, machinery and general disruption to the courtyard which it is not willing to permit.

4.0 **Planning History**

The relevant planning history of the site is:

P.A. Reg. Ref. 3132/15 / ABP Reg. Ref. PL29S.245682 – Permission granted in December 2015 for a two-storey over ground level mews house and associated parking. Condition 2 states the house shall be occupied by a family member and shall not be sold, let or otherwise transferred or conveyed save as part of the existing house.

P.A. Reg. Ref. 0489/18 relates to a section 5 application for No. 71 Baggot St. Lwr. for refurbishment of the main structure and P.A. Reg. Ref. 4825/19 refers to permission granted in 2020 for relatively minor works to the front of No. 71.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- 5.1.1. The site is in an area with a zoning objective Z8; to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective. The main structure on site is a protected structure (RPS Ref. No. 382) and is located within a Conservation Area (a Georgian Conservation Area). Section 14.8.8 (Georgian Conservation Areas – Zone Z8) states, inter alia, the aim of the zoning objective is to maintain and enhance these areas as active residential streets ... In the south Georgian core where residential levels are low, it is the aim to encourage more residential use in the area. Residential development is a permissible use in this area.
- 5.1.2. Chapter 11 (Built Heritage and Culture) of the Plan is relevant, particularly Chapter 11.1 (Built Heritage). It includes a number of policies relevant to the proposed development. Appendix 24 (Protected Structures and Buildings in Conservation Areas) is also relevant.
- 5.1.3. Section 16.10.16 (Mews Dwellings) is also relevant to the proposed development.

5.2. Architectural Heritage Protection Guidelines for Planning Authorities, 2011

- 5.2.1. These guidelines are relevant to the proposed development.

5.3. Natural Heritage Designations

- 5.3.1. The closest Natura 2000 sites are South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA approx. 2.1km to the east. The closest heritage area is Grand Canal pNHA approx. 50 metres to the south.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be

excluded at preliminary examination stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by Health Research Board, 73 Baggot St. Lwr. The main issues can be summarised as follows:

- The main objective of the application is to construct the mews building for the purpose of creating a stand-alone residential unit, subdivided from the main protected structure. Condition 2 of ABP Reg. Ref. PL29S.245682 stated that the mews building remained ancillary to the main building on the basis that the private open space would be unacceptably deficient in terms of a second house within the curtilage of the protected structure.
- The proposed subdivision will have a substantial adverse impact on the main building and its setting. Section 11.1.5.3 of the City Development Plan states, inter alia, that the total removal of historic boundary features or subdivision of rear gardens will generally not be permitted and also states the traditional proportionate relationship in scale between buildings, returns, gardens and mews structures should be retained. With the proposed subdivision, the main protected structure site and pattern of the street will be irrevocably altered from its historic layout contrary to the stipulation that the curtilage of a protected structure is often an essential part of the structure's special interest and any new development must relate to and complement this. The section also states that any development which has an adverse impact on the setting of a protected structure will be refused planning permission.
- The definition and use of the word 'mews' is not appropriate in the context of the application and is fundamentally misleading as the structure is proposed to be independent of No. 71 as opposed to a mews dwelling which is part of and ancillary to a main dwelling.

- The Transportation Planning Division concluded that the shared courtyard allows for vehicle manoeuvring and there is existing parking provision within it. However, the courtyard is owned by the appellant. Of the four car parking spaces in the courtyard, two are used by the appellant and two are allocated to the tenant of No. 72. The application site merely has a right of way for access to their property with no rights in terms of parking or storage of bicycles or bins. Concern was raised by the appellant in the initial submission as to how construction would be carried out with regard to plant and machinery given there is only a right of way within the courtyard. Provision of a new house/separate site would be an intensification of the right of way as exists and would not be permitted.
- Contrary to Section 16.10.16 (f) of the Development Plan, the development will in effect eliminate parking to the rear of No. 73 Baggot St. Lwr. should subdivision be permitted.
- The fact that no drainage design was carried out or submitted raises a concern as it has not been established whether the development can or will comply with SUDS. The 'Engineers Report' is entirely supposition and does not establish facts.
- No finished floor level for the house or site levels to the perimeter are provided.
- The planning authority decision requires information to be submitted prior to commencement. Given the absence of such critical information being presented at the outset the appellant has a concern as to the design for foul and surface water and any potential impact that deficiencies in any proposed system will have on the area.

6.2. Applicants' Response

The main points made can be summarised as follows:

- The proposed house strongly relates to and complements the character of the protected structure and complies with Policy CHC 2 of the Development Plan.
- The applicants clearly stated in the application that it is their objective to achieve a stand-alone residential unit, separate from the main building. They are

demonstrating their commitment to the conservation of the entire site by undertaking a rigorous refurbishment of the main house.

- The assertion that Condition 2 of ABP Reg. Ref. PL29S.245682 was arrived at because of unacceptable deficiencies in private open space is a distortion of the Inspector's comment that no private amenity space would be provided as it is not proposed to subdivide the site and the rear garden would be shared with the existing house. The relevant section of the Inspector's Report does not refer to the protected status of the house, as implied. It can be argued that if the condition was imposed because of a lack of private amenity space, the proposed provision of a private garden makes such a condition unnecessary.
- The reduced garden size was at the applicants' request, demonstrating concern for the preservation of the amenity of the protected structure.
- The proposed subdivision appears to be the main point of the appeal. The historic setting has been carefully considered and every reasonable step taken e.g. adherence to the original mews footprint, adherence to the height of the previously permitted house, retention and exposure of the gable wall, retention of side garden walls and request for a reduced rear garden. Rather than irrevocably alter the street pattern, the development will reinstate the enclosure of the courtyard and complete the integrity of the broken building line.
- There is ample precedence for subdivision of the site of a protected structure. Otherwise, original mews buildings and sites to the rear of Georgian terraced houses, mostly in office use, would otherwise remain largely derelict. The gardens of Nos. 65, 69 and 70 of Baggot St. Lwr. have been divided while the gardens of Nos. 67 and 68 have been combined into a car park. Section 16.10.16 (j) of the Plan requires specific private open space to the rear of a mews house, ergo subdivision is mandatory.
- Questioning the mews house description is merely semantics.
- The site layout plan clearly shows the shared courtyard as a way leave and not part of the applicants' property. Parking, bin and bicycle storage are clearly shown within the applicants' site. All construction plant and equipment can and will be contained within the development site.

- Any issues relating to an intensification or otherwise of the right of way is a legal matter of no concern to the Board.
- With regard to the assertion that elimination of parking to the rear of No. 71 would be a significant negative impact on the protected structure, the applicants consider two landscaped gardens in place of hard standing parking spaces will have a positive impact. The reduction of car parking spaces is to be welcome in a climate where vehicular access to the city is to be discouraged in favour of public transport and the Transport Division voiced no concern.
- Condition 7a of the planning authority decision requires drainage to comply with the Regional Code of Practice. No prior agreement is required as stated in the grounds of appeal. It is the applicants/their consultants' responsibility to ensure compliance and the Local Authority to assess and enforce compliance.
- The considered and sympathetic design will complement rather than harm the Conservation Area. While the Conservation Officer's report is not published, the Planner's Report does not reference subdivision, and it can therefore be assumed that no concerns were raised.
- The Planner's Report specifically refers to the issue of a stand-alone house and did not attach the previous condition restricting its use. This assessment is supported and, in reality, requiring occupation by a family member was unworkable. In this instance the site owners are a private family but in the event of the office building being occupied by a foreign business the house could never be occupied.
- It is suggested the appeal is motivated by issues concerning the use of the rear courtyard, which are not a planning matter.

6.3. **Planning Authority Response**

The planning authority considers that the comprehensive Planning Report deals fully with the relevant issues raised and justifies its decision.

6.4. **Observations**

None received.

7.0 **Assessment**

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Conservation – Site Subdivision
- Conservation – Design
- Shared Courtyard
- Appropriate Assessment

7.1. **Zoning**

- 7.1.1. The proposed development is in an area where the Z8 zoning objective includes residential development as a permissible use. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2. **Conservation – Site Subdivision**

- 7.2.1. The grounds of appeal consider that the subdivision of the site would have a negative impact on the protected structure and its setting and the historic pattern of the street in this Conservation Area.
- 7.2.2. Section 11.1.5.3 (Protected Structures – Policy Application) of the Development Plan 2016-2022 states, among other things, that subdivision of rear gardens will generally not be permitted. Section 13.5 (Development Within the Curtilage of a Protected Structure) of the Architectural Heritage Protection Guidelines, 2011 states that subdivision of the garden of a large house or institutional building, particularly by permanent subdividers, may be inappropriate. However, it does not refer specifically in this regard to smaller houses or structures or inner-urban development.

Notwithstanding, it can be considered that there is a general presumption against the subdivision of the curtilages of protected structures.

7.2.3. The site subject of the application is located within a larger block of structures enclosed by Baggot St. Lwr. to the west, Herbert St. to the north, Herbert Lane to the east and Herbert Place to the south. Mews houses on Herbert Lane are generally, at least historically, associated with the terrace of buildings fronting onto Baggot St. Lwr. as evident from the OS maps reproduced in the 'Design & Conservation Statement' submitted with the planning application. The curtilages of these structures have altered over time, including the amalgamation of the rear areas of Nos. 67 and 68 to provide a car park. Section 13.1.2 (Determining the Curtilage of a Protected Structure) of the 2011 Guidelines gives the example where a mews house, in separate ownership to the main townhouse, may still be considered to fall within the curtilage of the townhouse. The proposed physical alteration to the subject site comprises the erection of a boundary wall to separate the private open space of the proposed mews house from that of the protected structure. While the planning authority Conservation Officer regrets the proposal to subdivide the site it was not pursued further. The Conservation Officer did consider that the cast-iron railing on top of the salvaged yellow brick wall, the proposed dividing boundary, should be omitted and I consider this to be reasonable. I also consider the planning authority condition (Condition 3.b) that provides a rear garden depth of 4.5 metres to the mews house, as suggested by the applicants, rather than the 7.5 metres depth also suggested, to be appropriate to provide a larger area to the protected structure while retaining some open space, in addition to the terrace and balcony, to the mews house.

7.2.4. The planning application clearly states that the aim of the application is to provide a stand-alone residential unit entirely separate from the main building. The reason for this is because Condition 2 of ABP Reg. Ref. PL29S.245682 (to a different applicant) restricted occupancy of the mews house permitted under that application, to a family member and that the mews house could not be let, sold or otherwise transferred or conveyed save as part of the existing house. This was not a condition included by the planning authority. The Inspector's Report noted that no private amenity space (bar a balcony) was to be provided as it was not proposed to subdivide the site under that application and the open space area was to be shared by both the protected structure and the mews house. The Inspector's Report stated that the Board could deal with this

issue by way of a condition restricting occupancy to family members and that it could not be let or sold independently. However, in the current application it is proposed to subdivide the site and private amenity space at ground level is provided to both the mews house and the protected structure. Therefore, I do not consider Condition 2 of PL29S.245682 to be applicable for the reason it was previously included. In addition, Section 14.8.8 (Georgian Conservation Areas – Zone Z8) of the Development Plan 2016-2022 states, inter alia, the aim of the zoning objective is to maintain and enhance these areas as active residential streets and in the south Georgian core where residential levels are low it is the aim to encourage more residential use in the area. Including a condition such as this would be detrimental to the aim of increasing population in the built-up south Georgian core.

- 7.2.5. Having regard to the foregoing, I consider that the subdivision of the site would not have a significant undue impact on the setting and character of the protected structure, or on the wider street pattern in the vicinity, and would be acceptable.

7.3. Conservation - Design

- 7.3.1. The submissions received with the application refers to the design of the structure, specifically the roof area, and Condition 3.a of the planning authority decision also makes reference to this issue.
- 7.3.2. The policy of the planning authority with regard to protected structures and Conservation Areas is largely set out in Chapter 11.1 of the Dublin City Development Plan 2016-2022 where it generally seeks to preserve the built heritage of the city that makes a positive contribution to the character, appearance and quality of streetscapes and to ensure that the special interest of protected structures is protected. Council policy, Policy CHC2(d), refers to the conservation and enhancement of the curtilage of protected structures and states the design, form, scale, height, proportions and siting and materials should relate to and complement the special character of the protected structure.
- 7.3.3. Planning permission was granted for a mews house on site under P.A. Reg. Ref. 3132/15 / ABP Reg. Ref. PL29S.245682 and this permission remains live. While the internal layout, elevations and roof profile are different, in terms of footprint, floor area, height, rendered external walls and a zinc/metal roof the proposed mews house is

similar to that previously permitted. The house is three storeys in scale which is higher than the mews houses to either side and generally along this section of Herbert Lane, though No. 59 is also three storeys to the front. The roof profile is curved as opposed to the multiple different pitches permitted. The existing gable wall adjacent to No. 57 appears to be the original gable and has a stone finish to its exterior. The application indicates that it is proposed to retain this wall but clad the above eave level in zinc, therefore hiding the upper area of the wall. Section 16.10.16 (Mews Dwellings) (b) of the Development Plan 2016-2022 states that the City Council recognises the increasing rarity and importance of stone/brick coach houses on mews laneways and the need to retain and conserve surviving examples, particularly in relation to their form, profile and building line as well as any original features remaining. I therefore concur with the planning authority's Conservation Officer who considered that the gable wall should be retained in its entirety and that the roof profile of the new house should be amended. Condition 3.a of the planning authority decision required this, and I consider a similar condition is appropriate.

- 7.3.4. Section 16.10.16(c) of the Development Plan 2016-2022 states mews development will generally be confined to two-storey buildings though three-storey mews buildings incorporating apartments may be acceptable where, for example, the proposed building is subordinate in height and scale to the main building, an acceptable level of open space is provided and the laneway is suitable in terms of traffic. I note in this regard that the existing permission is for a three-storey structure and that No. 59 is also three-storeys to the front. Subsection (e) states mews buildings should complement both the character of the mews lane and the main building and designs should represent an innovative architectural response to the site and be informed by established building lines and plot width. I consider the proposed development is consistent with this aim.
- 7.3.5. Having regard to the foregoing, I consider that the design of the proposed structure is acceptable, would not be visually obtrusive or incongruous at this location, would not have any undue adverse impact on the setting or character of the protected structure and would be in accordance with the proper planning and sustainable development of the area.

7.4. Shared Courtyard

- 7.4.1. The grounds of appeal refer to the fact that the applicants only have a right-of-way over the shared courtyard rather than any rights to use the area as car parking or for construction purposes.
- 7.4.2. I note that adequate car parking, bicycle and bin storage can be accommodated within the ground floor garage and the site itself and it does not rely on this shared courtyard for these purposes. Legal issues in relation to this courtyard is a civil issue for both parties and is not a matter of consideration for the Board. Section 34(13) of the Planning & Development Act, 2000 (as amended) states that a person shall not be entitled solely by reason of a permission to carry out any development.
- 7.4.3. I do not consider this to be an issue in terms of assessing this planning application.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from and with no hydrological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022 and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be

acceptable in terms of the zoning objective and would not have any undue adverse impact on the setting or character of the protected structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed roof shall be revised so that the gable boundary wall to the north western elevation with No. 57 Herbert Lane remains exposed in its entirety. Revised detail in this regard shall be agreed with the planning authority prior to commencement of development.

(b) The proposed boundary wall between the proposed mews dwelling and the protected structure shall be 4.5 metres from the rear elevation of the proposed mews dwelling. No cast-iron railing shall be provided on this wall.

Reason: In order to protect the character of the protected structure.

3. 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.

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

Reason: In the interest of public health.

5. Prior to commencement of development, the applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

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

(b) 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 waste.

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

7. Prior to commencement of development, the applicants 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.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Anthony Kelly
Planning Inspector
29.05.2020