



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307303-20

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<b>Development</b>	Demolition of dwelling known as 'San Guida, construction of a part 3 to part 4 storey apartment development comprising 21 units.
<b>Location</b>	San Guida, New Road, Clondalkin, Dublin 22
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD20A/0015
<b>Applicant(s)</b>	San Guida Properties Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Matthew Daly and Others.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> of August 2020
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The subject site, 0.235Ha, is located to the west of New Road, Clondalkin, 120metres south of its junction with the Main Street., Clondalkin (Town Centre). The site is bounded to the east by 'New Road'. There is a two storey dwelling along the northern boundary with a forward building line, known as 'Moyanna', and to the south there is a two storey dwelling known as 'Bothar Na Traga'. There is a Tesco to the rear of the site (west).
- 1.2. The site includes a two-storey dwelling known as 'San Guida' with ancillary garage and outbuildings. The general vicinity of the site is low density residential developments, two storeys in height.
- 1.3. The existing dwelling on site is 225sq.m. and it was constructed in 1995. There is a right of way relating to the site dated 21/05/1975 to allow full access from the west (Tesco) onto the site in the event of an emergency, and to run/ repair pipes/ drainage through the property from Tescos.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of a two storey dwelling on the site known as 'San Guida' (225sq.m.) along with ancillary buildings (garage, outbuilding and garden walls) , and the construction of:
  - Part 3 and Part 4 storey apartment building (1,837sq.m.) comprising of 21No. units (6No. one bedroom apartments and 15No. two bedroom apartments).
  - The widening and relation of the existing vehicular access off New Road
  - 21No. car parking spaces
  - Bicycle parking, bin store, boundary treatments, hard and soft landscaping, substation, lighting, solar panels.

## 3.0 Planning Authority Decision

### 3.1. Decision

South Dublin Co. Co. granted the proposed development subject to 14No. standard conditions relating to residential developments.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports*

- The proposal is acceptable in principle with the two zoning objectives for the site. It complies with policy H17.
- Design and layout is acceptable on the site
- The proposal will make a positive contribution to the streetscape and neighbourhood
- 35metre separation distance to be imposed.
- There is minimal overlooking of adjoining properties associated with the development within an urban location
- The development complies with National Apartment Standards
- Parking acceptable
- Part V noted and condition applicable
- Dwelling is not a protected structure.

#### 3.2.2. *Other Technical Reports*

**Roads:** Sightlines, radii, autotrack analysis carparking etc all acceptable. 7No. conditions recommended.

**Parks and Landscape:** No objection

**Conservation Officer:** No objection

### 3.3. Prescribed Bodies

***Department of Culture, Heritage and Gaeltacht***

No objections and standard conditions to apply.

***Irish Water***

No objection

**3.4. Third Party Observations**

There were a number of third-party objections received during the statutory period. The concerns expressed can be summarised as follows:

- Impact on Visual Amenity
- Density
- Precedent
- Overshadowing
- Traffic hazard
- Parking
- Privacy
- Built Heritage
- Height
- Loss of Trees
- Anti-social behaviour
- Noise

**4.0 Planning History**

There are no relevant planning histories relating to the subject site.

**SD18B/0079**

Alterations to Bothar Na Traga to extend an existing dormer bungalow to create a two storey dwelling was granted planning permission in April 2018.

**SD18A/0328**

A short distance south from the subject site, a 155No. bedroom nursing home (7741sq.m.) was granted planning permission in May 2019, and the height of the four-storey building permitted is 14.5metres.

## 5.0 Policy Context

### 5.1 National Policy

#### ***National Planning Framework – Project Ireland 2040***

**National Objective 11** In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

#### **National Policy Objective 13**

In urban areas, planning and related standards, including in particular building 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.

#### **National Policy Objective 32**

To target the delivery of 550,000 additional households to 2040.

#### **National Policy Objective 33**

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

#### **National Policy Objective 35**

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

**Quality Housing for Sustainable Communities – Best Practice Guidelines** DOE  
2007

**Sustainable Urban Housing : Design Standards for New Apartments –  
Guidelines for Planning Authorities 2018**

**Urban Development and Building Heights Guidelines for Planning Authorities  
– December 2018.**

The key objective is to see that greatly increased levels of residential development in urban centres and significant increases in building heights and overall density of development is not only facilitated and actively sought out and brought forward by planning authorities.

Building heights must be generally increased in appropriate urban locations.

#### 5.1. **Development Plan**

In the **South Dublin County Development Plan 2016-2022** the subject site has two zonings:-

**RES-** To protect and improve residential amenity

**TC-** To protect, improve and provide for future development of Town Centre.

#### **Policy H8 Residential densities**

It is the policy of the Council to promote higher densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

#### **Policy H9 Residential Building Heights**

It is the policy of the Council to support varied building heights across residential and mixed-use areas in South Dublin County.

#### **Policy H15 Residential Consolidation**

It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

#### **6.6.4 Car parking Policy TM7**

## 5.2. **Natural Heritage Designations**

The site is not located within any designated site or connected to any Natura 2000 site. The site is a brownfield site in a serviced urban area.

## 5.3. **EIA Screening**

Having regard to the planning history of the site, the brownfield nature of the subject site, together with the scale of the proposed development, 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**

Marston Planning Consultancy has submitted a third-party appeal on behalf 12No. third party appellants who reside in the general vicinity on site. The following is a summary of the relevant issues raised on appeal:

### 6.2 **Subject site and Environs**

The proposed development is along New Road which is notable for its generally defined front building line of houses either side of the application, and that the existing house on the site is set back 23metres from the road. The existing property is bounded by heavy planting creating significant visual buffer to the existing dwelling and commercial properties to its rear.

There is a public right of way to the rear of the Supermarket along the western site boundary which is usable in emergency situations only.

In terms of zoning, the site can be divided approximately in half with the front half bounding New Road zoned as objective RES 'to protect and/or improve residential amenity', and the rear half zoned as TC 'to protect, improve and provide for future development of town centres'.

### 6.3 **Proposed Development**

The proposal involves the demolition of all existing structures on site. The new apartment block is 12.5metres in height over three to four storeys with 21No. apartments. The entrance will be widened and relocated off New Road, and 21No. carparking spaces are proposed.

#### **6.4 Contrary to Urban Development and Building Heights Guidelines for Planning Authorities**

The dwellings to the north, east and south are two storey residential properties with a supermarket to the west which is a single storey commercial development. The proposed four storey is unacceptable. It fails to integrate well into the surrounding area, there is no transition of height, and it would fail comply with the Section 3 of the *Urban Development and Building Heights Guidelines for Planning Authorities*.

Housing Policy 9 of the County Development Plan states there is a requirement for infill housing to respect the existing context and provide for a gradual change in building height.

#### **6.5 Negative Impact on Sylvan Setting**

All the trees apart form one, are to be removed form the site reducing the sylvan setting of the site. The new planting plan focuses on the southern boundary and only incidental planting to the remainder of the site. The replacement of the trees with carparking to the front of the site will be unattractive and cannot be supported from an urban design and biodiversity perspective.

#### **6.6 Excessive Car Parking Provision**

The Planning reports states one space per one bed apartment and 1.25 per two bed apartment. These ratios relate to developments within Zone 1, however it should be more restrictive Zone 2 which area within 400metres of a high quality public transport system. The site is within 100metre of the Main Street of Clondalkin. The applicable rate should be 0.75 spaces per one bed apartment and 1 space per two bedroom apartment. This means the maximum number of spaces is 19.5 for the proposal.

#### **6.7 Overlooking and Overshadowing**

There will be direct overlooking from balconies into properties on Moyle Crescent. The scale of overlooking is signifigant from apartments 1.03, 2.03 and 3.02.



The proposed development contains a balcony at 1<sup>st</sup> and 2<sup>nd</sup> floor as well as terrace at third floor that sits within 3metres of the southern boundary wall and provides direct overlooking into the property at the south (Bother na Traga) and to the rear of properties at Moyle Crescent.

There is a need for 1.8metre screening of the terrace to the north and south, and balconies at the corner of the apartment development.

The proposal will materially impact on level of sunshine enjoyed by adjoining houses, especially Moyanna to the north.

#### **6.8 Failure to Adhere to Building Line**

The existing building line of the dwelling on site is a weakness in the overall building line along New Road. The apartment block should be brought forward on the site in line with the existing building line along New Road, instead it is been setback a further 3.2metre form the established building lines, to make way for carparking spaces.

#### **6.9 Inappropriate Vehicular access**

There is signifigant traffic congestion along New Road at certain times of the day. The proposed sightlines are highly questionable and unachievable.

#### **6.10 Inadequacy of Bat Survey**

The bat survey that accompanied the application indicated on the inspection of the buildings and trees only on the 16<sup>th</sup> of September 2019. It only attempted to study of the buildings and trees on site to be removed were suitable for bat roosts. It did not include an inspection of the attic space of the existing houses.

#### **6.2. Applicant Response**

Thornton O'Connor submitted a response to the appeal on behalf of the applicant.

- The site is within an existing urban area and there is a Town Centre portion zoned on the site which implies it is suitable to provide a 3-4 storey building with 21No. apartments which include design measures to protect adjoining amenities.

- It is incumbent on the applicant to provide appropriate densification on the site given its location and zoning
- Specimen bamboo planting will be provided along the northern boundary
- The uppermost floor has been setback to reduce the potential for overlooking of surrounding properties and to provide an appropriate transition of height
- There was an arboricultural impact assessment carried out of the site and the 23No. trees, and only 2 are Category B trees, and these will be retained. The remainder will be removed, and the retention of Tree No. 1534 would undermine the carparking availability within the scheme. The Board is requested to remove the condition requiring the retention of tree No. 1534, as marked on map of proposed development, Figure 3.4 in the appeal submission.
- There is a high-quality landscape scheme for the proposed site.
- Imagery submitted illustrating current and proposed streetscape along New Road (Figure 3.5 and 3.6).
- The appellant states Zone 2 car parking standards for residential development should be applied. The planning authority calculated the scheme as a Zone 1 location and required one space per unit.
- The building line of New Road is stepped. The proposed building line is not dictated by the car parking provision, it is determined by existing building lines and protection of residential amenities. The central positioning of the building allows for provision and design of open space.
- The existing vehicular access will be widened from 2.9metres to 5.0metres and relocated slightly to the north to ensure the provision of the required 49metre sightline.
- The Bat Survey was carried out by a suitability qualified ecologist in accordance with best practice standards. The house San Guida does not hold high or medium potential for bats.

## 7.0 Assessment

7.1 The proposal involves the demolition of a two storey dwelling and ancillary buildings on a residential curtilage of 0.235Ha, to provide an apartment block on an urban site in Clondalkin, Co. Dublin which is partially zoned for 'Town Centre' and 'Residential' use in the current development plan governing the area. South Dublin Co. Co. granted planning permission for the development which has been appealed by a number of residents in the area who are concerned about the scale and height of the new proposal, potential negative impacts in terms of visual amenities, loss of privacy and light, and traffic, etc. The appeal will be assessed under the following relevant headings:

- National Policy
- Local Planning Policy
- Design/ Layout, Impact on Visual Amenities
- Impact on Residential Amenities
- Traffic/ Parking
- Other Issues
- Appropriate Assessment.

## 7.2 National Policy

The ***National Planning Framework – Project Ireland 2040*** was published in February 2018. This document that will guide strategic planning and development for the country over the next 20+ years, so that as the population grows in a sustainable manner (in economic, social and environmental terms). The subject site is located 120metres from Main Street Clondalkin. There is a large Tesco store on the contiguous site to the rear of the proposed development. The subject site is currently vacant and overgrown, it is a brownfield, infill development site in an urban area. It is an underutilized urban site located within at strategic location with proximate accessibility to public transport and town centre facilities. National Policy Objective 32 is to deliver 550,000 additional housing units throughout Ireland in a sustainable manner.

National Policy Objective 35 requires increased densities using increased building heights which according to Objective 33 should be an appropriate scale of provision relative to the location. The site is surrounded by two story dwellings, and a Tesco super store to the rear. The provision of 21No. apartments on the site, which are in accordance with residential development standards in terms of floor areas, open space provision and carparking, in lieu of one dwelling, will ensure the appropriate densification of an infill urban site.

In terms of *Urban Development and Building Height Guidelines for Planning Authorities 2018*, it is stated government policy that building heights must be generally increased in appropriate urban locations. The proposed building contains 21No. apartments within a part 3 and part 4 storey building stepping down towards the northern and southern site boundaries. The top floor has been setback to reduce the overall visual impact of the development and potential for overlooking. The location as stated is only 120metres from the Main Street of Clondalkin, and is partially zoned for Town Centre use. I consider the location to be appropriate for the graduated introduction of increased heights. The proposed height is 12.5metres, which is not a significantly recognizable increase in building heights from the contiguous buildings. I consider the proposed site is imminently suitable to provide the proposed increase in height.

### 7.3 Local Planning Policy

As stated the subject site is zoned Objectives 'TC' and 'RES' in the South Dublin County Development Plan 2016-2022. It is also located within a designated Area of Archaeological Potential. The proposed apartment building is in keeping with both zoning objectives. Policy H8 states it is the policy of the planning authority to promote higher densities at appropriate locations, and the proposed density is 89No. residential units per hectare with a plot ratio of 0.77 is in accordance with planning policy and standards. The following relevant statistics:

- **Total Site Area =** 0.235Ha (2,357sq.m.)
- **Proposed Site Coverage =** 23%
- **Proposed Plot Ratio =** 0.77

- **Max. Building Height** = 12.5m
- **Units/ Hectare** = 89units/ Ha
- **Gross Floor Area** = 1837sq.m.
- **Public Open Space** = 530sq.m. (22.5% of site area)

The development plan requires 236sq.m. of public open space, a provision of 10% the overall site area. Each apartment has a private open space area in the form of a balcony or a terrace. The proposed development is one- and two-bedroom apartments which will counterbalance the large detached houses on large plots in the locality, to create a sustainable housing mix. The proposal is fully compliant with development plan car parking requirements by providing 21No. spaces for 21No. apartments.

#### 7.4 **Design and Layout/ Impact on Visual Amenities**

The new apartment block is positioned centrally on the site. The street frontage elevation is contemporary in design. It is four storey high (with the fourth floor stepped back) and reduces to three storey on both sides (north and south elevations). The legibility of the proposed building is much larger than the prevailing two storey detached dwellings, however the proposed height has been reduced on both sides and setback on the top floor, providing a dimension that maintains a scale relevant to the adjoining buildings in terms of height. The adjoining two storey dwellings north and south are 11m and 15metres respectively from the proposed apartment block, and there are only high level windows proposed on both opposing elevations. The proposed development is setback into the site from New Road to minimise the residential impact on residential amenity of existing dwellings in Laurel Park (across the New Road from the proposed development).

Under planning reference, SD18A/0328, a short distance south from the subject site, a 155No. bedroom nursing home (7741sq.m.) was granted planning permission in May 2019, and the height of the four-storey building permitted is 14.5metres. This is 2metres taller than the proposed apartment block.

The building line is set back 11.7metres from the roadside boundary wall to allow for some carparking to the front of the building, with the communal open space area to the rear of the building, affording a certain level of privacy to the future residents. The proposed setback is consistent with New Road streetscape. There is sufficient setback from adjoining buildings north and south.

The proposed height (12.5metres) will read as a graduated dimension along the streetscape. Given the orientation, the configuration of adjoining curtilages and setbacks from adjoining properties, the level of overshadowing resulting from the proposed development will be negligible.

## **7.5 Impact on Residential Amenities**

The apartments are orientated west facing and east facing which prevents direct overlooking of adjoining residential properties. The windows on the northern and southern elevations have been minimised and are recessed high level windows. In addition, timber screening panels are been used along the sides of individual balconies to prevent undue loss of amenity because of overlooking (I refer to Figure 3.2 of the applicant's submission on appeal).

The uppermost floor of the proposed building has been setback to reduce the potential for overlooking of surrounding properties and to provide a graduation in height from the adjacent dwellings. The potential for overlooking is further mitigated against by the inclusion of soft landscaping along the boundaries.

Having regard to the configuration of adjoining residential curtilages and the proposed separation distances from the same residences, there will be minimal impact in terms of overshadowing of adjoining properties. A daylight Sunlight Analysis Report submitted with the application, illustrated the imperceptible impact on the daylight and sunlight amenity of the surrounding existing dwellings including along Moyle Crescent.

## **7.7 Traffic/ Parking**

The existing access to 'San Guida' has been widened and it is sufficient to allow a Fire and Bin truck access. The front boundary stone wall is to be retained and an additional pedestrian gate is proposed to facilitate a separate access to the front door of the apartment building.

Each apartment has a parking space, (21No. apartments = 21No. car parking spaces). The parking to the front is supplemented by parking to the rear which is accessed via an internal service road located along the northern site boundary. The subject site is located less than 12metres walking distance from Clondalkin , Main Street which is served by a number of high quality bus routes. The Red Cow Luas Stop is 1,500metres to the southeast of the site (as the crow flies), the site is therefore considered to be located within an 'Intermediate Urban' location according to the Apartment Guidelines 2018 which allows for higher densities, and an overall reduction in car parking requirements. I consider one space per apartment to be appropriate for the location.

## 7.8 Other Matters

There was an Arboriculture Impact Assessment of the site which includes a mature residential garden and mature trees and shrubs. A condition of the planning permission (Condition No. 10) required that Tree No. 1534 be retained. The stated tree is a Category B tree which is '*of moderate quality with an estimated life expectancy of at least 20 years*'. The subject tree is located in the south eastern corner of the site and will result in the loss of 3No. parking spaces. The tree is of moderate quality and I note it was not recommended in the *Parks and Landscape Section* report to retain the particular tree, and there is no indication in the Planning Report as to why the tree was singled out to be retained. The amenity value of retaining the subject tree does not justify the material impact to the overall scheme which includes the loss of 3No. proposed parking spaces. Therefore, I recommend the Board does not impose the condition. The overall proposal includes a high quality Landscape Scheme which is appropriate to the design and layout of the development.

Standard Part V and Archaeological conditions are applicable in this case.

The Bat Survey submitted with the planning application is acceptable and appropriate surveys were carried out on site.

### 7.9 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, a residential infill development on the grounds of an existing dwelling curtilage, which is located in a built up serviced urban area of the Greater Dublin Area, and separation distance to the nearest 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 the conservation objectives of any European site.

### 8.0 **Recommendation**

- 8.1. The Board should uphold the planning authority's decision to grant planning permission for the proposed development.

### 9.0 **Reasons and Considerations**

Having regard to the zoning of the site, the pattern of development in the area, and the design, form and height of the proposed apartment building, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national policy and local development policies and objectives for the area, would not seriously injure the visual and residential amenities of the area, would be acceptable in terms of traffic safety and convenience, and 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 submitted on, except as may otherwise be required in order to comply with the following conditions. Where such
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	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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. Prior to the commencement of development, proposals for increased on-site attenuation in accordance with the <i>Greater Dublin Regional Code of Practice for Drainage Works</i>, shall be submitted to, and agreed in writing with, the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<p>The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, including external lighting throughout the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of visual and residential amenities.</p>
5.	<p>(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.</p>

	<p>(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.</p> <p>Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interests of pedestrian, cyclist and traffic safety.</p>
6.	<p>Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
8.	<p>The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.</p> <p><b>Reason:</b> To ensure full and verifiable implementation of the approved landscape design.</p>

9.	<p>The car parking areas shall be provided with electric connections to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of sustainable transportation.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p>

	<p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
12.	<p>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 noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
13.	<p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting, including the lighting levels within open areas of the development.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
14.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>

15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
16.	<p>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.</p> <p><b>Reason:</b> 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.</p>

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Caryn Coogan  
Planning Inspector

22<sup>nd</sup> September 2020